

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
MAY 13, 2015**

Planning Application 2014-7946

727/731 South Wolfe Road

Use Permit to allow an expansion of an existing banquet hall space at 727 South Wolfe Road (Athidhi Banquet Hall) into a vacant, 1,711 square foot tenant space located at 731 South Wolfe Road.

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]

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. APPROVED USE:

The Use Permit is to allow a 1,711 square foot banquet hall (place of assembly).

- a) No live entertainment is permitted within the tenant space unless a separate Use Permit is obtained.
- b) No more than 83 occupants may occupy the tenant space at any given time, or as required by any other code restriction, whichever is less.
- c) Any proposed expansion to the maximum number of occupants for the banquet hall shall be subject to the approval of the Director of Community Development through a Miscellaneous Plan Permit.
- d) All public entrances between the banquet hall and restaurant shall be closed when each facility is not in use to prohibit spillover of uses within each tenant space.
- e) Employee parking locations shall be away from the building, in parking spaces that are the least used.
- f) Employees shall be required to parking on the site. [PLANNING] [COA]

GC-5. CONFORMANCE WITH PREVIOUS PLANNING PERMITS:

The subject site shall comply with all conditions of approval and requirements of planning applications related to the existing restaurant and banquet halls (2007-1148, 2009-0398, and 2011-7794). [PLANNING] [COA]

GC-6. SIGNS:

New signs shall comply with the Master Sign Program for the shopping center and Sunnyvale Municipal Code regulations. [PLANNING] [COA]

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]

PC-2. 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) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

PC-3. BUILDING PERMITS/BUILDING AND FACILITY UPGRADES:

Building Permits are required prior to start of any construction. Obtain building permits for interior improvements as required by the Building Safety Division. Submit three complete sets of plans (two sets to be wet signed and stamped) along with two copies of structural calculations, and two set of title 24 energy calculations to the One-Stop Permit Center between the hours of 8:00 am to 12:00 noon. This project will be reviewed over the counter.

Provide complete structural, electrical, plumbing, and mechanical, architectural, civil, landscaping, and grading plans. Building Permit plans shall comply with the 2013 versions of the California Building, Electrical, Plumbing, Mechanical, Green Building, and Energy Codes.

The project shall comply with all requirements for the California Building, Electrical, Plumbing, Mechanical, and Fire Codes. Comply with standard water/sewer upgrade requirements deemed necessary by the Department of Public Works. [SDR] [PLANNING/BUILDING/PUBLIC WORKS]

PC-4. CHANGE OF OCCUPANCY:

A seismic upgrade may be required since there is a change in occupancy classification to an A occupancy. Provide the total occupant load for the building and occupancy classification of the building in order to determine in a change in Risk Category will be made. If so, then a structural engineer will need to evaluate the building and propose the upgrades needed for review by the Building Division. [COA] [BUILDING]

PC-5. FIRE DEPARTMENT REQUIREMENTS:

Comply with all applicable requirements of the Sunnyvale Municipal Code, California Fire Code (CFC), Title 19 California code of regulations, and Sunnyvale fire prevention procedures/requirements. This is an assembly (A) occupancy so all requirements for an A occupancy shall be met including applicable fire sprinkler and fire alarm requirements. [COA] [FIRE]

PC-6. CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL LICENSE:

Obtain the appropriate license for on-site beer and wine service from the California Department of Alcoholic Beverage Control (ABC) and comply with all license requirements. Failure to comply with all ABC requirements is grounds for revoking this permit. [COA] [PLANNING]

PC-7. PARKING STALL RESTRIPIING:

Restripe the parking lot area on the east side of the tenant space (precise location to be determined by the Director of Community Development) per City standards (approximately 51 parking spaces). Submit a restriping plan during the building permit process. The restriping shall be inspected by Planning Division staff prior to final occupancy. [COA] [PLANNING]

PC-8. EXTERIOR WINDOWS AND DOORS:

All new window and door glazing shall be clear and transparent, with the exception of an existing window on the east side, which may have obscured window film applied due to its location at the new changing room. All new doors and windows shall match as closely as possible the original design for the shopping center. [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. 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-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 10:00 a.m. to 10:30 a.m. Fridays, Saturdays and Sundays for standard hours of operation. Operating hours Monday through Thursday are prohibited due to parking considerations. Hours extending beyond 10:30 p.m. shall require approval of the Director of Community Development through a Miscellaneous Plan Permit.
- b) Monday through Thursday hours of operation may occur from 10:00 a.m. to 10:30 p.m. only on December 25th, December 31st, May 10th, and June 21st.
- c) Other Monday through Thursday hours of operation may be considered with a revised Parking Management Plan (PMP) prepared by a transportation/parking consultant that includes field parking observations during weekend and weekday business hours, and other information as required by the Director of Community Development. The revised PMP and potential weekday operating hours shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-3. RECYCLING AND SOLID WASTE:

- a) All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- b) Waste containers, including tallow bins and recycling bins, shall be stored with their lids closed.
- c) Waste containers shall be stored within enclosures with the enclosure gates closed. Containers shall not be placed in parking spaces or landscaped areas at any time.
- d) The property shall remain clean and free of debris and garbage. [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. 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-7. AWNINGS:

Fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

AT-8. PARKING MANAGEMENT:

On-Site parking management shall conform with the approved parking management plan from Use Permit 2013-7540. [COA] [PLANNING]

AT-9. 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]

AT-10.NOISE COMPLIANCE:

The noise level generated by the facility shall not create a nuisance to occupants or customers of adjacent commercial establishments.

- a) The noise or sound level during shall not exceed 60 dBA during daytime and 45 dBA during nighttime hours at any point on adjacent residentially zoned properties.
- b) Install sound proofing materials to mitigate noise and vibration impacts on neighboring properties and adjoining tenant spaces.
- c) All exterior doors, especially the rear door, shall have a self-closing mechanism and shall be kept closed at all times.
- d) Patrons shall be restricted from the rear area adjacent to neighboring properties at all times.
- e) The tenant is responsible for ensuring customers do not smoke within 20 feet of any doorways, per State law. [COA] [PLANNING]