
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
DECEMBER 12, 2018**

Planning Application 2018-7784

1233 Reamwood Avenue

Use Permit to allow the expansion of a religious and cultural place of assembly (India Heritage Foundation), located at 1235 Reamwood Avenue, into an adjacent tenant space.

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

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

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

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

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

GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:

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- 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. 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-5. 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-6. PLACES OF ASSEMBLY:
As listed in the staff report, an updated agreement, acknowledgement statement, and safety plan shall be provided within **60** days of the approval of this application. [COA] [PLANNING]
- GC-7. SIGNS:
All existing/new signs shall be brought into conformance with Title 19 of the Sunnyvale Municipal Code. [COA] [PLANNING]
- GC-8. COMPLIANCE REVIEW:

A Miscellaneous Plan Permit for compliance review shall be submitted upon six months of approval (no later than seven months) of this Use Permit. The application shall include a response as to how the approved use has complied with all Conditions of Approval. Staff will evaluate compliance and conduct an inspection of the site to determine whether any Code violations or enforcement issues have occurred. Upon completion of the review, City Staff will determine appropriate compliance action and/or extension of the Use Permit. Subsequent review may be required as determined by the Director of Community Development. [PLANNING] [COA]

GC-9 . MAXIMUM OCCUPANCY BY USE (LIMITATIONS):

Tenants that have previously approved Use Permits, i.e. Bay Area Cultural Center, Swan Ping Pong, Aim Higher, and Smash Gyms shall not exceed the maximum occupancy listed in the table below. [COA] [PLANNING]

Address / Unit	Use - Tenant	Type of Use	Maximum occupancy	Area (s. f.)	Parking Ratio
1257 Tasman Dr, #A	Bay Area Cultural Center	POA	15	4,500	Per UP -2008 - 0431
1257 Tasman Dr, #B	Bay Area Cultural Center	POA	20	5,535	Per UP -2008 - 0431
1257 Tasman Dr, #C	Swan Ping Pong (POA use)	POA	20	7,267	Per UP 2012-7203
1233 Reamwood Ave.	India Heritage Foundation	POA – per requested UP	20	5,000	Per UP - parking management plan
1235 Reamwood Ave.	India Heritage Foundation	POA	30	5,000	Per UP - parking management plan
1237 Reamwood Ave	Aim Higher – Adult Care Services	POA	22	5,000	Per UP 2012-7880
1239 Reamwood Ave.	<i>Smash Gyms</i>	POA	22	4,900	Per UP 2010-7730

GC-10. PARKING MANAGEMENT PLAN:

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. The following parking table applies to this site:

Address / Unit	Weekday 8:00 am – 5:30 pm	Weekday 5:30 pm – 9:00 pm	Saturday	Sunday
1257 Tasman Dr, #A - Bay Area Cultural Center	15	15	15	15
1257 Tasman Dr, #B - Bay Area Cultural Center	12	18	20	20
1257 Tasman Dr, #C* Swan Ping Pong	20	20	20	20
1233 Reamwood Ave. India Heritage Foundation	20	20	20	20
1235 Reamwood Ave. India Heritage Foundation	15	15	20	30
1237 Reamwood Ave. Aim Higher – Adult Care Services	22	9	9	9
1239 Reamwood Ave.* <i>Smash Gyms</i>	15	22	15	5
TOTAL (119)	119	119	119	119

- b. Modifications to the Parking Management Plan shall be considered through a Miscellaneous Plan Permit.
- c. Employee parking locations shall be away from the building, in parking spaces that are the least used.
- d. Specify the location and term of short-term parking.
- e. The maximum of occupants for the approved uses of the site are allowed are listed in the above table. For special events, see Condition of Approval AT-2.
- f. Any proposed expansion of the number of the cultural and recreational assembly use shall be subject to approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

GC-11. USE PERMIT REQUIRED FOR RESTARUANT USE:

This Use Permit does not include approval of a restaurant use. A separate Use Permit shall be required for review and approval by the Director of Community Development for any future restaurant use. [COA] [PLANNING]

GC-12. OVERNIGHT SLEEPING

No overnight sleeping shall occur at the site unless otherwise approved by a separate Use Permit. [COA] [PLANNING]

GC-13. PLACE OF ASSEMBLY - COMMUNITY SERVING

Recreational and educational classes such as yoga, music, dance, etc. are considered an incidental use to the primary use of the site as a place of assembly-community serving facility. Such programs may be offered to children while a parent or legal guardian is present. Programs for children while no parent or legal guardian is present are limited to one hour per day. This Use Permit approval does not allow the facility to operate as a commercial child care facility. [COA] [PLANNING]

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

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- 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. **BUILDING PERMIT:**
Obtain necessary Building and/or Fire Prevention permits for any interior tenant improvement and any existing unpermitted construction. Obtain any necessary Santa Clara County Public Health Department permit approvals for use of the kitchen. [COA] [BUILDING/PLANNING]
- BP-5. **SOLID WASTE DISPOSAL PLAN:**
A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. [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]
- BP-7. **BICYCLE SPACES:**
As noted on the site plan, six Class II, bicycle rack parking spaces shall be provided and maintained on the site. [COA] [PLANNING]
- BP-8. **PUBLIC WORKS DEVELOPMENT FEES:**
Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior any permit issuance. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]

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

- AT-1. **HOURS OF OPERATION:**
The use permitted as part of this application shall comply with the following hours of operation at all times:

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- a) The hours of operation are limited to 6 a.m. to 10 p.m. for standard hours of operation, excluding events which may have extended hours. Hours extending beyond 10 p.m. shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]
- AT-2. SPECIAL EVENTS (PLANNING APPLICATION REQUIRED):
A separate Miscellaneous Plan Permit application is required for special events that would result in increased parking demand greater than what is noted in the Parking Management Plan table listed in Condition of Approval. Such special events for a calendar year can be submitted for Planning review under one Miscellaneous Plan Permit; however separate individual building and/or fire permits may be required for each specific event. [COA] [PLANNING]
- AT-3. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-4. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-5. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-6. 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. PARKING MANAGEMENT:
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]
- AT-8. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:

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- 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.
- AT-9. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises.
[COA] [PLANNING]