



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-0462, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2015-7154

Location: 155 S. Frances Street (APN: 209-07-026)

Applicant / Owner: Elaine Ellefsen (applicant) / BRE Properties, Inc. (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to allow a recreational and athletic facility in the ground floor of the mixed-use Solstice development, located in the City's Downtown Specific Plan area.

Reason for Permit: A Special Development Permit is required for recreational and athletic facilities within Downtown Specific Plan Block 1A.

Project Planner: Timothy Maier, (408) 730-7257, tmaier@sunnyvale.ca.gov

Issues: Noise impacts

Recommendation: Approve with conditions

PROJECT DESCRIPTION

	Existing	Proposed
General Plan	Downtown Specific Plan	Same
Zoning District:	DSP-Block 1A	Same
Gross Floor Area (sq. ft.)	34,575*	Same
Tenant Floor Area (sq. ft.)	2,958	Same
Parking:	Parking District	Same

**For the retail component of the Solstice Development*

Previous Planning Projects related to Subject Application: In 2010, the Solstice mixed-use development was approved to be located on blocks A and B of the former Town and Country Village site (Special Development Permit File #2010-7493). The Solstice development is comprised of two mixed-use buildings, one on each block, with ground floor retail totaling 34,575 square feet and 279 residential units located on five floors above.	Yes
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements	No

Background: The proposed use is a recreational and athletic facility inside a 2,958 square-foot

tenant space. Orangetheory Fitness provides instructor-led indoor exercise classes, each lasting approximately one hour.

The applicant's project description letter states that a maximum of 24 clients and 5 employees would occupy the space at a given time. Classes would be staggered by minimally 15 minutes, reducing overlap of clientele.

Floor Plan: As proposed, the tenant space would include a fitness area, reception desk, office, storage, restrooms, lockers, and showers (Attachment 3). The fitness/workout area would occupy approximately two-thirds of the floor area and would be contiguous with and open to the reception desk and lobby. The fitness portion of the tenant space would accommodate space for weight training and would contain about 25 separate pieces of exercise equipment, including treadmills, indoor rowing machines, and similar devices. The front lobby, restrooms, showers, storage, lockers, and administrative areas account for most of the remaining floor area. A retail display of approximately 16 square feet in size would be located within the lobby, adjacent to the entry (Attachment 3).

Parking: The development is located within the City of Sunnyvale's Downtown Specific Plan area and is served by the Downtown Parking Maintenance District, which supplies surface, structured, and underground parking spaces throughout Downtown. Properties within the District are assessed an annual fee based on the parking demand placed on the District.

The Solstice development was required to provide on-site parking for its residential component; residential parking is located underground, on the ground floor, and on the second floor of each building. No on-site parking spaces were required for retail use because redevelopment of the former Town and Country Village had resulted in a net loss of retail floor area. To further offset demand placed upon the Downtown Parking Maintenance District, 51 ground-floor parking spaces set aside for the residential portion of the Solstice project were approved to be shared with the development's retail component from 9 a.m. to 6 p.m.

The proposed use would occupy approximately 9% of the retail tenant space of the Solstice mixed-use development. A mix of land uses, with a variety of peak-hour parking demands, utilize the Parking Maintenance District and/or occupy remaining tenant spaces within the Solstice complex. Staff therefore finds that sufficient parking capacity is available within the District to serve both the proposed athletic facility and existing mix of land uses. Shared parking provisions of the Solstice Parking Management Plan help to further reduce parking-related impacts.

Noise Impacts: City of Sunnyvale Municipal Code Section 19.42.030 limits noise levels to 60 dBA during daytime hours (7 a.m. to 10 p.m.) and 50 dBA during nighttime hours (10 p.m. to 7 a.m.). The applicant's project description letter states that standard noise levels in other Orangetheory franchise locations read 85-90 dBA. With workout-related activity and operation of a proposed sound system, interior noise levels are expected to reach up to 90 dBA in the subject tenant space. Per the applicant's floor plan, no internal acoustic barrier would be installed to surround the fitness area within the existing tenant space, raising concerns about potential noise impacts related to the proposed use (Attachment 3).

To ensure compliance with City regulations, staff recommends that a noise study be prepared by an acoustical consultant prior to issuance of a building permit, with measurement of noise levels

conducted just outside the building in the area adjacent to the entry of the tenant space and from within the residential unit above, nearest the tenant space proposed for occupancy by the fitness studio. If sound levels are found to be out of compliance with the City's Noise Ordinance, additional structural measures, treatment methods, and/or noise-attenuating materials must be indicated on the Building Permit plans and installed, such that compliance is achieved (Attachment 2). Additional on-site testing will be required prior to occupancy.

Hours of Operation: The applicant's project description letter states that proposed hours of operation would be 5 a.m. to 8 p.m., Monday through Friday and 7 a.m. to 4 p.m., Saturday and Sunday.

Impacts associated with the proposed land use, such as noise generated by fitness training as well as by pedestrian and vehicular traffic, could potentially impact residential units in the vicinity. Due to proximity of the tenant space to upstairs residences, staff recommends limiting the hours of operation to the period of 6 a.m. to 9 p.m. daily (Attachment 2) which is similar to other fitness establishments in the same project.

Green Building: The Solstice development was required to meet LEED Silver green building standards for the building core and shell. Each initial tenant improvement was also required to meet LEED Silver level of compliance. A LEED checklist was provided by the applicant, showing anticipated compliance with LEED Silver standards (Attachment 6).

Public Contact: 257 notices were sent to surrounding property owners and residents in the project vicinity, in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

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

FINDINGS

The following goals and policies relate to the proposed project:

General Plan - Land Use and Transportation Chapter

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

Policy LT.4.13c- Provide opportunities for, and encourage neighborhood-serving commercial services in, each residential neighborhood.

Downtown Specific Plan

Policy B.1 - Encourage mixed uses throughout the downtown when consistent with the district character.

Policy C.4 - Encourage shared parking in the downtown to minimize the amount of land

devoted for parking areas and manage parking so it does not dominate mode choice decisions or the built environment.

In order to approve the Special Development 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.

The proposed recreational and athletic facility would contribute to the diversity of uses within the City's Downtown Specific Plan area. The use would provide a convenient fitness destination for residents of the Solstice Development and its vicinity, and would help to activate the commercial streetscape.

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 Downtown Parking Maintenance District provides sufficient parking capacity to accommodate the diversity of land uses within the District, including the proposed athletic facility. Provisions requiring shared parking, as contained within the Solstice Parking Management Plan, help to alleviate some of the parking demand placed on the Downtown Parking Maintenance District.

Adherence to required noise standards, and limitations on operational hours, would offset potentially adverse consequences associated with the fitness studio. As conditioned, the proposed land use would have no significant detrimental impact to residents or existing establishments within the Solstice development or to adjacent properties.

ALTERNATIVES

1. Approve the Special Development Permit with recommended Conditions found in Attachment 2.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions found in Attachment 2.

Prepared by: Timothy Maier, Project Planner
Approved by: Gerri Caruso, Principal Planner

MENTS

1. Vicinity and Noticing Map
2. Standard Requirements and Recommended Conditions of Approval
3. Site and Architectural Plans
4. Project Description Letter

- 5. Site Photographs
- 6. LEED Checklist
- 7. Special Development Permit Justifications Form