



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

File #: 18-1083, Version: 1

### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2018-7784

**Location:** 1233 Reamwood Ave (APN: 104-58-008)

**Applicant / Owner:** India Heritage Foundation / Tasman Drive LLC

**Proposed Project:**

**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.

**Reason for Permit:** A Use Permit is required for the expansion of a previously approved place of assembly use.

**Project Planner:** Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

**Issues:** Use Permit Compliance, Parking

**Recommendation:** Approve with conditions

### PROJECT DESCRIPTION

Zoning District:	<b>Industrial &amp; Service - Place of Assembly (MS-POA)</b>	Existing	General Industrial/Office Building composed of recreational and place of assembly uses
		Proposed	Same

Previous Planning Projects related to Subject Application:	Several places of assembly and recreational uses have been considered through Use Permits for the site. More information is provided below.
Neighborhood Preservation Complaint	Yes, see discussion below in the "Background" section of the report

### Background

The India Heritage Foundation (IHF) was originally approved for the neighboring tenant space (1235 Reamwood Avenue) through a Use Permit on June 15, 2011. The proposed Use Permit application for the subject tenant space (1233 Reamwood Ave.) was submitted because of a code enforcement case by the Department of Public Safety, Neighborhood Preservation Division. The code enforcement case had determined that the tenant space was being utilized as a restaurant without permits. Upon inspection, it was further discovered that the IHF had expanded into the subject tenant space without the required approval of a Use Permit. The applicant has clarified that operation of a restaurant is not their intention, and that such use has been discontinued. A restaurant is not under consideration through this Use Permit request; however, the Use Permit is still required for the expansion of this

place of assembly-community serving use.

Upon inspection, several interior building modifications had also occurred without building permits. Certain modifications have already been removed, primarily within the kitchen, since the facility was cited. As conditioned, building permits are required for any future modifications or unpermitted construction. As necessary, Santa Clara County Public Health Department is also required for kitchen modifications. No exterior modifications to the building have occurred or are proposed as part of this Use Permit.

Previous permits have been granted for recreational and assembly uses within the subject tenant space, including a children's play and party center (Swaray) in 2009 and a personal training athletic facility (Catalyst Athletics) in 2014.

### **PROJECT DESCRIPTION**

The proposed project is for a Use Permit to allow expansion of a previously approved religious and cultural place of assembly, India Heritage Foundation, into a neighboring tenant space within an existing building. The India Heritage Foundation (IHF) provides community services such as meditation, worship, education, yoga, music, and dance for adults and children of all ages. Educational-related activities for children are offered during worship service similar to other religious place of assembly facilities. The expanded facility would offer various services that range in attendance up to a maximum 60 people (including children and adults). The facility operates daily from 6 a.m. to 10 p.m. A project description letter from the applicant is included in Attachment 4. The applicant has also submitted a schedule of daily activities that the facility offers, which is included in Attachment 5.

The applicant notes that up to six special events per year occur at the facility. These events are described as four smaller events (approx. 150 to 200 people) and two larger events (approx. 250-300 people). A parking agreement between the other tenants of the site is in place for such occasions. These events have been reviewed on a case-by-case basis through a separate staff level Miscellaneous Plan Permit. Staff has included Condition of Approval AT-2 that such events can be considered under one separate Miscellaneous Plan Permit for a particular year. Separate individual building and/or fire permits may be required for a specific event.

The project site complies with development standards such as lot coverage, setbacks, and landscaping. The property is positioned at the corner of Reamwood and Tasman and is composed of two buildings that share one parking lot. Parking for the collection of uses within the two existing buildings on the site is handled through a parking management plan, as discussed further in this report. No site improvements are proposed with the exception of bicycle parking (six rack spaces) in front of the building as noted in the "Parking" section of the report.

**Floor Plan:** The applicant has provided a floor plan for the expanded use in Attachment 3. The floor plan consists of several designated rooms for various activities. These rooms include a reception area, book/gift shop, offices, worship rooms, assembly room, storage rooms, kitchen and dining rooms, and four restrooms.

The applicant's project description letter notes that the kitchen and dining facilities are used only for the cultural center's activities and special events. The description also notes that no over-night sleeping will occur at the facility. The facility offers Sunday School and recreational classes for children during worship services; but is not proposed as a separate day care facility. Such activities are restricted through the Conditions of Approval. A separate Use Permit would be required for any future restaurant use within the building.

Per Conditions of Approval, the project is subject to building permits for any planned interior tenant improvements and unpermitted modifications. The applicant is also required to get any necessary County Health Department approvals for the kitchen facility.

**Shared Uses On-Site:** The following table lists current uses that share parking at the site:

**Table 1: Current uses at 1233-39 Reamwood and 1257 Tasman Drive (A-C)**

Address	Use - Tenant	Approximate Area (s.f.)
1257 Tasman Dr, #A	Bay Area Cultural Center	4,500
1257 Tasman Dr, #B	Bay Area Cultural Center	5,535
1257 Tasman Dr, #C	Swan Ping Pong - Recreational	7,267
1233 Reamwood Ave.	<b>India Heritage Foundation (proposed)</b>	5,000
1235 Reamwood Ave.	<b>India Heritage Foundation</b>	5,000
1237 Reamwood Ave.	Aim Higher - Adult Care Services	5,000
1239 Reamwood Ave.	Smash Gyms	4,900

**Parking:** The multi-tenant industrial building shares a parking lot of 119 spaces with several other assembly uses within the building. For each of the Use Permit approvals for place of assembly uses at the site, a parking management plan that restricts occupancy for each tenant has been considered.

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
<b>1233 Reamwood Ave.</b>	<b>India Heritage Foundation</b>	<b>POA - per requested UP</b>	<b>20</b>	<b>5,000</b>	<b>Per UP - parking management plan</b>

1235 Reamwood Ave.	<i>India Heritage Foundation</i>	POA	30	5,000	Per UP -UP 2011-7294
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

Similar to previously required permits, this proposed program would modify the conditions of previous approvals which limited the allowable occupancy (customers/employees) and/or the hours of operation for existing uses. The program proposes staggering peak use times to address the fact that the site does not provide adequate parking for all uses during peak use hours. The following chart notes the peak parking demands for the site, as part of the required Parking Management Plan, per Condition of Approval GC-10A.

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
<b>1233 Reamwood Ave. India Heritage Foundation</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>
1235 Reamwood Ave. <i>India Heritage Foundation</i>	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
<b>TOTAL (119)</b>	<b>119</b>	<b>119</b>	<b>119</b>	<b>119</b>

Based on the information provided by the applicant, weekday activities (morning and afternoon) are not generally expected to have a higher peak demand than weekends. A revised parking plan would be necessary if the proposed use or other tenants plan to increase capacity during hours of operation. Such a modification could be considered through a Miscellaneous Plan permit application, per Condition of Approval GC-10.

To meet Municipal Code requirements for bicycle parking, the project will be installing bicycle racks (6 spaces - 5% of the required parking) at two locations adjacent to the building facing Reamwood Avenue.

**Place of Assembly (POA):** The Sunnyvale Municipal Code (SMC) requires that any proposed Place of Assembly use be evaluated on a case-by-case basis. The POA Zoning regulations specify additional requirements and procedures if a space is used by sensitive populations such as children

or adults over the age of 65. Since the subject site and the surrounding area were originally zoned for industrial uses, staff looked at the possibility of the presence of hazardous materials in the vicinity of the site. Staff found that while there are other industrial facilities with hazardous materials in the area, none currently have large quantities of high-risk materials. However, these industrial uses have the ability to change their inventories in the future to increase the use of hazardous materials, which might present a safety issue to the users of the subject tenant space. Per the Municipal Code (SMC 19.98.020(f)), as a Place of Assembly use, the community center triggers three requirements:

- For a multi-tenant building, an Agreement between the property owner and the City to the limitation of hazardous material users on the same site;
- A letter from the applicant/proposed tenant acknowledging that locating in an industrial area may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas); and
- Applicant shall adopt and submit for the approval of the City a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials; the plans shall be prepared by a certified safety professional.

The above documentation was provided by the IHF as part of the original Use Permit for the neighboring tenant space. The same information and safety measures can apply to the subject tenant space; however, staff has included Condition of Approval GC-6 for the applicant to provide relevant updates to this information to address both tenant spaces. This information is required to be provided within 60 days of approval of this Use Permit.

### **Neighborhood Impacts / Compatibility**

The applicant's activity table (Attachment 5) notes various activities that overlap or occur simultaneously during daily operation. It can be noted that the estimated attendance figures shown are the minimum and maximum expected for any given activity. Although in certain instances, the numbers exceed 50 when combined, staff does not expect parking capacity to be affected. As noted earlier in the report, the applicant notes that no more than 60 people may be at the site (on Sundays). This number includes children who will not contribute to the parking demand of the site. As shown in parking management table, 50 spaces are allotted to the combined tenants spaces for IHF on Sundays.

Due to the constraints of parking and the recent code enforcement history at the site, Staff has included a Condition of Approval to require a six-month compliance review of the Use Permit. Per Condition of Approval GC-8, a Miscellaneous Plan Permit shall be submitted upon six months of approval (no later than seven months) of this Use Permit detailing how the use has complied with all Conditions of Approval. Staff will evaluate compliance of the Use Permit and inspect the site to determine whether there are any parking capacity issues and if any violations or code enforcement issues have occurred at the site.

**Public Contact:** 63 notices were sent to surrounding property owners and residents adjacent to the subject site 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 1 (minor changes of use) relieves

this project from CEQA provisions.

## **FINDINGS**

In order to approve the Use Permit, the following findings must be made:

### **Land Use and Transportation Element**

**Policy LT-11.2:** *Support a full spectrum of conveniently located commercial, mixed-use, public, and quasi-public uses that add to the positive image of the community*

**Policy LT-14.9:** *Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions, schools, hospitals, large medical clinics) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure they do not have a negative effect on the surrounding area.*

**Policy LT-14.10:** *Encourage multiple uses of public and quasi-public facilities (e.g., religious institutions, schools, social organizations, day care), such as community events, after-school programs, and festivals.*

**Policy LT-14.13:** *Locate place of assembly uses where they provide benefit to the community and do not adversely impact nearby uses.*

**LT-14.13a:** *Maintain zoning tools to limit the locations and type of places of assembly in industrial areas to protect industrial users from incompatibilities.*

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

The proposed use attains the objectives of the General Plan by allowing expansion of a facility that supports the local community at a convenient location. The proposed cultural and religious facility is similar and compatible to other places of assembly uses on the site. Through conditions of approval, the use will have a limited impact to the uses on-site and surrounding properties.

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.

As conditioned, the project will not impair existing uses or those on adjacent properties. As required with the original Use Permit and neighboring uses that share the site, a parking management plan manages capacity at the site. Although the project stems from a code enforcement case from a possible restaurant operation without prior approval, there have been no other complaints or enforcement actions related to the facility. A follow-up inspection of the site to ensure compliance is required after six months per Conditions of Approval.

### **ALTERNATIVES**

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

### **RECOMMENDATION**

Alternative 1. Approve the Use Permit with recommended Conditions in Attachment 2.

Prepared by: Ryan M Kuchenig, Senior Planner

Approved by: George Schroeder, Senior Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Standard Requirements and Recommended Conditions of Approval
3. Site and Floor Plans
4. Project Description Letter from the Applicant
5. Activity List Provided by the Applicant