



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 16, 2008

SUBJECT: **2008-0598 - Cocotero Parties** [Applicant] **Raymond Tikvica Et Al** [Owner]: The property is located at **1039 Sunnyvale-Saratoga Road** (near W. Remington Dr.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.

Motion Special Development Permit to allow a children's party room in an existing retail center.

REPORT IN BRIEF

Existing Site Conditions Neighborhood commercial shopping center

Surrounding Land Uses

North	Medical offices
South	Medical offices
East	Gas station
West	Medical offices

Issues Compatibility of the proposed use with the surrounding uses.

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with conditions.

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	C-1/PD	Same	Same
Zoning District	Commercial Neighborhood Shopping	Same	---
Lot Size (sf)	27,007	Same	N/A
Gross Floor Area (sf)	7,105	Same	N/A
Floor Area Tenant Space	3,000	Same	N/A
Landscaping			
★ • Landscaping (sf)	3,800 (14%)	Same	20% min
Parking			
• Total No. of Spaces	40	40	40 min
• No. of Standards	25	Same	25 min
• No. of Compacts / % of total	13	Same	13 (35%) max
• No. of Accessible	2	Same	2 min

★ = Existing non-conforming to current SMC

ANALYSIS

Description of Proposed Project

The proposed use is a new business called Cocotero Parties, which is an indoor children’s birthday party facility. The business will have two party rooms and an office area. Parties are limited to 10 children, with some parents attending as chaperons. The children ages are expected to be between three and 11 years old. Most of the business will occur on weekends between 10:00am and 9:00pm although, the business will be open seven days a week.

No food will be prepared on site but catering will be allowed, depending on the needs of the customers. No alcohol will be served.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include changes in use to existing facilities.

Special Development Permit

Site Layout: The existing 27,007 square foot building is comprised of three separate tenant spaces. The first space is occupied by a 7-11 Market and the second is occupied by Little Caesar's Pizza.

The interior of the proposed tenant space will be divided into three general areas. The first is the office which will also contain the reception area. The second two spaces will be the rentable party rooms. Each space is separate but will function together during parties. The rooms will contain open seating areas, game areas, a bounce house, sandbox, and restrooms.

Use: The propose use is considered to be a Place of Assembly (POA) which is Community Serving. According to SMC 19.20.030, POA uses that are located in a retail shopping center cannot interrupt the pedestrian flow between establishments. In this case the shopping center is smaller than typical neighborhood centers and thereby has very little pedestrian flow. In addition, Cocotero Parties is located in the end unit of the center.

Parking/Circulation: There are currently 40 parking spaces on site, of which two are accessible spaces and 13 are compact. The proposed use would require approximately 40 parking spaces under Sunnyvale Municipal Code (SMC) 19.46.050 as a use in a shopping center with less than 20,000 square feet (rate of one space per 180 square feet)

Compliance with Development Standards/Guidelines: The proposed project complies with all current development standards. No further improvements are required at this time.

Expected Impact on the Surroundings: The project site is surrounded on three sides by medical office buildings. The fourth side is Sunnyvale-Saratoga Road. Staff evaluated the potential traffic impacts from the proposed use and believes that there will not be a significant effect on the surrounding area.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

At the time of the staff report, no comment letters have been received.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 58 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

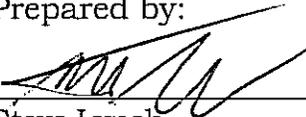
Alternatives

1. Approve the Special Development Permit with the Recommended Conditions of Approval found in Attachment B.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

Recommendation

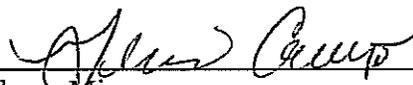
Recommend Alternative 1.

Prepared by:



Steve Lynch
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

for

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Proposed Business Description

Recommended Findings for Approval - Special Development Permit

Socio-Economic Element

Goal 5.1G/Policy 5.1G1: *Enhance the provision of health care and social services to Sunnyvale residents by providing opportunities for the private marketplace to meet the health and social service needs of the City residents.*

Land Use and Transportation Element

Policy N1.14: *Support the provision of a full spectrum of public and quasi-public services that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have a beneficial effects on the surrounding area.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project (*Finding met with Conditions*).

Cocotero Parties is an under-met and desirable use for the City that will provide a service to the youth population that cannot be provided by any other similar business. In addition, the project is appropriately located in a zone where the business will be compatible with the surrounding uses.

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 either the orderly development of, or the existing uses being made of, adjacent properties as the project does not propose any significant site or building improvements that would be noticeable to the surrounding neighborhood. Staff has determined that there would be no significant impacts to the surrounding properties.

Recommended Conditions of Approval - Special Development Permit

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- C. The Special Development 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.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- F. Any expansion or modification of the approved use shall be approved by separate application.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the necessary Building permits for all tenant improvements related to this use.
- B. Pay all applicable Public Works fees.

3. OPERATIONS

- A. Hours of operation shall be limited to the following hours:
Monday - Sunday: 10:00am to 9:00pm
- B. Changes to the hours of operation may be considered through a Miscellaneous Plan Permit or equivalent staff level permit.
- C. Events shall be scheduled so there is at least 5 minutes between classes. The intent is to allow a natural turnover of parking spaces.
- D. No outside event promoters are allowed to operate at this location.
- E. Special events (operated by Cocotero Parties only) involving greater than 10 participants and/or attendees shall be submitted for approval of a Miscellaneous Plan Permit.

- F. The business operator shall be responsible for monitoring any patrons loitering outside of the building.
- G. The business operator shall ensure that any noise generated by patrons loitering outside of the building shall not be audible at the property line of the residential development to the south of this site.
- H. The rear entrance door shall be kept shut during high noise generating activities (i.e. large classes, noisy classes).

4. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the necessary Building permits for all tenant improvements related to this use.
- B. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, and Title 19 California Code of Regulations.

5. LANDSCAPING

- A. All landscaping shall be maintained in a neat, clean, and healthful condition.

6. PARKING

- A. At no time shall this use exceed the total available parking at the site, as calculated using the City's parking ratios.

7. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.



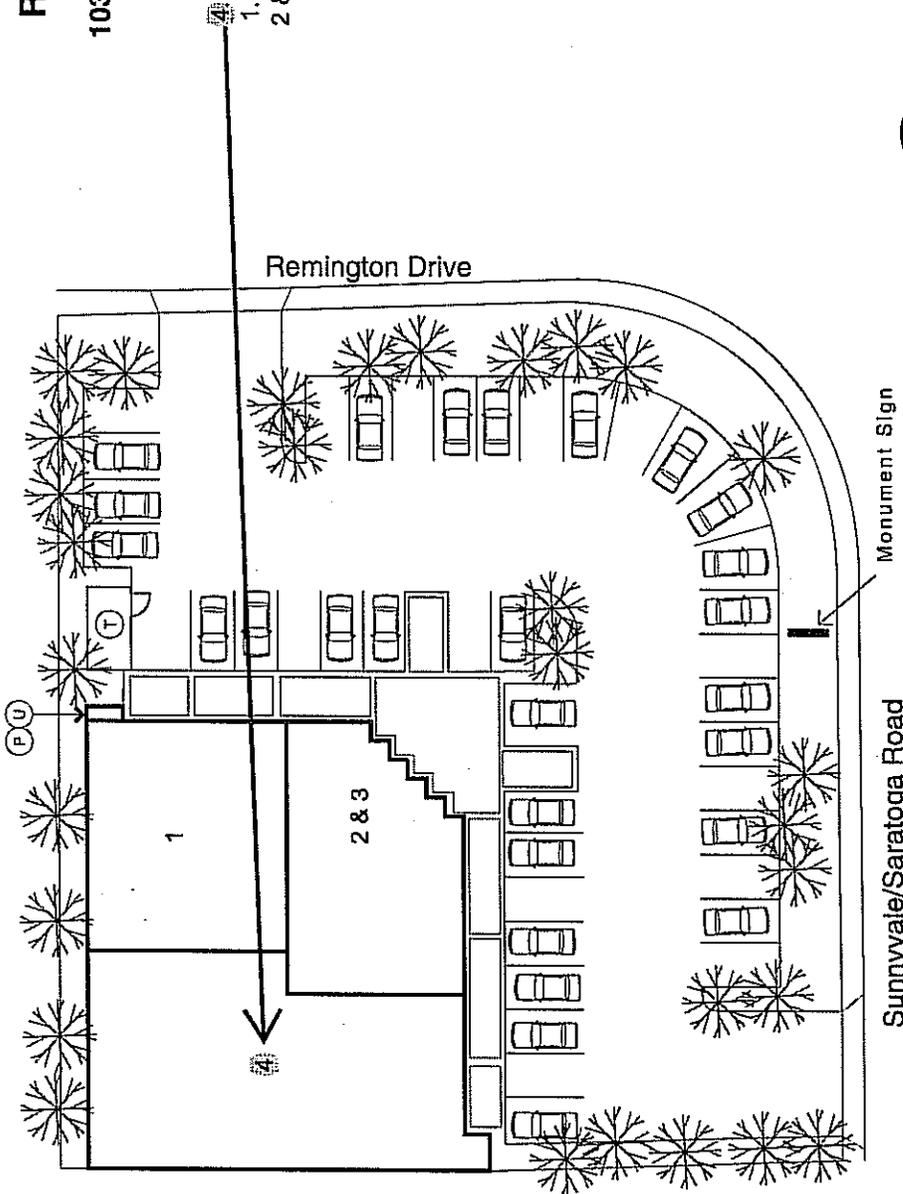
333 W. El Camino Real, Suite 240
Sunnyvale, CA 94087-1989
Phone (408) 331-2300
Fax (408) 331-2301

Remington Retail

1039 Sunnyvale-Saratoga Road
Sunnyvale, California

Dollar City (3,000 Square Feet)

- 1. 7-Eleven
- 2 & 3. Little Caesar's Pizza



Monument Sign

Sunnyvale/Saratoga Road

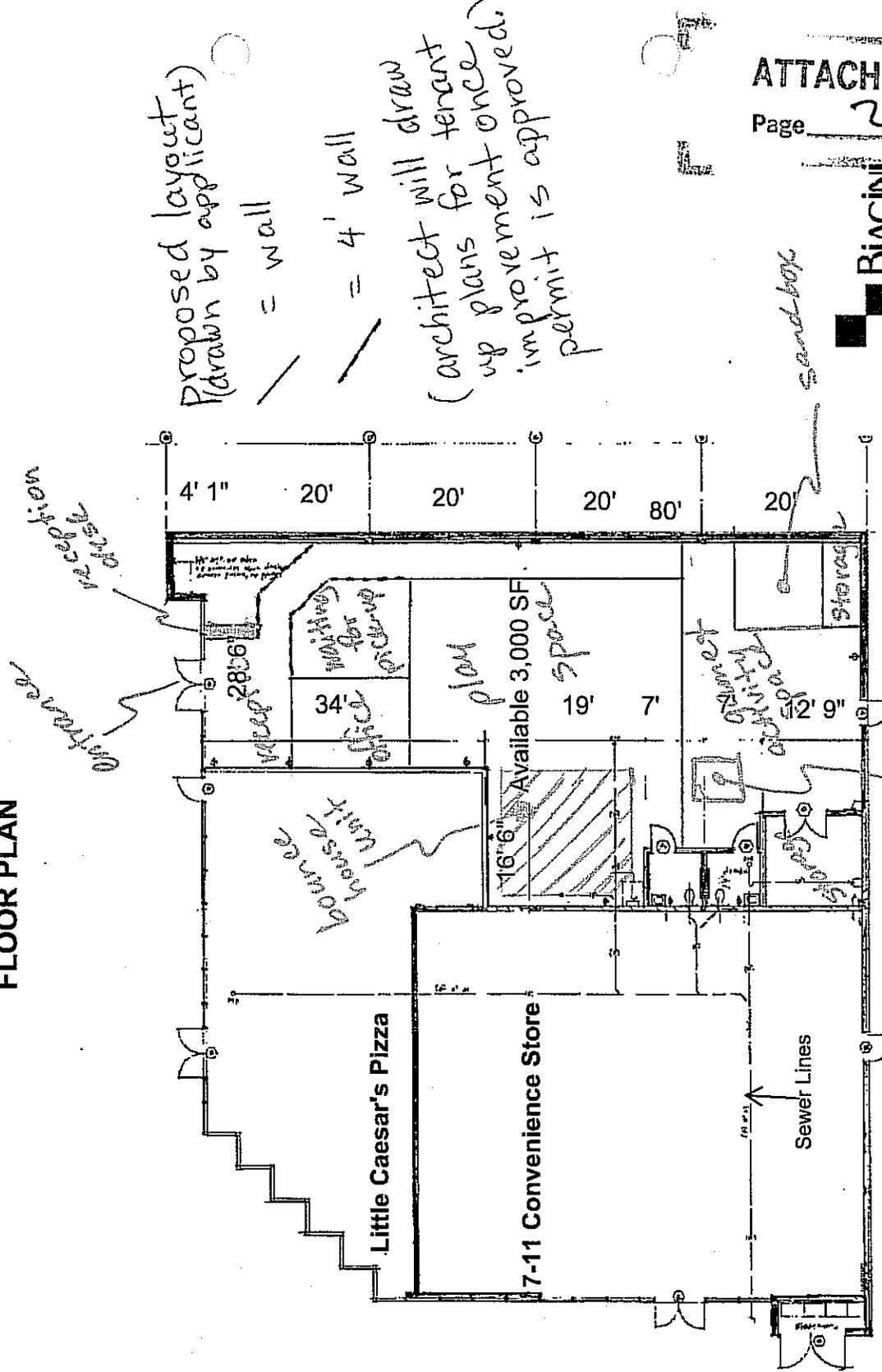
- (T) Trash Enclosure
- (U) Utility Closet
- (P) Phone Closet

Site plan not to scale and subject to change without notice

rev 07/17/2007

REMINGTON RETAIL
1039-#4 Sunnyvale-Saratoga Road @ Remington • Sunnyvale, CA 94087

FLOOR PLAN



ATTACHMENT

Page 2

BIAGINI PROPERTIES INC.
 333 W. El Camino Real, Suite 240
 Sunnyvale, CA 94087-1659
 (408) 331-2300 Telephone
 (408) 331-2301 Facsimile
 www.biaginiproperties.com

(refreshments)
 fixed seating for 10

The information contained herein has been given to us by the owner of the property or other sources we deem reliable. We have no reason to doubt its accuracy, but we do not guarantee it. All information should be verified prior to purchase or lease.

ATTACHMENT C

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**Use Permit
 Description of the Project
 1039-4 Sunnyvale-Saratoga Road, Sunnyvale, CA 94087**

This space will be used as a children's birthday party facility by Cocotero Parties. The space will be separated into two main activity areas, plus an office and a reception area. There are two restrooms and a storage closet, as well.

The first main activity area will have fixed seating for 10, occupying approximately 36 s.f., and the rest open for games and activities. The second main activity area will have no seating; it will be a sort of indoor playground including an inflatable bounce/climbing/sliding unit.

Parking

Using the formula for "Recreational Assembly Area for more than 20 persons," 1039-4 Sunnyvale-Saratoga Rd. requires 1 parking space for every 3 fixed seats. That would be 4 parking spaces for 10 fixed seats. Since there is no other designated seating areas, the rest of the 3000 s.f. of floor space would require 1 parking space per 400 s.f. of floor area. That would be 7 parking spaces, for a total of 11 parking spaces for 1039-4. 1039-1,2,3 require ²³ parking spaces all together, figured at 1 parking space per 180 s.f. of retail space. The total required, therefore, is ³⁴. The parking lot has 40 spaces, sufficient to handle traffic flow for these three businesses. In summary:

1039-1,2,3 (existing retail)	23 parking spaces	*
1039-4 (Cocotero Parties)	11 parking spaces	**
Total required	34 parking spaces	
Total available	40 parking spaces	
Surplus	6 parking spaces	

Note: The business that currently occupies the space is retail, requiring 17 spaces, calculated at 1/180 s.f. Cocotero Parties requires fewer than the current tenant.

Residential neighbors

Cocotero is a family establishment. Cocotero Parties are for children ages 3-11, and all parties are completely contained inside the leased building. Operating hours are from 10am to 9pm. No alcohol will be served. Impact on the neighbors should be null.

Business advantages

In the interest of benefiting other Sunnyvale businesses, Cocotero intends to buy pizzas from its co-tenant, Little Caesar's, and ice cream from a nearby Baskin Robbins. Furthermore, parents of Cocotero guests will be encouraged to spend the two-hour waiting time at Cherry Orchard shopping center, the new Sunnyvale downtown, and other El Camino area shops. Cocotero hopes to bring customers to Sunnyvale from Saratoga, Cupertino, West San Jose, Los Gatos, Los Altos, Mountain View, and more. In summary, Cocotero Parties is good for Sunnyvale.

** Usage will not increase over time. This figure is full capacity for the business.

* Pizza restaurant in #2 & 3 has very little customer space. Most of the square footage is kitchen. So this number could possibly be much lower, increasing surplus parking.