



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

October 29, 2008

SUBJECT: **2008-0981 – Desmond Family Real Estate Limited Partner** [Applicant/Owner]: Application for property located at **1313 S. Wolfe Road** (near Fremont Ave) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.

Motion Parcel Map to subdivide one lot into two lots and reconfiguration of an existing parking lot (Wendy's).

REPORT IN BRIEF

Existing Site Conditions Fast Food Restaurant (Wendy's)

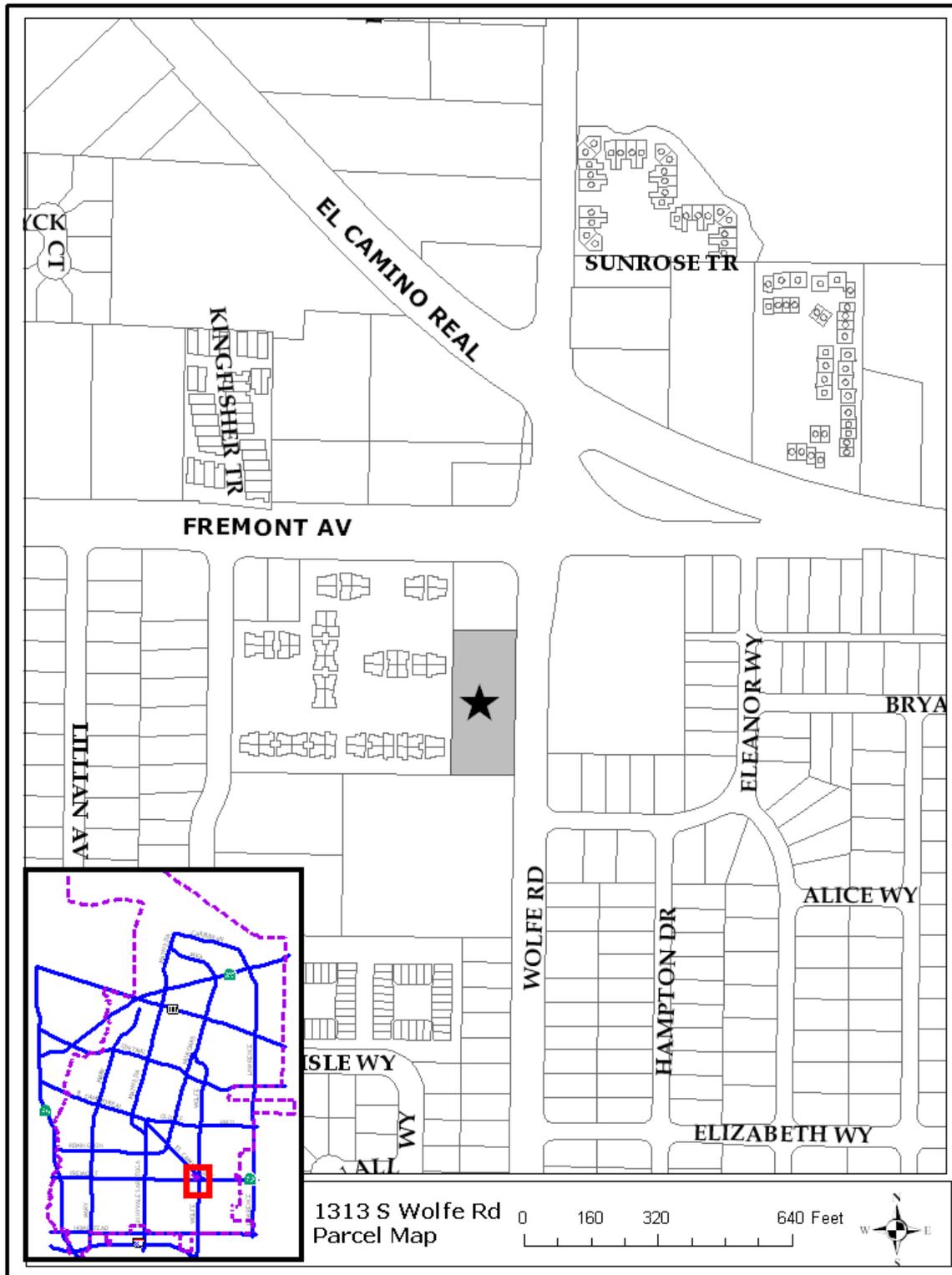
Surrounding Land Uses

North	Gas Station
South	Apartments
East	Hotel
West	Multi-Family Residential

Issues Parking

Environmental Status A Class 15 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED		REQUIRED/ PERMITTED
		Lot 1	Lot 2	
General Plan	Neighborhood Commercial	Same		Neighborhood Commercial
Zoning District	C-1/PD	Same		C-1/PD
Lot Size (s.f.)	52,471	31,636	20,835	No min.
Gross Floor Area (s.f.)	2,382	2,382	N/A	No max.
Lot Coverage (%)	4.5%	7.5%	N/A	35%max.
Floor Area Ratio (FAR)	4.5%	7.5%	N/A	No max.
No. of Buildings On-Site	1	1	0	---
Building Height (ft.)	18'	18'	N/A	40' max.
No. of Stories	1	1	N/A	2 max.
Setbacks (First/Second Facing Property)				
Front	42'	Same	N/A	70' min.
Left Side	112'	Same	N/A	15' min.
Right Side	155'	19'	N/A	0 min.
Rear	77'	Same	N/A	10' min.
Landscaping (sq. ft.)				
Total Landscaping	15,382	10,152	N/A	6,327 min.
Frontage Width (ft.)	25'	Same		15 ft. min.
Landscaping Buffer (ft.)	10'	Same		10 ft. min.
% Based on Floor Area	29.3%	32.1%	N/A	20% min.
Buffer (ft.) Adj. Residential	10'	Same		10 ft. min.
% Based on Parking Lot	30.7%	34.7%	N/A	20% min.
Parking				
Total Spaces	52	34	N/A	32 min.
Standard Spaces	52	32		30 min.

	EXISTING	PROPOSED		REQUIRED/ PERMITTED
		Lot 1	Lot 2	
Compact Spaces/ % of Total	0	0	0	3 /10% max.
Accessible Spaces	0	2	N/A	min.
Aisle Width (ft.)	26'	26'	N/A	min.
Bicycle Parking	0	4 Class II & 1 Class 1	N/A	1 Class I & 4 Class II Min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed project is to allow the subdivision of an existing commercial lot into two parcels. No improvements are proposed to the building. Modifications include additional parking and landscaping on the newly created lot containing the existing fast food restaurant (Wendy’s). The new parcel line would run between existing drive aisle of the parking lot.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0415	Miscellaneous Plan Permit for façade modifications	Staff/ Approved	6/27/2003
2001-0337	New Two-Story Office Building	Administrative Hearing / Approved	4/11/2001
1989-0334	Special Development Permit to allow a 258 S.F. Addition	Planning Commission / Approved	3/15/1989
1978-0330	Wendy’s Restaurant and Signs	Planning Commission / Approved	11/13/1978

As noted above (2001-0337), a two-story office building was approved at the site within the area now proposed to be the newly create Lot #2 as part of this application. No building permits were issued for the office building, and the Special Development has since expired.

Environmental Review

A Class 15 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 15 Categorical Exemptions include subdivisions of properties into four or fewer parcels.

Parcel Map

Site Layout: The layout of the site consists of a restaurant building positioned towards the south side of the property. Parking area is mostly situated to the north and behind the building to the west. Two driveway entrance/exits to the lot are positioned along Wolfe Road. The restaurant drive-thru wraps around the building and exits out the north driveway. The proposed new property line would bisect the lot through the drive aisle 19' north of the restaurant building.

Per staff's recommendation, the applicant has agreed to relocate the trash enclosure location from its current location adjacent to the rear property line and neighboring residential uses, to a location near the south side of the building. The applicant has indicated that this relocation may result in a net loss of one parking space. Per Condition of Approval #3B, a Miscellaneous Plan Permit is required to consider the location of the trash enclosure and modifications to the current site plan.

Easements and Undergrounding: As a result of the subdivision, an easement for the site will be established along the north driveway to ensure shared access to S. Wolfe Road for both parcels (Condition of Approval #3B).

Architecture: There are no proposed changes to the architecture of the building. As stated previously, a new trash enclosure location is required; therefore a design will be subject to review by a Miscellaneous Plan Permit per Condition of Approval #7A.

Landscaping: The proposal will result in an increase of 550 s.f in landscaping. The added landscaping will be located entirely on Lot 1 along the southern portion of the site where additional parking is also designated. Municipal Code requires that commercially zoned sites provide 20% landscaping of the site or 6,327 s.f. in this case. The standard is met with approximately 32% of Lot 1 landscaped. Since the newly create Lot #2 is vacant, no minimum standard for landscaping applies.

Parking/Circulation: The proposed subdivision includes modifications to the site so that Lot #1 will provide the required parking for the existing restaurant. A total of 34 spaces are to be provided where 32 spaces are required. The proposal indicates that two handicap accessible parking spaces, as required,

will be provided for the restaurant. Since there is no development or use of the newly created Lot #2, there is no required parking. Once a development or use is proposed for this lot, parking requirements will apply. The proposed lot line runs through the 26' drive aisle near the center of the site. A shared driveway easement will be established as previously noted.

Compliance with Development Standards/Guidelines: The proposed subdivision with improvements will meet all development standards. Additional Code standards will be required to be met for the newly created vacant when a development occurs.

Expected Impact on the Surroundings: There are no expected impacts to the surrounding residents or business owners resulting from this Parcel Map.

Fiscal Impact

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

Public Contact

Staff has not received any letters from the public related to this proposal.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 13 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 Web site • 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 • Posted on the City of Sunnyvale's Web site

Conclusion

Discussion: Through modifications to the parking configuration and a common ingress/egress easement, the subdivision enables all development standards to be met. Increased landscaping and relocation of the waste and recycling enclosure should help improve overall visual condition for the site. Additional bicycle parking is also proposed and required per VTA guidelines.

The City requires standard upgrades as part of the subdivision process including upgrading the driveways, curb and sidewalk along the street frontage to current City standards.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Parcel Map. Recommended Findings and General Plan Goals are located in Attachment A.

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

Alternatives

1. Approve the Parcel Map with attached conditions.
2. Approve the Parcel Map with modified conditions.
3. Deny the Parcel Map.

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig

Project Planner

Reviewed by:

Andrew Miner

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Parcel Map

Recommended Findings - Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (B.1-8), and recommends approval of the Tentative Map.

Recommended Conditions of Approval – Parcel Map

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. 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.
- B. The Parcel Map shall expire twenty-four months 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.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.

3. EASEMENTS AND DEDICATIONS

- A. All existing and proposed private and public easements shall be shown on the parcel map. Quitclaim deed is required for abandonment of private easements.
- B. Provide agreement documentation for shared easement ingress/egress access between two parcels.
- C. No permanent structures are allowed within any of the easement limits

4. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
 - B. Provide separate meter for domestic and irrigation water systems.
 - C. The landscape plan shall including street trees and shall be submitted and approved per the City Arborist.

- D. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- E. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- F. All areas not required for parking, driveways or structures shall be landscaped.

5. PARKING

- A. Specify number of parking areas on the plans. All such areas shall be clearly marked. Employees shall be required to park on the site.

6. BICYCLE PARKING

- A. Provide 1 Class I and 4 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines).

7. RECYCLING AND SOLID WASTE

- A. The recycling and solid waste enclosure shall be relocated to a location near the building, where parking spaces #9 and/or #10 are indicated on the submitted plans for this approval. The final location and design shall be subject to review through a separate Miscellaneous Plan Permit.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.

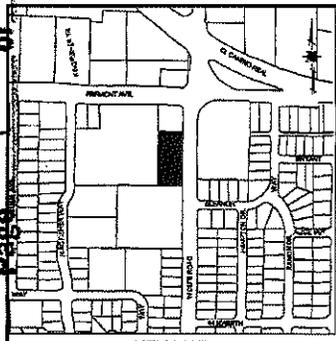
8. RIGHT-OF-WAY IMPROVEMENTS

- A. Remove existing driveways and replace them with new driveways according to the current City standards. It should be noted that the northerly driveway to be shared between the two lots must be redesigned to better accommodate the right-turn movement out of the project site.
- B. Remove and replace damaged sidewalk, curb and gutter along frontage of two lots.
- C. Obtain an encroachment permit from the Public Works Department/Engineering for all improvement in the public right-of-way.
- D. Obtain a Development Permit from the Department of Public Works for improvements.

9. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on the Parcel Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- B. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- C. Lot drainage shall be directed towards the public right-of-way and not across any property lines. Provide a grading plan that shows compliance with this requirement prior to recordation of the final map.
- D. This project requires written approval from the Santa Clara Valley Transportation Authority

ALL CONDIMNATIONS ARE LIMITED TO THE INFORMATION CONTAINED HEREIN. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED.



LEGEND

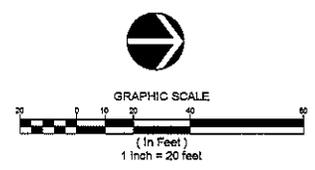
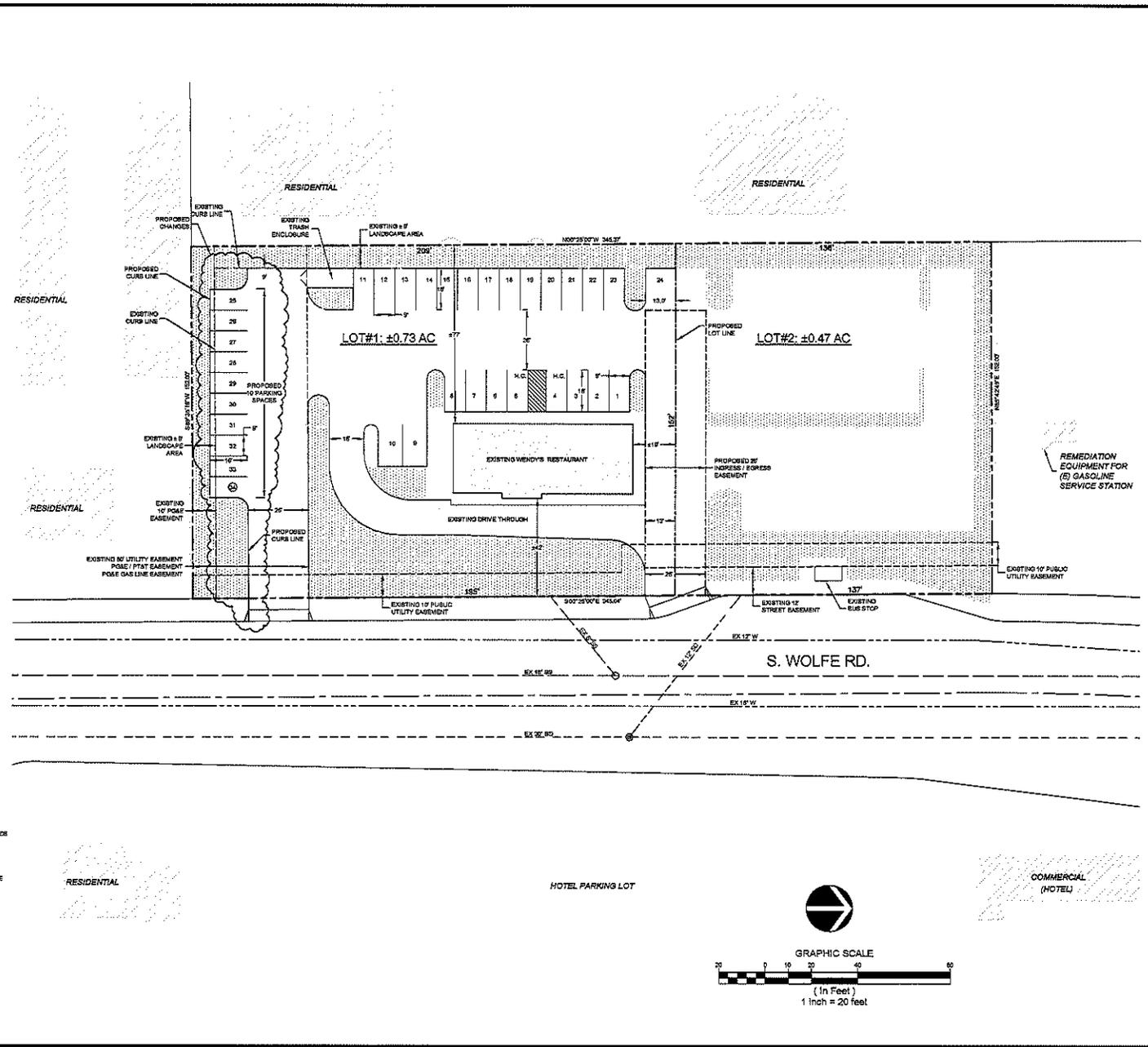
PROJECT BOUNDARY	---
PROPOSED LOT LINE	---
EXISTING EASEMENT	---
CENTER LINE	---
STORM DRAIN PIPE (EXISTING)	---
SANITARY SEWER PIPE (EXISTING)	---
WATER MAIN (EXISTING)	---
STORM DRAIN MANHOLE (EXISTING)	○
SANITARY SEWER MANHOLE (EXISTING)	○
EXISTING BUILDING ON SITE	▭
LANDSCAPE AREA	▨
ADJACENT BUILDINGS / STRUCTURES	▭
EXISTING TREE	○

* THE EXISTING WATER, STORM DRAIN AND SANITARY SEWER INFO SHOWN ON THIS MAP IS BASED ON THE MAP PROVIDED BY CITY OF SUNNYVALE.
 * RECORD BOUNDARY CREATED BY HMM ENGINEERS ON AUGUST 27, 2008 BASED ON THE TITLE REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY DATED AUGUST 19, 2008, ORDER# NCS080725-CC.

GENERAL NOTES

PROJECT NAME:	1313 S WOLFE RD, SUNNYVALE
OWNER:	DERMIDIO FAMILY ESTATE LIMITED PARTNERSHIP
SUBOWNER:	JEM RESTAURANT MANAGEMENT CORPORATION
ENGINEER:	HMH ENGINEERS 1570 OAKLAND ROAD SAN JOSE, CA 95131 STEVE DANHNER, LSN 9108
STREET LOCATION:	1313 S WOLFE RD, SUNNYVALE, CA 94087
EXISTING ZONING:	O1 / PD
EXISTING USE DESIGNATION:	COMMERCIAL NEIGH-BOURHOOD SHOP
EXISTING USE:	RESTAURANT / PARKING LOT
PROPOSED USE:	NO CHANGES ON THE LOTS
WATER SUPPLY:	CITY OF SUNNYVALE
SEWAGE DISPOSAL:	SUNNYVALE WATER POLLUTION CONTROL PLANT
ASSESSOR'S PARCEL #:	209-10-019
STREET TREES:	MAY CONFORM TO CITY OF SUNNYVALE STANDARDS
TOTAL SITE AREA:	± 1.20 ACRES
RAW DESIGNATOR:	± 0.00 ACRES
NET SITE AREA:	± 1.20 NET ACRES
PROPOSED LOTS:	1 LOT FOR RESTAURANT USE AND 1 LOT FOR FUTURE DEVELOPMENT
AVERAGE LOT SIZE:	± 0.60 ACRES
SIZE OF SMALLEST LOT:	± 0.43 ACRES

APPROVED NUMBERS OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE FULLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY.
 STREET LIGHTS WILL BE INSTALLED PER THE REQUIREMENTS OF THE CITY OF SUNNYVALE, DIRECTOR OF PUBLIC WORKS.
 THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF SUNNYVALE.



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TENTATIVE PARCEL MAP
TWO LOT SUBDIVISION AT
1313 S WOLFE RD
SUNNYVALE, CA 94087

NO.	DATE	DESCRIPTION
1	07/21/09	PROJECT NO.
2	07/21/09	CAD EWD FILE
3	07/21/09	DESIGNED BY
4	07/21/09	DRAWN BY
5	07/21/09	CHECKED BY
6	07/21/09	DATE
7	07/21/09	SCALE
8	07/21/09	BY

TENTATIVE PARCEL MAP

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OF 1