



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 28, 2009

SUBJECT: **2008-1296 – Super Burrito** [Applicant] **Regency Centers**
[Owner]: Application for a property located at **1671
Hollenbeck Avenue** (near W. Homestead Ave.) in a C-1/PD
(Neighborhood Business/Planned Development) Zoning
District.

Motion Special Development Permit (“SDP”) to allow beer and wine
service at an existing restaurant within an existing shopping
center (Loehmann's Plaza).

REPORT IN BRIEF

**Existing Site
Conditions** Existing Restaurant (Super Burrito) within existing
shopping center (Loehmann’s Plaza)

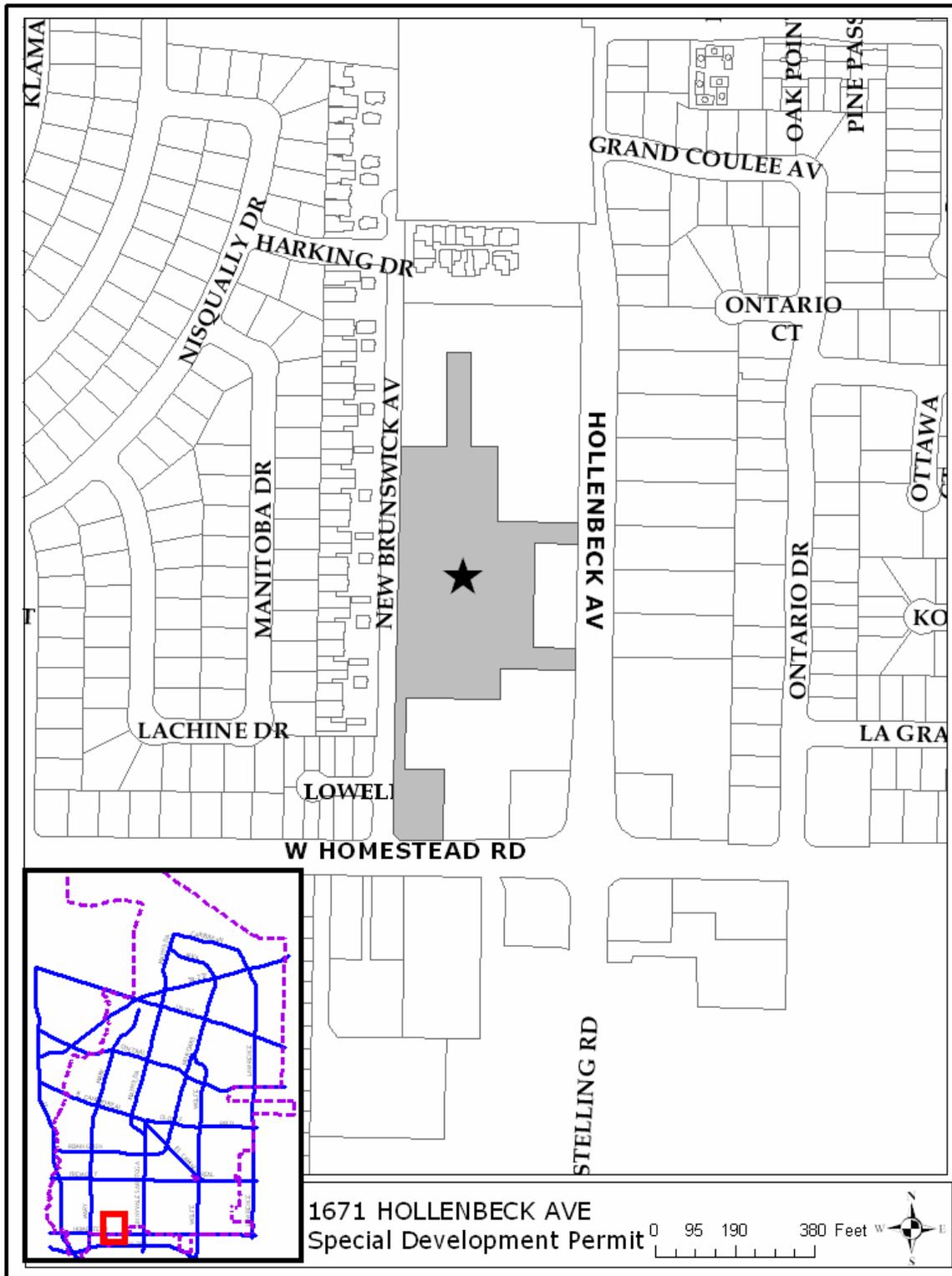
Surrounding Land Uses

North	Office
South	Commercial / Public facilities (across Homestead Rd.)
East	Multi-family residential (across Hollenbeck Ave.)
West	Single-family residential (across New Brunswick Ave.)

Issues Public safety
Compatibility of use

**Environmental
Status** A Class 1 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
General Plan	Commercial Neighborhood Shopping	Same	Commercial Neighborhood Shopping
Zoning District	C-1/PD	Same	C-1/PD
Lot Size (s.f.)	514,878 s.f. (Loehmann's Plaza)	Same	No min.
Gross Floor Area (s.f.)	146,473 s.f. (Loehmann's Plaza)	Same	No max.
Gross Floor Area of Tenant	1,400 s.f.	Same	No max.
Lot Coverage (%)	28.4%	Same	35% max.
Floor Area Ratio (FAR)	28.4%	Same	No max.
Parking (Whole Shopping Center)			
Total Spaces	816	Same	688 min.
Standard Spaces	801	Same	620 min.
Accessible Spaces	15	Same (existing condition)	Per California Building Code Requirements

ANALYSIS**Description of Proposed Project**

The application is for a Special Development Permit to allow the on-site sale and consumption of beer and wine at the Super Burrito (Attachment E), an existing restaurant within Loehmann's Plaza at 1671 Hollenbeck Avenue. No other change is being proposed at this time, such as outdoor seating, additional bar area or live entertainment. Beer and wine would be served with meals during the business hours of Monday through Saturday from 8 a.m. – 9 p.m., and Sunday 9 a.m. – 8 p.m.

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
2008-1296	Special Development Permit to allow beer and wine in a new restaurant (Wing Stop)	Staff/Approved	08/27/2008
2007-0995	Miscellaneous Plan Permit for a restaurant use within shopping center (Extreme Pita)	Staff/Approved	09/13/2007
2007-0661	Special Development Permit for a Women's Fitness Center within an existing shopping center	Staff/Approved	07/25/2007
2006-1139	Special Development Permit to move and expand an existing tutoring center in an existing shopping center	Staff/Approved	01/10/2007
1997-0381	Special Development Permit for a restaurant with indoor and outdoor seating within an existing shopping center	Staff/Approved	07/16/1997
1992-0349	Special Development Permit for the expansion of a Chinese restaurant	Staff/Approved	09/30/1992
1985-0389	Special Development Permit for a Chinese restaurant use within an existing shopping center	Staff/Approved	05/07/1985
1977-0376	Use Permit to allow liquor license associated with a cocktail lounge	Staff/Approved	06/13/1977

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include operation, permitting, leasing, or licensing at existing facilities.

Special Development Permit

Site Layout: The Loehmann's Plaza is comprised of five parcels with shared parking. The shopping center is bound by Homestead Road on the south side, by a separate parking lot on the north side, by New Brunswick Avenue on the west side and by Hollenbeck Avenue on the west side. There are three points of access from Hollenbeck Avenue and two points of access from Homestead Road. The main parking lot is along the east and south sides of the property. There are additional spaces on the west side of the property, which are mainly for employees. Driveways and parking areas are shared and the five parcels function as one shopping center.

The total land area of Loehmann's Plaza (five parcels) is approximately 12.4 acres. The shopping center consists of a total floor area of approximately 154,616 square feet. This includes a large commercial building with 36 tenants including larger tenants in four smaller detached commercial buildings. Major tenants include *Safeway*, *Longs Drug Store*, and *Loehmann's*. The subject business is an interior tenant space located at the southern end of the largest commercial building near Longs Drug Store (Attachment C).

Floor Plan: The dining area of the subject restaurant is located at the front of the tenant space in the eastern portion of the building. Six counter seats are located along the front window of the restaurant. Movable table seating to accommodate approximately 20 patrons is located near the front (eastern side) of the tenant space. The register and kitchen are located just beyond the dining area. The public restroom is located along the south wall beyond the dining area and the employee restroom is located along the south wall near the kitchen. Additional storage and food preparation is located in the back half of the building in the western portion of the tenant space. The only interior modifications proposed with this project are the addition of a cooler to contain the beer and wine for sale. The cooler will be located behind the register counter, and will be monitored by employees.

Parking/Circulation: The subject site has a total of 816 existing parking spaces, 15 of which meet ADA standards for accessibility. All of the remaining spaces are standard size. Sunnyvale Municipal Code ("SMC") Section 19.46.020(b) states that any one use occupying 10% or less of the total floor area shall be treated as through it were part of the major uses of the property. Because the total restaurant use is less than 10% of the total floor area of the shopping center, the parking ratio for shopping centers of 1 space per 225 square feet was used in assessing parking requirements. Based on this rate, the total amount of parking needed for the entire shopping center is 688 spaces, which shows that there is a significant parking surplus at Loehmann's Plaza. There do not appear to be any traffic or circulation issues on site. The surplus spaces could absorb any increase in parking demand caused by the

proposed use, although the SMC does not apply an additional parking rate to a restaurant if it sells beer and wine.

Public Safety: This application was referred to the Department of Public Safety (“DPS”) for comments. DPS has no concerns with the proposed addition of on-site beer and wine service so long as the subject business complies with the requirements of the Department of Alcoholic Beverage Control (“ABC”).

Compliance with Development Standards/Guidelines: The proposed project complies with all development standards and guidelines.

Expected Impact on the Surroundings: Staff believes that the proposed beer and wine service at the subject restaurant would not have a negative impact on the site or its surrounding uses. Beer and wine would be served only as an accompaniment to meals, not for off-site consumption. There is no live entertainment proposed with the beer and wine use. Another SDP would be required if the applicant were to propose live entertainment in conjunction with the restaurant and beer and wine service in the future.

Fiscal Impact

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

Public Contact

Staff has not received any public contact regarding this application.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 243 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 attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

Recommendation

Alternative 1

Prepared by:

Erin Haley

Project Planner

Reviewed by:

Gerri Caruso

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Site Photos
- E. Project Description from Applicant

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy C4.1 – Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

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

The proposed use would allow the subject restaurant to provide an additional service to patrons. Beer and wine service would be incidental to meal service, and no live entertainment is proposed. Staff believes that the proposed use would not negatively impact adjacent properties or significantly increase noise or traffic.

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. *(Finding met.)*

The project does not propose any expansion or modifications to the site, so no visual impact to the surrounding area is anticipated.

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. Project shall be in conformance with the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
- B. Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- 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. Should a cooler be used to store the beer and wine for sale, it shall be located behind the register counter, accessed only by appropriate employees, and monitored at all times the business is open.
- E. The hours of operation of the business shall be as follows:
 - Monday through Saturday 8 a.m. – 9 p.m.
 - Sunday 9 a.m. – 8 p.m.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain building permits, if required, for any proposed equipment installation or other building modifications.
- B. Obtain the appropriate license for on-site beer and wine service from the Department of Alcoholic Beverage Control (“ABC”) and comply with all ABC license requirements. Failure to comply with all ABC requirements is grounds for revoking this permit.
- C. Any proposed live entertainment use shall require approval of a Special Development Permit at a public hearing.
- D. Any proposed outdoor seating shall require approval of a Miscellaneous Plan Permit by the Director of Community Development.

- E. Any proposed signs are subject to the approved Master Sign Program for the shopping center.
- F. Comply with the conditions of all previously approved permits for the subject site.

3. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. Waste containers, including tallow bins and recycling bins, shall be stored with their lids closed.
- C. Waste containers shall be stored within enclosures with the enclosure gates closed. Containers shall not be placed in parking spaces or landscaped areas at any time.
- D. The property shall remain clean and free of debris and garbage.

Loehmann's Plaza

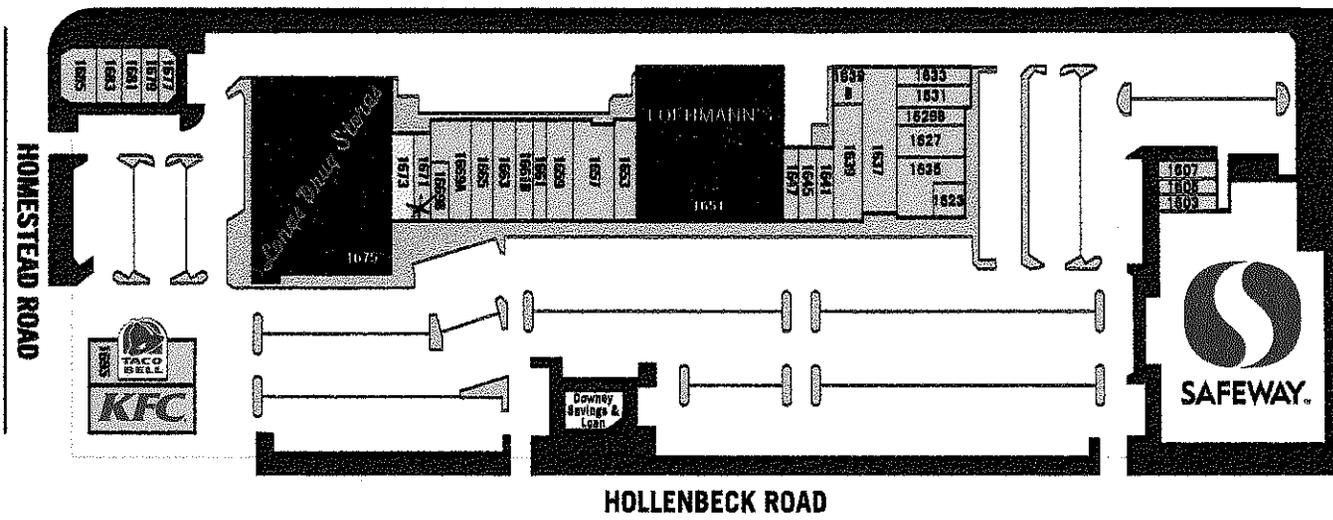
1603-1695 Hollenbeck Road
Sunnyvale, California 94087

regencycenters

CENTER SIZE
113,309 SQ. FT.

Available Anchor Leased
 N.A.P. (Not A Part)

New Brunswick



1603	Water Palace	1,000 SQ. FT.
1605	Fred's Watch Repair	1,000 SQ. FT.
1607	Mae's Cleaners	1,000 SQ. FT.
1623	Optivision	1,084 SQ. FT.
1627	Jin Mi	1,807 SQ. FT.
1629B	Nail Time	882 SQ. FT.
1631	Savoir Faire	1,459 SQ. FT.
1633	The Chiropractic Way	1,288 SQ. FT.
1635	The Friendly Dabba	2,756 SQ. FT.
1637	Draper's and Damons	4,480 SQ. FT.
1639	Gentle Dental	3,885 SQ. FT.
1639B	Rosecart of Sunnyvale Storage	1,317 SQ. FT.
1641	H & R Block	1,226 SQ. FT.
1648	Image USA Beauty Salon	1,272 SQ. FT.
1647	Bay Sushi	1,272 SQ. FT.
1651	Loehmann's	21,378 SQ. FT.
1653	Beauty Avenue Supply & Salon	2,285 SQ. FT.
1657	Blockbuster Video	3,566 SQ. FT.
1659	American Cancer Society	2,183 SQ. FT.
1661	Extreme Pita	1,800 SQ. FT.
1661B	Wing Stop	1,385 SQ. FT.
1663	Round Table Pizza	2,530 SQ. FT.
1665	Terry's Cleaners	2,040 SQ. FT.
1669A	Kumon Math & Reading Center	3,000 SQ. FT.
1669B	Modi's Business Center	1,005 SQ. FT.
1671	Burrito Factory	1,400 SQ. FT. *
1673	Available	2,272 SQ. FT.
1675	Longs Drug Store	36,876 SQ. FT.
1677	Golden Wok	827 SQ. FT.
1679	Rose Cart of Sunnyvale	805 SQ. FT.
1681	House of Bagels	1,247 SQ. FT.
1683	Togo's	1,247 SQ. FT.
1685	Starbucks	1,754 SQ. FT.
1695	KFC/Taco Bell	
SAFEW	Safeway	
SAVE	Downey Savings & Loan Assoc.	

This site plan is not a representation, warranty or guarantee as to size, location, identity of any tenant, the suite number, address or any other physical indicator or parameter of the property and for use as approximated information only. The Improvements are subject to changes, additions, and deletions as the architect, landlord, or any governmental agency may direct or determine in their absolute discretion.

Walnut Creek Office
925.279.1800 800.797.7348
regencycenters.com

developing owning operating

QUALITY SHOPPING CENTERS

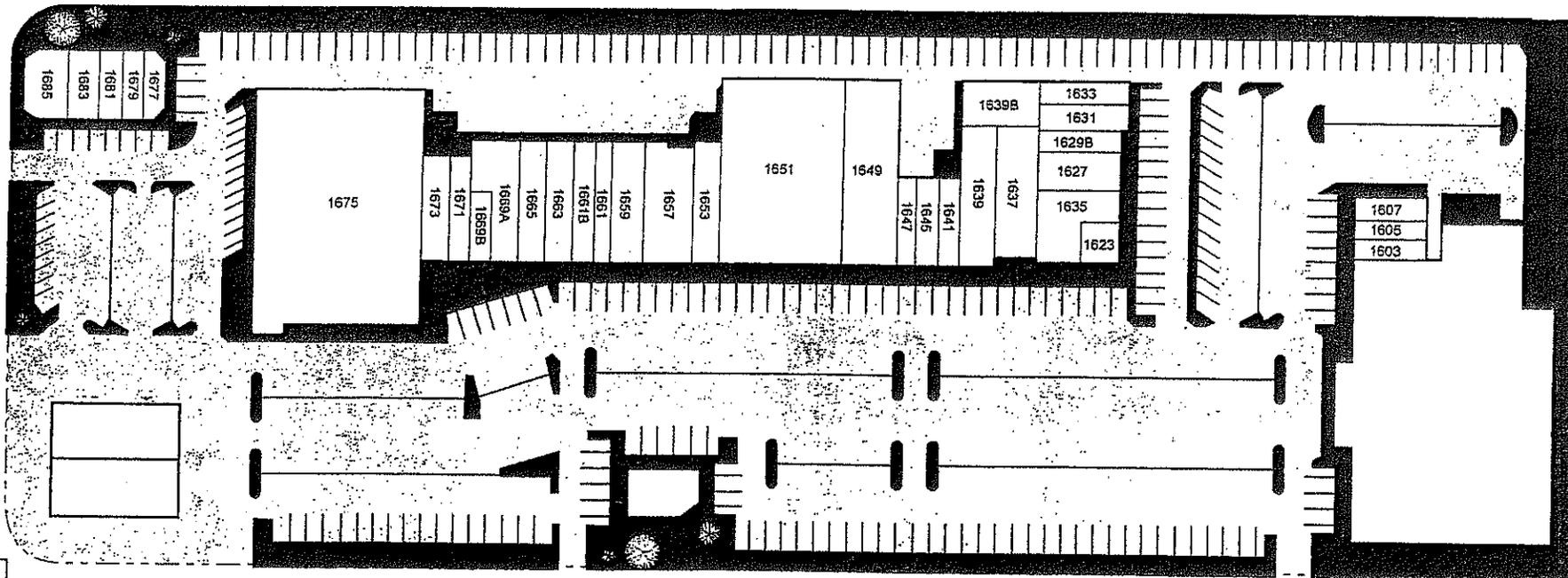
**LOEHMANN'S
 PLAZA**
 Sunnyvale, California

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 Walnut Creek, CA 94596
 (925) 935-5900



HOMESTEAD ROAD



HOLLENBECK ROAD

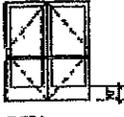
EXHIBIT B

01

INITIAL HERE	
S.C.C.	
A.B.	

NO.	TYPE	SYMBOL	NOTE	CLASS	REV.	DATE	BY	CHKD.
1	1							
2	2							
3	3							

DOOR TYPES



TYPE A - STOREFRONT

TYPE B - FLUSH

FINISH SCHEDULE

NO.	ITEM	DESCRIPTION
1	Painted Dry-A	Painted Dry-A
2	Painted Dry-B	Painted Dry-B
3	Painted Dry-C	Painted Dry-C

GENERAL NOTES

- The Contractor shall verify the accuracy of the finish schedule and make any necessary changes before the start of construction.
- Materials shall be of the highest quality and meet the requirements of the schedule.
- Work shall be completed in accordance with the schedule and specifications.

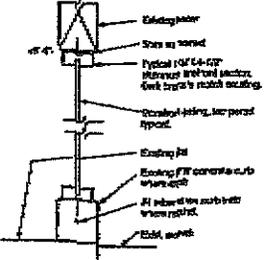
FINISH SCHEDULE

NO.	DESCRIPTION
1	Interior Walls: 1/2" Gypsum Board, Joint Compound, Sandpaper, Prime Coat, Two Coats of Flat Enamel Paint.
2	Interior Ceilings: 5/8" Acoustic Tile, Grid, Joint Compound, Sandpaper, Prime Coat, Two Coats of Flat Enamel Paint.
3	Interior Floors: 1/2" Plywood Subfloor, 3/4" Hardwood Floor, Sandpaper, Prime Coat, Two Coats of Flat Enamel Paint.
4	Exterior Walls: 8" Concrete Block, Mortar, Stucco, Prime Coat, Two Coats of Flat Enamel Paint.
5	Exterior Ceilings: 5/8" Acoustic Tile, Grid, Joint Compound, Sandpaper, Prime Coat, Two Coats of Flat Enamel Paint.
6	Exterior Floors: 4" Concrete Slab, Rebar, Formwork, Prime Coat, Two Coats of Flat Enamel Paint.

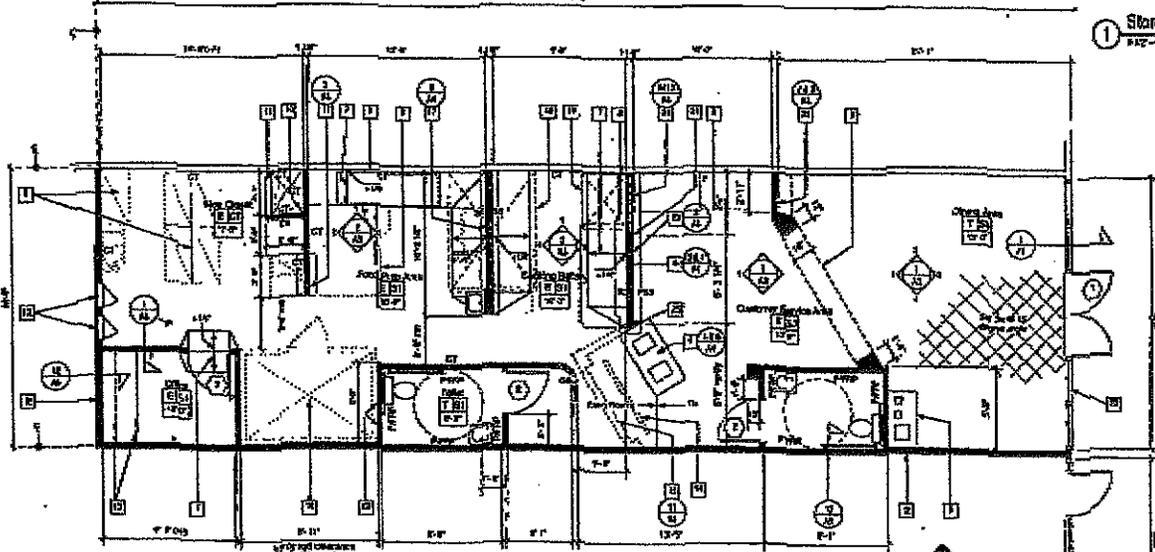
FLOOR PLAN KEYNOTES

- Verify all dimensions and locations of doors, windows, and fixtures before construction.
- Check all elevations and finishes before construction.
- Verify all materials and finishes before construction.
- Check all workmanship and quality before construction.
- Verify all safety and security requirements before construction.
- Check all accessibility requirements before construction.
- Verify all fire and life safety requirements before construction.
- Check all energy efficiency requirements before construction.
- Verify all environmental requirements before construction.
- Check all historical and cultural requirements before construction.
- Verify all other special requirements before construction.

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 Plans shown have been checked by High Tech Burrito Corporation. The Contractor shall verify the accuracy of the plans and make any necessary changes before construction. The Contractor shall be responsible for the accuracy of the work shown on the plans. The Contractor shall be responsible for the accuracy of the materials and workmanship shown on the plans. The Contractor shall be responsible for the accuracy of the safety and security requirements shown on the plans. The Contractor shall be responsible for the accuracy of the accessibility requirements shown on the plans. The Contractor shall be responsible for the accuracy of the fire and life safety requirements shown on the plans. The Contractor shall be responsible for the accuracy of the energy efficiency requirements shown on the plans. The Contractor shall be responsible for the accuracy of the environmental requirements shown on the plans. The Contractor shall be responsible for the accuracy of the historical and cultural requirements shown on the plans. The Contractor shall be responsible for the accuracy of all other special requirements shown on the plans.



Storefront Section



FLOOR PLAN

High Tech Burrito

1671 Hollister
Loomis Plaza
Sunnyvale, California

FORSHUR-GUTH-ORLE

Planning - Architecture - Construction
 1400 California Street
 San Francisco, CA 94109
 Tel: 415.774.1111

Site Plan

Date: November 1, 2007 Checked: GLE
 Drawn: GLE Sheet:
 Scale: 1/8" = 1'-0"
 Project:
 A1

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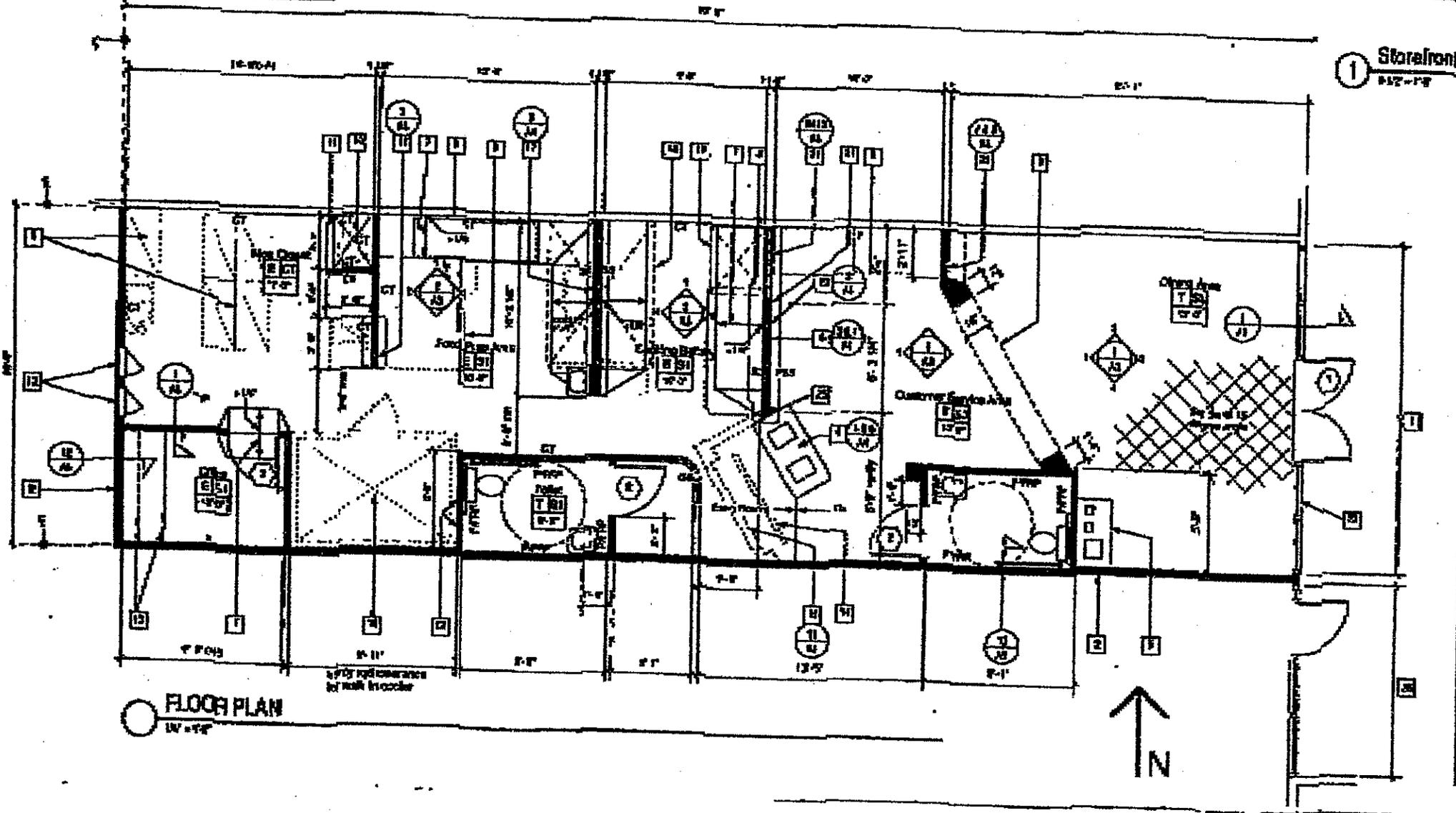
... to include and design of all utility services, including
 systems, and all from finished, shown, etc. shall remain in
 place.

Contractor shall provide all necessary drawings and site
 maps 4-11 page based on final location of the items proposed in
 the actual course of the construction, including, but not limited to,
 if they are not already indicated.

Contractor shall mark and install all overhead, under, and in
 place openings which would allow the ingress of water from the
 interior of the space, or through the walls. Marking the space
 from the adjacent floor or area.

Contractor shall include the utility and structure into a system
 that is not already installed. Marking shall not be installed during
 the life of the project or the life.

ATTACHMENT C
 Page 4 of 4



1 Storefront S
 10'-0" x 10'-0"

FLOOR PLAN
 10'-0" x 10'-0"













Project Description

Applying for Beer/Wine License at

Super Burrito
1671 Hollenbeck Ave
Sunnyvale CA 94087

Mexican Restaurant

Dine in/Food to go

Seats: 36

Total # of employees: 5

Serving: Breakfast, Lunch and Dinner

Business hours: Monday – Saturday 8am-9pm, Sunday 9am-8pm

W/1 restroom for employees and 1 public restroom for customers only