



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

September 15, 2010

**File Number:** 2010-7549

**Permit Type:** Parcel Map

**Location:** 955 Stewart Dr. (near De Guigne Dr.) (205-22-014)

**Applicant/Owner:** Pulte Homes / Carr Crhp Ca Props LLC

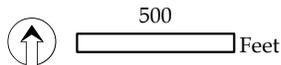
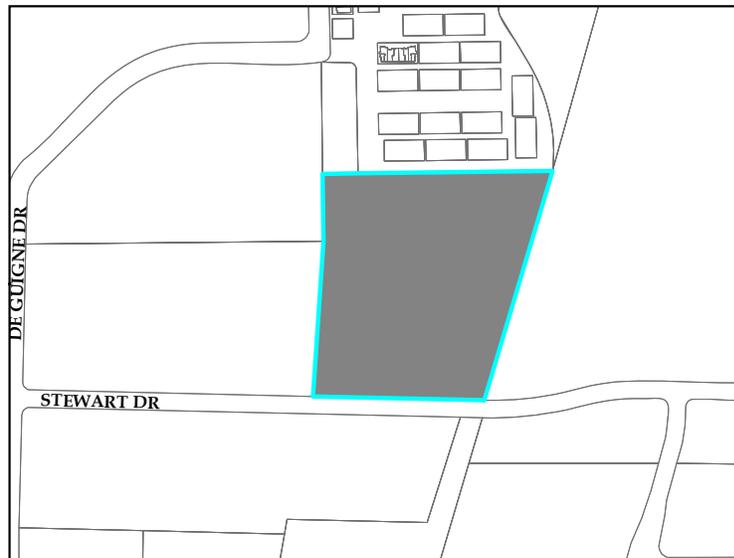
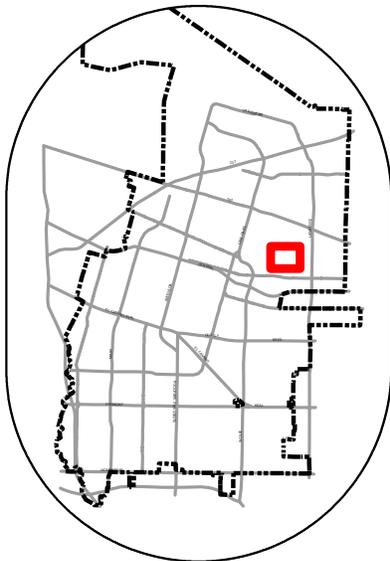
**Staff Contact:** Shaunn Mendrin, Senior Planner, (408) 730-7429

**Project Description:** To subdivide one lot into three lots within an existing industrial area.

**Reason for Permit:** A Parcel Map is required for the subdivision of the existing lot into three parcels.

**Issues:** None

**Recommendation:** Approve with Conditions



**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Industrial to Residential, Medium Density	No Change
Zoning District:	Industrial Service	No Change
Total Sq. Bldg Ft. on Site:	160, 530 sf	Lot 1: 20,410 sf Lot 2: 19,676 sf Lot 3: 120,444 sf
Lot Square Footage		Lot 1: 87,188 sf Lot 2: 84,843sf Lot 3: 286,272 sf
Lot Width	551.69'	Lot 1: 211' Lot 2: 299' Lot 3: 721' (Indian Wells)
Front Setback	65'	Lot 1: 128' Lot 2: 140' Lot 3: 60' (Indian Wells)
Side Setback (Right)	40'	Lot 1: 40' Lot 2: 82' Lot 3: 80'
Side Setback (Left)	48'	Lot 1: 100' Lot 2: 13' Lot 3: 62'
Rear Setback	60'	Lot 1: 28' Lot 2: 21' Lot 3: 3.7'
Parking:	644 spaces	Lot 1: 82 spaces Lot 2: 129 spaces Lot 3: 482 spaces

Previous Planning Projects related to Subject Application 1997-0541 Design Permit to allow the construction of the three two story structures located at the rear of the property.	<b>Yes</b>
Neighborhood Preservation Complaints.	<b>No</b>
Deviations from Standard Zoning Requirements.	<b>No</b>

**Parcel Map:** The existing parcel is 10.57 acres and has two one story buildings located along Stewart Drive and three two story structures located at the rear of the property. The three lot subdivision is for financial purposes to allow portions of the parcel to be sold separately for redevelopment. The proposed lot will conform with the lot area and width requirements set forth in the Zoning Code. All lots have a blanket easement allowing ingress/egress, emergency

vehicle access, parking, private utilities and surface drainage. The existing structures located on the lots will comply with required setbacks. Staff has included a condition requiring the following to ensure compliance with Zoning Code regulations:

1. Submittal of a Miscellaneous Plan Permit (MPP) requiring the following changes if modifications to any of the structure or changes of use occur:
  - Lot 2 shall convert existing parking (to be determined) to landscaped area, since the parking provided exceeds the maximum allowed. The actual amount will vary depending on the amount of parking shared between lots 2 and 3.
  - All lots shall be modified to ensure that separate trash enclosures and landscape irrigation are provided.
2. Lot 3 shall be required to remove floor area to bring the site FAR down to 35% far within 6 months of recordation of the Final Map.

The property owner has been informed of the MPP requirement. It is anticipated that Lots 2 and 3 will be sold separately and redeveloped with residential uses. The exact timing of this will be determined at a later date. The imposed condition will ensure the functionality of the three sites should redevelopment not occur.

**Public Contact:** 28 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

**Environmental Determination:** A Categorical Exemption Class 15 (minor land divisions) relieves this project from CEQA provisions in that the project will result in three lots located in an area zoned for the existing uses and all services are currently provided.

## **FINDINGS**

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In order to approve the Parcel Map the following findings must be made:

1. *That the subdivision is not consistent with the General Plan.*

The General Plan designation for the subject site is Industrial Service with a Industrial to Residential combining district. The proposed map will result in three individual parcels which will maintain the existing uses consistent with the General Plan.

2. *That the design or improvement of the proposed subdivision is not consistent with the General Plan.*

The proposed parcel map will not result in any physical changes to the property and therefore it will remain consistent with the General Plan. A condition of approval requiring the submittal of a Miscellaneous Plan Permit (MPP) will be required for any change of use or alterations to the existing structures. The MPP will require modifications in parking, separation of landscape irrigation and trash receptacles, and the submittal of a Use Permit for lot 3 to address the Floor Area Ratio. Until any changes occur, the parcels will function in a similar manner.

3. *That the site is not physically suitable for the proposed type of development.*

The site is currently developed with industrial uses and no changes to the site will occur as part of this subdivision. Therefore, the site is suitable for this type of development.

4. *That the site is not physically suitable for the proposed density of development.*

The existing site was developed within the allowable Floor Area Ratios (FAR) for the site. The resulting parcel map will result in one lot with a higher FAR Floor Area Ratio and a condition requiring the submittal of a Use Permit application for any changes in use or the structure has been added to the approval. The site will operate at the density that it was originally approved at and any changes will require submittal of a new permit.

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.*

The proposed project does not include any physical alterations to the site, nor does it alter land use limitations such as General Plan designation and Zoning standards. As a result, the proposed subdivision does not have the potential to cause environmental damage, nor to 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.*

The proposed project does not include any change to the existing uses on the site, nor does it alter land use limitations such as General Plan designation and Zoning standards. As a result, the proposed subdivision does not have the potential to cause 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.*

Existing Parcel Maps for the site do not indicate any easements conflicting with 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.*

The proposed subdivision meets all requirements and conditions and staff has determined the proposed subdivision is in compliance with the Subdivision Map Act and the Sunnyvale Municipal Code.

### **ALTERNATIVES:**

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1. Approve the Parcel Map with recommended Conditions in Attachment A.
2. Approve the Parcel Map with modifications.
3. Deny the Parcel Map.

### **RECOMMENDATION**

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Alternative 1. Approve the Parcel Map with recommended Conditions in Attachment A.

Reviewed by:

**Steve Lynch**

Senior Planner

Prepared By: Shaunn Mendrin, Senior Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Tentative Parcel Map

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
Planning Application 2010-7549  
Parcel Map**

Parcel Map to subdivide the existing single parcel into three lots.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

**THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

1. CONFORMANCE WITH APPROVED PLANNING APPLICATION – All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
  
2. PERMIT EXPIRATION (Ordinance 2895-09) - The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void. [SDR] (PLANNING)

3. MAP REQUIRED – This project is subject to, and contingent upon, the recordation of a Final Parcel Map. The submittal, approval and recordation of the Final Parcel Map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Pay all required fees for Final Parcel Map review and recordation. [SDR] (PUBLIC WORKS)
4. MISCELLANEOUS PLAN PERMIT (MPP) – A MPP and appropriate fees shall be required to be submitted and shall be subject to review by the Director of Community Development prior to any modifications to any of the structure or changes of use. The MPP shall address the following items:
  - a) Lot 2 shall convert existing parking (to be determined) to landscaped area, since the parking provided exceeds the maximum allowed. The actual amount will vary depending on the amount of parking shared between lots 2 and 3.
  - b) All lots shall be modified to ensure that separate trash enclosures and landscape irrigation are provided. [COA] [PLANNING]

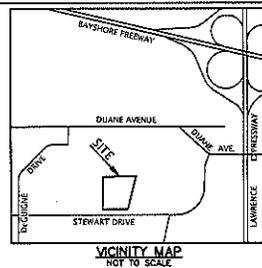
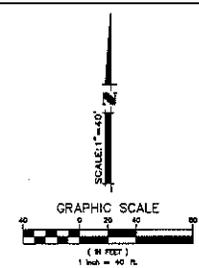
**THE FOLLOWING SHALL BE ADDRESSED ON THE MAP SUBMITTED FOR PUBLIC WORKS REVIEW AND SHALL BE MET PRIOR TO THE RECORDATION OF THE FINAL MAP(S).**

5. WATER METERS – Upgrade all on-site water meters to radio-read disk-type meters, 1” minimum. Larger meter size may be required by the Fire Protection Engineer if fire sprinklers are required. [COA] (PUBLIC WORKS)
6. SEWER CLEANOUT – provide a separate sewer cleanout for the property shown as Lot 2 on the approved Tentative Parcel Map. The sewer cleanout shall be in conformance with current City standard details. [COA] (PUBLIC WORKS)
7. LOT DRAINAGE – The subdivision shall not cause lot drainage to cross any property line, nor shall it have any negative impact on the drainage pattern for the subject site or adjacent properties. Provide grading details to confirm the drainage requirements are met. [COA] (PUBLIC WORKS)
8. UTILITIES – The map submitted for Final Parcel Map review shall show the location of any overhead or underground utilities on the existing and

proposed lots. Overhead and/or underground utilities shall not cross any property line. [COA] (PUBLIC WORKS)

**THE FOLLOWING SHALL BE ADDRESSED WITHIN 6 MONTHS OF RECORDATION OF THE FINAL MAP.**

9. LOT 3 BUILDING FAR CORRECTION – Within 6 months of recordation of the Final Map, the building are square footage shall be adjusted, removing enough building area to bring the FAR to 35%. This would be approximately 100,000 square feet. The property owner shall obtain the appropriate building permit for the demolition work. Completion shall be upon final inspection by the Building Division and must occur by the 6<sup>th</sup> month. [COA] (PUBLIC WORKS)



**EASEMENT NOTE**

A BLANKET TEMPORARY NON-EXCLUSIVE EASEMENT WILL BE RECORDED OVER PARCELS TWO AND THREE FOR THE BENEFIT OF PARCEL ONE AND OVER PARCELS ONE AND THREE FOR THE BENEFIT OF PARCEL TWO AND OVER PARCELS ONE AND TWO FOR THE BENEFIT OF PARCEL THREE.

THE PURPOSE OF THIS EASEMENT IS FOR INGRESS, EGRESS, EMERGENCY VEHICLE ACCESS, PARKING, PRIVATE UTILITIES AND SURFACE DRAINAGE.

THE EXISTING BUILDINGS LOCATED AT 965, 966, 975, 985 AND 995 STEWART DRIVE ARE EXCEPTED FROM THIS EASEMENT.

THIS EASEMENT WILL TERMINATE UPON THE RE-SUBDIVISION OF PARCELS ONE, TWO OR THREE.

**SITE REQUIREMENTS**

PARKING RATIO REQUIRED: 1 STALL / 250 S.F.  
 MAXIMUM FLOOR AREA RATIO (FAR) PERMITTED: 35%  
 MAXIMUM LOT COVERAGE PERMITTED: 45%

**EXISTING SITE TOTALS**

LOT AREA: 458,303 S.F.  
 BUILDING SQUARE FOOTAGE: 160,530 S.F.  
 1ST FLOOR SQUARE FOOTAGE: 100,308 S.F.  
 PARKING REQUIRED: 643 STALLS  
 PARKING PROVIDED: 644 STALLS  
 FAR: 35%  
 LOT COVERAGE: 22%

**PARCEL ONE**

LOT AREA: 87,188 S.F.  
 BUILDING SQUARE FOOTAGE: 20,410 S.F.  
 1ST FLOOR SQUARE FOOTAGE: 20,410 S.F.  
 PARKING REQUIRED: 82 STALLS  
 PARKING PROVIDED: 82 STALLS  
 FAR: 23%  
 LOT COVERAGE: 23%

**PARCEL TWO**

LOT AREA: 84,643 S.F.  
 BUILDING SQUARE FOOTAGE: 19,676 S.F.  
 1ST FLOOR SQUARE FOOTAGE: 19,676 S.F.  
 PARKING REQUIRED: 78 STALLS  
 PARKING PROVIDED: 129 STALLS  
 FAR: 23%  
 LOT COVERAGE: 23%

**PARCEL THREE**

LOT AREA: 286,272 S.F.  
 BUILDING SQUARE FOOTAGE: 120,444 S.F.  
 1ST FLOOR SQUARE FOOTAGE: 60,222 S.F.  
 PARKING REQUIRED: 482 STALLS  
 PARKING PROVIDED: 433 STALLS  
 FAR: 42%  
 LOT COVERAGE: 21%

**LEGEND**

- BOUNDARY LINE
- EXISTING LOT LINE
- NEW LOT LINE
- CENTER LINE
- EASEMENT LINE
- CITY SURVEY MONUMENT
- FOUND MONUMENT

**NOTES**

- OWNER: PULTE HOMES  
 6210 Stoneridge Mall Road, 5th Floor  
 Pleasanton, California 94588  
 P: (925) 249-3200  
 F: (925) 485-0291
- DEVELOPER: PULTE HOMES  
 6210 Stoneridge Mall Road, 5th Floor  
 Pleasanton, California 94588  
 P: (925) 249-3200  
 F: (925) 485-0291
- ENGINEER: CIVIL ENGINEERING ASSOCIATES, INC.  
 2550 NORTH FIRST STREET, SUITE 290  
 SAN JOSE, CALIFORNIA 95131  
 P: (408) 435-1066
- EXISTING ZONING: MS-TR R3 (MS - INDUSTRIAL AND SERVICE) (TR R3 - INDUSTRIAL TO RESIDENTIAL (MEDIUM))
  - PROPOSED ZONING: MS & R3 (MS - INDUSTRIAL AND SERVICE) (R3 - MEDIUM DENSITY RESIDENTIAL)
  - PROPOSED USE: 155 SINGLE FAMILY ATTACHED RESIDENTIAL CONDOMINIUM UNITS AND INDUSTRIAL BUILDING
  - FLOOD ZONE DESIGNATION: "X", AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.
  - ASSESSORS PARCEL NUMBER: 205-22-014
  - 2 KNOWN WELLS ON SITE
  - STORM SEWER TO BE PROVIDED BY CITY OF SUNNYVALE
  - WATER TO BE PROVIDED BY CITY OF SUNNYVALE
  - SANITARY SEWER TO BE PROVIDED BY CITY OF SUNNYVALE
  - FIRE PROTECTION IS TO BE PROVIDED BY CITY OF SUNNYVALE
  - GAS AND ELECTRIC IS TO BE PROVIDED BY PG&E
  - NUMBER OF LOTS: 3
  - TOTAL AREA: 10.52 ACRES GROSS

# TENTATIVE PARCEL MAP STEWART DRIVE

DATE	JULY 20, 10
SCALE	1"=40'
DESIGNED	P.M.
DRAWN	C.H.
JOB NO.	10-112
SHEET	1
OF	1

PREPARED FOR:  
**TENTATIVE PARCEL MAP  
STEWART DRIVE**  
 CALIFORNIA

Civil Engineering Associates  
 Civil Engineers - Planners - Surveyors

4610 Stoneridge Mall Road, 5th Floor  
 Pleasanton, CA 94588  
 Phone: 925.249.3200 Fax: 925.485.0291

PREPARED FOR:  
**Pulte Homes**  
 CALIFORNIA

DATE: JULY 20, 10  
 SCALE: 1"=40'  
 DESIGNED: P.M.  
 DRAWN: C.H.  
 JOB NO.: 10-112  
 SHEET: 1  
 OF 1 SHEETS