



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

October 13, 2010

**File Number:** 2010-7623      **Permit Type:** Special Development Permit

**Location:** 840 E. El Camino Real (near Maria Ln.) (APN: 211-25-030)

**Applicant/Owner:** Ocean Motors / Anthony Di Tommaso Life Estate

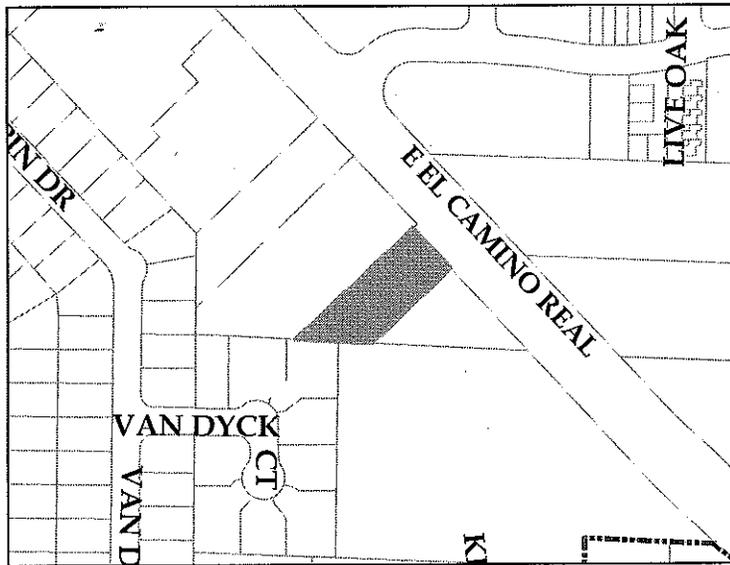
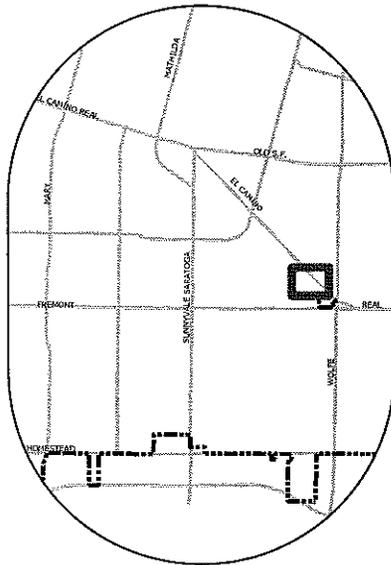
**Staff Contact:** Ryan Kuchenig, Associate Planner, (408) 730-7431

**Project Description:** Special Development Permit to allow an auto sales use within an existing multi-tenant commercial building.

**Reason for Permit:** A Special Development Permit is required for new automobile dealers in the C-2/ECR Zoning District.

**Issues:** Landscaping, Parking Lot Striping

**Recommendation:** Approve with Conditions



500

Feet

**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Commercial General Business	Same
Zoning District:	C-2/ECR	C-2/ECR
Total Sq. Ft. on Site:	3,150	Same
Tenant Sq. Ft.:	2,000	Same
Parking:	60	Same
Landscaping:	3,075	Same

<b>Previous Planning Projects related to Subject Application:</b> A Variance was approved in 1964 that permitted the reduced two way drive aisle along the northwest side of the building that connects to the rear parking lot. The car rental use was established through a Use Permit in 1986. Various landscaping modifications and sign permits have been approved at the site over the past several years.	<b>Yes</b>
<b>Deviations from Standard Zoning Requirements:</b> The site currently does not meet landscaping requirements (12.4% where 20% is required or tree shading standards for parking areas.	<b>Yes</b>

**Use Description:** The proposed use is for a used auto sales within a multi-tenant commercial building. The 2,000 square foot area would be composed of three offices that are subleased by three used car dealers. The remaining 1,150 square feet is occupied by an existing acupuncture medical office on the second floor. The site was previous occupied as a car rental business and is currently vacant. Automobile sales uses required a Special Development Permit in the C-2/ECR (Highway Business/El Camino Real Precise Plan).

**Hours of Operation:** The application notes that the business would be open daily from 9am to 9pm. To limit possible impacts to neighboring residential uses, staff has required that the business not exceed the hours of 8am to 10pm daily and that deliveries be limited to 7am to 10pm Monday through Saturday, per Conditions of Approval #12 & #13. Proposed expansion of such hours will require a separate Special Development Permit and public hearing.

**Employees / Customers:** The applicant specifies that a maximum of eight employees would be on-site. The applicant also expects a maximum of five to seven customers to be on-site at any given time.

**Site Plan:** The mid-block commercial lot contains a building that is located closer to El Camino Real than to residentially adjacent lots to the south and west. Parking is located in front and back of the building. A two-way driveway

at the front of the property enables access from El Camino Real. The site shares a drive aisle easement with the restaurant (Crazy Buffet) property to the west (See Site Plan on page of Attachment B for more detail). A trash and recycling enclosure lies within the rear parking lot adjacent to the east property line. Staff has included conditions of approval that required the enclosure to be maintained and that trash/recycling bins are kept inside the enclosure.

**Floor Plan:** The floor plan would be mostly unchanged from its current layout. The floor plan (Page 2 of Attachment B) indicates six office areas, a lobby, kitchen and restroom. Three offices would be occupied by automobile sales uses with additional vacant office area available for future tenants.

**Exterior Changes:** There are no modifications proposed to the exterior of the building as part of this permit application. Signs for the proposed businesses will require approval of a separate building permit and are subject to the specifications of the Master Sign Program that is already established for the site (Condition of Approval #15).

**Parking:** The site plan indicates a total of 60 parking spaces (10 in front of the building and 50 spaces in the rear parking lot). Based on the automobile sales rate of 1 space per 180 square feet and 1 space per 200 square feet for medical office uses, the site is required to provide 18 spaces for existing and proposed uses. The site plan indicates 10 spaces in front of the building and five spaces adjacent to the building at the back for customer and employee parking. The remaining spaces would be potentially available for vehicle inventory. Per Condition of Approval #4a, an additional three spaces (for a total of 18) shall be available for customers and/or employees.

One handicap accessible space is required based on the allotted customer/employee parking spaces. Due to the condition of the lot, staff is requiring re-stripping of the parking area to clearly delineate parking spaces and drive aisles, per Condition of Approval #5. Additional parking maintenance is required per Condition of Approval #6.

Per VTA guidelines, one Class I bicycle space per 30 employees is required. Condition of Approval #7 requires 1 bicycle locker be provided for employees.

**Landscaping:** The site has approximately 3,075 square feet of landscaping which is approximately 12.4% of the site. Most of the on-site landscaping lies along the perimeter and adjacent to the building. In addition, the site does not meet shading requirements; although, parking area devoted to inventory for auto dealer uses is not required to be shaded. The site has limited opportunity for additional landscaping. The current landscaping is in fair to good condition. Staff has included Conditions of Approval to ensure that adequate maintenance of landscaping occurs.

**Public Contact:** 19 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practice. No letters were received.

**Environmental Determination:** A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

## **FINDINGS**

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In order to approve the Special Development Permit the following findings must be made:

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

The project is consistent with the policies and objectives for land uses in the General Plan. The proposal meets most development standards for the C-2 Zoning District and guidelines of the El Camino Real Precise Plan. Conditions of Approval require site improvements and ensure compatibility to neighboring properties. An auto dealership along El Camino Real is considered an encouraged use and would be a valued resource to the community and potentially a source of revenue to the City. **Staff was able to make the finding as the use meets the objectives and purposes of the General Plan and specifically the intent of the El Camino Real Precise Plan.**

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.*

The project is expected to have a little or no impacts on surrounding properties. The site is mostly vacant and could be better maintained. The proposed project will allow new tenants to operate on an underutilized site and make needed improvements that will have a beneficial impact to the site and surrounding area. Conditions of approval regarding lighting and noise further ensure that the proposed uses will limit impacts to adjacent residential uses. **Staff was able to make this finding for the project with the attached conditions.**

**ALTERNATIVES:**

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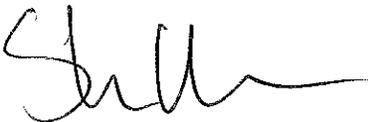
1. Approve the Special Development Permit with recommended Conditions in Attachment A.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

**RECOMMENDATION**

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Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment A.

Reviewed by:

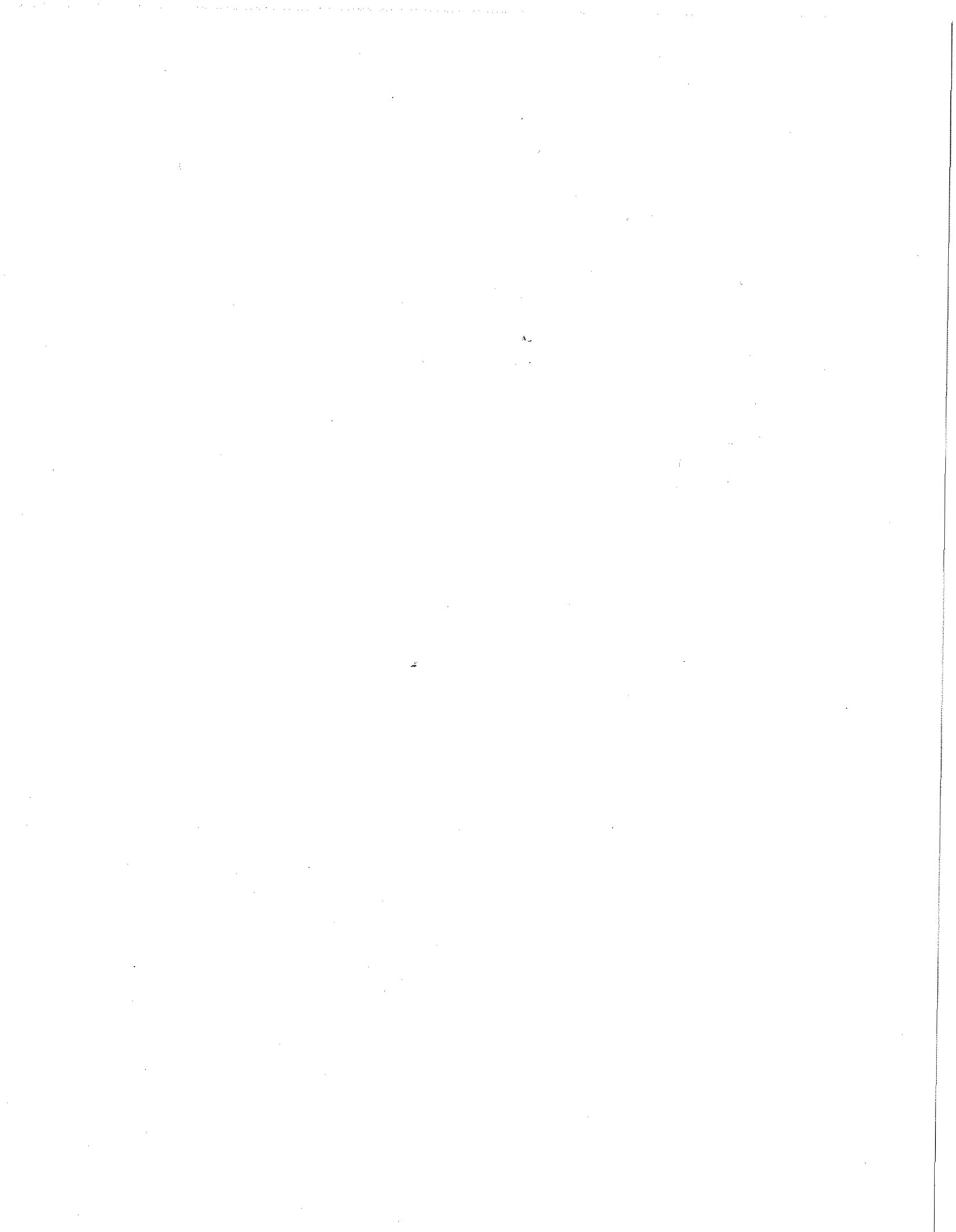


Shaunn Mendrin  
Senior Planner

Prepared By: Ryan Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Floor Plans
- C. Project Description from the Applicant



**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS**

**Planning Application 2010-7623**

**Special Development Permit** to allow vehicle auto sales within a multi-tenant commercial building

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:

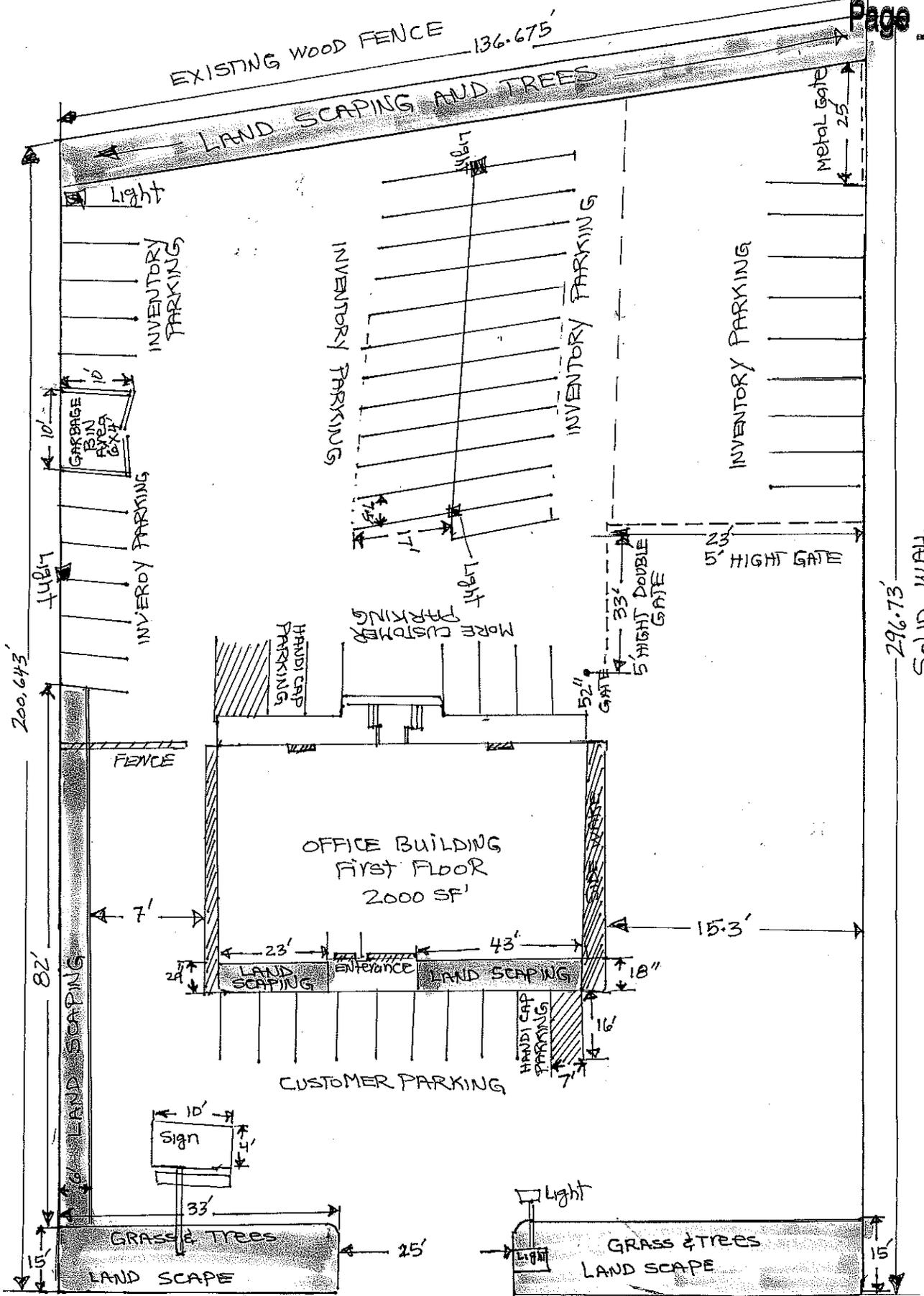
**THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

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. USE EXPIRATION - The approved Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

3. PERMIT EXPIRATION IF NOT EXERCISED (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)
4. REQUIRED REVISIONS TO PROJECT PLANS - The site plan shall be revised to incorporate the following design modifications [COA] [PLANNING]:
  - a) The site plan shall be redesigned to indicate an additional 3 spaces at a minimum (for a total of 18) for customers/employees.
  - b) One handicap accessible parking shall be designated on the plans and shall be located adjacent to the front entrance of the building.
5. PARKING LOT STRIPING - The parking lot shall be striped as per the approved plans and Public Works standards. [COA] (PLANNING/ENGINEERING)
6. PARKING LOT MAINTENANCE - The parking lot shall be maintained in accordance with the approved plans and as follows:
  - a) Clearly mark all employee, customer, and compact spaces. This shall be specified and completed prior to occupancy.
  - b) Maintain all parking lot striping and marking.
  - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
  - d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
7. BICYCLE SPACES - Provide 1 Class I bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. [COA] [PLANNING]
8. LANDSCAPE PLAN - Landscape and irrigation plans shall be required and are subject to review and approval by the Director of Community Development prior to issuance of a Building Permit. The landscape plan shall include the following elements:
  - a) All areas not required for parking, driveways or structures shall be landscaped.

9. LANDSCAPING AND IRRIGATION - All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
10. LANDSCAPE MAINTENANCE - All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
11. EXTERIOR LIGHTING PLAN - All exterior lighting in the drive aisle and parking area shall comply with the following:
  - a) Sodium vapor (or illumination with an equivalent energy savings).
  - b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. All new light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
  - c) Provide photocells for on/off control of all security and area lights.
  - d) All exterior security lights shall be equipped with vandal resistant covers.
  - e) Wall packs shall not extend above the roof of the building.
  - f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]
12. DELIVERY HOURS - Delivery hours for the approved use shall comply with SMC 19.42.030:
  - a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. Monday through Saturday only).
  - b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]
13. HOURS OF OPERATION - The use permitted as part of this application shall comply with the following hours of operation at all times:
  - a) The hours of operation are limited to 8:00 a.m. to 10:00 p.m. for standard hours of daily operation, excluding short duration sales events which may have extended hours. Hours extending beyond 10:00 p.m. shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

14. RECYCLING AND SOLID WASTE - All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
15. SIGNS: All new signs shall be in conformance with Sunnyvale Municipal Code and any existing Master Sign Program.
16. LOUDSPEAKERS PROHIBITED - Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
17. EXTERIOR EQUIPMENT - All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]

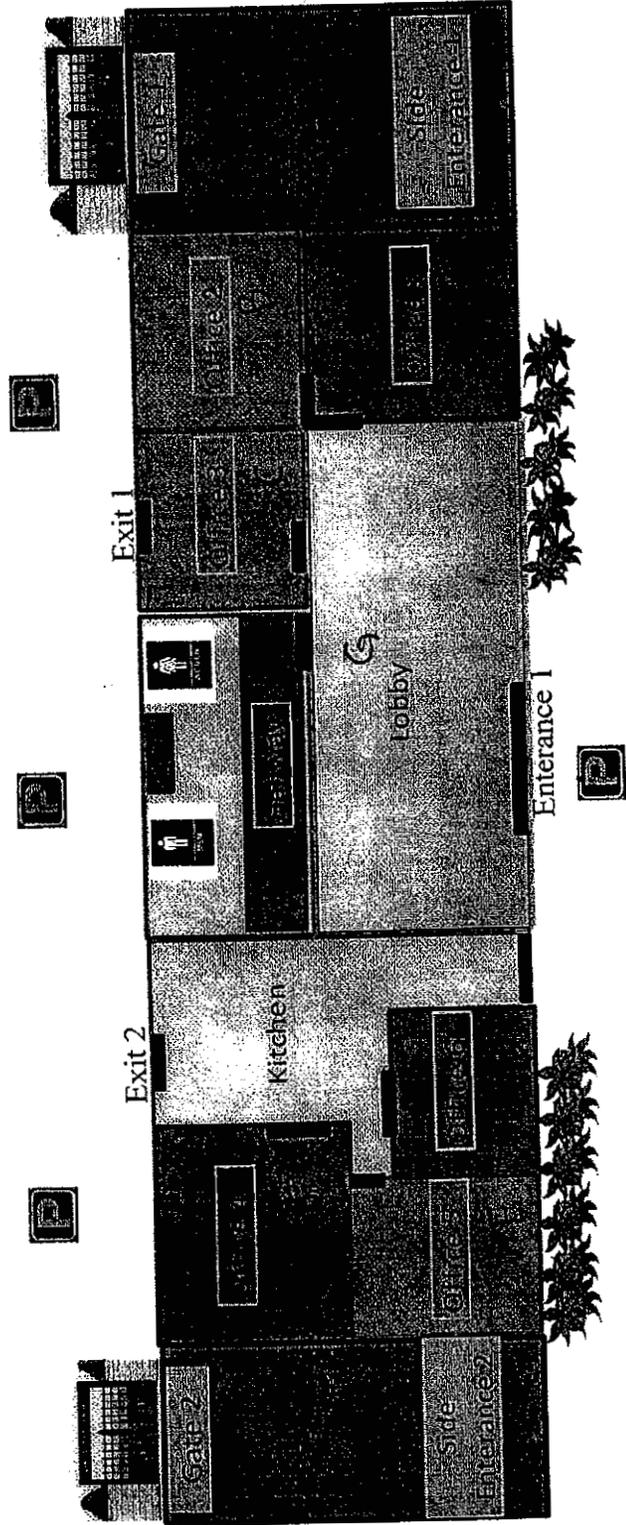


NOTE: ALL LIGHT WILL BE TURNED OFF AT 9:00 PM

840 EAST EL CAMINO REAL

- PACIFIC Auto Center
- Auto Registrar
- OPEN
- OPEN
- SUPERIOR AUTO
- PACIFIC TRUCK AND CARS Rental

B U D E F G



**Shiraz Auto, Inc. DBA Ocean Motors**  
52 Harold Ave. Suite B  
San Jose, CA. 95111  
Phone (408) 621-9936  
Office phone/Fax (408) 296-5817  
Email: [oceanmotors@hotmail.com](mailto:oceanmotors@hotmail.com)  
[www.oceanmotorsonline.com](http://www.oceanmotorsonline.com)



To: The City of Sunnyvale, Planning Department

08/27/2010

From: Ocean Motors (Mohammad Sefidfard)

Subject: Zone Verification for Selling used Cars and Commercial Trucks

As you all well aware there are over 12% un-employment in the state of California and all of us were working for High Technology Companies before and got laid off long time ago, rather than being a Bearden on the State and the City, we all change our Carrier and doing the car business very successfully for almost last 10 years and not only supporting our families and our kids in the collages, we are creating business for our local businessmen and collecting approximately \$5,000 to \$10,000 sales tax per month for the State.

Please review our plan optimistically; this is an alternative plan to the old fashion used car business, as one person used to run the whole show with the old mentality and as a result if you drive on El Camino Real, from San Jose, Santa Clara, Sunnyvale, Mountain View all the way to San Francisco majority of the car businesses are closed or the are in process on shutting down their businesses.

Our plan has been proven to work for the last 7 years and because of that we want to expand and with the help of God and City of Sunnyvale we will hopefully convert this business into a Franchise Business.

There are a total of 2000 ST on the first floor of this building; there are 5 large offices and one large lobby. Our plan is to sub lease 3 offices to 3 used car Dealers, that they are currently doing the same business successfully in the city of Santa Clara. Each Dealer requires 3 parking spaces (1 for the owner and 2 designated parking, which is required by DMV). All the required parking will be assigned to them from the parking lot in the back of the building.

This location was previously used as a Car Rental Business; there are 50 parking spaces in the back of the building. Ocean Motors with 10 years experience in used Cars and

Trucks business, (both retail and whole) would like to use this building which has been vacant in this slow economy for over 1 ½ years to expand our businesses to sale and rent Cars, Trucks.

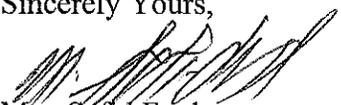
The Maximum people who will be running this business would be around 8, and they all will use the back parking spaces to park their cars.

The maximum customers at any given time would be around 5 to 7 people, which they use the front parking spaces and we will post a sign, saying additional parking, are in the back of the building.

The hours of operation is from 9:00 AM to 9:00 PM 7 Days a week and there will be no automobile repair, Smog test, Bodywork at this location, If it is needed, they all will be done by out side certified sources.

Please for additional information call Moe at 408-621-9936.

Sincerely Yours,



Moe Sefid Fard