



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

July 13, 2011

File Number: 2011-7424

Permit Type: Parcel Map

Location: 311 Town and Country (near Washington Ave.) ((APNs: 209-07-03,04,05,06,09,08,14,15,16,17,18))

Applicant/Owner: BRE Properties & SandHill Development / Capella Holdings LLC

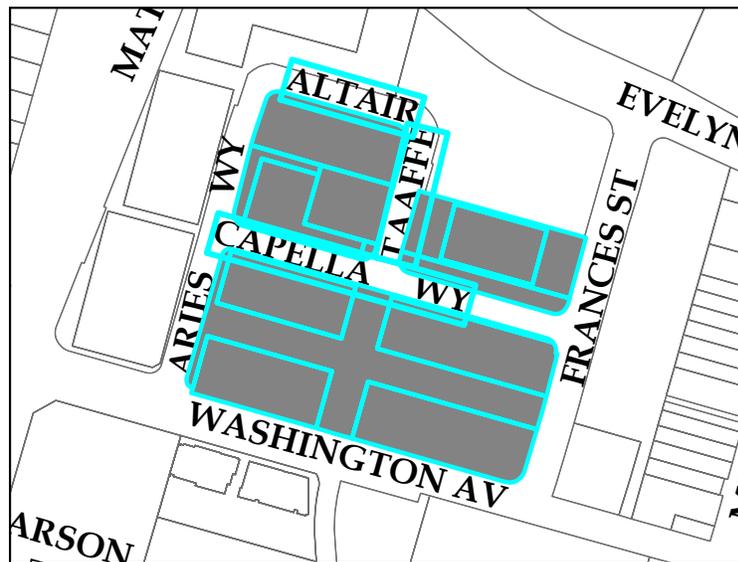
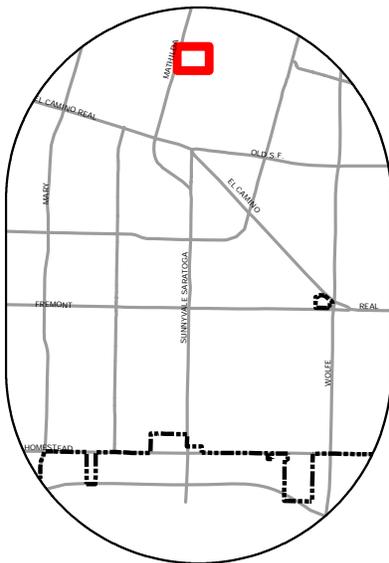
Staff Contact: Shaunn Mendrin, Senior Planner, (408) 730-7429

Project Description: To modify parcel lines for four lots created under the approved Tentative Map 2010-7493

Reason for Permit: A Parcel Map is required for modifications to four or more parcels.

Issues: None

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	DSP	Same
Zoning District:	DSP – Block 1a	Same
Number of Lots	4	Same

Previous Planning Projects related to Subject Application. <ul style="list-style-type: none"> • 2010-7831: Miscellaneous Plan Permit to allow minor modifications to the previously approved SDP. • 2010-7493: Special Development Permit (SDP) and Vesting Tentative Map to the development of 280 residential units and Vesting Tentative Map to allow the reconfirmation of several lots into 4 parcels. 	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Parcel Map: The project applicant is requesting to modify the previously approved Vesting Tentative Map, moving some proposed parcels lines to the back of curb to allow room for devices to treat restaurant grease and stormwater. Development on each block will require the construction of underground parking of at least one level and due to the size of the parcels this will often space property line to property line, leaving no room for such devices. Staff has worked with the applicant and Public Works Department to coordinate the proposed project. The resulting change will require the applicant to enter into maintenance agreements for the portions of public sidewalk located on private property.

Public Contact: 190 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 5 (minor alterations in land) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Tentative Parcel 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.

ALTERNATIVES:

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

RECOMMENDATION

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. Site and Architectural Plans

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
July 13, 2011**

Planning Application 2011-7424

311 Capella Way

Vesting Tentative Parcel Map to modify parcel lines for four lots created under
the approved Tentative Map 2010-7493.

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:

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

GC-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]

GC-2. PERMIT EXPIRATION:

The 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 and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-3. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all conditions of approval and requirements of planning application 2010-7493. [PLANNING] [COA]

BP: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONSISTENCY WITH APPROVED MAP:

Building permit plans shall be consistent with the approved parcel map and minor modifications required by Public Works. [COA] [PLANNING]

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

TM-1. MINOR MODIFICATIONS:

The proposed right-of-way locations are subject to minor modifications (e.g. at the curb ramp areas) for all blocks, during the parcel map(s) review process and prior to parcel map(s) recordation. [COA] [PUBLIC WORKS]

TM-2. PUBLIC IMPROVEMENTS:

All public improvements on private property shall be designed and installed per Downtown streetscape standard details and specifications and other applicable City standard details and specifications. [COA] [PUBLIC WORKS]

TM-3. MAINTENANCE AGREEMENT:

Subdivider(s) shall execute maintenance agreement(s), reviewed and approved by the City, to maintain certain public improvements on private property for each block, prior to parcel map recordation or encroachment permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

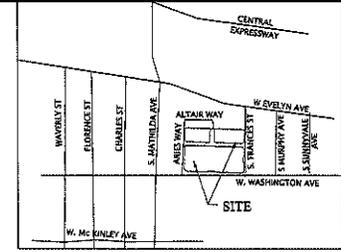
- TM-4. UTILITY COMPANIES APPROVAL:
Obtain utility companies' approval prior to parcel map recordation.
[COA] [PUBLIC WORKS]
- TM-5. PUBLIC EASEMENT DEDICATION:
As part of the parcel map, dedicate all applicable public easements for improvements that will be maintained by the City or other public utility agencies (such as but not limited to, water meter, utility vaults, etc.) [COA] [PUBLIC WORKS]

RECEIVED

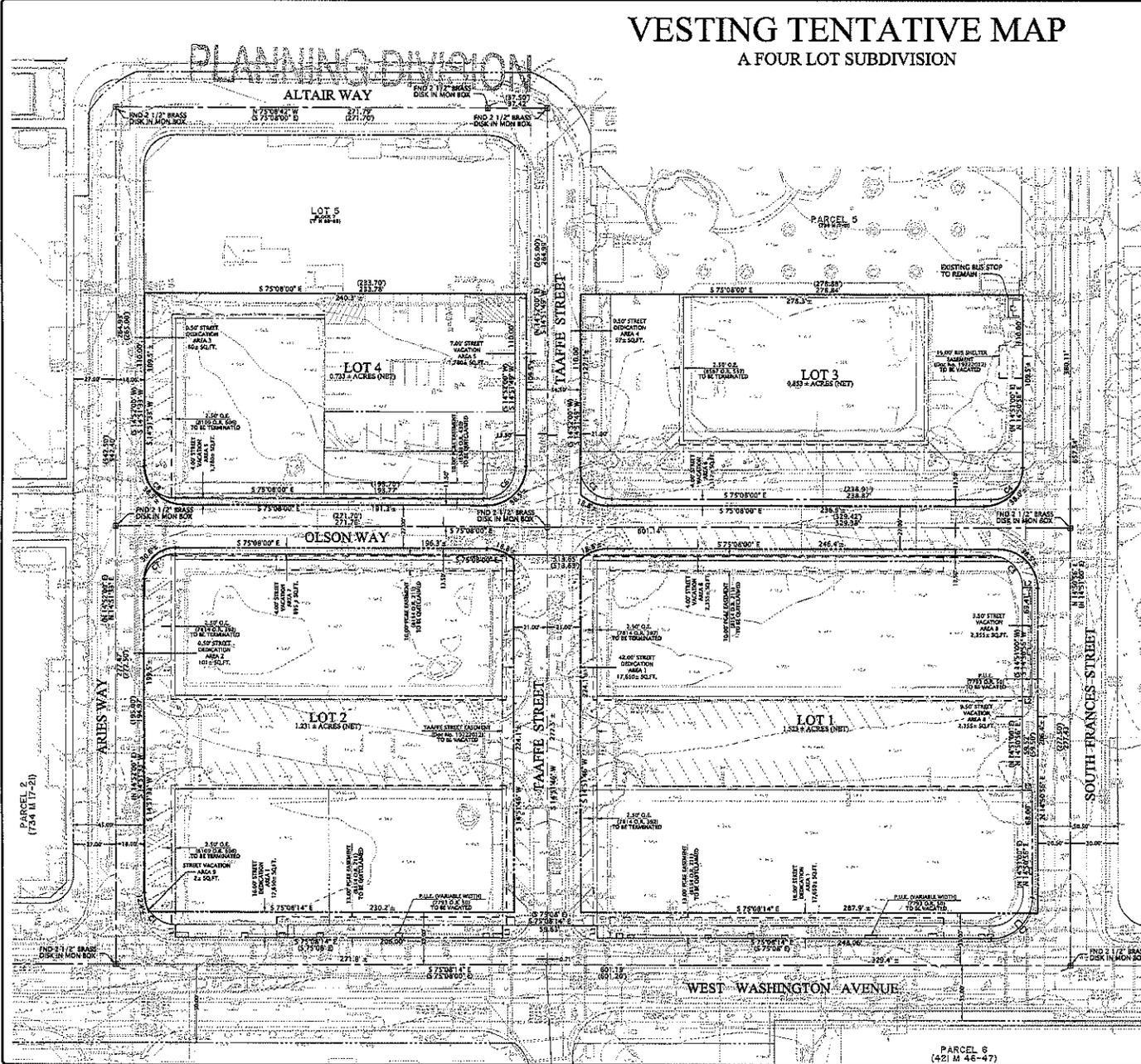
JUN 15 2011

VESTING TENTATIVE MAP A FOUR LOT SUBDIVISION

PLANNING DIVISION



VICINITY MAP
NOT TO SCALE



NOTES

1. RECORD OWNER: CAPELLA HOLDINGS, LLC 448 S. D. CANNING ROAD SAN MATEO, CA 94402
2. SUBDIVIDER: BRE PROPERTIES, INC 3815 SHELLMOUND WAY EMERYVILLE, CA 94608
3. MAP PREPARED BY: KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 2350 SCOTT BOULEVARD, BUILDING 22 SANTA CLARA, CA 95054 PHONE: (408) 727-8665 CONTACT: BRIAN M. AMATA, LS 8124 209-07-003, -004, -005, -006, -008, -009, 209-07-014, -015, -016, -017 & -018
4. A.P.N.'S: 209-07-003, -004, -005, -006, -008, -009, 209-07-014, -015, -016, -017 & -018
5. EXISTING USE: RETAIL
6. PROPOSED USE: MIXED USE
7. EXISTING ZONING: NO CHANGE
8. PROPOSED ZONING: DOWNTOWN SPECIFIC PLAN
9. GENERAL PLAN: DOWNTOWN SPECIFIC PLAN
10. PROPOSED NUMBER OF LOTS: 4
11. TOTAL ACREAGE: TOTAL EXISTING SITE - 4.609 ± ACRES
STREET DEDICATIONS - 0.415 ± ACRES
STREET VACATIONS - 0.141 ± ACRES
LOT 1 - 1.281 ± ACRES
LOT 2 - 0.893 ± ACRES
LOT 3 - 0.738 ± ACRES
LOT 4 - 1.195 ± ACRES
TOTAL PROPOSED SITE - 4.340 ± ACRES
12. TOTAL ACREAGE: TOTAL PROPOSED SITE - 4.340 ± ACRES
13. NO NEW STREET NAMES PROPOSED.
14. IN ACCORDANCE WITH SUBDIVISION MAP ACT SECTION 66456.1, MULTIPLE FINAL MAPS SECTION 66426(C) MAY BE FILED UNDER THE APPROVAL OR CONDITIONAL APPROVAL OF THIS VESTING TENTATIVE MAP. PHASED FINAL MAPS WILL INCLUDE LOTS THAT CORRESPOND TO BUILDINGS TO BE CONSTRUCTED OR THAT EXIST IN A PARTICULAR PHASE ALONG WITH A COMMON LOT THAT WILL CONSIST OF THAT PORTION OF THE COMMON AREA NECESSARY TO SUPPORT THOSE BUILDINGS. THE SUBDIVIDER RESERVES THE RIGHT TO IMPLEMENT THE ORDER OF THE PHASING AND THE NUMBER OF LOTS TO BE INCLUDED IN ANY GIVEN PHASE OF THE LOT PHASING. LOT NUMBERING MAY DIFFER ON PHASED FINAL MAPS AS LONG AS THE LOT CONFIGURATIONS REMAINS SUBSTANTIALLY THE SAME.
15. UTILITY CONNECTION AND SIZING INFORMATION IS NOT SHOWN AT THIS TIME DUE TO SCHEMATIC NATURE OF SITE PLAN. APPROVAL OF SUCCESSIVE FINAL MAPS WILL REQUIRE APPROVAL OF UTILITY CONNECTIONS TO SERVE SUBJECT LOTS.
16. FLOOD ZONE NOTE: THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 06032 0045 H, DATED MAY 18, 2009, AS BEING LOCATED IN FLOOD ZONE X2. AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH GRADUATED AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
17. BENCHMARK: BM 59: BRASS DISK IN TOP OF CURB NEXT TO CATCH BASIN AT THE SOUTHWEST CURB RETURN, INTERSECTION OF SUNNYVALE AVENUE AND EVELYN AVENUE. ELEVATION: 89.32
18. BASES OF BEARINGS: THE BEARING OF NORTH 20°00'00" WEST, TAKEN AS THE CENTERLINE OF OLSON WAY (FORMERLY CARLEA WAY) AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD ON AUGUST 19, 1955 IN BOOK 138 OF MAPS AT PAGE 42, SANTA CLARA COUNTY RECORDS WAS TAKEN AS THE BASIS OF BEARINGS SHOWN HEREON.

CURVE TABLE

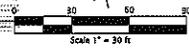
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	89°59'41"	31.41'
C2	20.00'	90°00'46"	40.85'
C3	20.00'	89°58'36"	31.41'
C4	20.00'	90°01'50"	31.42'
C5	20.00'	89°59'00"	31.41'
C6	20.00'	90°00'10"	31.42'
C7	20.00'	90°00'27"	31.42'
C8	20.00'	89°59'53"	31.41'

LINE TABLE

LINE	BEARING	DISTANCE	ABBREVIATION
L1	S 14°51'34" W	6.00'	FOUND
L2	S 75°09'00" E	6.00'	MONUMENT
L3	S 75°08'14" E	6.00'	NO. NUMBER
			O.E. OVERHANG EASEM
			O.R. OFFICIAL RECORD
			P.U.E. PUBLIC UTILITY EA
			R.C.E. REGISTERED CIVIL
			S.F.P.T. SQUARE FOOTAGE
			S.W.E. SIDEWALK EASEM
			U.E. UTILITY EASEMENT

LEGEND

- EXISTING PROPERTY LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- MONUMENT LINE
- EXISTING EASEMENT
- PROPOSED PROPERTY LINE
- FOUND MONUMENT AS NOTED



EXISTING CONDITIO

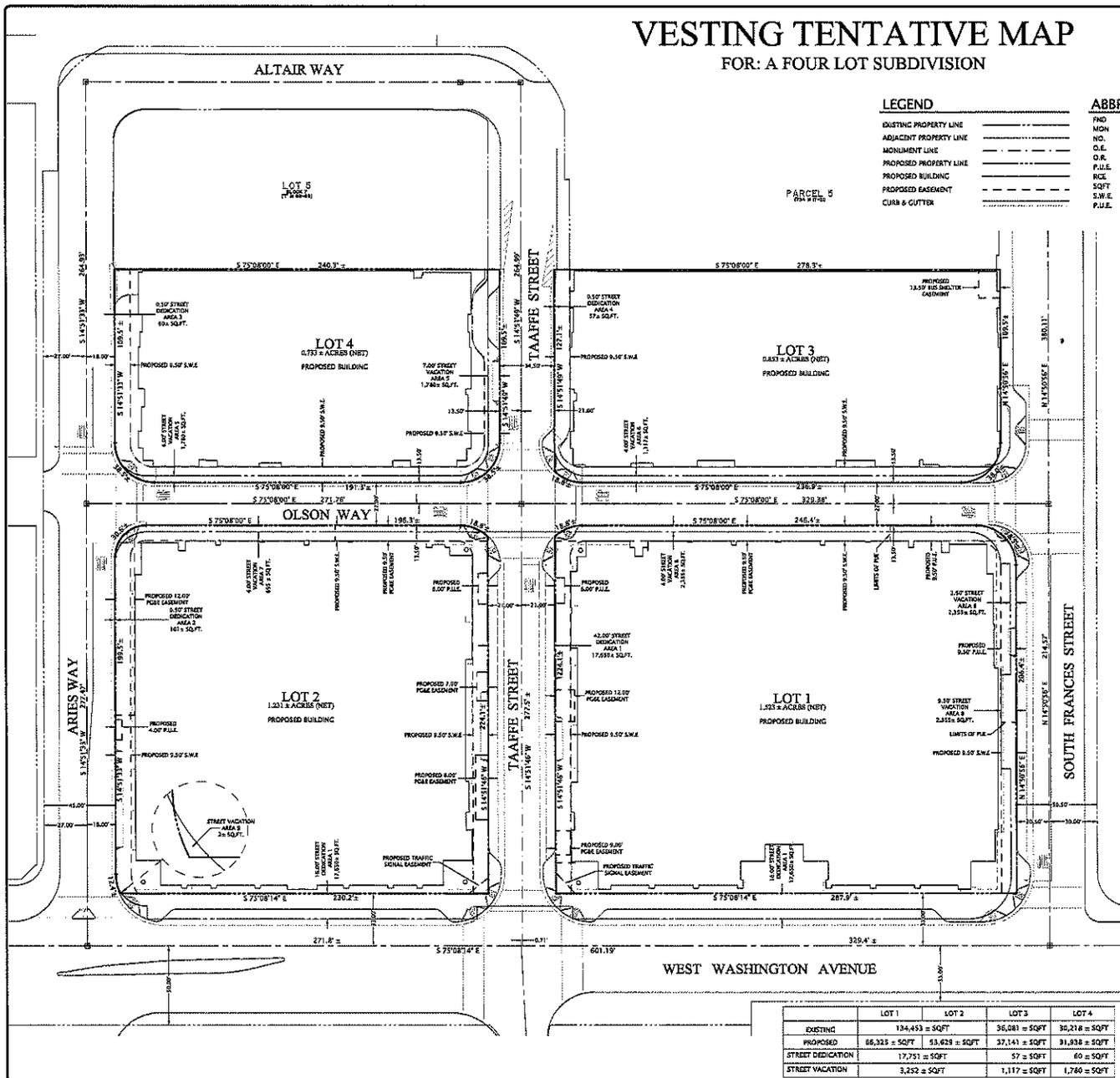
KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 2350 SCOTT BOULEVARD, BUILDING 22
 SANTA CLARA, CALIFORNIA 95054
 PHONE: (408) 727-8665
 FAX: (408) 727-8541
 WWW.KIERANDWRIGHT.COM

ATTACHMENT
 Page 1 of 3

PARCEL 6
(421 M 46-47)

MS20100401 1/10/2010 14:02:18 - FLOOD SURVEY (TENTATIVE)

VESTING TENTATIVE MAP FOR: A FOUR LOT SUBDIVISION

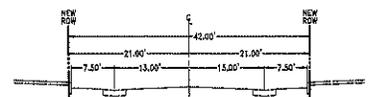


LEGEND

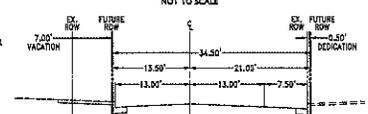
EXISTING PROPERTY LINE	---
ADJACENT PROPERTY LINE	---
MONUMENT LINE	---
PROPOSED PROPERTY LINE	---
PROPOSED BUILDING	---
PROPOSED EASEMENT	---
CLUB & CUTTER	---

ABBREVIATIONS

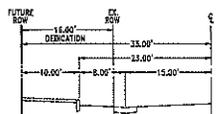
FND	FOUND
MGN	MONUMENT
NO.	NUMBER
O.E.	OVERHANG EASEMENT
O.R.	OFFICIAL RECORD
P.U.E.	PUBLIC UTILITY EASEMENT
RCE	REGISTERED CIVIL ENGINEER
SQFT	SQUARE FOOTAGE
S.W.E.	SIDEWALK EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT



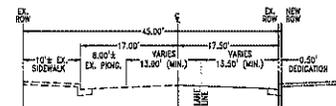
TAAFFE TYPICAL SECTION
(SOUTH OF CAPELLA STREET)
NOT TO SCALE



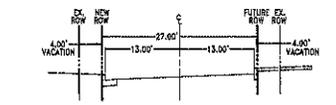
TAAFFE TYPICAL SECTION
(NORTH OF CAPELLA STREET)
NOT TO SCALE



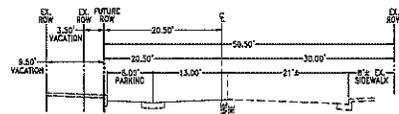
W. WASHINGTON TYPICAL SECTION
NOT TO SCALE



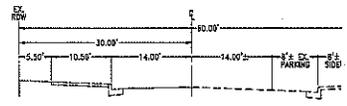
ARIES TYPICAL SECTION
NOT TO SCALE



CAPELLA TYPICAL SECTION
NOT TO SCALE



S. FRANCES TYPICAL SECTION
(SOUTH OF CAPELLA STREET)
NOT TO SCALE



S. FRANCES TYPICAL SECTION
(NORTH OF CAPELLA STREET)
NOT TO SCALE

	LOT 1	LOT 2	LOT 3	LOT 4
EXISTING	134,453 = SQFT	36,081 = SQFT	30,218 = SQFT	30,218 = SQFT
PROPOSED	86,323 = SQFT	53,624 = SQFT	37,141 = SQFT	31,838 = SQFT
STREET DEDICATION	17,751 = SQFT	57 = SQFT	60 = SQFT	60 = SQFT
STREET VACATION	3,252 = SQFT	1,117 = SQFT	1,786 = SQFT	



PROPOSED CONDITIONS

KIER & WRIGHT ENGINEERS INC.
3300 South Normandie Blvd., Suite 217
Santa Clara, California 95051
(408) 277-9641

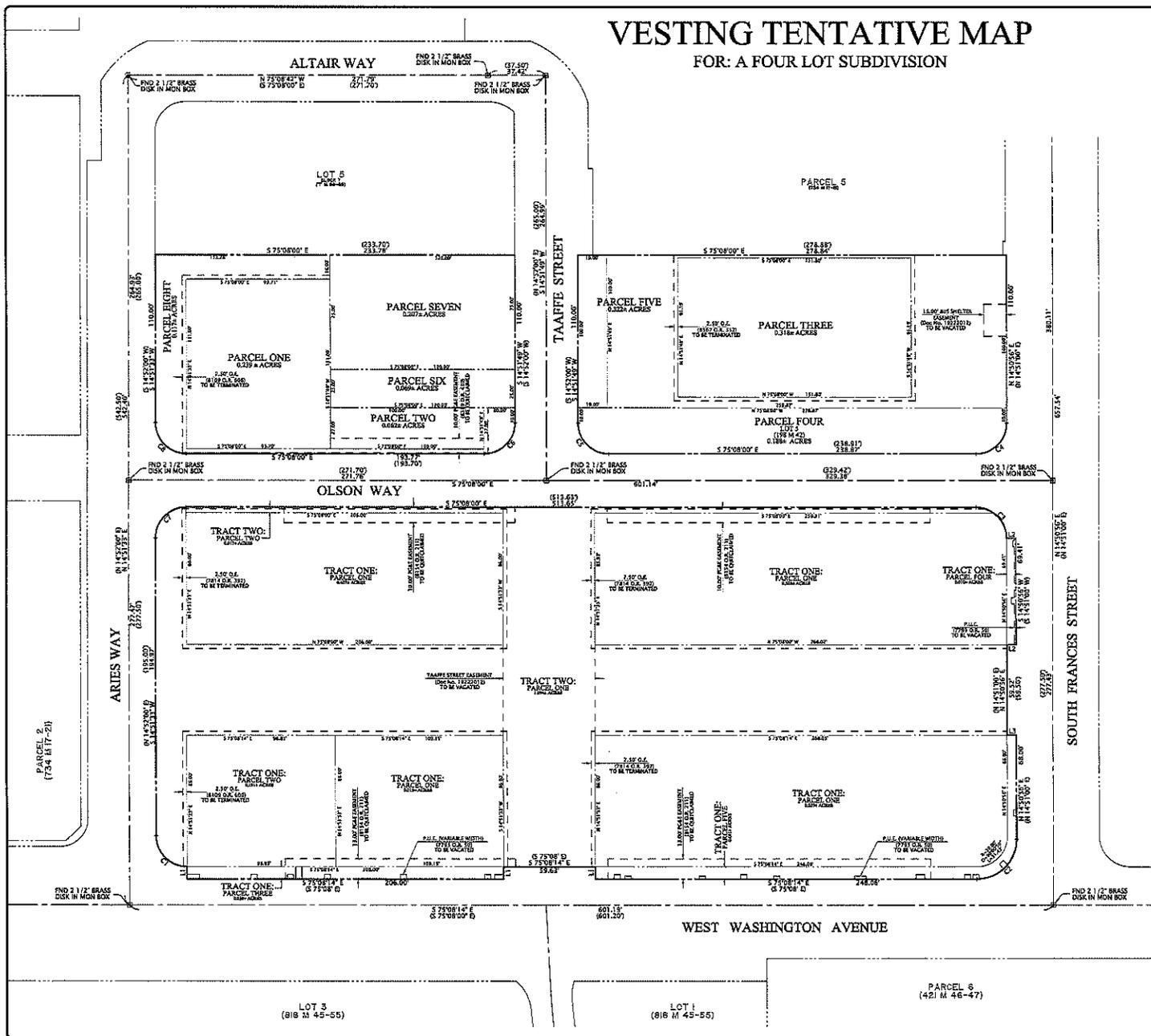
ACTIVE MAP
SUBDIVISION

ATTACHMENT
Page 2 of 3

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VESTING TENTATIVE MAP

FOR A FOUR LOT SUBDIVISION



LINE TABLE

LINE BEARING	DISTANCE
L1	S 74°13'35" W 8.00'
L2	S 75°08'00" E 6.00'
L3	S 75°08'14" E 6.00'

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	89°58'47"	31.41'
C2	20.00'	90°00'45"	40.85'
C3	20.00'	89°58'56"	31.41'
C4	20.00'	90°01'00"	31.42'
C5	20.00'	89°59'50"	31.41'
C6	20.00'	90°00'10"	31.42'
C7	20.00'	90°00'27"	31.42'
C8	20.00'	89°59'33"	31.41'

LEGEND

PROPERTY LINE	—————
ADJACENT PROPERTY LINE	—————
CENTRALINE	—————
INTERIOR PROPERTY LINE	—————
EXISTING EASEMENT	—————
FOUND MONUMENT AS NOTED	●
FOUND IRON PIPE OR AS NOTED	■

ABBREVIATIONS

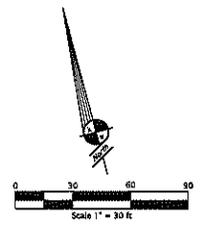
FND	FOUND
MON	MONUMENT
NL	NUMBER
O.E.	OVERHANGING EASEMENT
O.R.	OFFICIAL RECORD
P.U.E.	PUBLIC UTILITY EASEMENT
PGE	PACIFIC GAS & ELECTRIC

NOTE

THIS TENTATIVE MAP WAS PREPARED FROM INFORMATION FURNISHED IN A COMMITMENT FOR TITLE INSURANCE, PREPARED BY CHICAGO TITLE INSURANCE COMPANY, DATED APRIL 27, 2011, LOCAL NO. 11-89918068, (FOR LOTS NORTH OF OLSON WAY)

THIS TENTATIVE MAP WAS PREPARED FROM INFORMATION FURNISHED IN A COMMITMENT FOR TITLE INSURANCE, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JULY 20, 2010, COMMITMENT NO. NCS-444562-SM, UPDATED JULY 26, 2010, (FOR LOTS SOUTH OF OLSON WAY)

NO LIABILITY IS ASSUMED FOR MATTERS OF RECORD NOT STATED IN SAID COMMITMENT FOR TITLE INSURANCE THAT MAY AFFECT THE BOUNDARY LINES, EXCEPTIONS, OR EASEMENTS AFFECTING THE PROPERTY.



CURRENT BOUNDARY PER TITLE REPORTS

VESTING TENTATIVE MAP

SUBDIVISION

KIER & WRIGHT
ENGINEERS & SURVEYORS, INC.
4001 72nd AVE.
Suite 100, Channahon, IL 61018
(815) 337-5541

CALIFORNIA

ATTACHMENT

Page 3 of 3