



**CITY OF SUNNYVALE REPORT
ZONING ADMINISTRATOR HEARING**

September 22, 2011

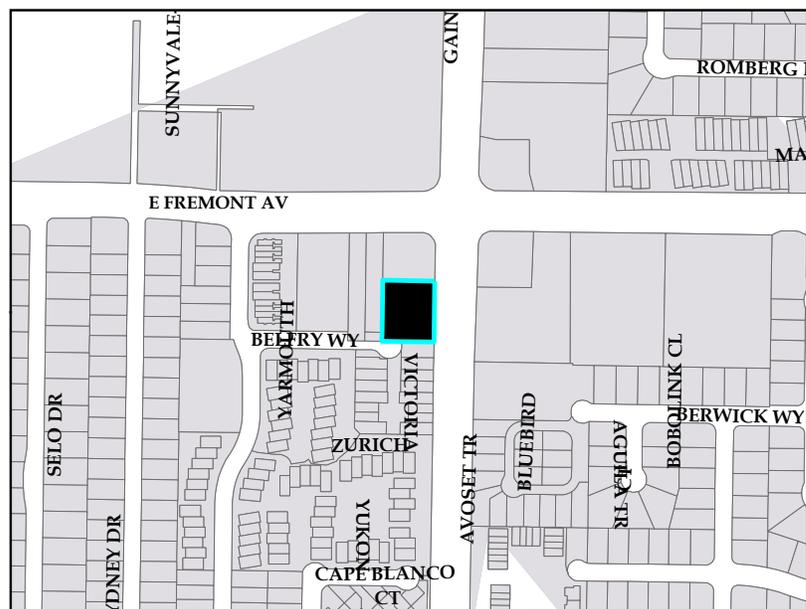
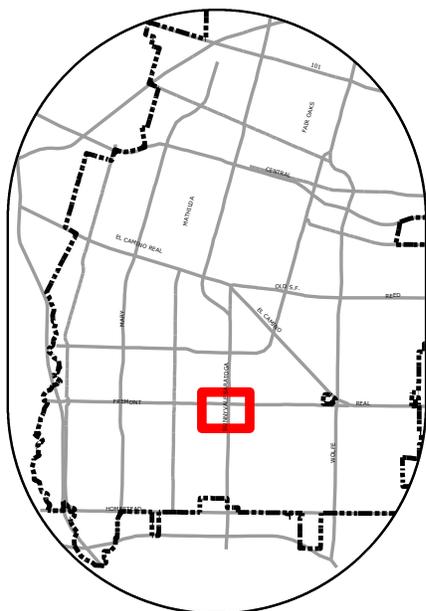
FILE #:	2011-7445
Location:	1323 Sunnyvale-Saratoga Rd. (near E. Fremont Ave.) (APN: 323-10-015)
Proposed Project:	Special Development Permit for a deviation from the front setback requirement to extend a canopy on an existing building.
Environmental Review:	Categorically Exempt Class 1
Staff Contact:	Steve Lynch, 408-730-2723, slynch@ci.sunnyvale.ca.us

Project Description: Deviation from the front setback requirement to extend a canopy on an existing building.

Reason for Permit: and Special Development Permit is required for the 70' front yard setback.

Issues: Special Development Permit Findings

Recommendation: Approve with Conditions.



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed	Required
General Plan	Commercial Neighborhood Shopping	Same	---
Zoning District	C1-PD	Same	---
Lot Size (s.f.)	26,948 sq. ft.	Same	---
Gross Floor Area (s.f.)	3,776 sq. ft.	4,371 sq. ft.	By SDP
Lot Coverage (%)	14 %	16.2%	35 % max.
Setbacks (facing prop.)			
★ Front	14'	3'	70' min.
Left Side	7'	Same	---
Right Side	10"	Same	---
Rear	26' 6"	Same	---
Landscaping (sq. ft.)			
Total Landscaping	360 sq. ft.	Same	5,390 sq. ft. min.
Frontage Width (ft.)	0	Same	15 ft. min.
Parking			
Total No. of Spaces	26	41	40 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

Previous Planning Projects related to Subject Application: In 2001 a similar Special Development Permit was granted to allow a canvas canopy over an outdoor retail area set at 12' from the front property line.	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements: Front setback deviation.	Yes

Detailed Project Description: The project consists of the construction of a new metal awning over an existing outdoor retail area. The awning will cover the existing flower shop retail area and create a new outdoor seating area for a new falafel restaurant. Currently, the roof of the existing building extends past the front portion of the building to form a six-foot overhang. The new awning would extend the top of the entryway and the roof overhang by an additional 11

feet (see Attachment B for details). This would result in a three foot front setback where 70 feet is required, and where 14 feet is existing.

The project also includes modifications to the parking lot area (restriping), creation of a solid waste enclosure, and removal of the existing un-permitted signs. The sections below discuss this in more detail.

Floor Plan: The applicant is proposing to split the existing 1,525 sf. building into two 762 sf. tenant spaces. The new falafel restaurant will occupy the right portion of the building facing towards Dairy Belle. The restaurant will have no indoor seating. The space will be all kitchen area with one small counter area for placing and picking-up orders. The restaurant will have 30 outdoor seats, which will all be under the new and existing canopy. The existing flower shop will remain in the left portion of the building.

Architecture: The awning will be a standing seam metal roof in a dark green/blue in color. The applicant has submitted a perspective drawing in Attachment C.

Special Development Permit Justification: The applicant has stated their justification for the Special Development Permit request and has raised a number of possible reasons for supporting the request. They are as follows:

- The existing building is in poor condition. As part of this application, the new restaurant will remodel and upgrade the interior and exterior of the building;
- The existing parking lot is also in poor condition with the striping and blacktop worn away. As part of this application, the parking lot will be resealed and stripped;
- The number of parking spaces will be increased from 26 up to 41;
- There is currently no solid waste enclosure. As part of this application, one will be added;
- There are a number of illegal signs on the site that will be removed if the project is approved.

Parking: The site currently has 26 parking spaces and is proposed to have 41. Staff finds the proposal complies with Sunnyvale Municipal Code (SMC) parking standards. The following table shows the required parking for the site with the proposed project:

Total Parking Required			
Area	Sq. Sf.	Parking Ratio	Total No. of Required Spaces
Bahara's Firewood	100	n/a	2.00
Flower Shop	772	1/180	4.29
Dairy Belle	1,114	1 / 75	14.85
Falafel Stand	753	1/400	1.88
Outdoor Dining	30 seats	1/2 per seat	15.00
Home	n/a	2 per unit	2.00
Total	2,739		40

Landscaping: The Code requires at least 20% of the site to be landscaped. This minimum landscaping requirement includes a 15-foot landscape strip along the street frontage. The project site is legal nonconforming because it lacks adequate landscaping along the street frontage, as well as the total landscaped area. However, staff does not recommend requiring additional landscaping because this project is not significant enough to warrant such an improvement and there are no feasible locations given the current configuration of the site.

Signs: There are several the existing signs (billboard, Baraha's Firewood, etc.) at the site that have been built without permits and do not meet SMC requirements. Staff has discussed the issue with the applicant who has agreed that as a condition of approval, these signs will be required to be removed prior to the new business opening.

Solid Waste Enclosure: The site does not currently have a solid waste enclosure. The applicant has agreed to build one for all uses on the site. However, due to the expense of a new enclosure (typically over \$20,000) the applicant has requested a deferral for the installation of the enclosure. Staff has agreed to up to a one year deferral from date of building occupancy (temporary or final) and has included this as a condition of approval. As part of the conditions of approval, staff is requiring the applicant to bond for the full construction amount of the improvements. The bond shall be submitted prior to the issuance of Building Permits.

Public Contact: 32 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 1 (minor single-family home additions) relieves this project from CEQA provisions.

FINDINGS

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

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale, as discussed below:

Staff finds there is sufficient justification to approve the Special Development Permit request, based the applicant's justification in the report above. In addition, the proposed awning will improve the aesthetic value of the site and the existing building by creating a more defined entrance to the building and usable area. The existing building will also be upgraded to be compatible with the proposed awning, which will improve the appearance of this highly visible structure from Sunnyvale-Saratoga Road. In addition, the site will be significantly upgraded with parking lot striping, a new solid waste enclosure, and removal of non-conforming signs.

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 as the proposed awning, as conditioned, is compatible with the existing buildings on-site. In addition, the existing off-street parking would be upgraded and there would be no impact on adjoining properties because of additional parking spaces.

ALTERNATIVES:

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

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

Reviewed by:

Shaunn Mendrin
Senior Planner

Prepared By: Steve Lynch, Senior Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Perspective Drawing

**ATTACHMENT A
RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
September 28, 2011**

Planning Application 2011-7445

1323 Sunnyvale-Saratoga Road

To allow a deviation from the front setback requirement to extend a canopy on
an existing 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:

GC: THE FOLLOWING GENERAL CONDITIONS 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. BUILDING PERMITS:
Building Permits for the addition are required prior to start of any construction. Submit three complete sets of plan (two sets to be wet signed and stamped) along with two copies of structural calculations to the One-Stop Permit Center between the hours of 8:00 a.m. - 12:00 noon. The plans can be reviewed over the counter. [SDR] [PLANNING]
- GC-4. TITLE 25
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-5. TREES:
No protected trees are approved for removal as part of this project. [SDR] [PLANNING]
- GC-6. SIGNS:
The existing signs (billboard, Baraha's Firewood, etc.) at the site that have been built without permits and do not meet SMC requirements, shall be required to be removed prior to the new business opening (final or temporary occupancy). [COA] [PLANNING]
- GC-7. RECYCLING AND SOLID WASTE ENCLOSURE DEFERRAL:
A solid waste enclosure sufficiently sized to serve all uses on site, shall be installed no less than one (1) year from date of building occupancy (temporary or final). The applicant shall bond for the full construction amount of the improvements. The bond shall be submitted prior to the issuance of Building Permits. [COA] [PLANNING]
- GC-8. PARKING LOT STRIPING:
Per the approved plans, the parking lot shall be resealed and restriped prior to final occupancy. [COA] [PLANNING]

BP: THE FOLLOWING CONDITIONS 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. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]
- BP-2. RESPONSE TO CONDITIONS OF APPROVAL:
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]
- BP-3. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

BP-4. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project that will be calculated prior to issuance of a Building Permit. (SMC 3.50). The estimated fee is \$1,631.43. [SDR] [PLANNING]
- b) SEWER CONNECTION FEE: Change of use from market to restaurant requires a sewer connection fee of \$872.16 to be paid to the city through the Department of Public Works. [SDR] [PUBLIC WORKS]

BP-5. UTILITY PLAN:

Provide a utility plan showing the existing water and sewer connections for the site. Confer with Building department if a separate grease interceptor is required or may be combined with the Dairy Belle grease interceptor. [SDR] [PUBLIC WORKS]

O: THE FOLLOWING CONDITIONS OF APPROVAL FOR RESTAURANT/BAR OPERATIONS SHALL APPLY TO THE APPROVED PROJECT.

OPERATIONS:

- O-1. GENERAL: All conditions of approval for operational issues contained here are required to be in place and operational starting the first date the business is open. [COA] [PLANNING]
- O-2. EXTERIOR DOORS: All exterior doors shall have self-closing mechanisms and shall be kept closed when not in use. Doors may be propped open during earlier hours of the day to allow in fresh air but must be kept closed when the business is open to the public. [COA] [PLANNING]
- O-3. TRASH: The applicant shall be responsible for trash clean-up resulting from the business. [COA] [PLANNING]
- O-4. NOISE: The business (owners or employees) shall be responsible for monitoring the noise generated by the business through the use of sound meters. [COA] [PLANNING]
- O-5. COMPLAINTS: The business (owners or employees) shall be responsible for addressing and correcting any complaints received. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT

ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

(1) The hours of operation are limited to Monday – Sunday from 8:00am to 11:00pm. Periodically there may be special events on Saturday – Sunday evenings. This is intended to be private parties although there may be public access. [COA] [PLANNING]

AT-2. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-3. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]

AT-4. 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]

AT-5. OUTDOOR SEATING AREA:

There are 30 seats permitted in the outdoor seating area. Any changes to the amount of seating, size or architectural changes to the outdoor seating area shall require approval by the Director of Community Development, through the review of a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-6. SIGNAGE:

All signs and sign locations must comply with the requirements of the Sunnyvale Municipal Code (§19.44). [SDR] [PLANNING]

DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

DC-1. BLUEPRINT FOR A CLEAN BAY:

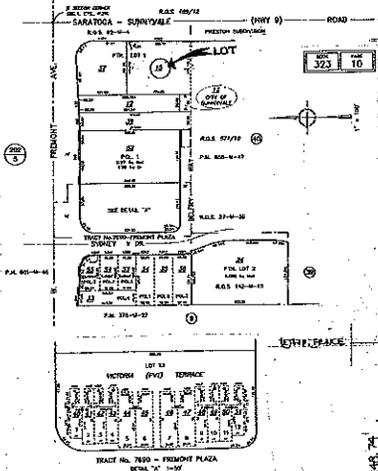
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

NEW FALAFEL STAND 1325 SUNNYVALE SARATOGA RD- SUNNYVALE CA

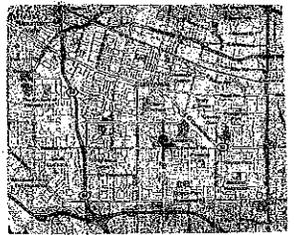
REVISIONS	BY

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NEW FALAFEL STAND
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ASSESSOR WORK COPY
 THIS MAP SUBJECT TO CHANGE



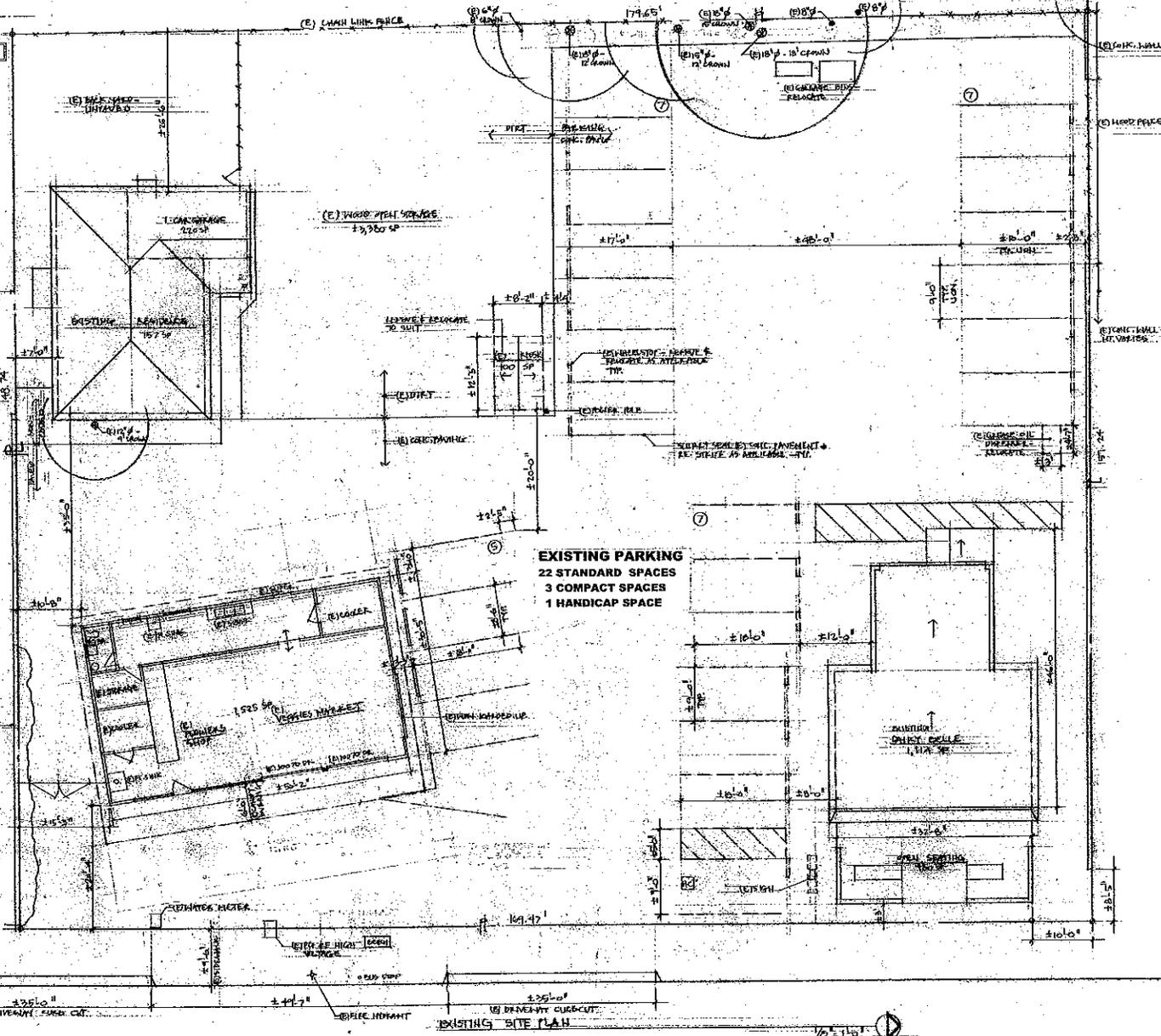
VICINITY MAP

PROJECT DATA

Lot size: 26,948 SF = .62 AC Existing Woodshop 160 SF
 Existing Dairy Helix: 1,114 SF / open seating 489 SF
 Existing Residence: 977 SF
 Existing Flower/Veggie Market: 1,525 SF / open seating 756 SF
 Existing Planting Strip: 360 SF
 Existing Parking Area: 10,367 SF
 Existing Unpaved Areas: 4,620 SF (residence + wood storage)
 Existing Impervious Area: 6,991 SF

SCOPE OF WORK

1. Remove and relocate existing wood vending kiosk to suit
2. Remodel existing veggies/flowers market to suit new falafel stand.
3. Upgrade/add PME systems to suit remodel
4. Install new concrete pavement to suit new parking scheme; sturry seal existing concrete pavement, stripe and install new used wheelstops to suit
5. Install new metal deck canopy per mfg.'s specs; install new potted plants
6. All existing landscape to be preserved/protected as is
7. Relocate existing garbage bins and grease oil dispenser to suit



EXISTING PARKING
 22 STANDARD SPACES
 3 COMPACT SPACES
 1 HANDICAP SPACE

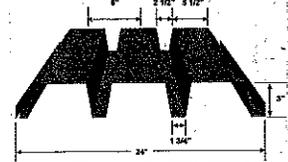
EXISTING SITE PLAN

ATTACHMENT
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 B

GENERAL DECK ROOFING NOTES

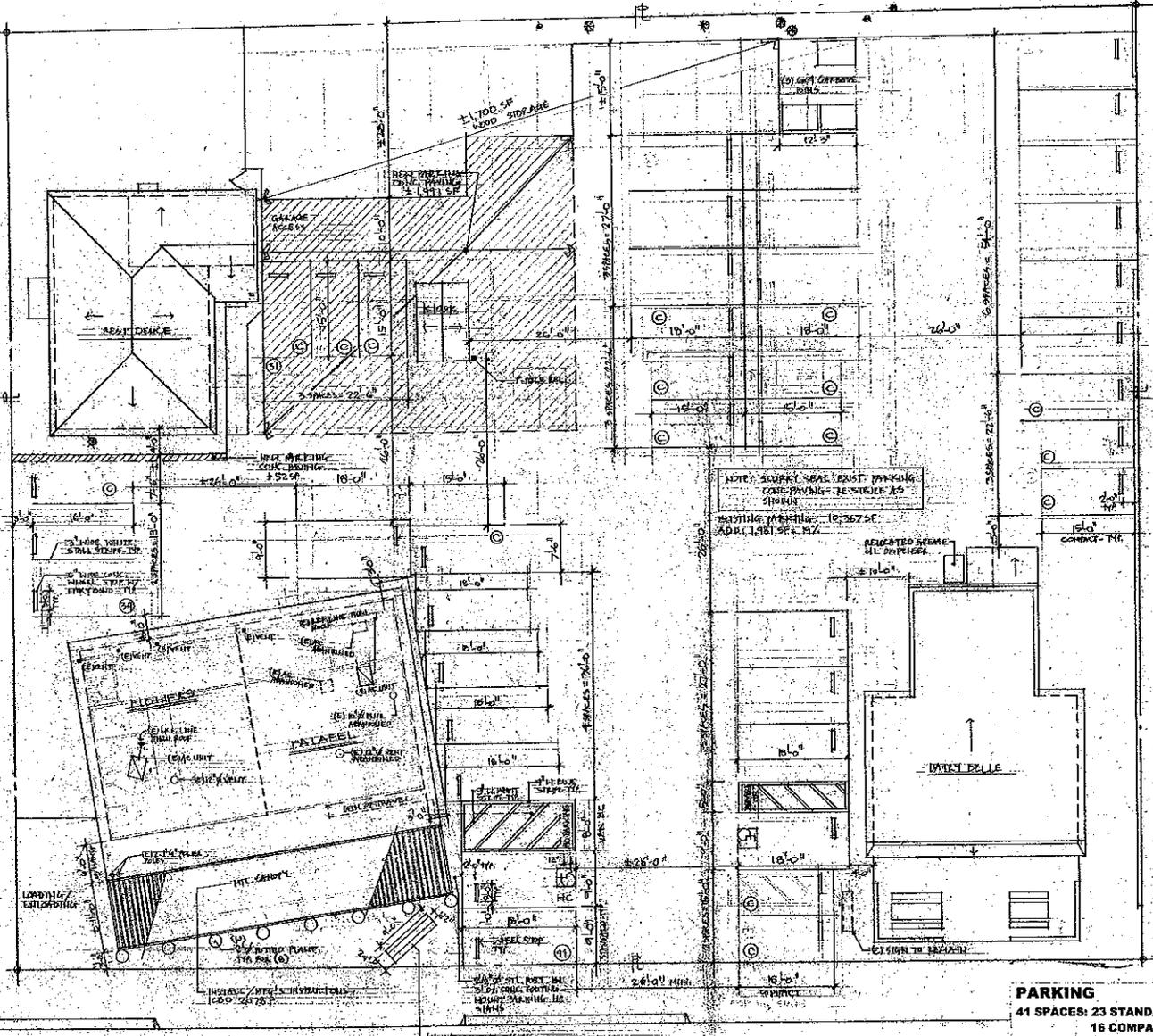
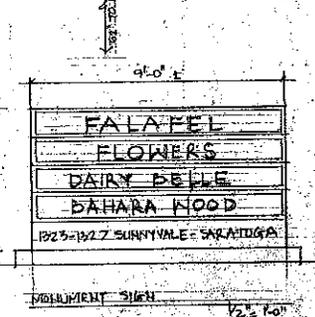
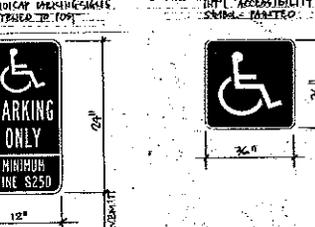


These Deck Notes are intended to be used in conjunction with the manufacturer's literature in order to determine the correct installation of the roof deck. The manufacturer's literature should be consulted for a complete and correct installation of the roof deck. The roof deck is to be installed over a concrete slab. The roof deck is to be installed over a concrete slab. The roof deck is to be installed over a concrete slab.



Deck	Width (inches)	Depth (inches)	Weight (lb/ft ²)	Span (ft)	Notes
N 24	24	3	2.5	20	Standard bottom porch side up
N 24	24	3	2.5	20	Standard bottom porch side up
N 24	24	3	2.5	20	Standard bottom porch side up
N 24	24	3	2.5	20	Standard bottom porch side up

INTEGRATED ACCESSIBILITY SIGNAGE TO TOP



PARKING
 41 SPACES: 23 STANDARD
 16 COMPACTS
 1 HC STANDARD
 1 HC VAN

REVISIONS	BY

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 Fremont, CA 94555
 408.218.9885 cell
 adrianc@adrianc.com

NEW FALAFEL STAND
 1325 SUNNYVALE SARATOGA
 SUNNYVALE CA 94062

ATTACHMENT B
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PROPOSED SITE PLAN

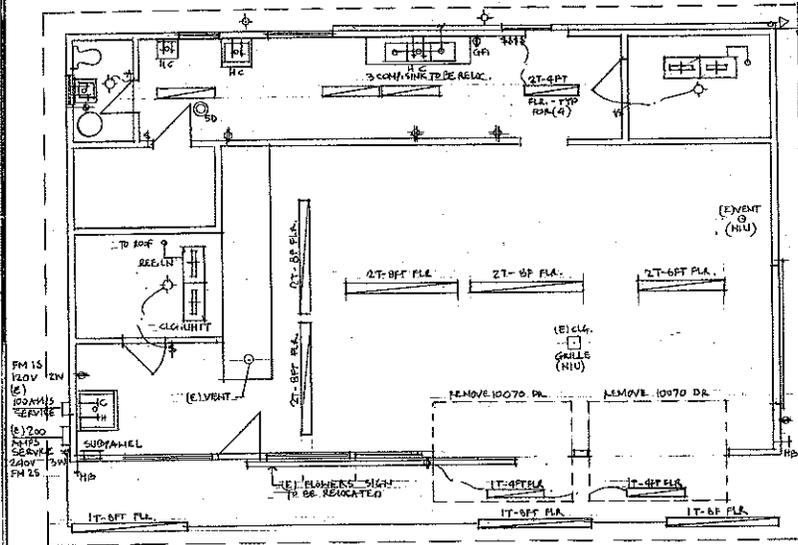
GENERAL NOTES

1. TYPICAL DETAILS SHALL APPLY WHERE NO SPECIFIC DETAILS OR SECTIONS ARE GIVEN.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION.
3. ANY DEVIATIONS FROM THE PLANS WHICH ARE NECESSITATED BY FIELD CONDITIONS OR ANY CONDITIONS DIFFERENT FROM THOSE INDICATED ON PLANS, SHALL BE CALLED TO THE ATTENTION OF THE ARCHITECT/STRUCTURAL ENGINEER. ALL WORK IS TO BE COORDINATED SO THAT COOPERATION BETWEEN TRADES, WHERE REQUIRED, IS ACCOMPLISHED.
4. ALL DIMENSIONS TO TAKE PRECEDENCE OVER SCALE SHOWN ON PLANS, ELEVATIONS, SECTIONS AND/OR DETAILS.
5. NOTES AND DETAILS ON OPERATIONS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
6. MATERIAL, DIMENSIONS AND OPERATIONS ON DRAWINGS SHALL TAKE PRECEDENCE OVER THE SPECIFICATIONS.
7. VERIFY ALL OPERATIONS THROUGH CONSTRUCTION WITH HAND PLUMBING AND/OR ELECTRICAL CONTRACTORS, FOR SIZE AND LOCATION. NOTIFY ARCHITECT/STRUCTURAL ENGINEER OF ANY DEVIATIONS FROM THE DRAWINGS.
8. SEE ARCHITECTURAL PLANS FOR SIZES AND LOCATIONS OF ALL DEVIATIONS FROM THE DRAWINGS.
9. NOTES AND DETAILS ON OPERATIONS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
10. MATERIAL, DIMENSIONS AND OPERATIONS ON DRAWINGS SHALL TAKE PRECEDENCE OVER THE SPECIFICATIONS.
11. VERIFY ALL OPERATIONS THROUGH CONSTRUCTION WITH HAND PLUMBING AND/OR ELECTRICAL CONTRACTORS, FOR SIZE AND LOCATION. NOTIFY ARCHITECT/STRUCTURAL ENGINEER OF ANY DEVIATIONS FROM THE DRAWINGS.
12. SEE ARCHITECTURAL PLANS FOR SIZES AND LOCATIONS OF ALL DEVIATIONS FROM THE DRAWINGS.
13. OPERATIONS, JOISTS, COLUMNS, WALLS, ETC. UNLESS SPECIFICALLY DETAILED ON THE STRUCTURAL DRAWINGS, NOTIFY ARCHITECT/STRUCTURAL ENGINEER WHEN MECHANICAL/ELECTRICAL DRAWINGS SHOW OPENINGS, POCKETS, ETC. THAT ARE NOT LIKEWISE SHOWN ON THE STRUCTURAL DRAWINGS.
14. CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED FINISHED MATERIAL AND/OR STRUCTURAL MEMBERS AS REQUIRED AND AS CONFIRMED BY THE BUILDING INSPECTOR AND ARCHITECT/STRUCTURAL ENGINEER.

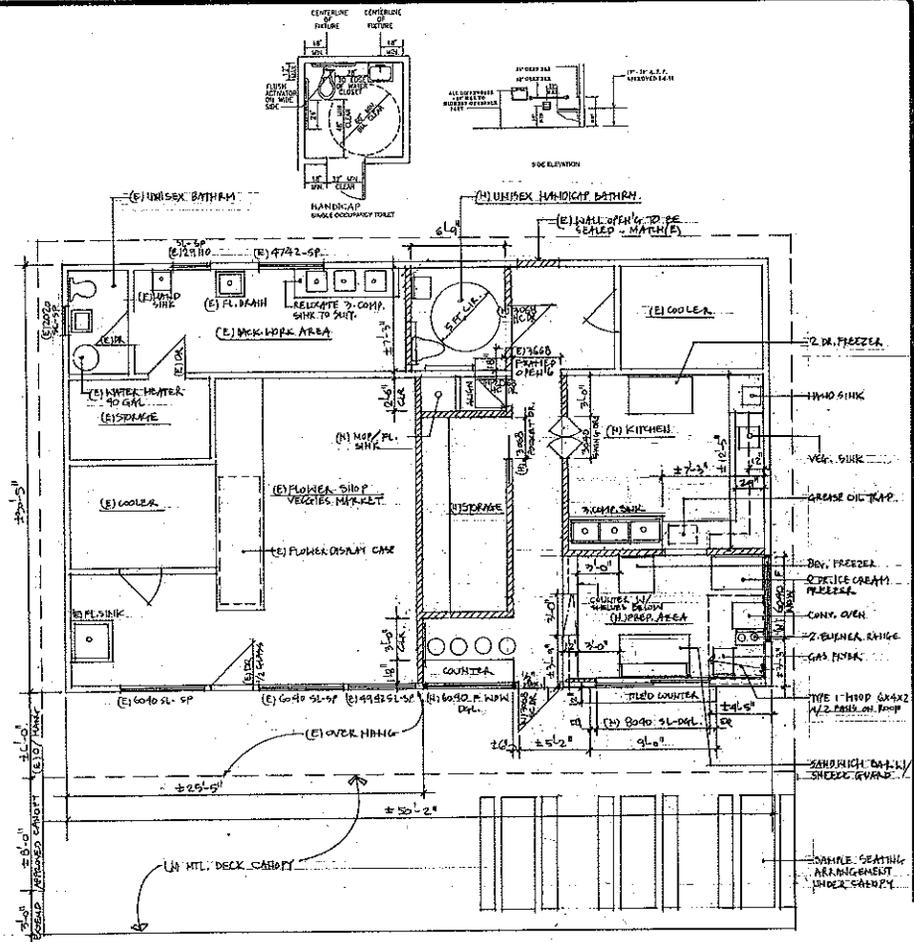
11. FRAMING CONDITIONS NOT SPECIFICALLY SHOWN SHALL BE FRAMED SIMILAR TO THE TYPICAL DETAILS FOR THE RESPECTIVE MATERIAL.
 12. EXTERIOR OPENINGS, IE WINDOWS, DOORS, ETC. SHALL BE FLASHED IN SUCH MANNER AS TO MAKE THEM WEATHERPROOF AS PER CURRENT EDITION OF UBC IN USE AND INDUSTRY STANDARDS.
 13. ALL HARDSCAPE AND LANDSCAPE TO SLOPE 1/8 INCH PER FOOT AWAY FROM THE BUILDING.
- NOTE
THIS ARCHITECTURAL/ENGINEERING DESIGN IS FOR THE AREA OF REMODEL/ADDITION. ONLY NO WARRANTY AS TO THE QUALITY OF THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING/HOUSE IS IMPLIED OR IMPLIED BEYOND WHAT IS EXPRESSLY WRITTEN IN THE PLANS AND/OR CALCULATIONS. BY ACCEPTING THIS WORK, THE OWNER ACKNOWLEDGES THIS ARCHITECT/ENGINEER'S LIMITED LIABILITY.

APPLICABLE: 2019 CBC
 CODES
 2019 CBC
 2019 CBC
 2007 CGC

TITLE 24 - ENERGY, 2008 EDITION AND OTHER
 APPLICABLE LOCAL AND STATE LAWS &
 REGULATIONS.



EXISTING ELECTRICAL FLOOR PLAN / PM LTD.



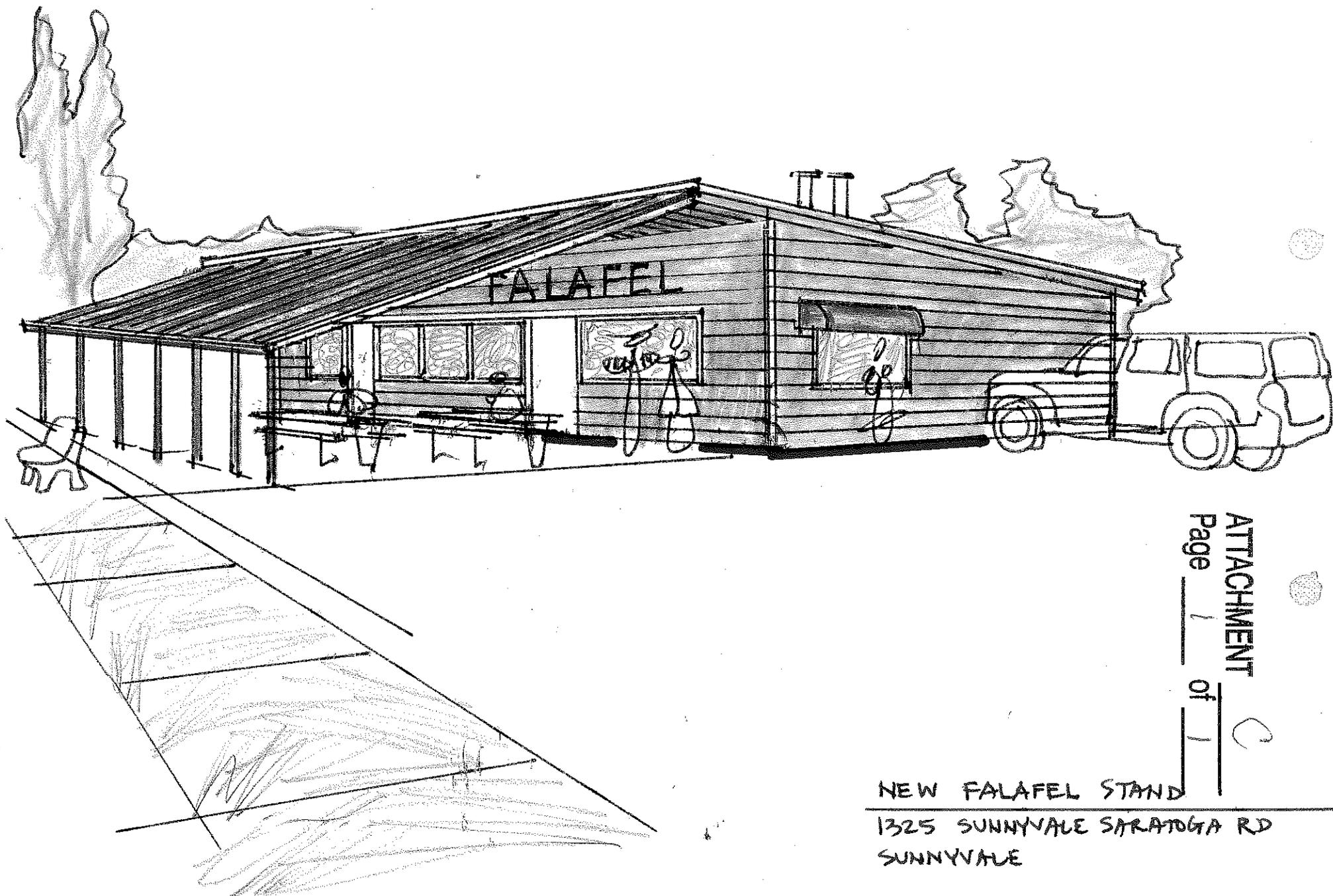
PROPOSED FLOOR PLAN

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NEW FALAFEL STAND
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OR PLAN



ATTACHMENT
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