



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

December 14, 2011

File Number: 2011-7794

Permit Type: Use Permit

Location: 882 Old San Francisco Rd. (near S. Wolfe Rd.) (APN: 211-05-031)

Applicant/Owner: Manasi Inc. / Wolfe Reed Properties LLC et al

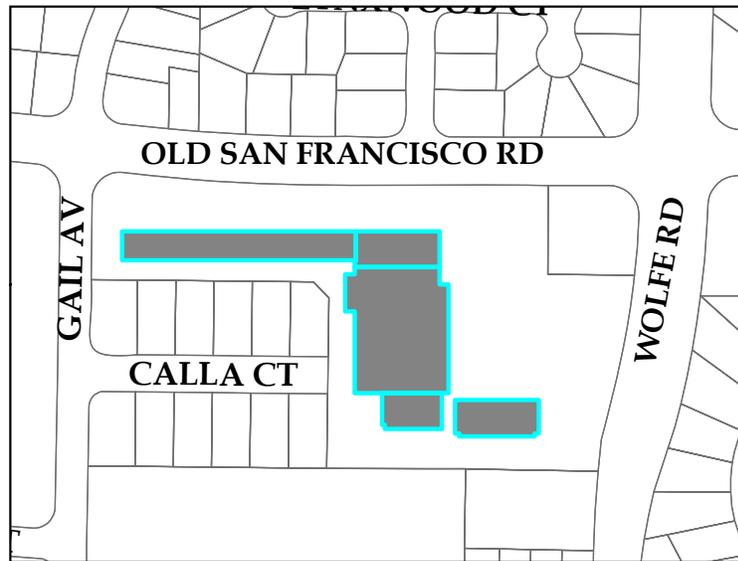
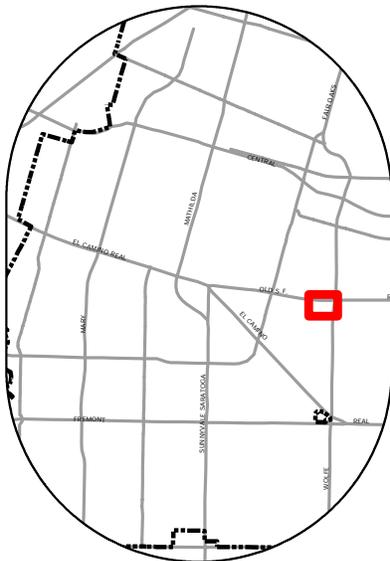
Staff Contact: Noren Caliva, Associate Planner, (408) 730-7637

Project Description: To allow a banquet hall in the Wolfe-Reed shopping center.

Reason for Permit: A Use Permit is required for new place of assembly uses within the C-1 Zoning District.

Issues: Parking and neighborhood compatibility

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Commercial Neighborhood Shop	Same
Zoning District:	C-1	Same
Lot Size:	276,940	Same
Total Sq. Ft. on Site:	74,448	Same
Tenant Sq. Ft.:	1,487	Same
Parking:	420	Same

Previous Planning Projects related to Subject Application The Wolfe-Reed shopping center was developed in 1969 and is comprised of four contiguous buildings. The applicant currently operates two businesses within this shopping center. Athidi Indian Cuisine (restaurant) is located in tenant space #727 and was approved with alcohol service (Use Permit 2007-1148). Athidi Party Hall (place of assembly) is located in the adjacent tenant space in #731 and was approved with restrictions on use, hours of operation, building occupancy and alcohol service (Use Permit 2009-0398).	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Use Description: The applicant proposes to operate a third business within this center. The proposed use is similar to the use of Athidi Party Hall, where the space will be available for patrons to rent for celebrations or gatherings. Patrons may either bring in their own food or order from Athidi Indian Cuisine. No live entertainment, alcohol service, or amplified music is proposed.

Floor Plan: The tenant space is approximately 1,487 square feet in size, and was previously occupied by a furniture sales business. The banquet hall will primarily be open seating area with portable tables and chairs that can be configured per the patrons' request. There are existing bathrooms and office/storage areas that will be retained. No bar area or kitchen facility is proposed within the party hall.

Hours of Operation: The applicant requests the banquet hall to be available for patrons primarily for weekends and holidays, with limited weekday use. The proposed hours of operation are 10 a.m. to 10:30 p.m. daily, which is similar to the approved hours for Athidi Party Hall. Events that may exceed the closing time of 10:30 p.m. will require a separate staff-level permit to reduce potential noise to the adjacent residential neighborhood.

Expected Students / Customers: The applicant anticipates that there will be a maximum of 56 patrons at any given time. This is consistent with the California Building Code occupancy limitation, as calculated with the floor plan submitted. To avoid conflict with other potential occupancy limitations, staff recommends that a condition be added to allow up to 56 patrons at any given time, or as required by any other code restriction, whichever is less.

Exterior Changes: No exterior changes are proposed at this time. The parking lot was re-stripped, driveways were upgraded, and a new trash enclosure was built as part of the approval for Athidi Party Hall. No additional improvements are required by staff. Proposed signs will require compliance with the established Master Sign Program for the shopping center.

Parking: The shopping center is comprised of a mix of retail, personal service and restaurant uses that share 420 existing parking spaces. Shopping centers of this size require 1 space per 225 square feet, for a total of 331 parking spaces (surplus of 89 spaces).

For comparison purposes, specific uses that account for more than 10% of the building area were also calculated using the individual parking rates per Sunnyvale Municipal Code 19.46.020. Place of assembly uses (includes Athidi Party Hall) will total 7% of the shopping center and would be subject to the general shopping center parking rate. Existing restaurant uses account for 16% of the shopping center, with a parking rate of 1 per 110 square feet. Based on this calculation method, a total of 386 parking spaces are required (surplus of 34 spaces).

Use	Tenant Area (sf)	Shopping Center Requirement	Individual Parking Requirement
Retail, personal service, vacant (77%)	57,066	254	254
Restaurant (16%)	11,788	52	107
Places of assembly (7%)	5,594	25	25
Parking Spaces Required		331	386

Both parking calculations demonstrate that there are excess parking spaces within the shopping center. The shopping center is made up of different uses with different peak hours. A majority of the tenants have peak hours during weekday afternoons and evenings, while peak hours for the banquet hall are limited to weekends. Therefore, staff finds that there are adequate parking spaces on-site to accommodate the proposed use.

Public Safety: Staff has referred this application to the Department of Public Safety (DPS) for comments. Staff finds that the proposed use, as conditioned, will reduce potential public safety impacts.

Public Contact: 56 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 changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Use 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. (*Finding Met*)

Land Use and Transportation Element:

Action Statement LT-4.1a – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Action Statement LT-4.13c – Provide opportunities for, and encourage neighborhood-serving commercial services in each residential neighborhood.

Action Statement LT-7.1a – Promote a variety of commercial, retail and industrial uses, including Neighborhood Shopping, General Business, Office, Clean Technology, and Industrial/Research and Development.

The proposed use is compatible with the mix of tenants within the shopping center. In addition, the proposed project provides an additional gathering space that the neighboring residents and community can utilize for special occasions.

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. (*Finding Met*)

The project is expected to have minimal impacts on surrounding properties. No exterior modifications are proposed and, as conditioned, parking will not spill-over into adjacent residential neighborhoods and noise impacts will be minimal. Future expansion of the use will be considered through the appropriate review process to ensure parking requirements are met.

ALTERNATIVES:

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

RECOMMENDATION

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

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: Noren Caliva, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Letter from the Applicant/Justification Form
- D. List of Existing Tenants

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
December 14, 2011**

Planning Application 2011-7794

882 Old San Francisco Rd.

Use Permit to allow a banquet hall in the Wolfe-Reed shopping center.

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:

<p>GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</p>

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. USE EXPIRATION:

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

GC-3. 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-4. APPROVED USE: The Use Permit is to allow a 1,487 square foot banquet hall (place of assembly).

- a) No alcohol shall be served or sold within the tenant space unless a separate Use Permit is obtained.
- b) No live entertainment or amplified music is permitted within the tenant space unless a separate Use Permit is obtained.
- c) No more than 56 patrons may occupy the tenant space at any given time, or as required by any other code restriction, whichever is less. [COA] (PLANNING)

GC-5. NOISE COMPLIANCE: The noise level generated by the facility shall not create a nuisance to occupants or customers of adjacent commercial establishments.

- a) The noise or sound level shall not exceed 60 dBA during daytime and 45 dBA during nighttime hours at any point on adjacent residentially zoned properties.
- b) All exterior doors shall be kept closed at all times.
- c) Patrons shall be restricted from the rear area adjacent to neighboring properties at all times.
- d) The tenant is responsible for ensuring customers do not smoke within 20 feet of any doorways, per State law. [COA] (PLANNING)

GC-6. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all conditions of approval and requirements of previously-approved planning permits. [PLANNING] [COA]

GC-7. SIGNS:

New signs comply with the Master Sign Program for the shopping center and Sunnyvale Municipal Code regulations. [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. UPGRADES: Comply with all requirements for the California Building, Electrical, Plumbing, Mechanical and Fire Codes. [COA] [PLANNING]

BP-2. 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-3. NOTICE OF CONDITIONS OF APPROVAL:
A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. 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]

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.

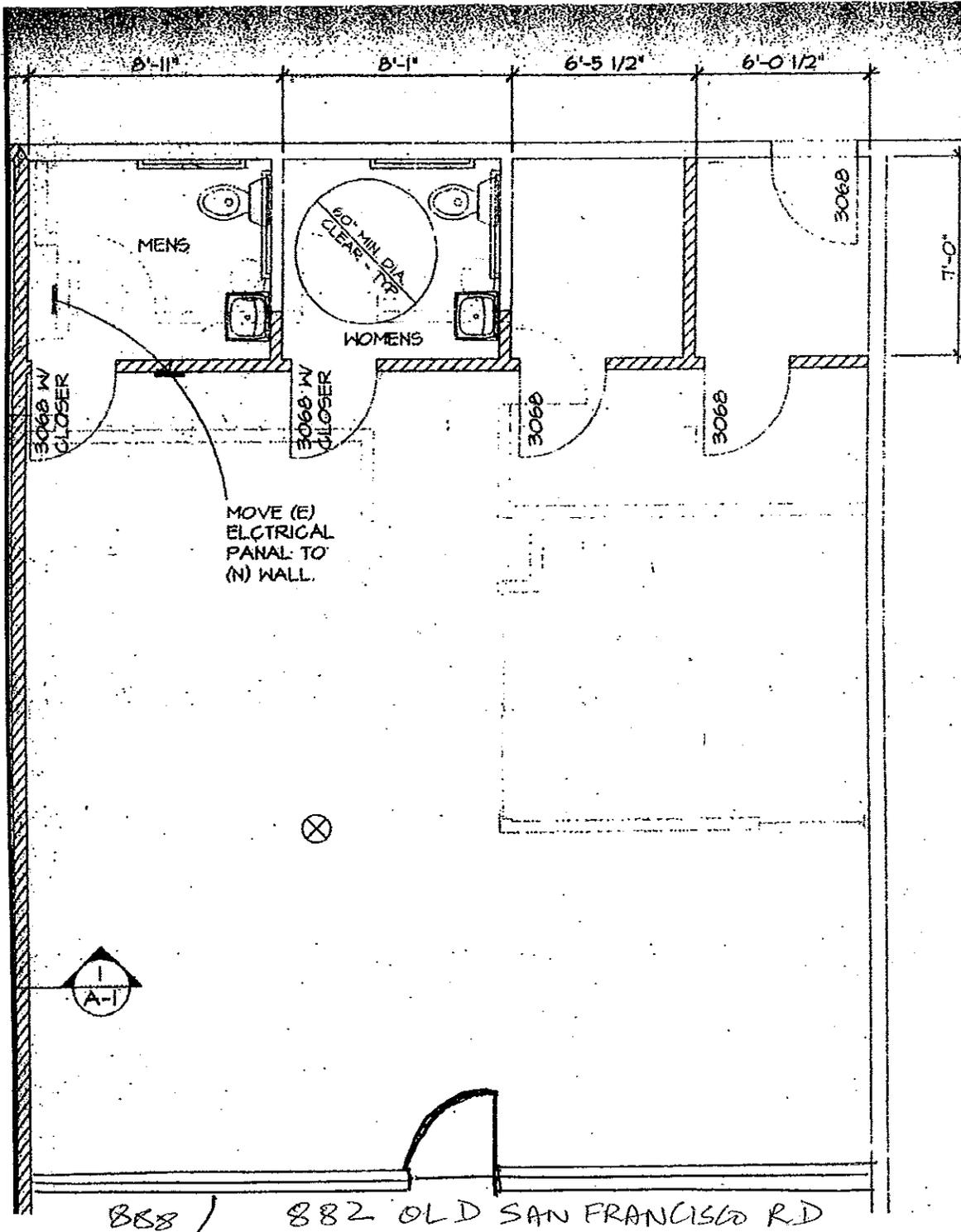
AT-1. HOURS OF OPERATION:

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

- a) The hours of operation are limited to 10 a.m. to 10:30 p.m. daily.
- b) Hours extending beyond 10:30 p.m., either on a permanent or temporary basis, shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2. RECYCLING AND SOLID WASTE:

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



THE PROPOSED USE IS FOR BANQUET HALL
MOSTLY DURING WEEKENDS AND PUBLIC
HOLIDAYS.

WE NEED 1/2 EMPLOYEES TO GIVE SERVICE

HOURS OF OPERATION: 10 AM TO 3 PM

5 PM TO 10:30 PM.

NO INTERIOR MODIFICATION IS NEEDED

TO MEET THE LOCAL DEMAND, WE
NEED THIS BANQUET HALL.

NUMBER OF PATRONS: 56

To

Noren Caliva
Associate Planner
Dept of Community Development
456 West Olive Avenue
Sunnyvale, CA 94088

November 17, 2011

RE: Project: 2011-7794

Address: 882 Old San Francisco Rd.

Clarification to your PRC letter dated 11/14/2011

1. Yes, some of the food served in this location come from Athidhi Indian restaurant.
2. There will be no live entertainment on site, such as amplified music, dancing, DJ's, bands, etc.
3. No alcohol will be sold or served on-site.
4. No special events that may include more patrons on-site, or a later closer time.
5. Please find attached a 8 1/2 " X 11" copy of the site plan.

Patrons may also choose to bring their own food.

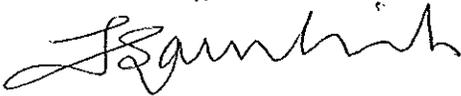
It is pertinent to mention here that we want to use the premises as it is. The place is exactly suitable for banquet with two restrooms and two rooms.

We do not want to do any new construction, hence we do not want to submit any plans.

We request you to give us the permission as soon as possible due to approaching holiday and festive season.

If you have any questions, please call me at 408-421-8603. Thank you for your cooperation.

Sincerely,



Sam Jagarlamudi
Manasi Inc
727 S. Wolfe Rd
Sunnyvale, CA 94086.



USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

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

Banquet Hall to meet the local needs and demand and it attains the objectives & purposes.

AND
OR

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 ...

ALSO The proposed use is for Banquet Hall and ensures that the building's use is properly used and will not impair the development of the area.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

Rent Roll
 Wolfe-Reed Center
 From 10/11/11

Unit	Tenant Name	Unit Sqft	Actual Rent	Deposit	Move-in
703	Shell Oil Company		0.00		3/15/1968
727	Athidi Indian Cuisine <i>A</i>		7,321.00		12/6/2007
731	VACANT <i>B</i>		1,711.00		
733	Safeway Inc. <i>VACANT</i>		33,636.00		1/1/1970
743	Events of Excellence <i>M</i>		5,695.00		1/1/1996
747	Asia Village <i>A</i>		1,667.00		10/1/2003
751	Sunny Cuts & Nails <i>B</i>		1,072.00		4/1/2003
753	Wolfe Reed Barber Shop <i>B</i>		528.00		2/1/2007
755	Mark Cleaners <i>B</i>		1,952.00		6/20/1994
757	Bob's Discount Liquors #5 <i>B</i>		3,080.00		1/1/2011 *
854	Wolfe India Bazar <i>B</i>		3,360.00		10/1/2006
860	Roundtable Development Co. <i>B</i>		3,360.00		5/1/1980
864	Satellite Guadalupe <i>B</i>		960.00		12/1/2009
866	Indian Gift Shop <i>B</i>		1,440.00		12/1/2009
868	Water Works <i>M</i>		960.00		11/1/2009
870	Laundromat <i>B</i>		1,104.00		2/1/2011
872	Famous Food Restaurant <i>A</i>		1,296.00		10/1/2005
876	Windsor Fish & Chips <i>A/B</i>		1,440.00		1/1/1997
878	Nice Nails <i>B</i>		960.00		9/1/2003
882	Vacant <i>B</i>		1,487.00		
888	Shanghai Flavor Shop <i>M</i>		1,645.00		1/1/2006
Total			74,674.00		

41,000

TYPE VB