



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

April 11, 2012

File Number: 2012-7155

Permit Type: Use Permit

Location: 438 W. Maude Ave. (near N. Mathilda Ave) (APN: 165-28-019)

Applicant/Owner: Fenders Collision Center, Inc. / Vendanta Society

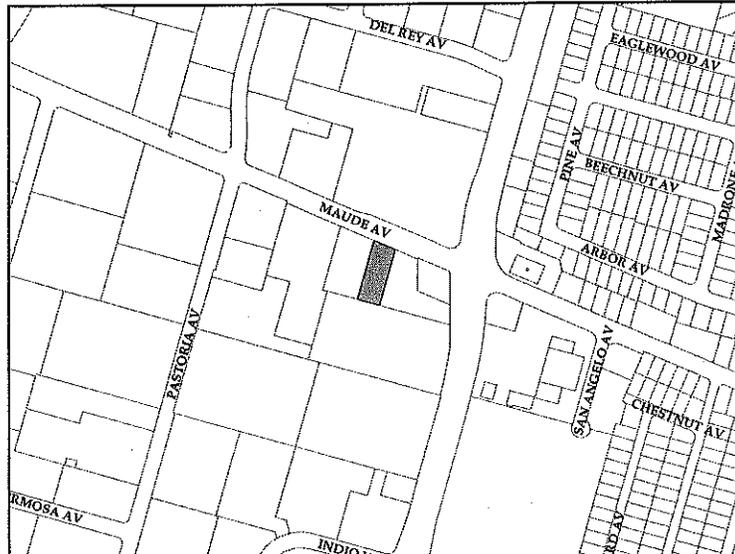
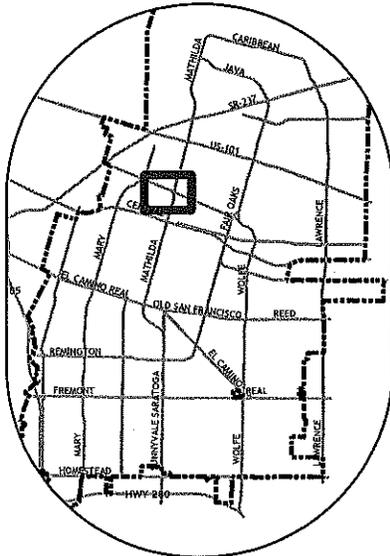
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: To allow an auto body and repair shop within an industrial building

Reason for Permit: A Use Permit is required for vehicle repair facilities in the M-S Zoning District.

Issues: Parking, Compatibility

Recommendation: Approval with conditions.



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Industrial	Same
Zoning District:	M-S/POA	Same
Total Sq. Ft. on Site:	25,334	Same
Tenant Sq. Ft.:	10,465	Same
Parking:	50	60

Previous Planning Projects related to Subject Application: The subject property has been vacant for several months. Most recently the site had been occupied by a sheet metal manufacturing/retail business. Prior to that use, a site had been occupied by an auto body shop (Use Permit no longer valid).	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements: The site is currently deficient in landscaping.	Yes

Use Description: The proposed use (Fenders Collision Center, Inc.) is for an auto body and repair business. No other tenants would occupy the site. The business has been operating at 912 W. Evelyn Avenue in Sunnyvale for the past 17 years and focuses on automotive collision repair. The business has approximately 12 full-time and three part-time employees.

The auto repair will vary from minor to major body panel work including welding, metalworking, refinishing and detailing for passenger cars and trucks. Subsequent review and permits by Building Safety and Hazard Materials Division staff will be required for certain operational uses. The business does not plan to utilize the site for a tow service/storage facility. All repair work would take place inside the building.

Hours of Operation: Monday to Friday from 6:30 a.m. to 7:00 p.m., and Saturday from 10:00 a.m. to 2:00 p.m. The business is closed on Sundays.

Neighborhood Compatibility: The proposed use is situated within an industrial neighborhood near a major arterial (N. Mathilda Avenue). Surrounding uses are predominantly light industrial/manufacturing, R&D office and retail. A religious facility is located south of the site.

Site Plan: The 10,334 s.f. building is currently situated in the middle of the property with parking spaces at the rear of the site. A circular driveway allows for vehicular access at the front of the site off of Maude Avenue. To enable increased parking for the site, modifications are planned that include new striping at the rear of the site and adjacent to the building. An approximately 6-foot chain-link (w/ slats) fence surrounds the property. A gate on both sides

of the building restricts access to the rear of the site during non-business hours. During business hours, these gates would remain open. A Knox box is required to be installed, per Condition of Approval BP-3, to enable fire access around the building. The existing trash enclosure does not meet current standards and will have to be enlarged. Modifications to this facility are required to be reviewed through a separate Miscellaneous Plan Permit prior to occupancy of the site (Condition of Approval PC-2).

Floor Plan: The floor plan will be reconfigured to allow for work stalls and racks for the vehicles. A spray booth is indicated towards the back of the building. The front of the building will be designated for lobby, office and restroom area. Building permits are required for interior modifications and to ensure accessibility requirements are met.

Exterior Changes: The applicant plans to repaint the exterior of the building at a later date. Staff has included Condition of Approval PC-3 to require this repainting of the exterior within six months of occupancy. Per Condition of Approval PC-4, an existing air conditioning unit located at the front of the building is required to be removed or relocated. Any proposed roof equipment will be required to be screened on all four sides per Municipal Code requirements.

Landscaping: The site is currently deficient in landscaping with approximately 800 s.f. square feet. The landscaping is located mostly at the front of the site or along the perimeter. There is minimal opportunity to add landscaped area due to needed area for parking and driveway access. The applicant intends to clean up the site as the current condition of the landscaping is poor and not well maintained. Conditions of Approval require that the existing landscaping be trimmed and maintained in a healthy condition and that the front landscape bed be cleaned up, irrigation be installed and planted with drought tolerant landscaping. The applicant has indicated that the two Eucalyptus trees at the front of the property could be removed at a later date. Due to their size, a separate tree removal permit application is required at that time. Staff has also included a Condition of Approval BP-9 to require the installation of a planter bed along the front edge of the building to improve the appearance from the street.

Parking: Per Sunnyvale Municipal Code, 59 spaces are required based on the rate of one space per 180 s.f. Similar to other auto repair facilities, parking requirements can be met through utilizing area within the facility that can be accessed from garage bay doors. The applicant indicates that a total of 62 spaces can be provided on-site. Staff notes that two parallel spaces indicated on the site plan at the front of the site are not feasible due to needed driveway access; therefore, the site could provide up to 60 spaces. The entire site will need to be restriped. Furthermore, due to the condition of the existing paving on site, Condition of Approval AT-10 also requires that the paved area be

resealed as necessary. The applicant does not expect more than 20-40 vehicles on site for repair at any time. The vehicles would be moved from one area to another inside the building depending on the scope of work.

Public Contact: 10 notices were sent to surrounding property owners and tenants adjacent to subject site in addition to standard noticing practice. Staff did not receive any letters or comments from the public related to this application.

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

Policy LT-4.3 - *Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.*

Policy LT-4.7 - *Support the location of convenient retail and commercial services (e.g., restaurants and hotels) in industrial areas to support businesses, their customers and their employees.*

Policy LT-7.1 - *Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

The proposed auto repair use, Fenders Collision Center, would occupy a building that had been previously utilized by auto repair facility (prior to the previous manufacturing use). The company would be relocating from another industrially zoned location in Sunnyvale that it had occupied for the past 17 years. The surrounding neighborhood is composed of a combination of uses, including a nearby gas station/auto repair facility at the corner of Maude Avenue and N. Mathilda Avenue.

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 proposes improvements to the interior and exterior of the site including the parking layout and existing landscaping. Conditions of Approval require further improvements that will help improve the

appearance of the property from the street and surrounding area. The proposed use is not expected to impact the surrounding neighborhood.

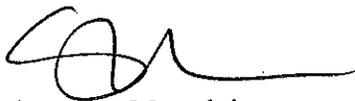
ALTERNATIVES:

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: Ryan M. Kuchenig, Associate Planner

Attachments:

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

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
April 11, 2012**

Planning Application 2012-7155

438 W. Maude Ave.

Use Permit to allow an auto body and repair within an
existing industrial 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 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. 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)

PC: THE FOLLOWING SHALL BE ADDRESSED PRIOR TO COMMENCEMENT OF THE APPROVED USE (OR IN THE TIME FRAME NOTED IN THE CONDITION IF APPLICABLE).

PC-1. BUILDING PERMITS:

Obtain any required building permits for tenant improvements including installation of tools and equipment prior to construction or installation activities. [SDR] [PLANNING]

PC-2. RECYCLING AND SOLID WASTE ENCLOSURE:

The existing enclosure is substandard and is required to be enlarged from 8' x 8' to 13' x 9'. The new or expanded enclosure is subject to the following requirements:

- a) The enclosure shall comply with all design and location requirements of the Sunnyvale Municipal Code;
- d) A Miscellaneous Plan Permit application shall be submitted to the Planning Division for review of the proposed enclosure's design and location within 30 days of the final approval action of the Special Development Permit;
- e) A building permit for construction or expansion of the enclosure shall be obtained within 60 days of the final approval action of the Special Development Permit;
- f) Construction or expansion of the enclosure shall be completed within 90 days of the final approval action of the Special Development Permit. [COA] [PLANNING]

PC-3. EXTERIOR IMPROVEMENTS:

Within six months of the commencement of the use, the building exterior shall be repainted. Final paint color shall be reviewed and approved by Planning staff. [COA] [PLANNING]

PC-4. AIR CONDITIONER:

The air conditioner unit located at the front of the building shall be removed or relocated away from the front of the building. [COA] [PLANNING]

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. BUILDING PERMITS:

Obtain any required building permits for tenant improvements including installation of tools and equipment prior to construction or installation activities. [SDR] [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. KNOX BOX:

A Knox box or similar key box shall be provided for use by the City's Department of Public Safety. Coordinate with Fire Prevention Services regarding approval and installation of the key box. [COA] [PUBLIC SAFETY].

BP-4. 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-5. 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-6. RECYCLING AND SOLID WASTE CONTAINERS:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-7. BEST MANAGEMENT PRACTICES:

The site shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of

plans and shall be subject to review and approval by the Director of Public Works:

- a) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- b) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-8. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-9. LANDSCAPING

The following improvements shall be indicated on the site plan:

- a) Existing site landscaping shall be cleaned up, trimmed and maintained.
- b) The front landscape bed on Maude shall be cleaned up, irrigation installed and planted with drought tolerant ground cover.
- c) Install a planter box other form landscaping along the building adjacent to the front door. [COA] [PLANNING]

BP-10 UTILITY PLAN:

The existing 5/8" water meter shall be upgraded to a 1" radio-read water meter. Obtain necessary encroachment permits and pay applicable fees for water meter upgrade. [SDR] [PUBLIC WORKS]

BP-11 ACCESSIBLE PATH:

A 4' accessible ADA path behind the eastern driveway to access the sidewalks shall be provided. [SDR] [PUBLIC WORKS]

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 6:00 a.m. to 8:00 p.m. daily.

AT-2. OUTDOOR REPAIR:

All vehicle repair and service activities shall occur within the interior of the building. No unenclosed or outdoor repair is permitted. [COA] [PLANNING]

AT-3 VEHICLE STORAGE:

All vehicles associated with the approved use shall be stored within the interior of the building during non-business hours. [COA] [PLANNING]

AT-3. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. No unenclosed storage is permitted on the site. Bins shall be stored with their lids closed, and shall be kept within enclosures at all times with enclosure doors closed. Recycling and solid waste bins shall not be stored within the interior of the building. [COA] [PLANNING]

AT-4 LOUDSPEAKERS PROHIBITED:

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

AT-5 NOISE:

The approved use shall comply with the requirements of the City's noise ordinance at all times. [SDR] [PLANNING]

AT-6 OUTDOOR DISPLAY:

Outdoor display of merchandise is not permitted at any time unless a separate permit for outdoor display is approved by the Director of Community Development. [COA] [PLANNING]

AT-7: EXTERIOR EQUIPMENT:

Any exterior equipment and/or supplies of any kind shall be maintained within approved enclosure areas. Unenclosed storage is not permitted. 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-8: LANDSCAPE MAINTENANCE:

All landscaping shall be maintained in accordance with approved landscape plans and 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]

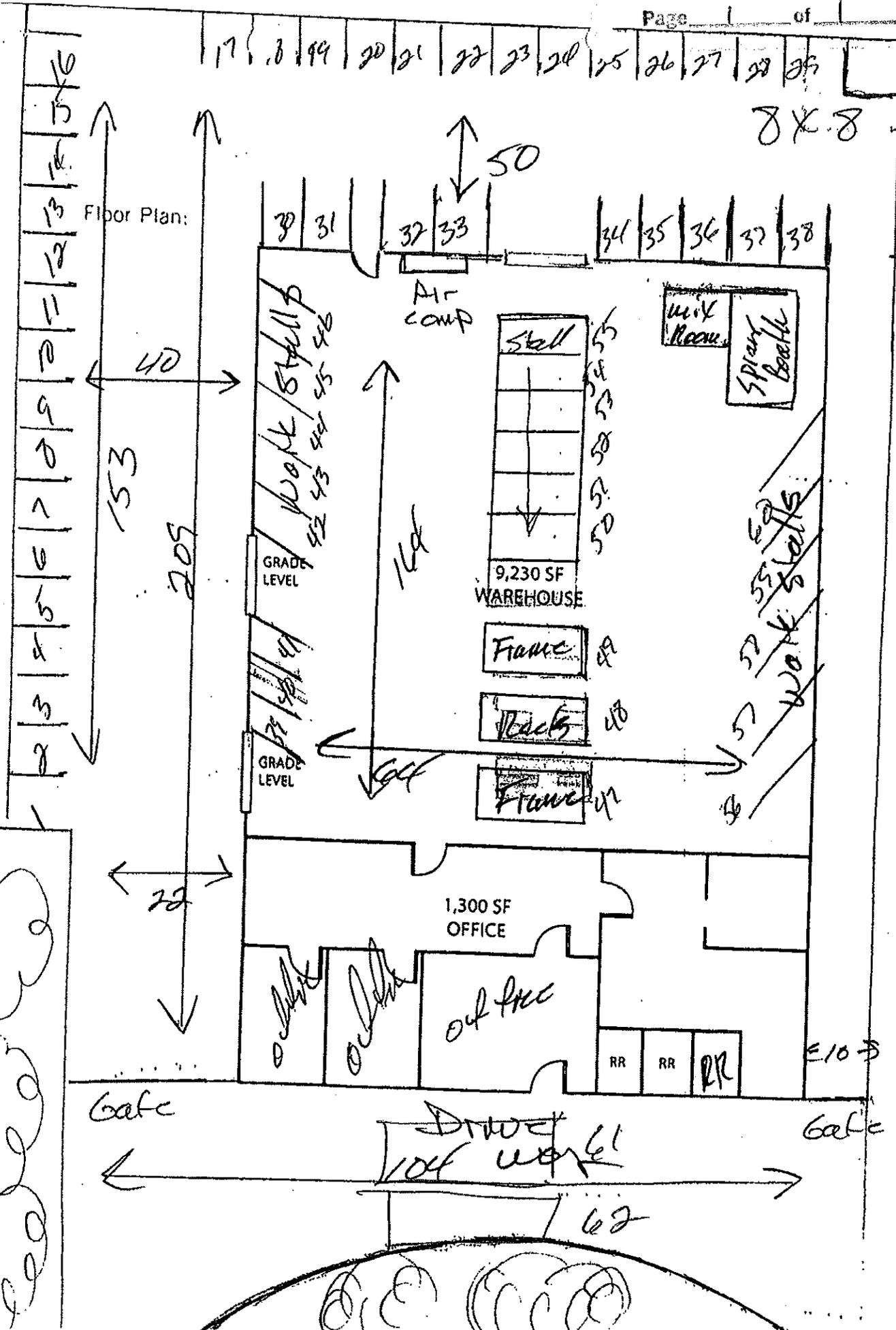
AT-9 SIGNS:

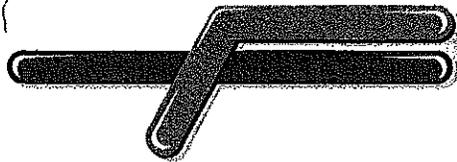
Any proposed signage shall require separate approval by the City prior to installation. [COA] [PLANNING]

AT-10 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 on the Building Permit plans and completed prior to occupancy.
- b) The parking and drive aisle area shall be resurfaced with slurry sealed as necessary
- c) Maintain all parking lot striping and marking.
- d) Require signs to direct vehicles to parking spaces on-site, as needed. [COA] [PLANNING]





February 27th, 2012

City of Sunnyvale
Planning and Building Division
456 W. Olive Ave.
Sunnyvale, CA 94086

To Whom It May Concern:

Fenders Collision Center, Inc. ("Fenders") is an auto body repair and refinishing company located at 912 W. Evelyn Avenue. We have been in operation at this location for over 17 years. Proudly, the City of Sunnyvale is one of our long-standing accounts. We work with Tony Vargas and Walter Buczeke to repair Sunnyvale's damaged police, fire, and maintenance vehicles.

As part of Fenders' ongoing effort to maintain the bottom line, Fenders is looking into an opportunity to relocate a larger, less expensive site located at 438 W. Maude Ave.

The proposed use of the site at 438 W. Maude Ave will duplicate the use of our current site-to repair and refinish damaged automobiles and trucks.

Fenders' hours of operation will also duplicate the hours at our current site. They will be:

6:30 a.m. – 7:00 p.m. Monday through Friday
10:00 a.m. – 2:00 p.m. Saturday

There is no plan to sublease any part of the proposed site. Fenders Collision Center, Inc. will occupy the entire property.

Fenders currently has 12 full-time employees, and three part-time employees. There are no current plans to add personnel to our staff.

Speaking with the property manager revealed that the site was previously used to manufacture sheet metal products.

Please feel free to contact us if you or anyone involved in this proposed site change have any questions or concerns. Our main phone number is 408-736-8300.

Sincerely,

Robert Fessler
President

Use Permit/Special Development Permit Justifications

The proposed use of the site at 438 W. Maude Avenue is to move and continue the operation of Fenders Collision Center, Inc. (Fenders")- an existing automobile body repair and refinishing company currently located at 912 W. Evelyn Ave. The proposed use ensures that the general appearance of the structure will not impair the orderly development of, or the existing uses being made of adjacent properties. The plan is to operate at the site as it currently exists, with the exception of whatever legal signage can be added to increase visibility.

Fenders Collision Center, Inc. opened in Sunnyvale over 17 years ago. Throughout that period, Fenders has experienced steady growth and demand for its services. Currently, the square footage Fenders occupies is straining production. We are currently operating two shifts with increased business hours to meet current demand.

A move to 438 W. Maude Ave will meet Fenders' need for increased square footage for both production and storage of customer's automobiles and trucks, reducing both the number of shifts worked as well as our hours of operation.

Sunnyvale Planning Department Project Review
Project #2012-7155 438 W. Maude Ave

Planning

1. Fenders Collision Center, Inc. (Fenders) performs all steps of auto body repair including frame straightening, welding, metalworking and repair, refinishing, and final detailing of passenger cars and trucks. Fenders does not store tires. The company does not own a tire machine. Tire replacement is sublet. Oil, antifreeze, discarded paint materials and used booth filters are stored in 30 gallon drums with secondary containment, as is required by the city. Fenders has no tow operation on site. Towing is also sublet.
2. After further review and site inspection, vehicle parking has been determined to be 62 sites, not the 47 sites that were previously estimated.
3. Please refer to attached diagram for information as to how the parking will function inside the building.
4. Cars in process of repair at Fenders fluctuate between 20-40 each day, depending on the seasonal demand for repair.
5. During non-business hours, vehicles in process will be stored inside the building. Non-drivable vehicles will be stored behind the secure, gated area until repairs begin.
6. Gates will be open during business hours.
7. The trash enclosure at the proposed site is 8' x 8'. The enclosure is of chain link fencing and can be locked. Unless needed, there are no plans to modify the enclosure.
8. Please advise if it is determined that improvements to the driveway and parking area are required.
9. It is understood that the building owner is working on repairs to exterior walls of building. The lease manager, Mike Connor of Cassidy Turley is working with the owner to complete this work.
10. Once a lease is obtained, arrangements will be made to trim trees and bushes at the proposed site.
11. Fenders will work with Randy Moeller, Industrial Waste Inspector for Sunnyvale, for necessary sewer connections and certification for auto detailing.
12. It is understood that all roof equipment is to be screened on each side.
13. It is understood that new signs will require separate permits through the Planning and Building Division.
14. There are no plans for any outdoor display of merchandise.
15. It is understood that no outdoor or unenclosed repairs are permitted.