



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

April 10, 2013

File Number: 2013-7154

Permit Type: Use Permit

Location: 1135 Kern Ave. (near Santa Trinita Ave) (APN: 205-23-011)

Applicant/Owner: Fortes Brothers, Inc. / M West Propco XV LLC

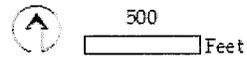
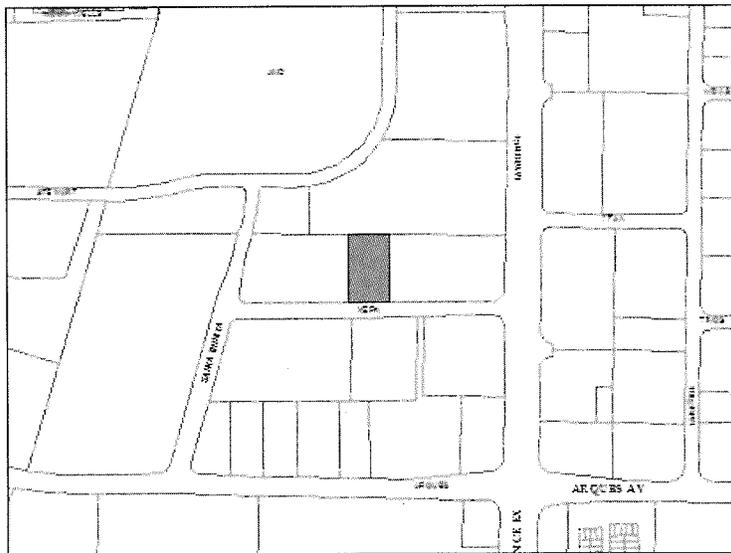
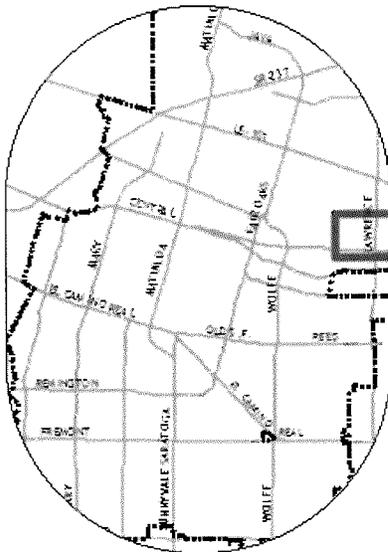
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: To allow an auto repair and towing facility within an industrial building

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

Issues: Compatibility

Recommendation: Approval with conditions.



PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Industrial	Same
Zoning District:	M-S	Same
Total Sq. Ft. on Site:	52,272	Same
Tenant Sq. Ft.:	18,229	Same
Parking:	84	Same

Previous Planning Projects related to Subject Application:	No
Neighborhood Preservation Complaints:	No
Deviations from Standard Zoning Requirements: The site is currently deficient in landscaping.	Yes

Use Description: The proposed use (Fortes Brothers Inc.) is an auto repair, auto body and towing service yard. No other tenants would occupy the building. The business is currently operating in Mountain View and looking to open a second location at the subject site. The auto repair expects an average of 10 vehicles being worked on at a given time while the auto body shop expects an average of 12 vehicles. A total of 15 vehicles that would be stored from 15 to 35 days would be stored as part of the towing service yard. One to two customers are expected on-site for each business. A project description is included in Attachment C.

All repair work would take place inside the building. Subsequent review and permits by Building Safety and Hazard Materials Division staff will be required for certain operational uses such as the paint booth.

Hours of Operation: Office hours for the auto repair, auto body and towing uses would be from Monday to Friday from 8:00 a.m. to 5:00 p.m.; however, operation hours for the towing service use would be 24 hours a day, seven days a week.

Neighborhood Compatibility: The proposed use is situated within an industrial neighborhood near a major arterial (Lawrence Expressway). Surrounding uses are predominantly light industrial/manufacturing, R&D office and retail.

Site Plan: The 18,229 s.f. building is currently situated on the right (east) side of the lot with parking adjacent and behind the building. One two-way driveway draws access from Kern Avenue. An approximately 6-foot chain-link fence is located on the east and west side property lines. No fence is located along the rear property line. An approximately 10-foot wall of a neighboring storage building (Public Storage) is located on or near the property line. The applicant

has indicated that barbed wire may be added to the top portion of the existing chain link fences. The property is not adjacent to residential uses; therefore, the use of barbed wire is not prohibited.

A mechanical gate is planned to be installed within the parking lot to secure vehicles as part of the towing operation. Per Condition of Approval AT-7d, staff is recommending that the gate remain open during business hours to allow for overflow patron parking. Staff is also recommending, per Condition of Approval BP-3, that vinyl slats be added to the perimeter fences and the proposed gate for improved screening of the tow service yard. A Knox box is also required to be installed, per Condition of Approval BP-4, to enable fire access around the building.

An existing trash enclosure is located at the rear northwest corner of the site. Any future modifications to this facility are required to be reviewed through a separate Miscellaneous Plan Permit (Condition of Approval GC-4).

Floor Plan: The floor plan will be reconfigured to allow for the installation of car lifts, frame machines, and a paint booth at the rear of the building. Offices, conference rooms and bathrooms are positioned near the front of the building. Two bay doors are positioned at the rear of the building. Building permits are required for planned interior modifications.

Exterior Changes: No exterior modifications to the building are proposed in conjunction with the Use Permit. Some interior tenant and site accessibility improvements were completed over the last three years.

The existing ground sign appears to have been constructed partially within the public right-of-way. Per Condition of Approval GC-5, the sign is required to be removed or relocated, prior to occupancy. Separate permits are required for new signs.

Landscaping: The site is currently deficient in landscaping with approximately 4,800 s.f. square feet (9% of the site). The landscaping is located mostly at the front of the site and adjacent to the building. Staff is not recommending that landscape area be added. Most of the landscaping on-site is well maintained. Certain locations along the western site perimeter should be improved. Condition of Approval AT-6, requires that the existing landscaping be trimmed and maintained in a healthy condition. Several significant size trees including redwoods are located at the front of the site and within the parking lot. The applicant has not indicated plans to remove these trees at this time. A tree removal permit will be required for any proposed removal of trees defined as "protected", by City ordinance.

Parking: Parking for the site exceeds Code requirements. Per Sunnyvale Municipal Code, 73 spaces are required based on the rate of 2.5 spaces per

1,000 s.f. and three spaces per service bay. A total of 84 spaces are provided on-site. Due to the proposed location of the gate, two of the existing spaces will likely be unusable. Approximately 16 spaces are located in front of the proposed gate. As stated previously, approximately one to two customers for each use are expected on-site at a given time. The applicant notes that an average of 15 spaces would be occupied for storage at one given time. As conditioned, the gate will remain open during business hours to allow for spillover parking.

Public Contact: Seven 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/body and towing service use, Fortes Brothers, Inc., would occupy a building in an industrial area that is currently vacant but previously occupied by an office and light manufacturing use. The surrounding neighborhood is composed of a combination of uses, including light industrial, retail, self-storage and R&D office uses. There are no nearby residential uses. The projects would provide service to the immediate area as well as the community in general.

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*)

Recent improvements have been completed to the exterior of the site including parking lot striping and accessibility upgrades. Conditions of Approval ensure screening of the tow-service yard and that adequate parking is available for patrons if necessary. The auto repair activity will take place entirely inside the building and 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:



Gerri Caruso
Principal Planner

Prepared By: Ryan M. Kuchenig, Associate Planner

Attachments:

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

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
April 10, 2013**

Planning Application 2013-7154

1135 Kern Ave.

Use Permit to allow an auto repair and towing facility
within an 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)
- GC-4. RECYCLING AND SOLID WASTE ENCLOSURE:
Prior to a Building Permit, a Miscellaneous Plan Permit application, subject to review and approval by the Planning Division, is required for any proposed modifications to the existing enclosure. [COA] [PLANNING]
- GC-5. SIGNS:
The existing monument sign, which crosses the property line into the public right-of-way, shall be removed prior to occupancy. Any proposed signage shall require separate approval by the City prior to installation. [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. FENCES:
The existing perimeter chain link fences and proposed gate shall incorporate vinyl slats to provide screening of the towing service yard. [COA] [PLANNING]

BP-4. 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-5. 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-6. 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-7. 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-8. WATER POLLUTION CONTROL

Obtain necessary approval from the Water Pollution Control Plant for sewer connections. A waste water management plan is required to be submitted for approval. All operations on-site must comply with the city's best management practices for waste water management. [SDR] [PLANNING]

BP-9. 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-10. 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]

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 for the auto repair and auto body uses are limited to 6:00 a.m. to 8:00 p.m. daily.
- b) The hours of operation for the towing service use is 24 hours a day, seven days a week. [COA] [PLANNING]

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. 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]

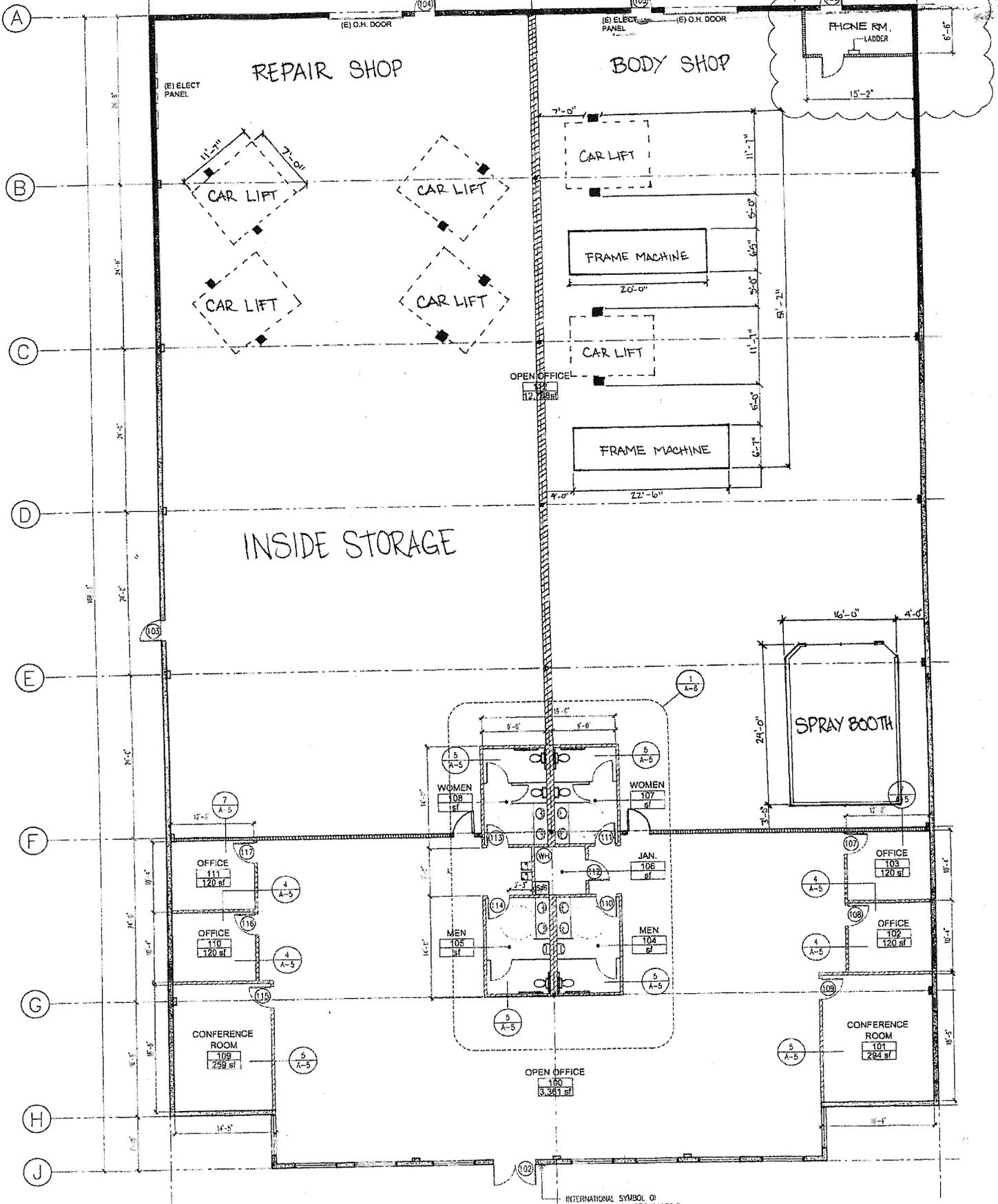
AT-6 LANDSCAPE MAINTENANCE:

All landscaping shall be maintained in accordance with approved landscape plans and in a neat, clean, and healthful condition. Existing landscaping along the western perimeter of the site shall be trimmed and maintained. 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. No tree defined as a "protected tree," per Sunnyvale Municipal Code Section 19.94.030, shall be removed prior to obtaining a separate tree removal permit by the City. [COA] [PLANNING]

AT-7 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) Maintain all parking lot striping and marking.
- c) Require signs to direct vehicles to parking spaces on-site, as needed.
- d) The proposed gate shall remain open during office hours to allow for spill-over customer parking [COA] [PLANNING]



INTERNATIONAL SYMBOL OF ACCESSIBILITY PER CBC 1127B.3

1 FLOOR PLAN
SCALE: 1/8" = 1'-0"





Emergency
Road Service

Fortes Brothers, Inc

365 Villa Street
Mountain View, Ca. 94041

930 E. California Ave
Sunnyvale, Ca. 94085

(650) 964-0215 Fax: (650) 965-9041

2/12/13

City of Sunnyvale

Re: **Business plan for property at 1135 Kern Ave.**

Office hours:

8am-5pm Monday through Friday.

Operation Hours:

Vehicles will be dropped off at any given time 24hrs a day 7 days a week.

Business Plan:

We are planning to operate an auto repair, auto body and towing service at 1135 Kern Ave.

Auto Repair- There will be 4 lifts inside the building. There will be 3 mechanics working at this location with 1 service advisor during our office hours. We are estimating there will be an average of 10 vehicles at any given time. We are anticipating 1-2 customers picking/dropping their vehicles off at one given time.

Auto Body- There will be 2 lifts, 2 frame machines and 1 paint booth inside the building. There will be 2 body, 1 painter and 1 service advisor during our office hours. We are estimating an average of 12 vehicles at any given time. We are anticipating 1-2 customers picking/dropping their vehicles off at one given time.

Towing Service- There will be impounded vehicles and vehicles that have been involved in an accident being stored. The average length of a vehicle being stored is 5 days with a maximum of 35 days. We are estimating an average of 15 vehicles being stored at that

location at one time. We plan on storing most of the vehicles outside unless requested by the owner or public agency to store inside. We employ 28 drivers with 15 working on one given day. We are anticipating 1 to 2 customers picking up their vehicles at one given time. We operate 24hrs a day 7days a week.

The location at Kern Ave will be a 2nd location to our existing location at 2598 Wyandotte Street, Mountain View. This location will store impounded vehicles, vehicles that our involved in accidents and company trucks. We are anticipating 3-7 trucks at the Kern locations at one given time for repairs, inspections or dropping off vehicles. The location on Wyandotte is a paved lot approximately 1 acre in size.

Side notes:

The property has 4 restrooms. The building has fire sprinklers with 2 grade level bay doors.

About us:

We have been in business and operating at 365 Villa Street in Mtn. View for 30 plus years. 3 years ago we expanded our towing service into Sunnyvale at 930 E. California Ave.

