Agenda Item # 3

REPORT TO PLANNING COMMISSION

Hearing Date: June 11, 2012
File Number: 2012-7012

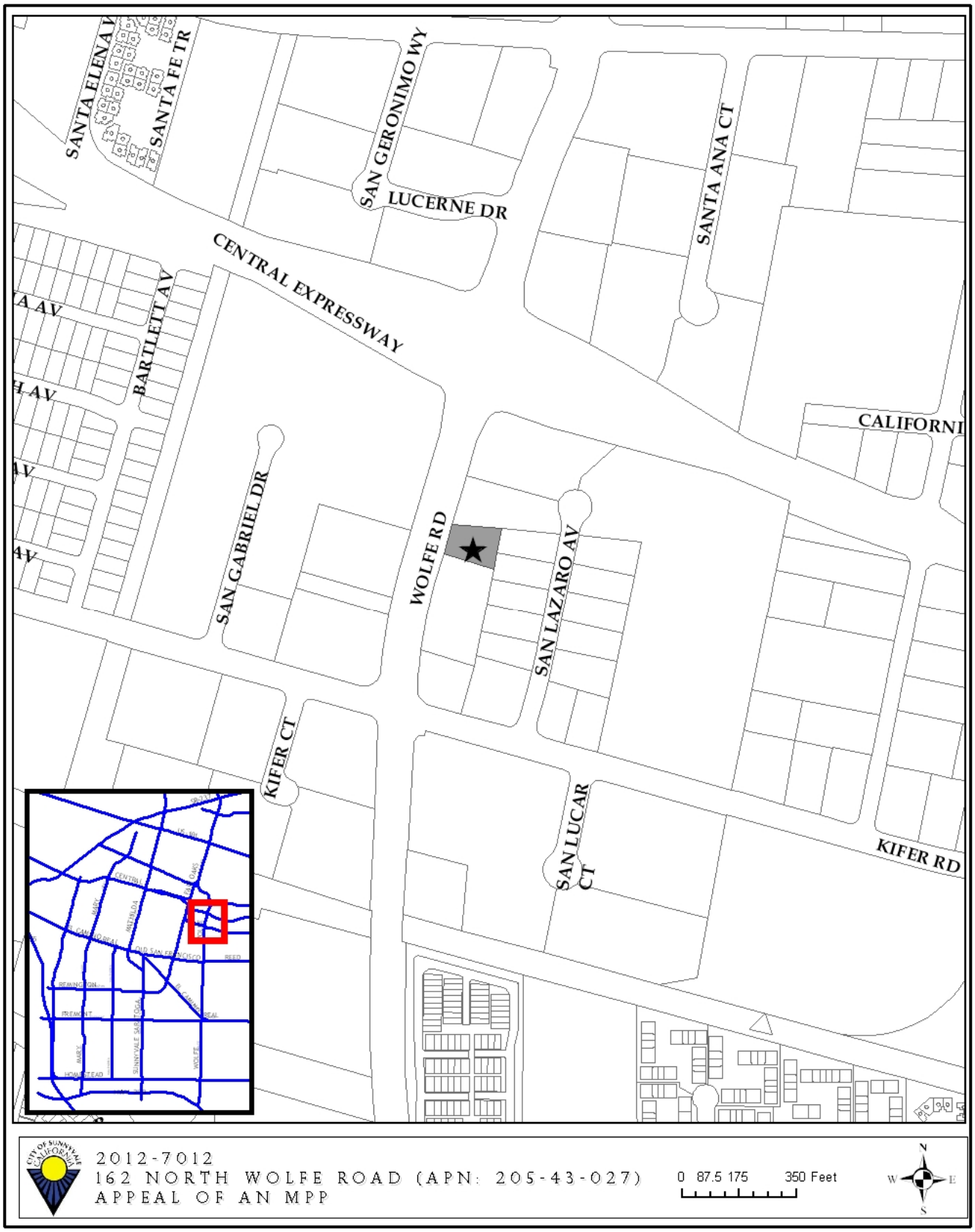
SUBJECT: **Steve Hoffman (Appellant) / 162 N Wolfe LLC (Applicant/ Owner)**: Application for a 0.36-acre site located at **162 North Wolfe Road** in an M-S Zoning District (APN: 205-43-027):

Motion **2012-7012 –** Appeal of a decision by the Director of Community Development approving a Miscellaneous Plan Permit for parking lot restriping and minor landscaping modifications.

REPORT IN BRIEF:

Existing Site Conditions	Office
Surrounding Land Uses	
North	Industrial
South	Industrial
East	Industrial
West	Industrial/office (across Wolfe Road)
Issues	Parking, circulation
Environmental Status	Class 1 and Class 4 Categorical Exemptions relieve this project from California Environmental Quality Act provisions and City Guidelines.
Director of Community Development Action	Approved the Miscellaneous Plan Permit with conditions.
Staff Recommendation	Deny the appeal and uphold the decision of the Director of Community Development to approve the Miscellaneous Plan Permit with conditions; and, Approve the Parking Management Plan as proposed.

VICINITY MAP



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S	Same	M-S
Lot Size (s.f.)	15,630	Same	22,500 min.
Gross Floor Area (s.f.)	9,326	Same	5,470 max.
★ **Lot Coverage (%)**	59.7%	Same	45% max.
★ **Floor Area Ratio (FAR)**	59.7%	Same	35% max.
No. of Buildings On-Site	1	Same	No max.
No. of Stories	1	Same	8 max.
Landscaping (sq. ft.)			
★ **Total Landscaping**	480	512	3,126 min.
★ **% of Floor Area**	5.2%	5.5%	10% min.
★ **% of Lot Area**	3.1%	3.3%	20% min.
Parking			
★ **Total Spaces**	17 (pre-2004); 19 (2004 unpermitted)	18	42 min. for general office use; 19 min. for R&D, general industrial or corporation office use
Compact Spaces/ % of Total	None marked	9 / 50%	50% max.
Accessible Spaces	1	1	1 min.

★ Starred items indicate existing legal nonconforming conditions for the site.

BACKGROUND:

The applicants propose to restripe an existing parking lot at an office building on a legal nonconforming site in an industrial zoning district, including changing the parking spaces on the north side of the building from 60-degree angled parking (previously existing without permits) to 45-degree angled parking. The applicants also propose to remove and replace a portion of the site's landscaping. Planning Commissioners are advised that the applicants and the appellant are engaged in ongoing litigation regarding vehicular access in the area along the north property line; City staff have been subpoenaed and deposed in this litigation. A summary of the site's history is provided below.

Haverstock & Owens, LLP occupied the subject property with an office use in 2002. Prior to occupying the site, the property owners applied for a Miscellaneous Plan Permit (MPP) for building and site modifications including restriping parking spaces on the north side of the building from parallel parking to 45-degree angled parking. The MPP (#2001-0483) was approved in

August of 2001 (see Attachment F – Approved 2001 Plans). According to the property owners, in 2004 they restriped the parking lot to 60-degree angled parking to gain additional spaces (see Attachment G – 2011 Aerial Photograph). This work was done without permits.

In May of 2010, the City's Neighborhood Preservation Division received a complaint that the site's parking lot had been restriped and was resulting in vehicles encroaching on a neighboring site. Neighborhood Preservation found the site layout did not match approved MPP #2001-0483 and began enforcement. In July of 2010, the property owners submitted a new MPP application (#2010-7473) to legalize the existing unpermitted 60-degree angled parking. During review of this application, it was noted that the lot dimensions as shown on the 2010 plans and on the plans for the approved 2001 MPP appeared to be inaccurate with respect to the distance between the building and the north property line. Staff requested the applicants provide revised plans correctly depicting the actual property line location. The application was withdrawn following this request.

In December of 2011, staff was notified that the applicants and the appellant had reached a tentative settlement of their litigation which included the granting of mutual access easements along their shared property line. The settlement has not been finalized nor have the easements been recorded; staff has been informed that these will be completed only after final City approval of a revised parking layout. In January of 2011, the applicants submitted the subject application for review of their proposed parking layout (see Attachment C – Site Plan). This layout includes 45-degree angled parking along the north side of the building using a shared access easement with the adjacent property at 170 North Wolfe Road to provide sufficient stall depth and aisle width. Staff approved the application with conditions on March 30, 2012. An appeal was filed by the neighboring property owner on April 16, 2012, stating that the approved plans are not Code compliant (see Attachment E – Appeal Letter).

DISCUSSION:

Requested Permit(s)

- **Miscellaneous Plan Permit –** A Miscellaneous Plan Permit is required for minor site modifications such as parking and landscaping.

In evaluating the proposed parking and landscaping plan for Code compliance, staff used the 2000 site configuration (prior to occupancy by the current tenant) as the starting point to determine legal non-conforming status on the site. However, the discussion of "existing" site conditions below refers to the configuration that currently exists on the site (resulting from the unpermitted 2004 parking lot restriping) unless otherwise stated.

The existing parking lot layout provides a total of 19 parking spaces: nine perpendicular spaces are located along the front (west side) of the building, and 10 spaces at a 60-degree angle are located along the north side of the building. A triangular landscaping island approximately 125 square feet in area is located at the northwest corner of the building.

The applicants propose to restripe the 60-degree angled parking along the north side of the building to 45-degree angled parking, resulting in nine angled parking spaces. These spaces rely on a shared access easement with the adjacent property at 170 North Wolfe Road (shown as a cross-hatched area in Attachment C) in order to provide sufficient parking stall depth and drive aisle width. Condition of Approval #1 requires this easement to be finalized and recorded prior to implementing the project. The proposed project also includes restriping the perpendicular spaces along the front (west side) of the building to include seven compact parking spaces, maintaining a total of nine perpendicular spaces with reduced width. The proposed parking modifications require reducing the size of the landscaping island at the corner of the building by approximately 48 square feet. The applicants propose two new landscaping islands near parking spaces #1 and #2, providing approximately 80 square feet of replacement landscaping.

In compliance with Condition of Approval #2, the applicants have submitted a draft Parking Management Plan for the site (Attachment D). The Parking Management Plan addresses several circulation issues which have been of concern to the appellant, including instructing employees in appropriately using the angled parking without crossing outside the easement area, instructing vendors to observe the easement limits, and maintenance of the solid waste container. Along with approval of the MPP, staff recommends approval of the Parking Management Plan as proposed.

ANALYSIS:

Development Standards/Nonconforming Site Conditions

The Director of Community Development found that the project as conditioned is in compliance with current development standards, except for existing legal nonconforming conditions. Nonconforming uses and buildings are addressed in Sunnyvale Municipal Code Chapter 19.50, which generally provides that existing nonconforming conditions may be maintained or even altered without a need to comply with current standards, so long as the level of nonconformity is not increased. Where current standards on the subject site are not met due to existing nonconformities, the Director found the project as conditioned does not increase the level of nonconformity and in several cases reduces it. Based on staff research, the following determinations were made with respect to nonconforming conditions:

- The site is occupied by a legal nonconforming use. General offices uses in the M-S Zoning District are permitted by right up to 35% Floor Area Ratio

(FAR), and require a Use Permit if exceeding 35% FAR. Prior to the current tenant occupying the site, staff made a determination that the site had historically been used for office purposes and offices over 35% FAR were therefore a legal nonconforming use on this site. As a result, the current tenant was able to continue that nonconforming use without requiring a Use Permit.

- The site has legal nonconforming status with respect to the total number of parking spaces provided. Available documentation indicates 17 parking spaces were provided prior to occupancy by the current tenant in 2001 (see Attachment H – 2000 Aerial Photograph), where 42 spaces are currently required. The proposed plan provides 18 parking spaces, which reduces the level of nonconformity.

- The site has legal nonconforming status with respect to circulation along the north side property line. This site and adjacent sites are developed with a pattern of driveways which suggests the original intent was shared access; however, there do not appear to be any recorded access agreements. As a result, the site's circulation is constrained. The previous parking layout (circa 2000) included 10 parallel parking spaces along the north side of the building which were located on a drive aisle with the width of a one-way aisle. There was no legal access for vehicles to exit across the adjacent property to the east onto San Lazaro Avenue; therefore vehicles would need to reverse down the drive aisle to exit along Wolfe Road. The currently proposed plan locates nine parking spaces along the north side property line where there were previously 10, reducing the number of nonconforming spaces in this area. In addition, at least one of the previous parallel parking spaces on the north side of the building was located directly adjacent to the east (rear) property line. Entering a parallel space requires pulling forward of the space and reversing in, so without legal access to the adjacent property, the space was unusable. Restriping this area with angled spaces reduces the level of nonconformity by replacing an unusable space with a space that can be entered and exited (by reversing) without crossing the rear property line. Condition of Approval #2 requires a Parking Management Plan which addresses the unique circulation pattern for this site by requiring instructions to employees and vendors (see Attachment B – Conditions of Approval, and Attachment D – draft Parking Management Plan).

- The site has legal nonconforming status with respect to back-up distance and drive aisle width in the perpendicular parking area in front of the building. The previous parking layout (circa 2000) included seven perpendicular parking spaces on the west side (front) of the building. These spaces appear to have been standard sized. However, the back-up distance for these spaces and the width of the drive aisle serving them were insufficient. These nonconformities resulted from required dedications of land to the City for the widening of Wolfe Road in 1983, which reduced the depth of the front parking area. The current plans propose restriping the

front parking area to replace five of the seven previous standard spaces with compact spaces. This proposal reduces the level of nonconformity with respect to back-up distance for these spaces.

- There is no solid waste enclosure on the site; an unenclosed solid waste container is located on the north side of the building. This is an existing legal nonconforming condition. The requirement to add a solid waste enclosure for an existing development is triggered by significant building expansion; it is not triggered by restriping of parking or minor site improvements. Construction of an enclosure is not required for this project.

- The site has legal nonconforming status with respect to lot coverage and floor area ratio (FAR). As noted above, the property was required to dedicate area to the City for the widening of Wolfe Road in 1983, which reduced lot dimensions and increased lot coverage and FAR accordingly. The proposed project does not increase the level of nonconformity with respect to lot coverage or FAR.

While a number of nonconformities exist on the subject site, the Director of Community Development found that the project as conditioned will not increase the level of nonconformity and will otherwise comply with the General Plan and Zoning Code. As a result, the Director was able to make the required findings to approve the MPP (Attachment A) with the conditions in Attachment B.

Appeal

The appellant states that the approved MPP does not comply with the Sunnyvale Municipal Code (see Attachment E – Appeal Letter). The appellant identifies the following elements of the project which he believes are not Code compliant. Staff has provided a response to each item below.

1.a. The plan depicts a one-way aisle to enter the 45-degree angled parking, but no exit path is provided.

Staff response: As noted above, this aspect of site circulation is an existing legal nonconforming condition. The proposed plan maintains this legal nonconforming condition, and in fact decreases the level of nonconformity by locating fewer parking spaces to the north of the building and replacing at least one previously unusable space with a more functional layout.

1.b. All non-residential parking spaces not served by an aisle shall be served by driveways complying with the minimum width standards in SMC 19.46.030.

Staff response: The Code section in question refers to driveways, not drive aisles. The appellant appears to be confusing these terms. The parking spaces on the subject site are served by aisles, so this section of the Code is not

applicable. Nevertheless, the subject site is served by a two-way driveway along Wolfe Road with a width exceeding the 20-foot minimum.

1.c. All uses requiring more than 15 parking spaces shall be served by one two-way driveway or two one-way driveways including adequate turn around areas.

Staff response: The subject site is served by a two-way driveway along Wolfe Road meeting current requirements for driveway width. While the site layout provides minimal opportunities for vehicle turn-around, the lack of turning space results from the site's existing legal nonconforming conditions. The proposed project does not increase the level of nonconformity; in fact, the project as conditioned is expected to improve site circulation in several ways.

2. While there is no specific SMC requirement for parking spaces with an angle greater than 90 degrees, if vehicles were permitted to enter the angled spaces traveling from east to west there would be insufficient aisle width to make those turns. At least 26 feet would be required as for 90-degree parking spaces, and only 18 feet is currently provided.

Staff response: The Sunnyvale Municipal Code does not provide standards for parking spaces with an angle greater than 90 degrees; it is assumed spaces would be entered from a direction resulting in an angle of 90 degrees or less. The proposed parking lot layout does not necessitate or encourage entering the angled parking spaces from the east. The Parking Management Plan (see draft in Attachment D) instructs employees to enter the angled parking spaces from the west and to avoid crossing outside the easement area. But even if a vehicle entered these spaces from the east, it could back into the angled spaces to avoid making such a wide turn. The appellant's assumption that vehicles may attempt to enter these spaces from the east does not change the City's determination as to the parking angle, nor result in an increased aisle width requirement. The proposed project with the easement area depicted on the plans complies with Code requirements for stall depth and back-up distance for 45-degree angled parking.

3. All buildings are required to provide an off-street loading space, and no loading space is provided for this building.

Staff response: The appellant appears to be referring to the first sentence in SMC 19.46.150(a) which states, "Every industrial, institutional, warehouse, or wholesale use or building shall provide and permanently maintain for loading purposes only a minimum of one off-street loading space." Staff notes a loading space is not required for all buildings as stated by the appellant; only those types specifically referenced in the Code. The subject site is occupied by an office use which is not required to provide an off-street loading space. But if the site were subject to this Code requirement, the lack of a loading space would be a legal nonconforming condition.

4. All buildings which are required to provide 15 or more parking spaces shall provide an off-street loading space within 10 feet of the building being served, and no loading space is provided for this building.

Staff response: The appellant appears to be referring to the second sentence in SMC 19.46.150(a) which states, "Every commercial use or building which is required to provide fifteen or more parking spaces shall also provide and permanently maintain for loading purposes only a minimum of one off-street loading space within ten feet of the use or building being served." It is not City practice to classify offices as "commercial" uses for the purpose of the loading requirement. As a result, loading spaces are typically not required for office buildings. The loading requirement for commercial buildings/uses is typically applied to shopping centers, retail uses, and restaurants. If the site were subject to this Code requirement, the lack of a loading space would be a legal nonconforming condition as noted in #3 above.

5. Attached diagrams showing potential vehicle paths.

Staff response: The appellant provides six diagrams depicting a vehicle turning into the angled parking spaces along the north side of the building. These diagrams appear to indicate that a vehicle cannot enter the angled spaces without driving over an existing landscaping area or crossing outside the easement area. The turning radius shown in these diagrams does not match accepted turning templates used by the City's Transportation and Traffic Division. The first four diagrams suggest a vehicle must swing widely to the left before turning into the angled parking spaces. Transportation and Traffic staff has reviewed the diagrams and confirmed the wide arc shown on these plans would not be necessary for a passenger car or truck. The required drive aisle width of 12 feet would be sufficient to allow vehicles to enter the spaces, and the required back-up distance of 13.5 feet would be sufficient to allow vehicles to reverse out of the spaces. Additional maneuvering area should not be needed. The fifth and sixth diagrams depict a vehicle entering the angled parking spaces from the east. As noted in #2 above, vehicles entering from the east could back into the parking spaces. In addition, implementation of the Parking Management Plan will address concerns about these vehicular movements.

Environmental Review

Class 1 and 4 Categorical Exemptions relieve this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor modifications to existing facilities such as restriping of parking lots. Class 4 Categorical Exemptions include minor alterations to land such as landscaping modifications.

FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected.

PUBLIC CONTACT

Notice of Public Hearing	Staff Report	Agenda
• Published in the *Sun* newspaper • Posted on the site • 36 notices mailed to property owners adjacent to the project site	• Posted on the City of Sunnyvale's Web site • Provided at the Reference Section of the City of Sunnyvale's Public Library	• Posted on the City's official notice bulletin board • Posted on the City of Sunnyvale's Web site

CONCLUSION

Discussion: Staff acknowledges the proposed layout would not be ideal for a new development; however, this is an existing decades-old development with a severely constrained site layout and multiple legal nonconforming conditions. It is not possible for the property as developed to meet all current development standards. It is a common practice for jurisdictions to establish regulations allowing continued use of legal nonconforming buildings and sites; this is intended to provide property owners with reasonable use of a legally developed site despite later changes in regulations or required dedications. Sunnyvale Municipal Code Chapter 19.50 addresses nonconforming uses and buildings, and generally provides that nonconforming conditions may be maintained or even altered so long as the modifications do not increase the level of nonconformity. While there are several aspects of the proposed plan which do not meet current development standards, the Director of Community Development has found these to be existing legal nonconforming conditions on the property. The proposed project as conditioned does not increase the level of nonconformity, and in several cases decreases it. In addition, implementation of a Parking Management Plan as required by the conditions of approval is expected to improve site circulation patterns compared to previously existing conditions.

Findings and General Plan Goals: The Director of Community Development is able to make the required Findings based on the justifications for the Miscellaneous Plan Permit and with the conditions recommended in Attachment B. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

ALTERNATIVES

1. Deny the appeal and uphold the decision of the Director of Community Development to approve the Miscellaneous Plan Permit with the attached conditions.
2. Grant the appeal and approve the Miscellaneous Plan Permit with modified conditions.
3. Grant the appeal and deny the Miscellaneous Plan Permit.
4. Approve the attached Parking Management Plan.
5. Approve the attached Parking Management Plan with modifications.
6. Do not approve the attached Parking Management Plan and direct the applicants to return to the Planning Commission or staff with significant modifications.

RECOMMENDATION

Alternatives 1 and 4 – Deny the appeal and uphold the decision of the Director of Community Development to approve the Miscellaneous Plan Permit with the attached conditions; and, Approve the attached Parking Management Plan.

Prepared by:

Mariya Hodge
Project Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:
A. Recommended Findings
B. Recommended Conditions of Approval
C. Site Plan
D. Draft Parking Management Plan
E. Appeal Letter
F. Approved Site Plan #2001-0483
G. Aerial Photograph Showing Site Layout Circa 2011
H. Aerial Photograph Showing Site Layout Circa 2000

RECOMMENDED FINDINGS

Miscellaneous Plan Permit

The Director or Planning Commission may approve a Miscellaneous Plan Permit, with the exception of a determination of convenience or necessity, upon finding that the permit will either:

1. Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or,

[Finding made] The proposed project is in compliance with the provisions of the General Plan and Zoning Ordinance, with the exception of Zoning standards not met due to existing legal nonconforming conditions. Based on staff research and review, it has been determined the subject site has legal nonconforming status with respect to the following development standards: total number of parking spaces provided; circulation patterns along the north side property line, including a drive aisle meeting the width of a one-way aisle with no legal access for vehicles to exit across the adjacent property onto San Lazaro Avenue; back-up distance and drive aisle width in the perpendicular parking area along the west side of the building; solid waste enclosure requirements; loading space requirements; and lot coverage and floor area ratio. The parking arrangement in place in the year 2000 has been used as the basis for review of the property's legal nonconforming conditions. While a number of nonconformities exist on the subject site, the Director of Community Development finds that the project as conditioned will not increase the level of nonconformity and wherever possible will reduce the level of nonconformity. The general layout of parking, including a mutual ingress/egress easement with the adjacent property to the north, ensures the parking lot will function as well or better than the layout previously existing in 2000. Condition of Approval #1 requires that the mutual ingress/egress easement be finalized and recorded prior to implementation of the project. Condition of Approval #2 requires a Parking Management Plan to address the unique circulation patterns for this site. Implementation of the Parking Management Plan is expected to improve site conditions despite the existing nonconformities. With the exception of the above-referenced legal nonconforming conditions, the project as conditioned will otherwise comply with the General Plan and Zoning Ordinance.

2. Ensure 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.

[Finding made] The project provides improved parking and circulation for an existing site and use. The site has legal nonconforming status with respect to a number of development standards as noted in Finding #1 above. Despite these nonconformities, the project provides adequate space for 18 parking spaces and associated circulation without encroachment onto adjacent properties, except in the proposed easement area along the north side property line where legal access will be granted by the adjacent property to the north (at 170 North Wolfe Road). The subject property owner and the adjacent property owner have mutually accepted the easement which will be finalized and recorded prior to implementation of the project (as required by Condition of Approval #1). With the easement as depicted on the plans, sufficient parking and circulation area is provided to maintain or reduce existing nonconformities. As conditioned, the project would require a Parking Management Plan to implement the approved circulation plan. The project design also includes additional landscaping to improve the site's appearance. As a result of the above considerations, it is determined that the project, as conditioned, will not impair the development or use of adjacent properties.

ATTACHMENT B

RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JUNE 11, 2012

Planning Application 2012-7012
162 North Wolfe Road
Miscellaneous Plan Permit to allow parking lot restriping and minor landscaping modifications.

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.

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:

CONDITIONS OF APPROVAL

The Miscellaneous Plan Permit has been approved subject to the following **conditions of approval**:

1. Prior to issuance of a building permit, provide evidence that the shared ingress/egress easement with the adjacent property at 170 North Wolfe Road which is depicted on the project plans has been finalized and recorded on the property's deed.

2. Within 30 days of the final approval action or prior to issuance of a building permit, whichever is first, submit a Parking Management Plan for the subject site. The Parking Management Plan is subject to approval by the Director of Community Development prior to issuance of a building permit or implementation of the project and shall include measures to address the following issues:

    a. Employee vehicular use on-site, including the appropriate means of entering and exiting the site, maneuvering on the site, parking vehicles, using the easement area, using compact parking spaces, and generally ensuring all motorists on the site are being correctly accommodated;

    b. Vendors and delivery services on-site, including the appropriate means of entering and exiting the site, maneuvering on the site, parking for unloading/delivery, avoiding blockage of driveway entrances, and accommodating other vehicles;

    c. Visitors' vehicle traffic; for example, reserving and signing one or more designated spaces for visitors in the perpendicular parking area in

front of the building and/or instructing employees to use angled parking on the north side of the building first;

d. Maintenance and accommodation of the solid waste container ("dumpster") to ensure it is not obstructed and does not itself obstruct or encroach into parking spaces or drive aisles; for example, prohibiting parking in front of the dumpster during collection hours and establishing a responsible party for returning it to its designated location after collection.

3. Plans submitted for building permits shall include detailed information on the proposed landscaping including species, number, spacing, and permanent irrigation systems.

4. The size, location, orientation, and other details of parking spaces shall be as shown on the approved plans.

5. All parking spaces approved as compact (spaces #1, #9-14 and #17-18 on the approved plans) shall be clearly marked as "compact" by painting this designation on the ground within the interior of the space.

6. Concrete wheel stop bars shall be provided for all angled parking spaces along the north side property line.

7. Parking lot striping and markings shall be maintained in good condition at all times.

8. All landscaping shall be installed consistent with the approved plans along with permanent irrigation, and shall thereafter be maintained in a neat and healthful condition at all times.

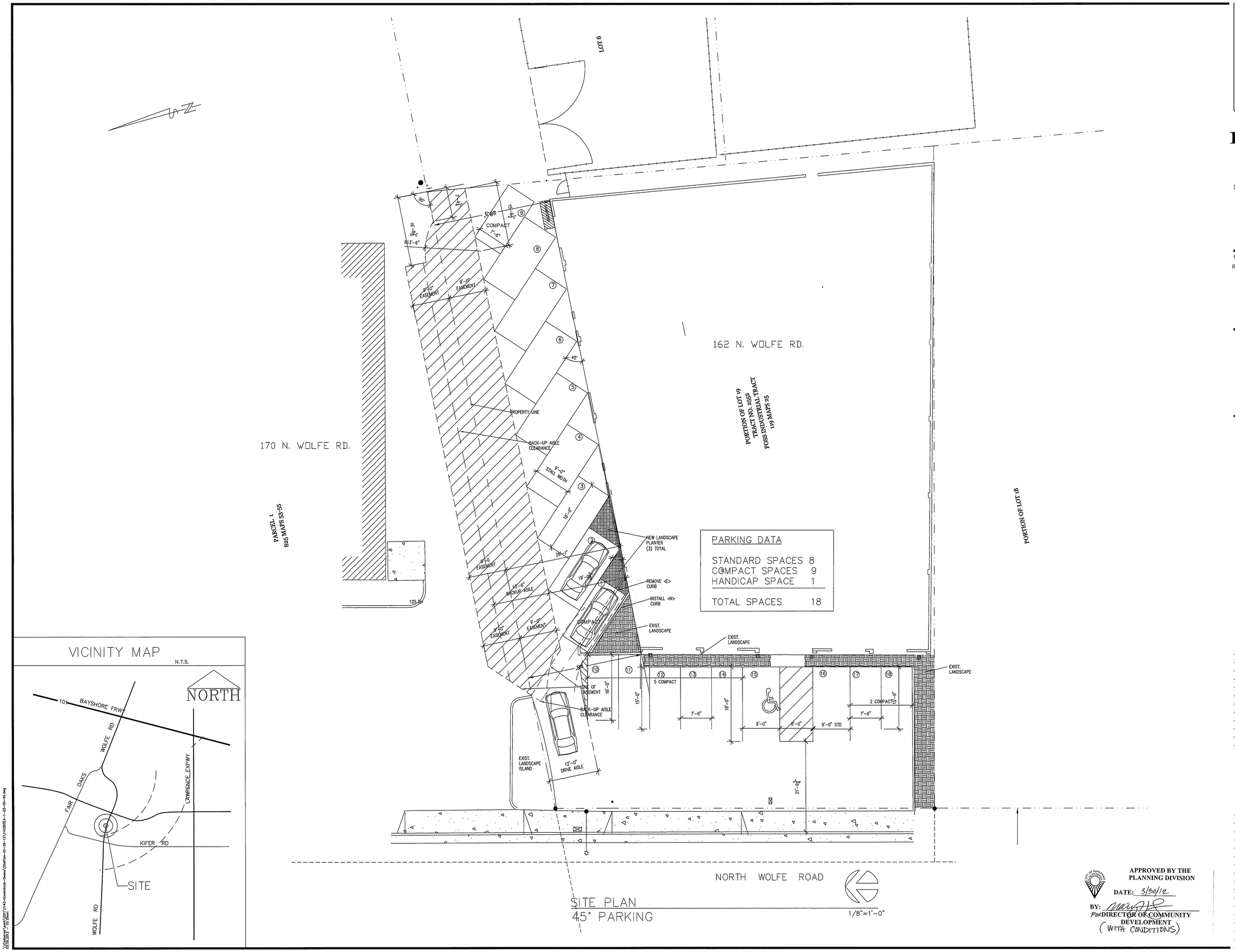
9. Trash and recycling containers shall be maintained in a manner which does not obstruct parking spaces.

STANDARD DEVELOPMENT REQUIREMENTS

1. This Miscellaneous Plan Permit shall be null and void one year from the date of approval if the approval is not exercised.

2. A building permit is also required and must be obtained from the City's Building Safety Division prior to implementation of the project. Consult the Building Safety Division at (408) 730-7444 for submittal requirements.

3. Any proposed modifications to the approved project plans or approved Parking Management Plan are subject to review and approval by the Director of Community Development.



PARKING DATA

STANDARD SPACES	8
COMPACT SPACES	9
HANDICAP SPACE	1
TOTAL SPACES	18

SITE PLAN
45° PARKING

SITE PLAN

VICINITY MAP

N.T.S.

RICHARD PEDLEY
ARCHITECT
INTERIORS * PLANNING

1793 Lafayette Street., Ste. 240
Santa Clara, Ca 95050
Tel: 408.244.5200 Fax: 408.244.5240
Ca. Lic. No. C-14419

PROJECT NAME:
RESTRIPING OF PARKING SPACES
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE RD.
SUNNYVALE, CA

CLIENT NAME:
162 NORTH WOLFE LLC
162 N. WOLFE RD.
SUNNYVALE, CA 94086
TEL: (408) 530-9700
FAX: (408) 530-9797

SHEET NAME:

ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTES ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

REVISIONS:	DATE	BY
PLAN CHECK	01/05/12	RP
#01	01/25/12	RP
#02	03/06/12	RP

STAMP(S):
LICENSED ARCHITECT RICHARD J. PEDLEY NO.C14419 EXP. 2/28/13 STATE OF CALIFORNIA

DRAWN BY: RJP
DATE: 12/28/11
PROJECT: 1142 HO PARKING LOT

SHEET A-1-45

APPROVED BY THE PLANNING DIVISION
DATE: 3/20/12
BY: [signature]
For DIRECTOR OF COMMUNITY DEVELOPMENT
(WITH CONDITIONS)

PARKING MANAGEMENT PLAN FOR MPP 2012-7012

162 North Wolfe Road

Purpose: This Parking Management Plan for MPP 2012-7012 has been developed to manage parking, ingress and egress at 162 North Wolfe Road to ensure compliance with City of Sunnyvale requirements and in recognition of the Easement with 170 North Wolfe Road.

Applicability: This Parking Management Plan is applicable to all employees working at 162 North Wolfe Road and to vendors that regularly visit the property. A copy of this Parking Management Plan will be provided to all employees working at 162 North Wolfe Road and vendors/delivery services who regularly visit 162 North Wolfe Road with a request that such vendors/delivery services conform to this Parking Management Plan.

Administration: The Property Owner / Tenant will be responsible for enforcement of the Parking Management Plan.
Employees will be given a copy of this Parking Management Plan.
Employees will be reminded periodically, but no less than once a year, about the Parking Management Plan.
Vendors/Delivery services who regularly visit 162 North Wolfe Road will be given a copy of this Parking Management Plan.
The adjacent property owners will be given a copy of the Parking Management Plan.

Easement: Employees are instructed to only use the curb cut at 162 North Wolfe Road when entering from or exiting to North Wolfe Road.
Employees are instructed of the Easement and License boundaries on the 170 North Wolfe Road property and to not travel beyond the Easement or License areas.

Parking: At least one perpendicular parking spot in the front of 162 North Wolfe Road will be designated for Visitors. Employees are instructed to not park in the spot designated for Visitors.
Several parking spots will be designated as Compact as shown on the approved plans for MPP 2012-7012. Employees are instructed to only park compact-sized vehicles in the spots designated as Compact.
Employees are instructed to first use the angled parking on the north side of 162 North Wolfe Road and then the perpendicular parking in the front of the building.
Employees are instructed to enter the angled parking spots on the north side of 162 North Wolfe Road in a direction coming from North Wolfe Road.
Employees are instructed to pull all the way forward into the parking spots when parking.

Driving: Employees are instructed to follow the listed driving requirements:

- when using the parking spaces on the north side of 162 North Wolfe Road, the driver of a vehicle must determine if there are other vehicles using (or about to use) the drive aisle and wait for them to clear before entering or exiting the drive aisle. Vehicles may back up in the drive aisle (after checking to make sure it is clear) to the front (west) side of the building in order to exit the property head first onto Wolfe Road.
- when entering or exiting 162 North Wolfe Road, if a vehicle is obstructing the drive aisle and travel is not possible without going outside of the Easement area, employees are instructed to wait until the drive aisle is clear rather than going around the blocking vehicle.
- Employees are instructed to avoid crossing outside the easement and license area of 170 North Wolfe Road.

Trash: The trash dumpster is stored in the designated area on the side of the building at 162 North Wolfe Road. This dumpster is typically emptied by the trash service on a schedule. Employees are instructed to not park in the space(s) in front of the dumpster on scheduled mornings until after the dumpster has been emptied and returned to the designated area.
The Property Owner / Tenant is responsible to maintain the dumpster in the designated area.

Vendors: Vendors and delivery drivers who regularly visit 162 North Wolfe Road will be advised to not block the driveway access at 162 North Wolfe Road and preferably to:

- park in an unoccupied parking space or in front of the perpendicular parking when unloading and delivering to 162 North Wolfe Road.
- only use the curb cut at 162 North Wolfe Road when entering from or exiting to North Wolfe Road.
- when driving on the North side of 162 North Wolfe Road to stay as far from 170 North Wolfe Road as is safe under the circumstances and when driving past the power pole to always drive on the side of the power pole nearest to 162 North Wolfe Road.

Grounds for appeal of permit no. 2012-7012 (162 N. Wolfe Road, Sunnyvale, 94086):

1. The NEW parking plan submitted to the City on behalf of the ownership of the property at 162 N. Wolfe Road does not provide circulation for vehicular traffic. The plan depicts a one-way aisle for vehicles to enter into the 45 degrees parking spaces on the north side of the property, but no exit path is provided.

   Sunnyvale's Municipal Code (SMC) 19.46.130 (copy attached) states that all non-residential parking spaces not served by an aisle shall be served by driveways complying with the following minimum standards: 12 feet wide for one-way driveways and 20 feet wide for two-way driveways.

   Furthermore, this SMC states that all uses requiring more than fifteen parking spaces, as is the case for the property at 162 N. Wolfe Road*, shall be served by one two-way driveway or two one-way driveways, <u>including adequate turn around areas</u>.

   The maximum available width of the passage way north of the 162 N. Wolfe Road property (including a future 9 foot wide easement over the neighboring 170 N. Wolfe property is only 18 feet. This is not sufficient for a two way driveway as SMC 19.46.130 calls for a minimum of 20 feet. Furthermore, there is no adequate turn around area as is required by SMC 19.46.130. As such, the new parking plan submitted by the ownership of the 162 N. Wolfe Road property is in violation of SMC 19.46.130.

2. SMC 19.46.100 (copy attached) states the minimum aisle width required for entry and exit of diagonal parking. The diagonal parking in the subject property's new parking plan is 45 degrees assuming traffic is traveling from west to east (eastbound). However, if vehicles are allowed to exit or enter these parking spaces when traveling from east to west (westbound), then the effective angle of entry and exit into these parking spaces is 135 degrees. SMC 19.46.100 does not state the minimum aisle width for 135 degrees, however, if it did it obviously would be much greater that what the code specifies for 90 degrees which is 26 feet.

   As mentioned above, the maximum available width of the passage way north of the 162 N. Wolfe Road property (including a future 9 foot wide easement over the 170 N. Wolfe property), is only 18 feet which is far less than the 26 feet required for 90 degrees and certainly less than what would be required if the code even specified an aisle width for 135 degree parking. As such, the new parking plan submitted by the ownership of the 162 N. Wolfe Road property is in violation of SMC 19.46.100.

3. SMC 19.46.150 (copy attached) states that every building shall provide and permanently maintain for loading purposes a minimum of one off-street loading space. In violation of this code, the new parking plan submitted by the ownership of the 162 N. Wolfe Road does not specify any such area.

4. SMC 19.46.150 further specifies that every building which is required to provide fifteen or more parking spaces, as is the case for the 162 N. Wolfe Road property*, shall also provide and permanently maintain for loading purposes a minimum of one off-street loading space within ten feet of the use or building served. In violation of this code, the new parking plan submitted by the ownership of the 162 N. Wolfe Road does not specify any such area.

* Current usage (since 2001) at 162 N. Wolfe Road is Professional Office (law firm). Thus 42 parking spaces are required.

19.46.130. Parking not served by aisle—Standards.

All parking spaces not served by an aisle shall be served by driveways complying with the following minimum standards:

Use	One-Way Driveway Width	Two-Way Driveway Width
Residential	10 feet	18 feet
All other	12 feet	20 feet

All uses requiring more than fifteen parking spaces shall be served by one two-way driveway or two one-way driveways, including adequate turn around areas. (Ord. 2623-99 § 1 (part): prior zoning code § 19.48.250).

19.46.100. Parking area standards—Angle and parallel parking.

Parking areas other than perpendicular shall be in accordance with the provisions set forth in Table 19.46.100. Stall depth is measured perpendicularly from the top of the diagonal parking space to the drive aisle. (Ord. 2905-09 § 13; Ord. 2623-99 § 1 (part): prior zoning code §§ 19.48.215, 19.48.215 Table).

TABLE 19.46.100

Parking Area Standards for Standard (Full) Size Cars

Parking Stalls Not Intermeshed				Parking Stalls Intermeshed			
		Width of One-way Aisle				Width of One-way Aisle	
Parking Angle	Stall Depth (feet)	Residential (feet)	Other (feet)	Parking Angle	Stall Depth (feet)	Residential (feet)	Other (feet)
0°	8.0	12.0	12.0	0°	None	12.0	12.0
20°	14.2	12.0	12.0	20°	10.1	12.0	12.0
25°	15.4	12.0	12.0	25°	11.4	12.0	12.0
30°	16.4	12.9	12.5	30°	12.7	12.0	12.5
35°	17.3	12.0	12.5	35°	13.7	12.0	12.5
40°	18.1	12.0	13.0	40°	14.8	12.0	13.0
45°	18.7	12.0	13.5	45°	15.8	12.0	13.5
50°	19.2	12.0	14.0	50°	16.6	12.0	14.0
55°	19.6	12.0	15.0	55°	17.2	12.0	15.0
60°	19.8	14.5	16.0	60°	17.8	14.5	16.0
65°	19.9	17.0	18.0	65°	18.2	17.0	18.0
70°	19.8	20.0	20.0	70°	18.4	20.0	20.0
75°	19.6	23.0	23.0	75°	18.6	23.0	23.0
80°	19.2	24.0*	24.0*	80°	18.4	24.0*	24.0*
85°	18.7	24.0*	25.0*	85°	18.3	24.0*	25.0*
90°	18.0	24.0*	26.0*	90°	18.0	24.0*	26.0*

* Minimum width for one or two-way aisle.
Minimum "fire lane" width is twenty-four feet: must be kept clear.

19.46.150. Off-street loading areas.

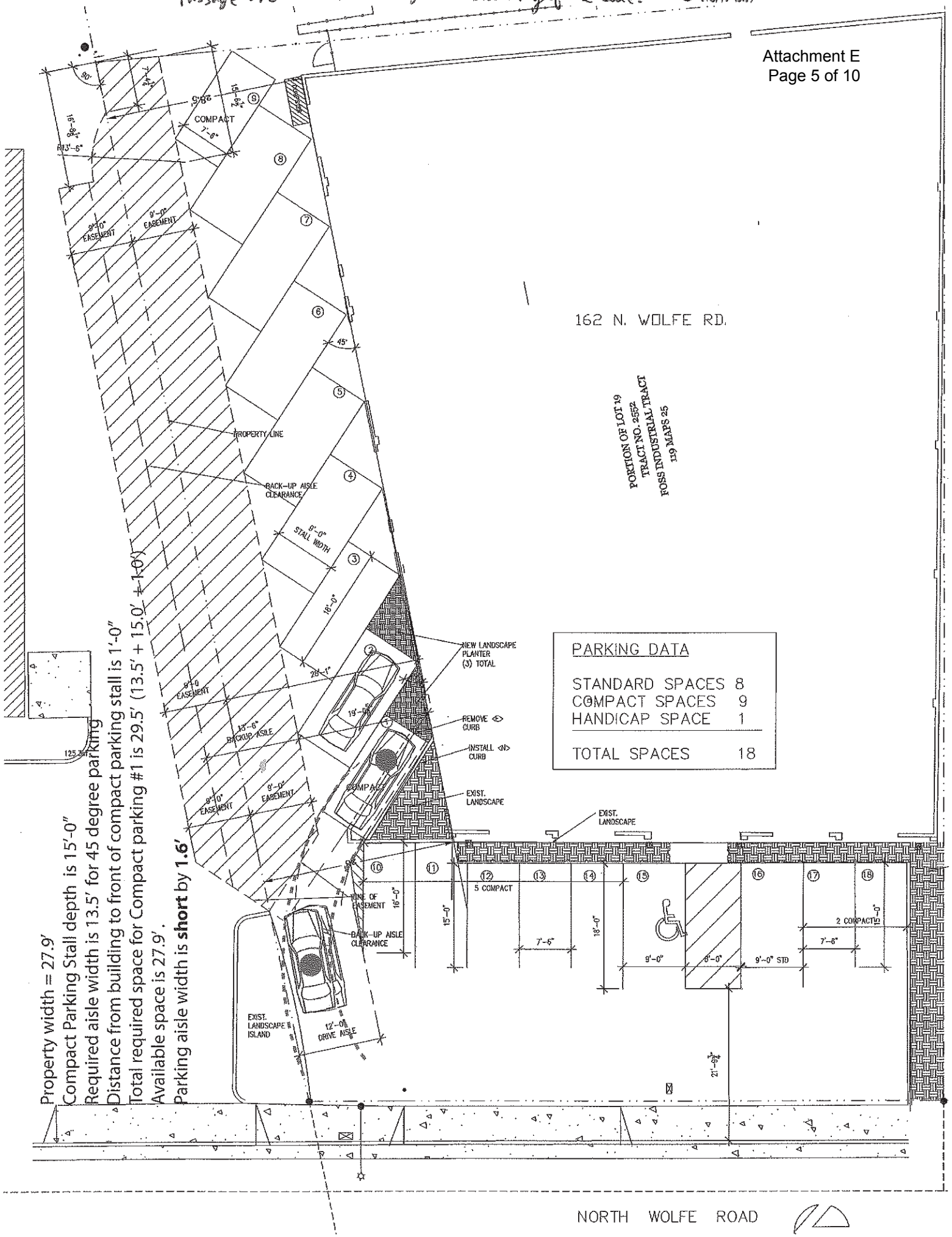
(a) Every industrial, institutional, warehouse or wholesale use or building shall provide and permanently maintain for loading purposes only a minimum of one off-street loading space. Every commercial use or building which is required to provide fifteen or more parking spaces shall also provide and permanently maintain for loading purposes only a minimum of one off-street loading space within ten feet of the use or building served.

(b) Loading spaces shall be so situated that use for loading does not impede normal circulation of vehicular traffic through parking areas or traffic circulation aisles.

(c) Loading docks shall not be located on the front of buildings in commercial and industrial zoning districts. The area of loading spaces shall equal a minimum of three hundred fifty square feet and shall have one dimension of thirty-five feet.

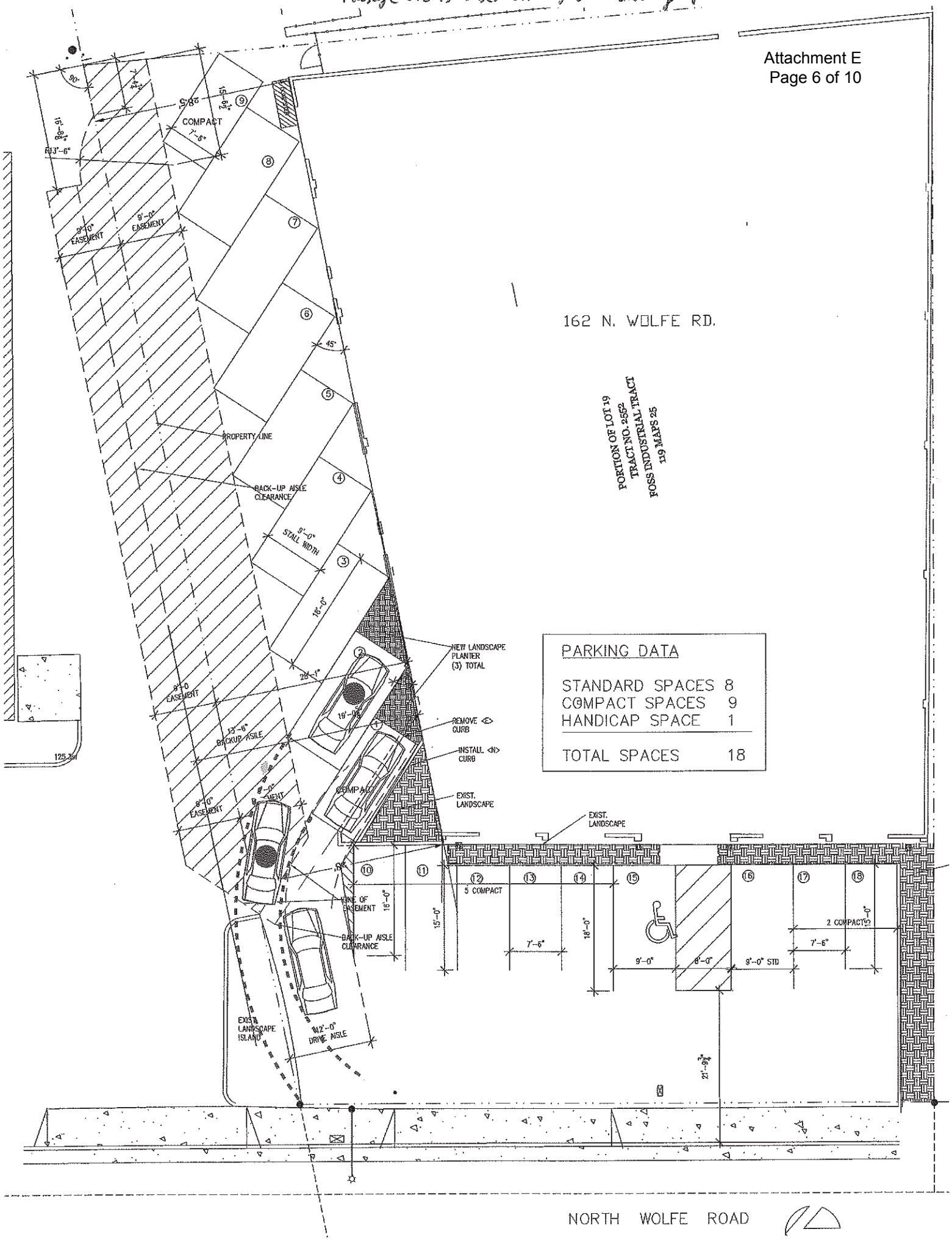
(d) In the public facilities zoning district all loading spaces required shall be located in the rear of any building; provided, however, that loading spaces for any building on a lot adjacent to the west side of Mathilda Avenue between West Iowa Avenue and Olive Avenue, and on the north side of El Camino Real between Pastoria Avenue and Mathilda Avenue, respectively, shall not be located adjacent to the side of any building facing Mathilda Avenue or El Camino Real. (Ord. 2683-01 § 7: Ord. 2623-99 § 1 (part): prior zoning code §§ 19.48.270—19.48.290).

Passage arc is based on my understanding of the code. Steve Hoffman

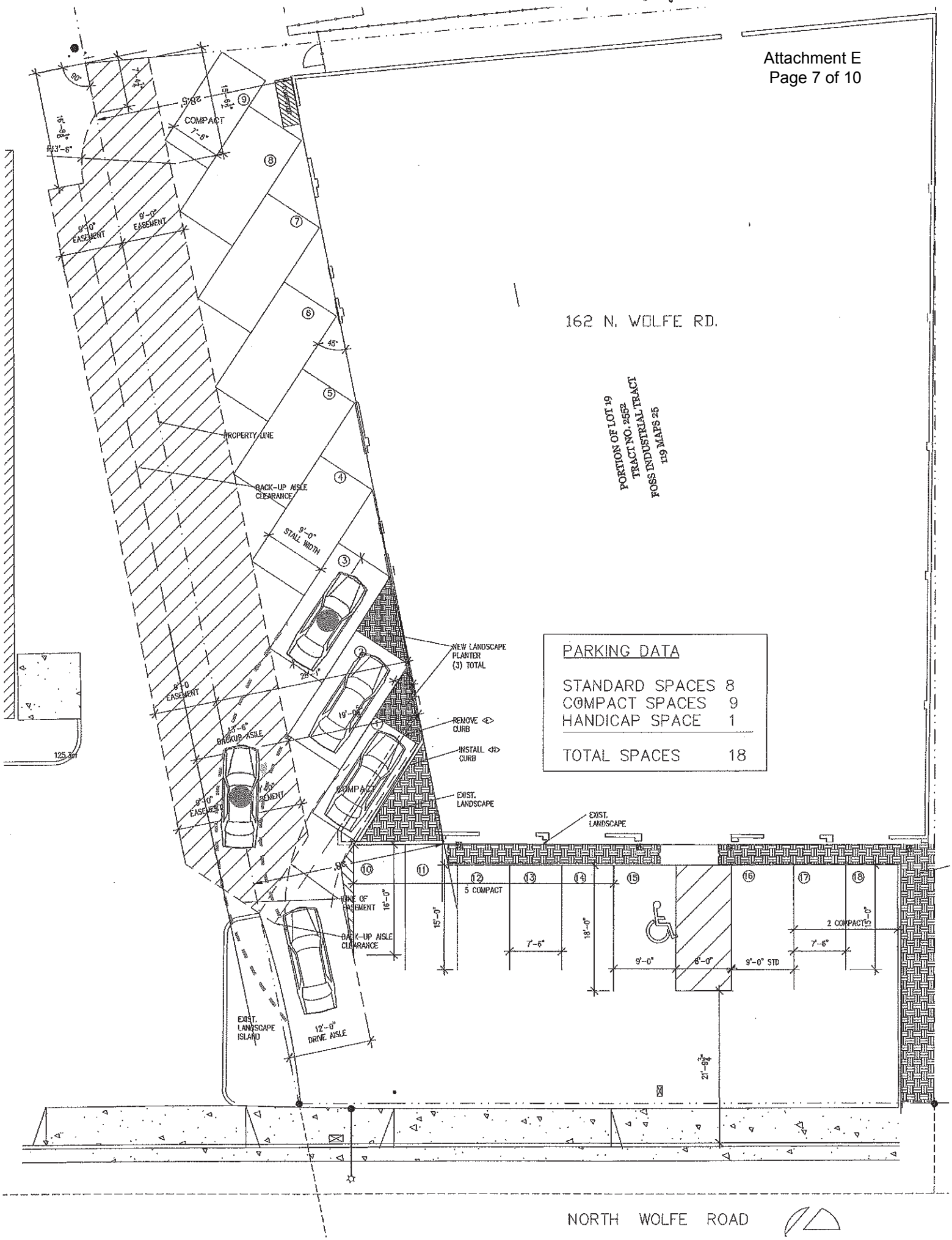


Property width = 27.9'
Compact Parking Stall depth is 15'-0"
Required aisle width is 13.5' for 45 degree parking
Distance from building to front of compact parking stall is 1'-0"
Total required space for Compact parking #1 is 29.5' (13.5' + 15.0' + 1'-0")
Available space is 27.9'.
Parking aisle width is **short** by **1.6'**

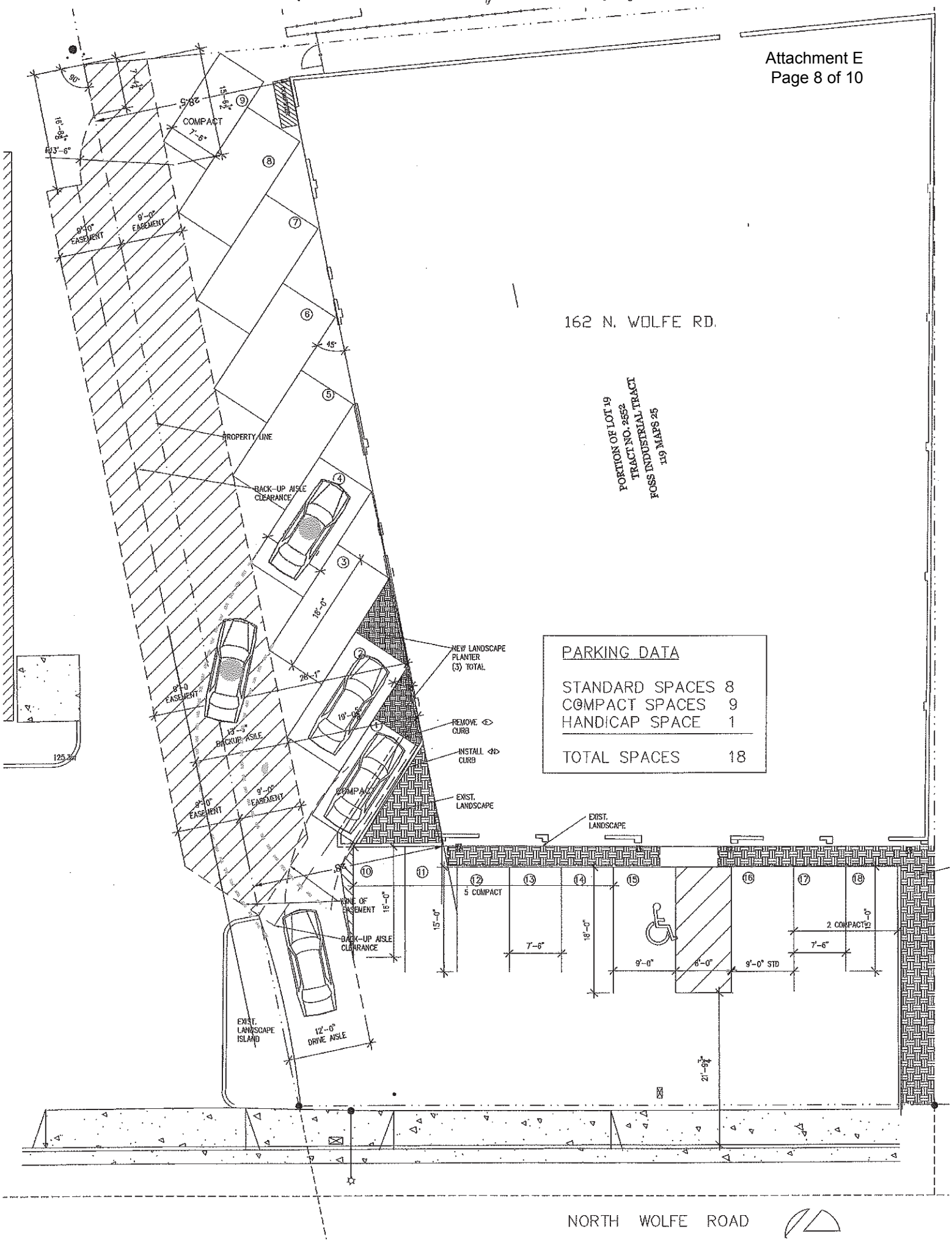
Passage arc is based on my understanding of the code. Steve Hoffman



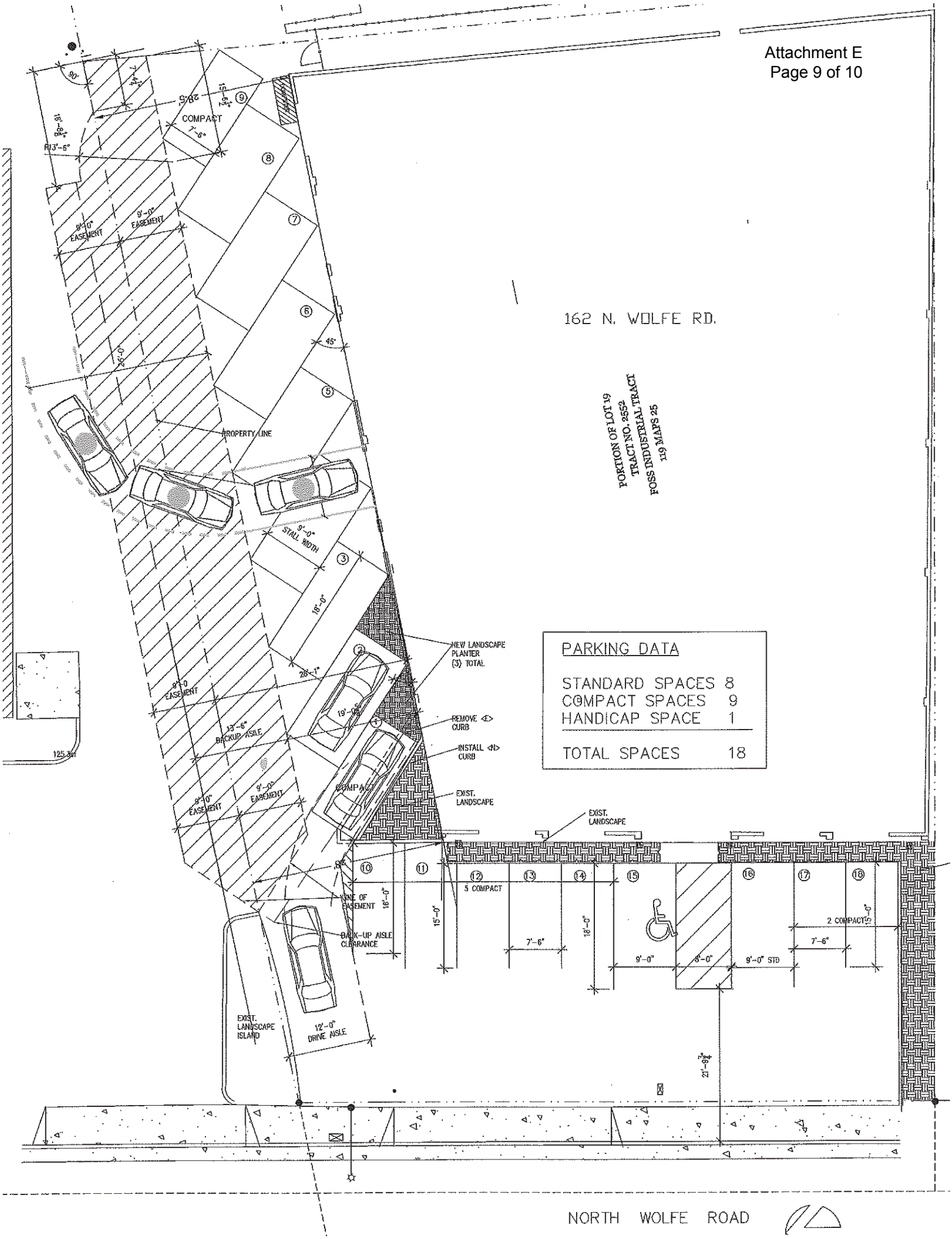
Passage arc is base on my understanding of the code. Steve Hoffman



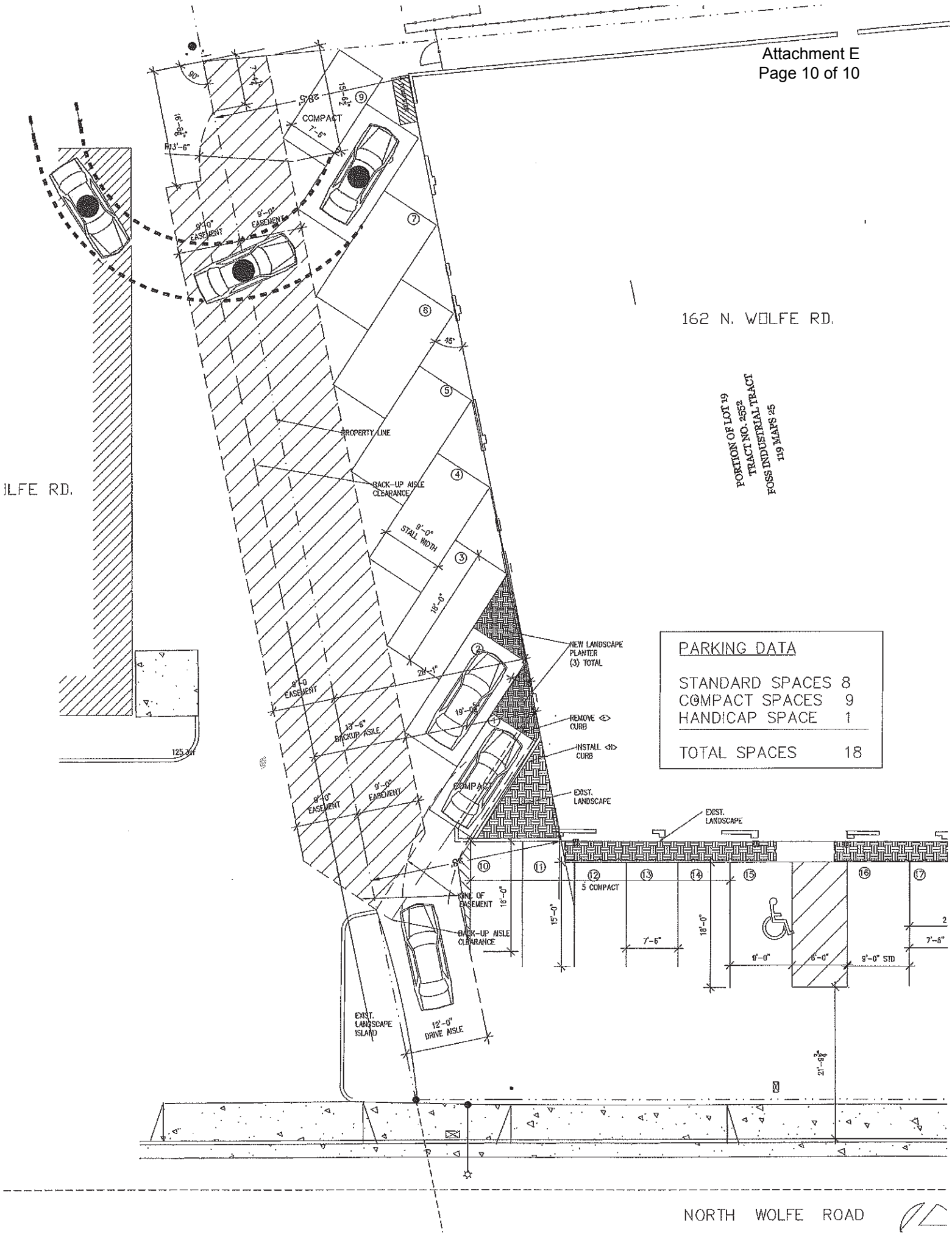
Passage arc is based on my understanding of the code. Steve Hoffman

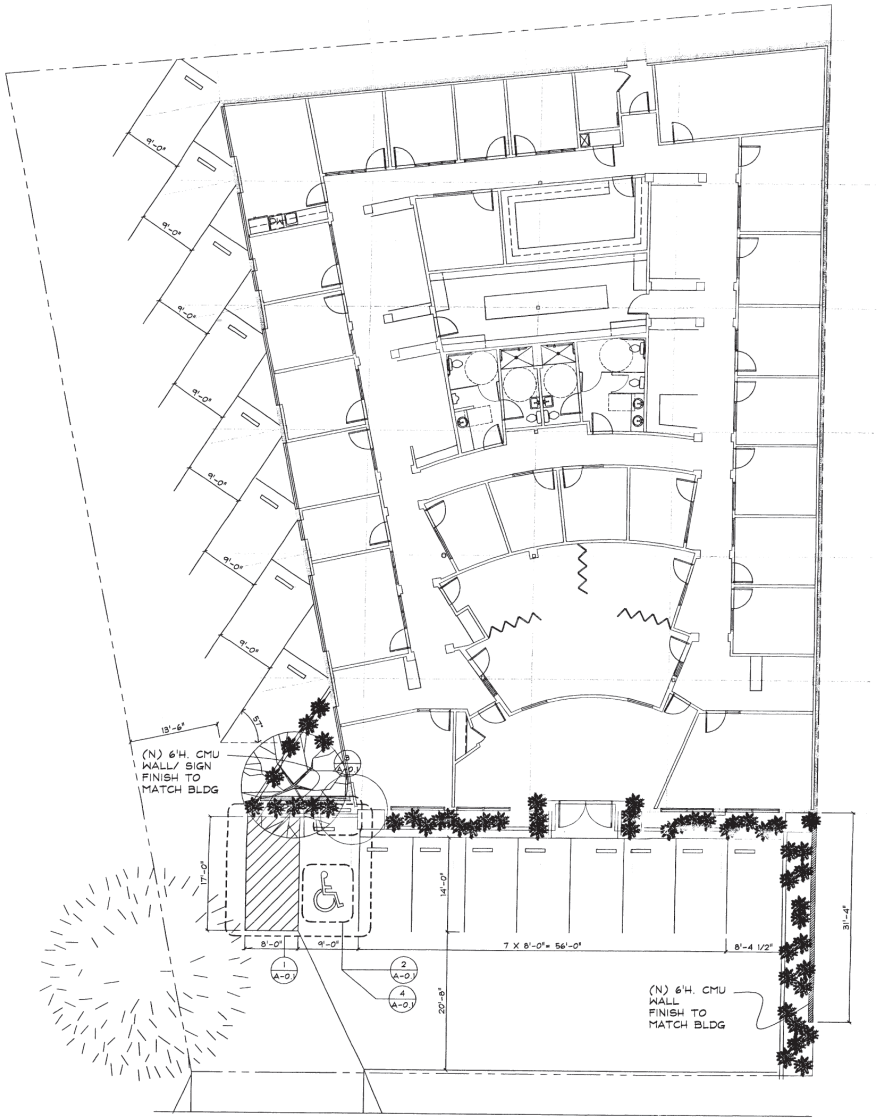


Passage arc is based on my understanding of the code. Steve Hoffman



Passage arc is based off my understading of the code. Steve Hoffman.





162 NORTH WOLFE ROAD

SITE PLAN

1" = 8'-0"

PEDLEY & JOY

Architecture
Planning * Interiors

25599 Fernhill Dr.
Los Altos Hills, CA 94024
Tel: 650-917-0246 Fax: 650-917-0242
Co. Lic. No. C 14419

PROJECT NAME:

TENANT IMPROVEMENTS FOR
HAVERSTOCK
&
OWENS LLP
162 NORTH WOLFE RD.
SUNNYVALE, CA

CLIENT NAME:

162 NORTH WOLFE LLC
250 SHERIDAN AV. STE 420
PALO ALTO, CA 94306
TEL: (650) 833-0160
FAX: (650) 833-0170

SHEET NAME:

APPROVED BY DIRECTOR OF COMMUNITY DEVELOPMENT DATE 2/26/01

SITE PLAN

ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTES ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

REVISIONS:

REV. #	DATE	BY
PLN CHK	06/22/01	RJP

STAMP(S):

LICENSED ARCHITECT
RICHARD J. PEDLEY
NO.C14419
EXP. 2/28/02
STATE OF CALIFORNIA

DRAWN BY: RJP

DATE: 11/24/00

PROJECT: 245HAVERSTOCK-OWENS

SHEET A-1

162 N Wolfe Rd - aerial circa 2011

Legend

- parcels
- streets_County
- cityboundary
- 2011 Aerophoto

Attachment H

Legend

parcels

streets_County

cityboundary

Color3inWest.sid

Color3inEast.sid

Color3inMid.sid