



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

November 10, 2010

File Number: 2010-7704

Permit Type: Special Development Permit

Location: 1155 Reed Ave. #E (near Willow Ave.) (213-01-003)

Applicant/Owner: Dayton Automotive & Peninsula Transmission / Larry Yamaoka Trustee Et. Al.

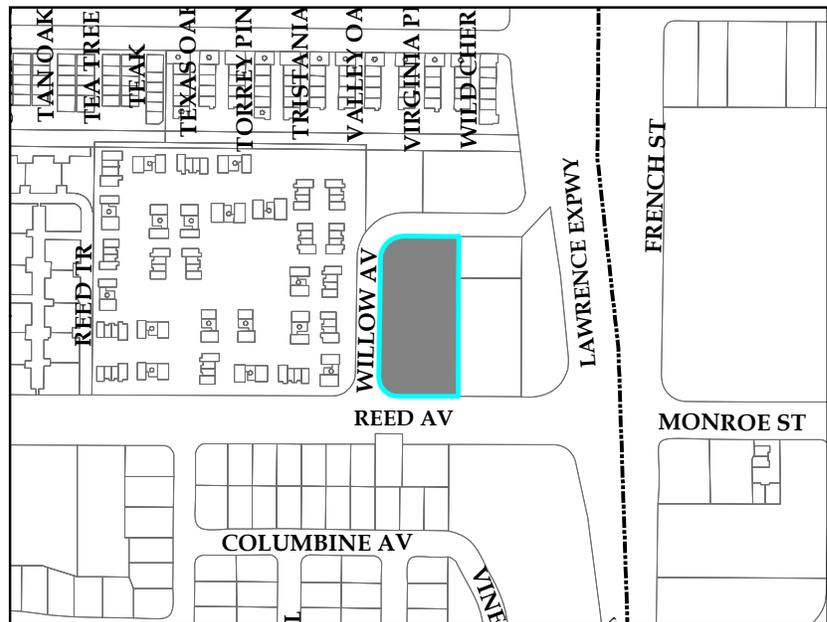
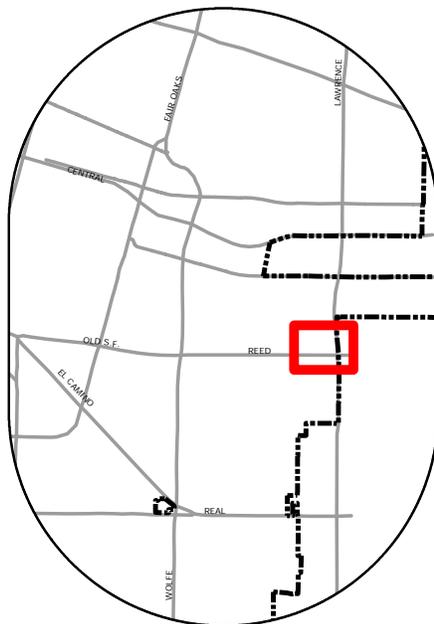
Staff Contact: Mariya Hodge, Associate Planner, (408) 730-7659

Project Description: To allow a new auto repair use within an existing multi-tenant industrial building.

Reason for Permit: A Use Permit or Special Development Permit is required for automobile service stations and vehicle repair facilities in M-S Zoning Districts.

Issues: Neighborhood compatibility, solid waste & recycling

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Industrial to Residential Medium Density	Same
Zoning District:	M-S/ITR/R-3/PD	Same
Building Area (Sq. Ft.):	19,638	Same
Tenant Area (Sq. Ft.):	6,100	Same
Parking:	104 spaces	Same

Previous Planning Projects related to the Subject Application	Yes
In 2004 a Use Permit was approved to allow an auto repair use in the tenant space adjacent to the subject space (#2004-0039). The hours of operation for this tenant are restricted to 6:00 a.m. to 4:00 p.m. and the Use Permit was approved to allow minor auto repair activities only (no paint or body work). A Miscellaneous Plan Permit was later approved (#2008-0091) to allow the addition of an interior spray paint booth. This auto repair use continues to occupy the tenant space adjacent to the subject space.	
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Use Description: The subject tenant space was previously used by a social club (Alano Club) for meeting purposes, but has been vacant for several years. Dayton Automotive and Peninsula Transmission propose to use the subject tenant space for automobile service and repair. Services provided will include oil change, transmission, engine service, tune-up, and brake and tire service. No body work or paint work is proposed. Vehicles will be dropped off or towed to the exterior parking lot area located toward the rear of the building along Willow Avenue. The vehicles will be moved to the interior of the building for service. All vehicle repair and service activities are proposed to occur within the building. (See Attachment C – Applicant Letters and Project Justifications).

Hours of Operation: The proposed hours of operation are 7:30 a.m. to 7:30 p.m. Monday through Friday. No weekend hours are proposed.

Floor Plan: Four vehicle repair bays with lifts will be located in an open area within the tenant space. No spray booths are proposed. Additional areas for vehicle parking, offices, and tool storage are shown on the floor plans provided in Attachment B.

Exterior Changes: No exterior changes to the building are proposed.

Solid Waste and Recycling: The existing multi-tenant building currently has one small enclosure for recycling and solid waste, which is located near the southeast corner of the building. This enclosure has been used solely by Vito's Pizza, while other tenants have been storing their solid waste in individual bins within their tenant spaces or along the building exterior. The City's solid waste contractor recently removed the bins from the existing enclosure due to non-payment of service fees. According to the property owner's representative, Vito's Pizza and other tenants have discontinued use of the City's licensed solid waste franchisee and have been using an alternative private contractor for removal of solid waste from the site. Sunnyvale Municipal Code Chapter 8.16 requires use of the City's licensed franchisee for the removal of all solid waste; self-disposal of waste and use of alternative contractors are not permitted. In addition, Fire Prevention noted that storage of recycling and solid waste bins within the building is not permitted. Recycling and solid waste bins must be stored outside the building in approved enclosures. The existing enclosure on the site is insufficient in size to service all building tenants. If the enclosure were enlarged to accommodate an additional two bins (three cubic yards each), this would provide space for all tenants to use one enclosure. Alternatively, Vito's Pizza could continue sole use of the existing enclosure and a second enclosure could be constructed for the other building tenants with sufficient size for two bins (three cubic yards each). The design and location of a new or enlarged enclosure would be reviewed by staff through the Miscellaneous Plan Permit process. Staff is recommending condition of approval PC-4 requiring a new or enlarged enclosure to be constructed within 90 days of approval of the Special Development Permit, and additional conditions of approval PC-5, AT-6, and AT-7 related to solid waste and recycling service.

Parking: The existing parking lot provides 104 spaces. The proposed auto repair use will have 4 service bays within the building and the existing auto repair use in the adjacent tenant space is approved for 4 service bays. Service bays are considered parking spaces resulting in a total of 108 available spaces on the site. With the proposed use, the site would require a total of 96 parking spaces. Parking is ample to serve all existing and proposed uses on the site. Removing 2 to 3 parking spaces to construct a new solid waste enclosure will not result in a parking deficiency.

Expected Impact to Surroundings: The proposed use is compatible with site's industrial zoning and with the operations of other tenants. With the proposed conditions of approval, the use is not expected to have negative impacts on adjacent sites or the surrounding area. The proposed use may generate additional noise; however, the roll-up door is located on the east side of the building away from adjacent residential uses. In addition, the proposed hours of operation will ensure any noise generated by repair activities will not disturb adjacent residents during evening or weekend hours. The proposed use is similar to the auto repair use which has occupied the adjacent tenant space

since 2004. There have been no Neighborhood Preservation complaints related to operation of the existing auto repair use on the site.

Public Contact: 147 notices were sent to surrounding property owners and residents 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 Special Development 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.*

Staff was able to make this finding for the project as conditioned in Attachment A. The proposed use will provide an automobile repair service for residents as well as employment opportunities within the City. The proposed use is appropriately located in an industrial Zoning District adjacent to an existing auto repair use. Although there are nearby residential uses, the hours of operation, site layout, and conditions of approval will ensure the proposed use will not have detrimental impacts on surrounding sites.

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.*

Staff was able to make this finding for the project as conditioned in Attachment A. There are nearby residential uses and the proposed use has the potential to create some additional noise; however, the hours of operation and site layout, in conjunction with the City's noise ordinance, will ensure any noise generated by repair activities will not have a negative impact on surrounding properties or uses. No exterior changes to the building are proposed and all repair activities and after-hours vehicle storage will occur within the building, therefore the proposed use will not have a negative visual impact on the site. As conditioned, the project is not expected to have detrimental impacts on surrounding sites or uses.

ALTERNATIVES:

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

RECOMMENDATION

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

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: Mariya Hodge, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site Plans, Floor Plans, and Site Photographs
- C. Applicant Letters and Project Justifications

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
NOVEMBER 10, 2010**

Planning Application 2010-7704

1155 Reed Avenue #E

Special Development Permit to allow a new auto repair use within an existing multi-tenant 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 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, project description 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 Special Development 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 (Ordinance 2895-09):

The Special Development Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void. [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. FIRE PREVENTION DURING CONSTRUCTION:

Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems. [COA] [PUBLIC SAFETY]

PC-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].

PC-4. RECYCLING AND SOLID WASTE ENCLOSURE:

Additional enclosure space on the site shall be provided for use by all tenants. The existing enclosure shall be enlarged to accommodate an additional two bins, each with a size of 3 cubic yards, OR a second enclosure shall be constructed to accommodate two bins, each with a size of 3 cubic yards. The new or expanded enclosure is subject to the following requirements:

- a) The enclosure shall be of masonry construction;
- b) The enclosure shall match the design, materials and color of the main building;

- c) 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-5. 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]

PC-6. 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]

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. MINOR AUTO REPAIR ONLY:

This Special Development Permit is valid only for minor automobile repair work as described in the proposed plans. Minor auto repair

work includes activities such as tune-ups, changing oil and oil filters, transmission and engine service, and repairing brakes. Major repair activities such as auto painting and body work are not permitted as part of this Special Development Permit. Any change to the proposed use shall require separate approval as provided in condition GC-1. [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. 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-4. HOURS OF OPERATION:

The permitted hours of operation are 7:30 a.m. to 7:30 p.m. Monday through Friday. [COA] [PLANNING]

AT-5. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

- a) Delivery hours are limited to daytime only (7:00 a.m. to 10:00 p.m. daily).
- b) Nighttime delivery (from 10:00 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

AT-6. RECYCLING AND SOLID WASTE STORAGE:

All recycling and solid waste shall be confined to approved containers 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]

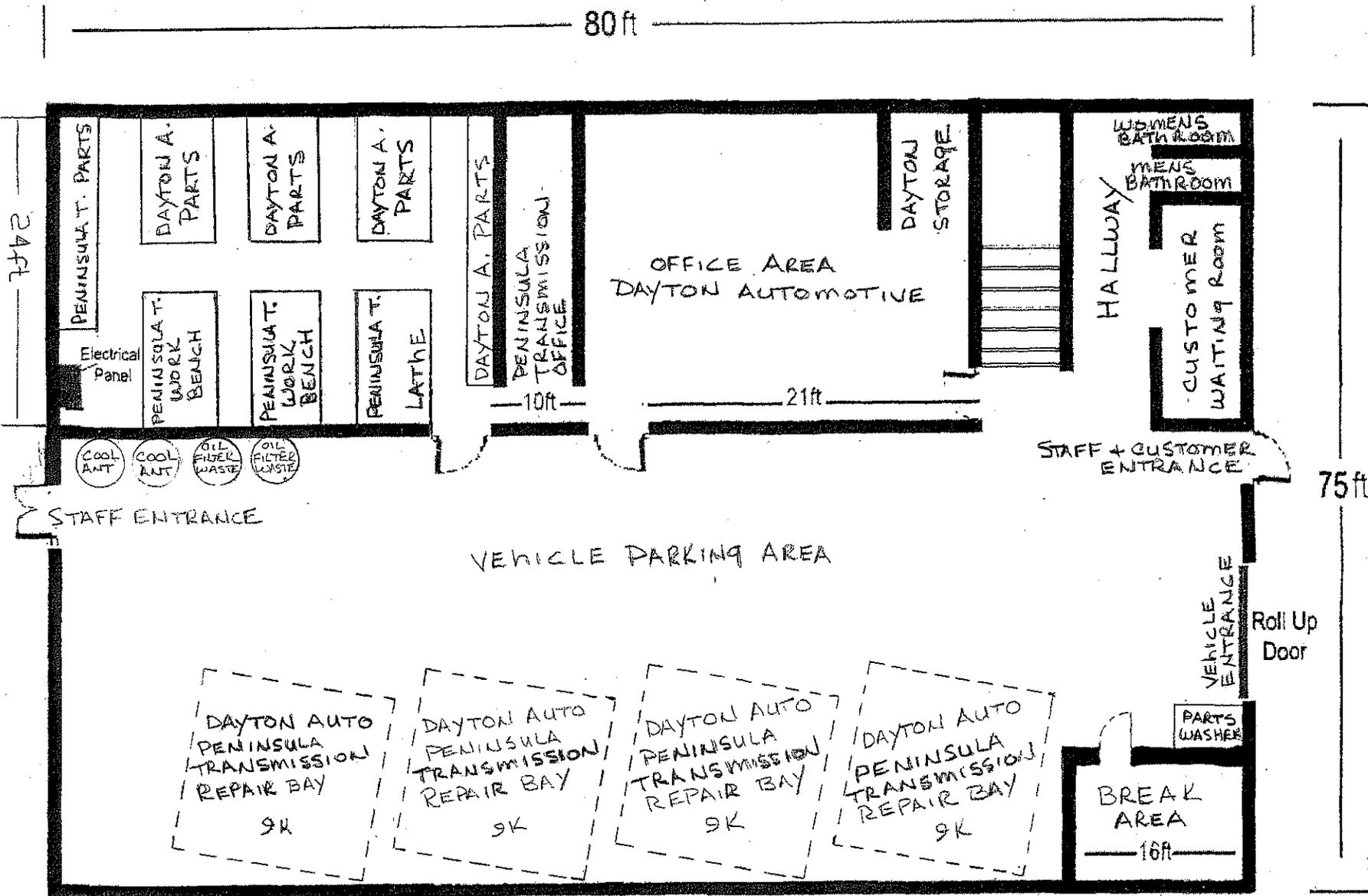
AT-7. RECYCLING AND SOLID WASTE SERVICE:

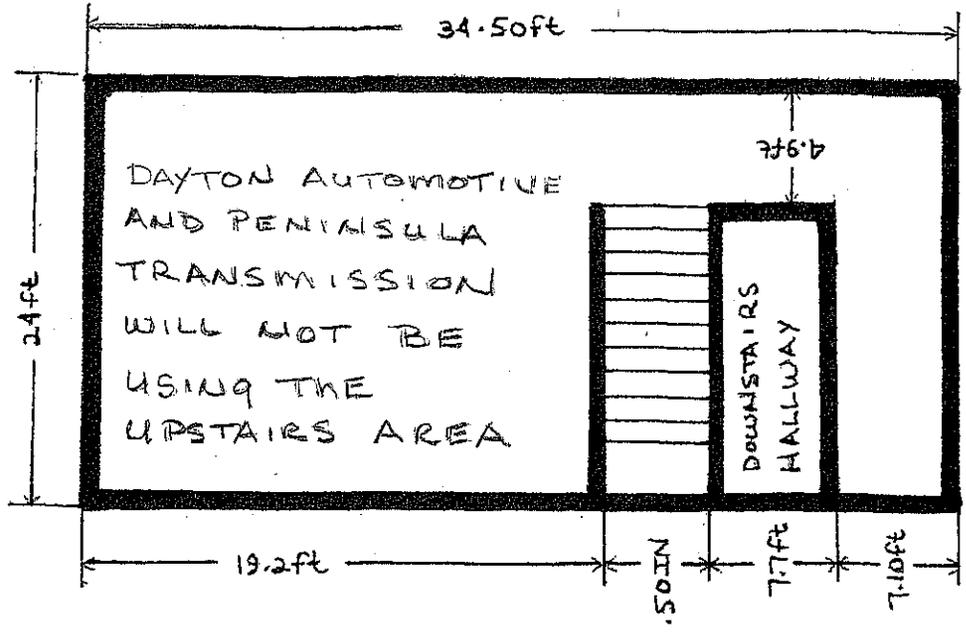
Removal of solid waste and recycling from the site shall be performed only by the City's licensed franchisee in compliance with Sunnyvale Municipal Code. Self-hauling of solid waste or contracting with alternative haulers not licensed by the City is not permitted. [COA] [PLANNING]

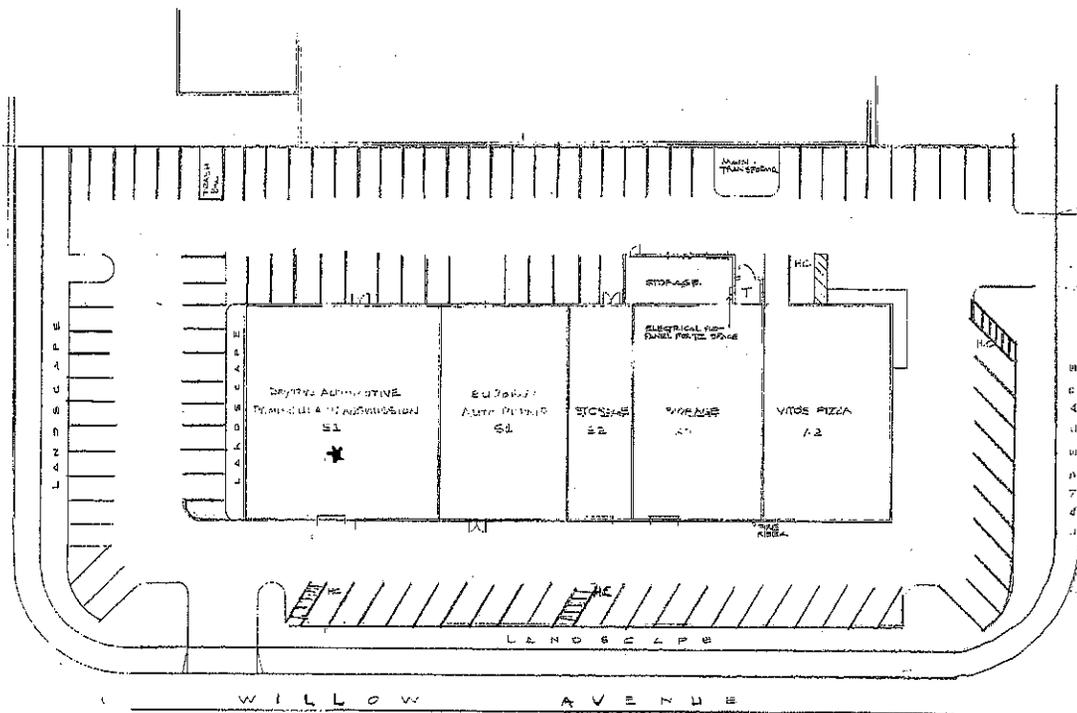
- AT-8. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-9. NOISE:
The approved use shall comply with the requirements of the City's noise ordinance at all times. [SDR] [PLANNING]
- AT-10. OUTDOOR DISPLAY:
Outdoor display of merchandise is not permitted at any time unless a separate permit for outdoor display is approved by the Director of Community Development. [COA] [PLANNING]
- AT-11. 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-12. 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-13. SIGNS:
Any proposed signage shall be in conformance with the site's existing Master Sign Program and shall be approved by the City prior to installation. [COA] [PLANNING]
- AT-14. AWNINGS:
Any fabric awnings shall be replaced at least every five (5) years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development. [COA] [PLANNING]

Attachment B

Site Plans, Floor Plans, and Site Photographs







S I T E P L A N 1" = 200'

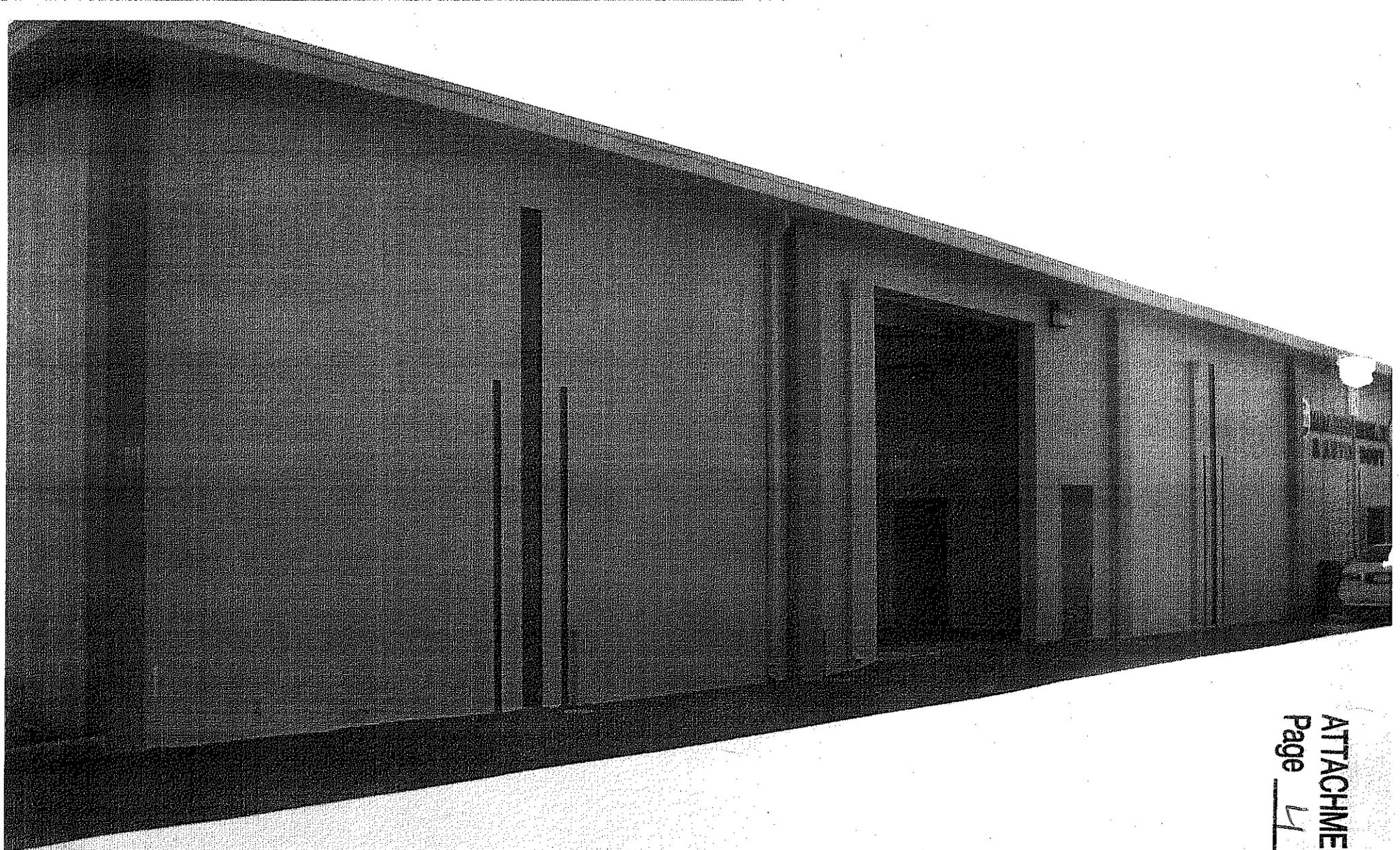


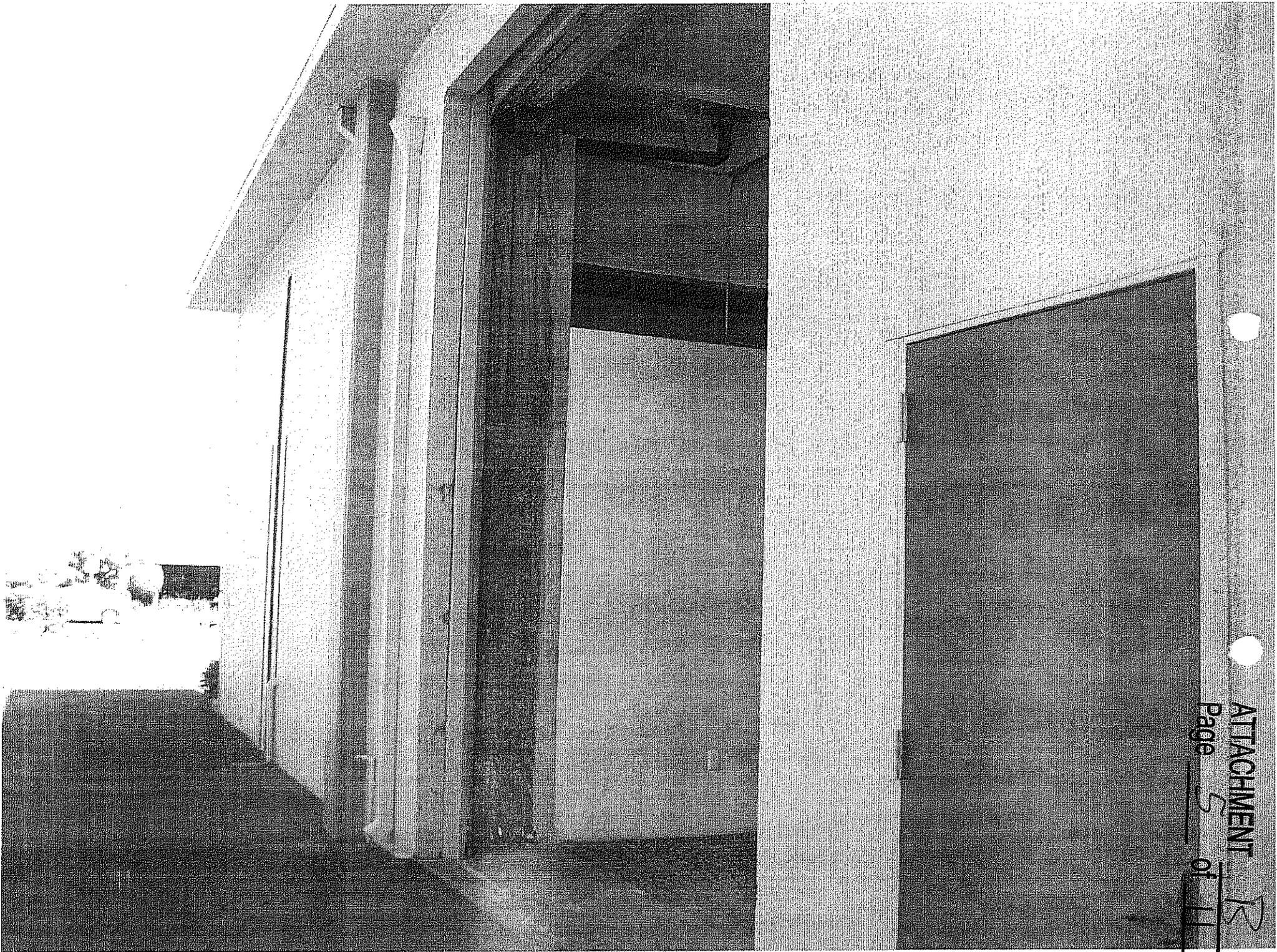
L O C A T I O N M A P

R E E D A V E N U E

BUILDING ANALYSIS

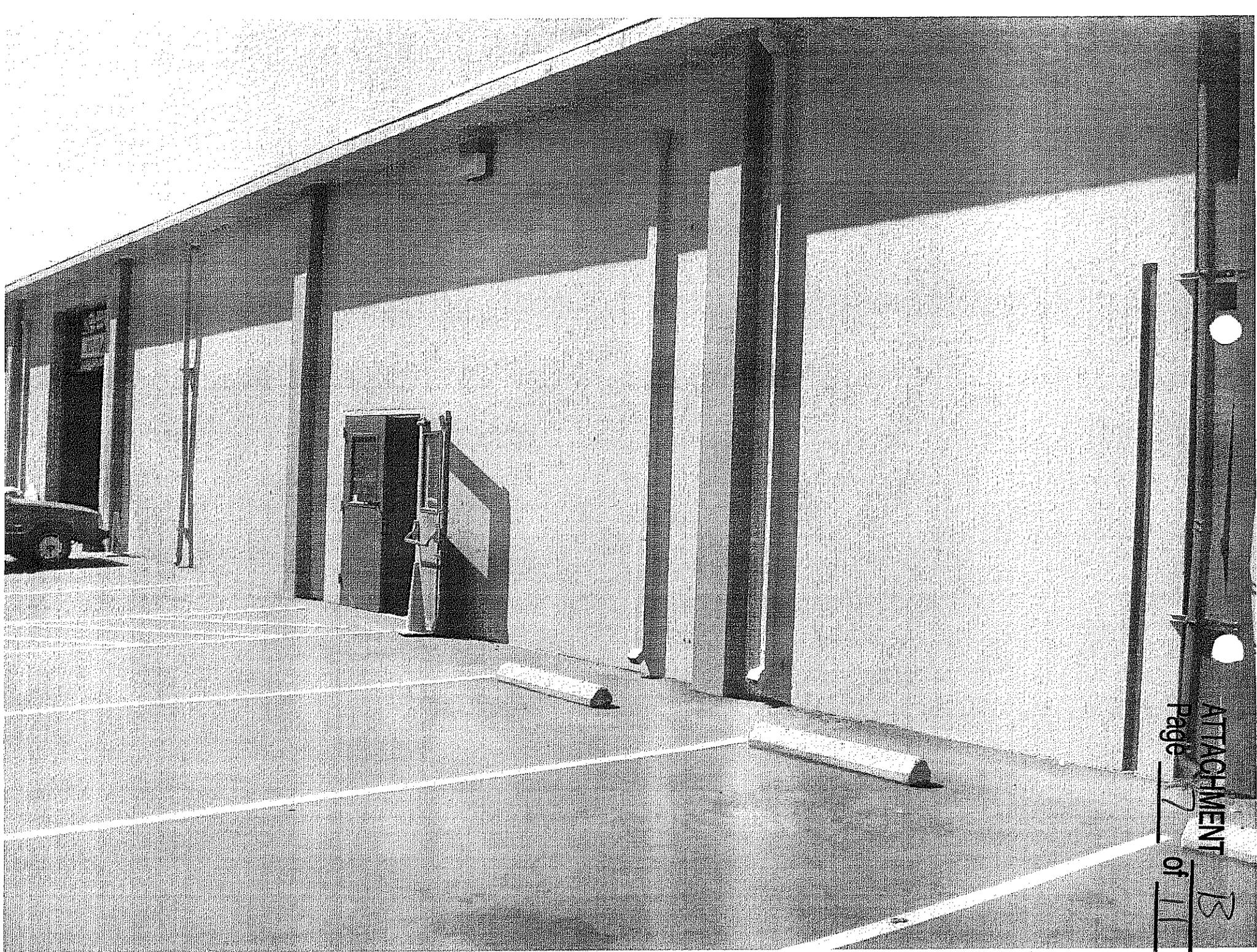
TYPE	III
CLASSIFICATION	A2
FULL-TIME EMPLOYED	
GROSS AREA	13,900 SF
TENANT SPACE PROPOSED	10,000 SF
PARKING PROVIDED	24 SPACES

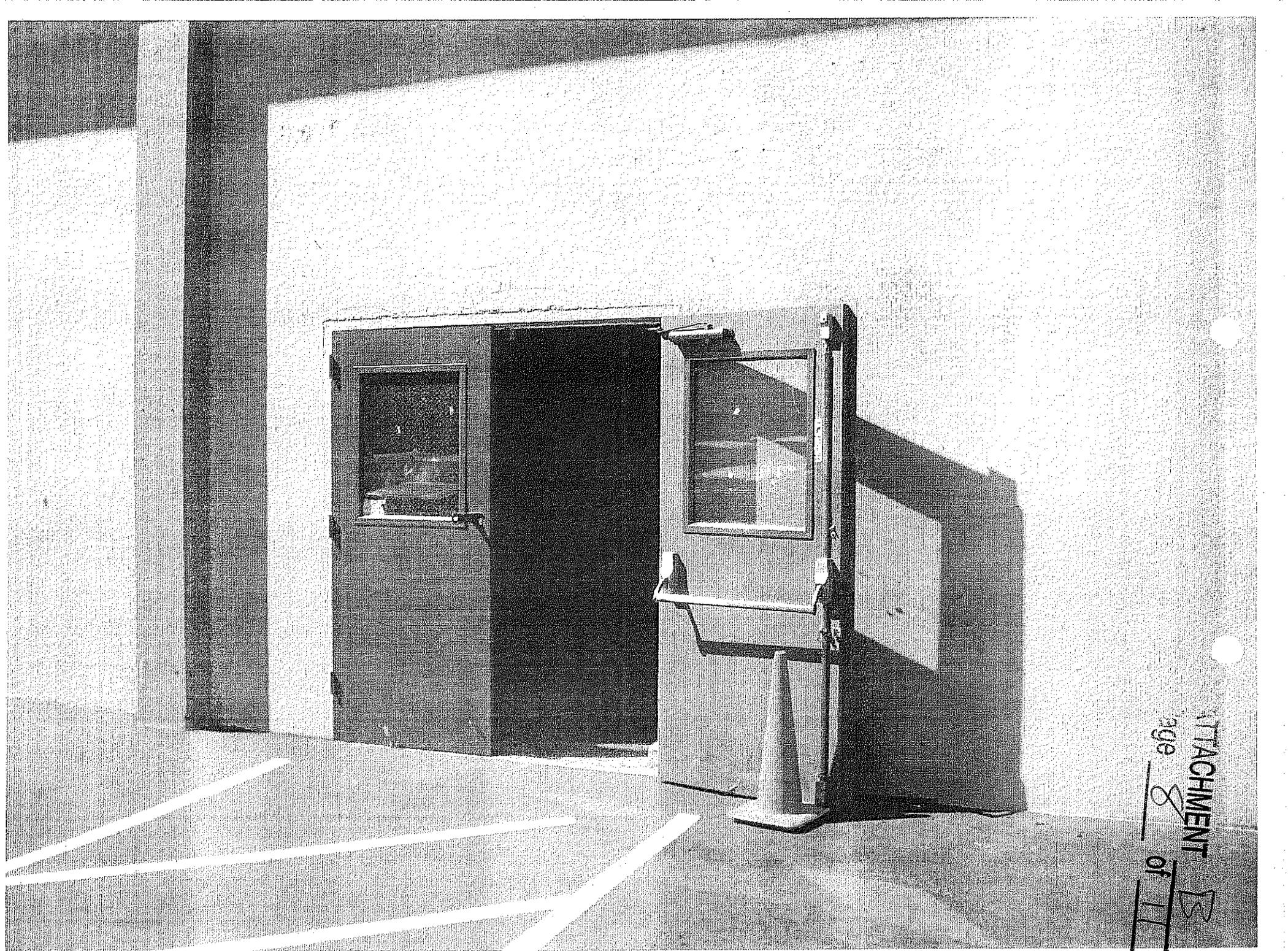




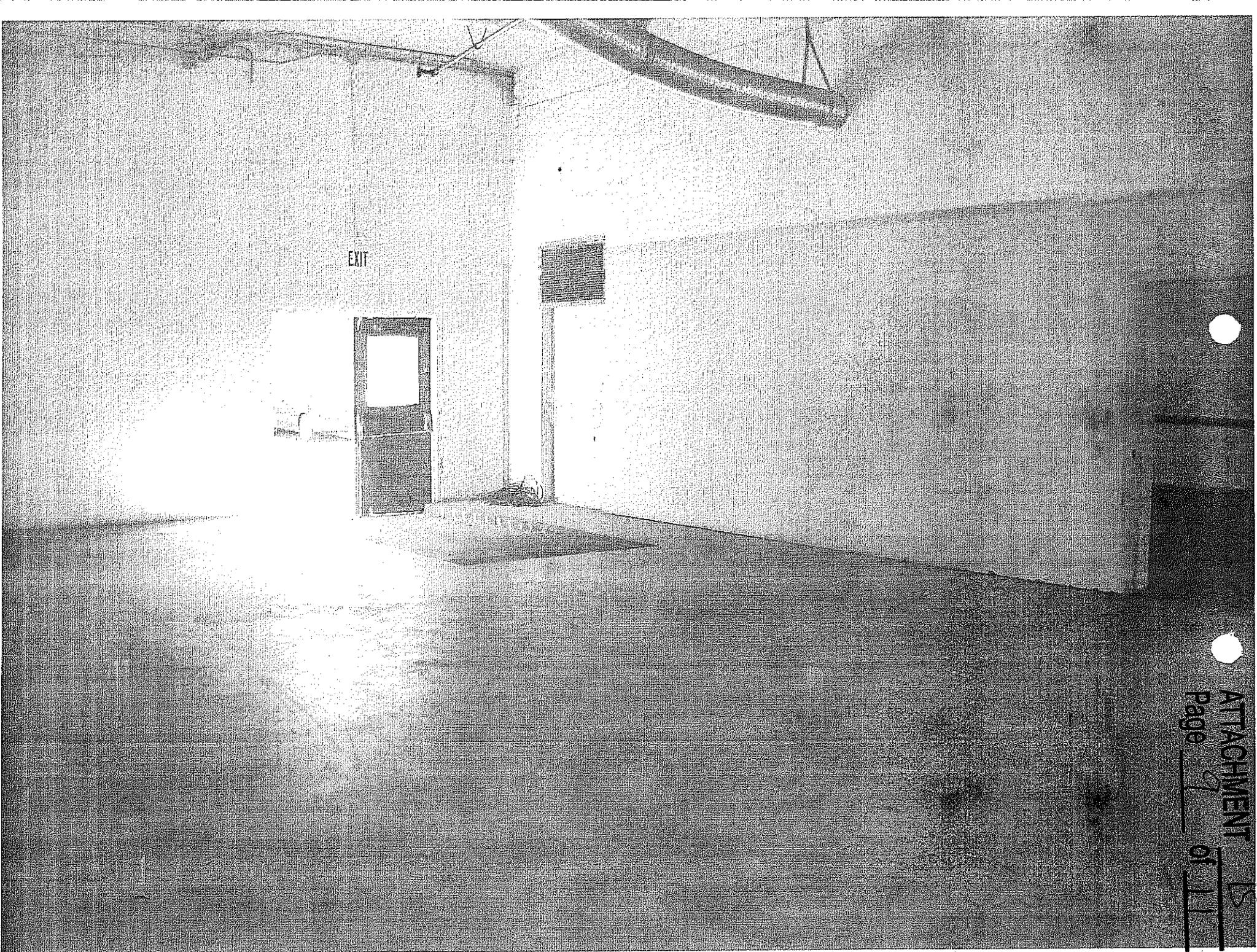


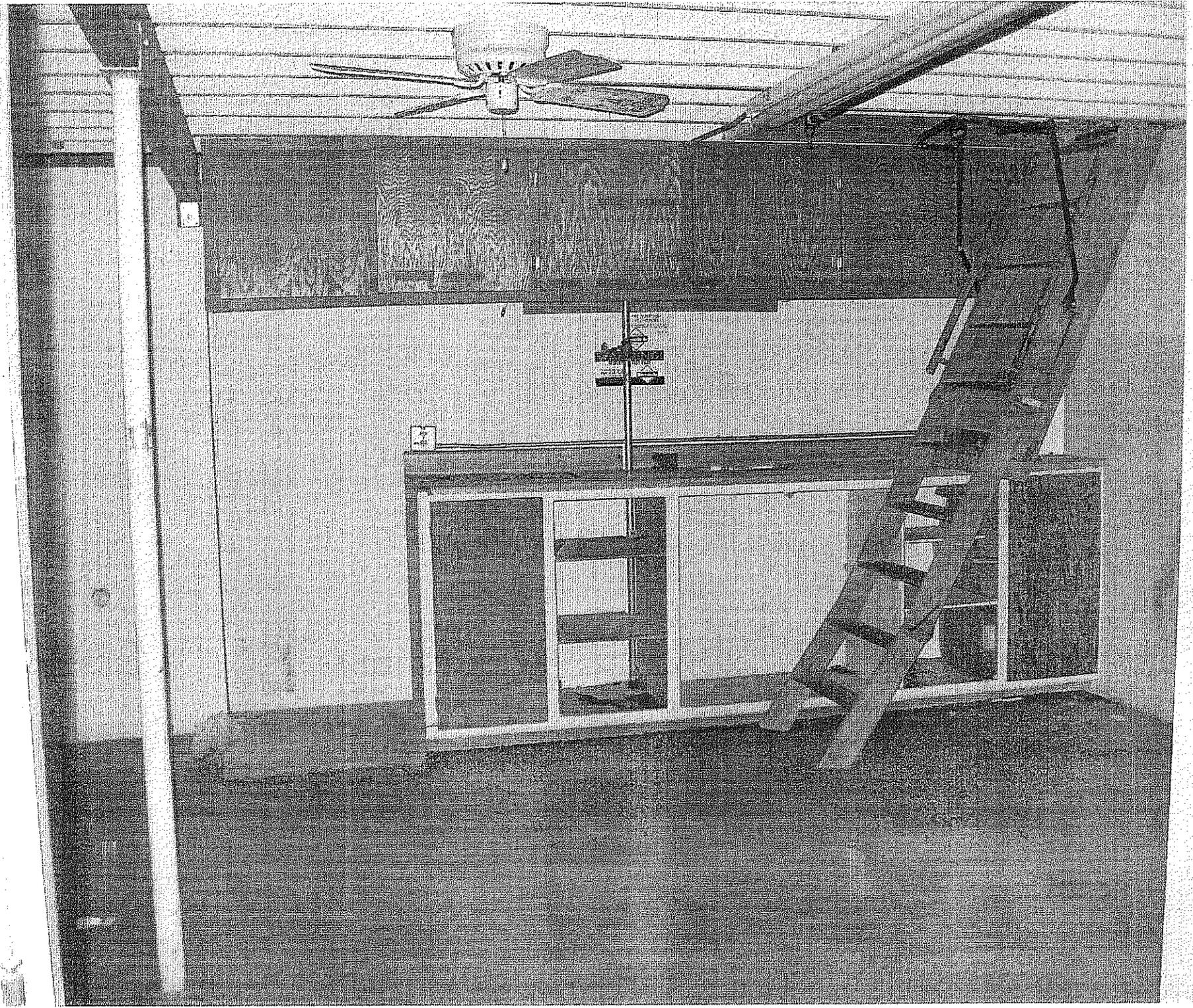
ATTACHMENT B
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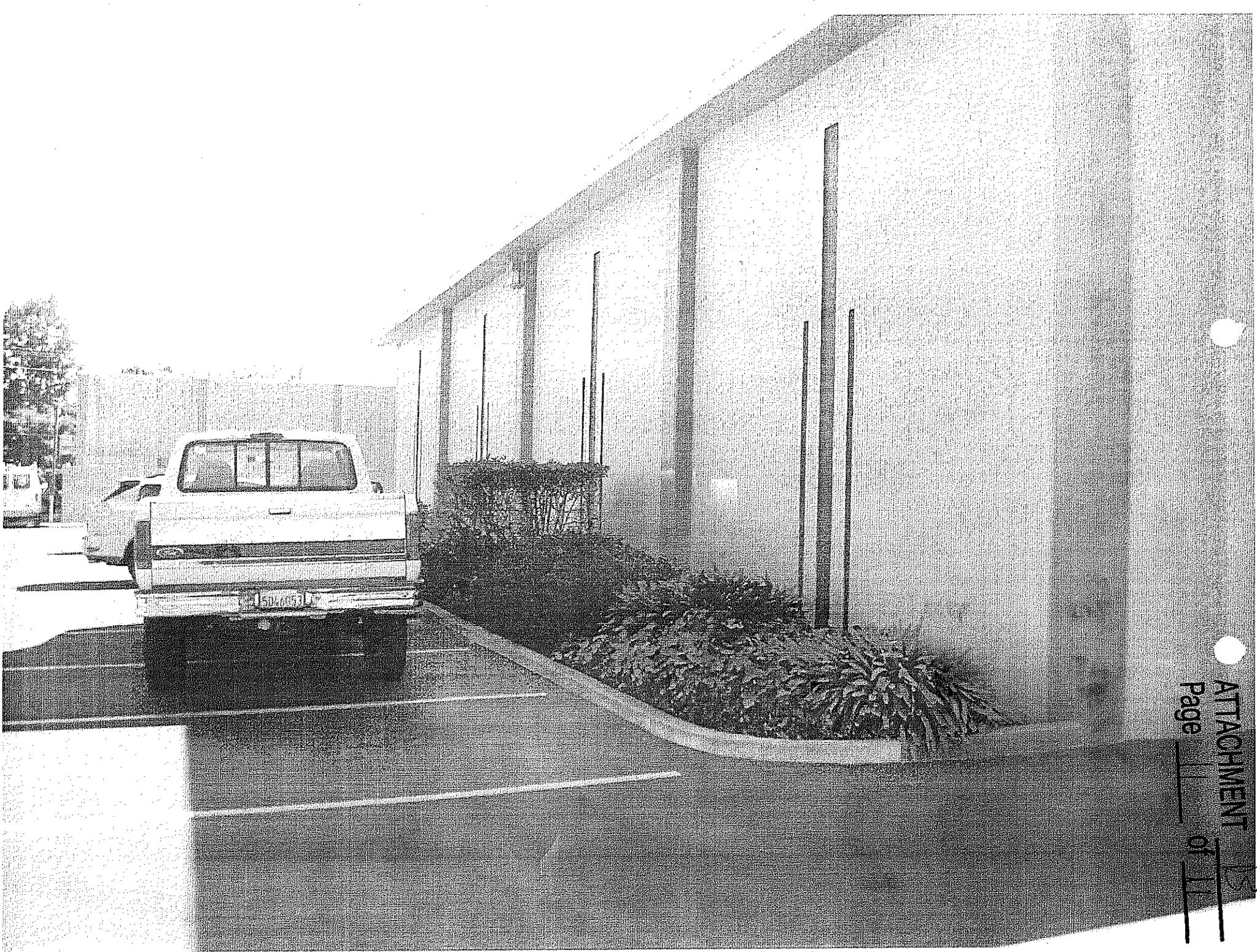




ATTACHMENT B
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Attachment C

Applicant's Letters and Project Justifications

Project Description Letter for; Dayton Automotive Inc/Peninsula Transmission Service, Inc..

Dayton Automotive Inc. would like to rent the property at 1155 Reed Ave for automotive repair use. The shop next door in the same building is also an automotive repair and body shop.

Previous use for this part of the building on 1155 Reed Avenue was a Karate facility.

Dayton Automotive has 5 employees, which includes the business owner.

Peninsula Transmission is operated by the owner.

Dayton Automotive hours of operation are; 7:30 to 7:30 pm, Monday through Friday, we are closed on the weekends.

Peninsula Transmission hours of operation are; 7:30 to 7:30 pm, Monday through Friday, we are closed on the weekends.

The number of patrons at any given time may be up to 12 vehicles per day for both Dayton Automotive and Peninsula Transmission.

By approving the Change of Use permit for automotive repair for 1155 Reed-Unit-E, we believe the addition of Dayton Automotive Inc/Peninsula Transmission Service Inc., automotive repair business to the existing building center will benefit the building and the surrounding community. Dayton Automotive/Peninsula Transmission will compliment the other automotive businesses in the center while bringing in additional business to the restaurant and grocery store. Dayton Automotive/Peninsula Transmission will bring quality service to the surrounding community.

Dayton Automotive performs automotive services on all foreign and domestic vehicles; they also work on classic vehicles. Peninsula Transmission services most types of vehicles. Dayton Automotive

By approving the Change of Use permit for Dayton Automotive/Peninsula Transmission; you will be keeping both of the businesses in Sunnyvale. Dayton Automotive has been in business in Sunnyvale for more than 25 years. Peninsula Transmission has been in business for the past 15 years. Both of these businesses have an extensive list of loyal long term customers who depend on their services in the Sunnyvale community, and in the surrounding communities.

Per the owner of the building, the last semi-annual inspection was done in April 2010 and the next is scheduled for this month. Our annual test is scheduled for next week and our 5-year fire sprinkler test was last done April 2008. It is all very confusing to sort out and we actually have been in the process of finalizing a new contract for all this testing and inspection to better meet with the guidelines of the new fire code for all our properties. We should have it all worked out this month.

Dayton Automotive and Peninsula Transmission's hazardous waste; engine oil, brake fluid, gear oil and transmission fluid will be picked up by Evergreen on an as needed basis. Evergreen Oil Inc. will also supply and pick up coolant from the coolant bins that are located by the back door. Used oil filters are stored in bins located by the back door and are picked up by Evergreen Oil Inc.

Customers for Dayton Automotive and Peninsula Transmission will drop their cars off in the parking lot for service, technicians will drive the vehicles in from the parking lot to the bays to be serviced; the vehicles will then be parked back in the parking lot waiting to be picked up by the customer. Some customers will wait in the waiting room area while they are having short term auto service performed such as, oil change, transmission service, or coolant service. Some vehicles will be onsite for 1 to 7 days depending on the type of service being performed. Dayton automotive services all foreign and domestic cars and light trucks, and also classic cars. Dayton automotive performs all aspects of servicing a vehicles engine, suspension, drive train, brake systems, replacement and balancing of tire's, removal and installation of engines and transmissions after re-build by a second source. Peninsula Transmission performs rebuilding of transmissions on all domestic and some foreign cars. Dayton Automotive and Peninsula Transmission does not perform any type of body or paint work on vehicles.

Vehicles will be towed into the parking lot where vehicles are dropped off by the customers. Vehicles will be either stored inside the building or sitting on the lifts while being serviced, or in the parking lot where they will be waiting for service.