



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

April 28, 2010

File Number: 2010-7176

Permit Type: Use Permit

Location: 930 E. California Ave. (near Commercial St.) (APN: 205-35-003)

Applicant/Owner: Fortes Bros. Towing / Hickey Properties LLC

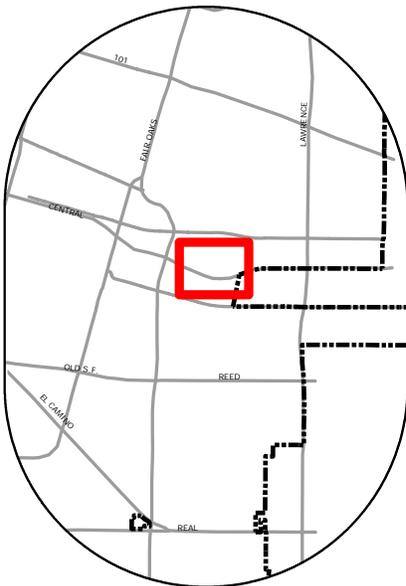
Staff Contact: Steve Lynch, Senior Planner, (408) 730-2723

Project Description: Use Permit to allow a new vehicle towing yard.

Reason for Permit: A Use Permit is required for automotive uses in the M-S (Industrial and Service) zone.

Issues: Compatibility

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Industrial	Same
Zoning District:	M-S	Same
Total Sq. Ft. on Site:	17,787	Same
Tenant Sq. Ft.:	7,051	Same
Parking:	40	Same

Previous Planning Projects related to Subject Application	No
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Use Description: The applicant is proposing a new towing yard for automobiles that have been involved in accidents. The yard can accommodate up to 40 towed and employee vehicles at one time. The expected number of vehicles stored at the site is 20 at any one time. Two to three employees are expected to work at the site.

The site has a large (6,6064 sf.) warehouse where cars may be stored. The applicant anticipates only one to two cars per year will be stored in the warehouse.

The applicant currently has a towing business in Mountain View which is their primary facility. All trucks used at the Sunnyvale site will be stored at the Mountain View site when not in use. The applicant states they anticipate they will only be in this location for one year.

There are no physical improvements to the site expected.

Hours of Operation: Operating Hours are 24 hours a day. Office hours are 8:00am to 5:00pm, Monday to Friday.

Expected Customers: The applicant anticipates one to two customers picking up their vehicles per week.

Public Contact: 25 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Use Permit the following findings must be made:

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

Land Use and Transportation Element

Policy N1.1 *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

N1.1.1 *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

N1.1.4 *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

Policy N1.14 *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

Staff was able to make the findings as the use attains the objectives and purposes of the General Plan by creating a desirable business in the City, which will not impart existing uses in the vicinity.

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.

The project is expected to have no impacts on surrounding industrial properties.

ALTERNATIVES:

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

RECOMMENDATION

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

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: Steve Lynch, Senior Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Letter from the Applicant
- C. Site and Architectural Plans

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
Planning Application 2010-7176
Use Permit**

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:

The following shall be completed prior to the commencement (or as designated) of the approved use.

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

"This Notice of Project Restrictions is for the purpose of informing interested persons of the fact that development approvals have been given by the City of Sunnyvale regarding the herein described property and that such approvals are conditioned upon compliance with certain restrictions that run with the land and are binding upon subsequent owners of the property. For more information about the restrictions applicable to this property see the attached conditions of approval or contact the Planning Division of the City of Sunnyvale regarding Planning Application.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title

insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Project Restrictions. This Condition shall be satisfied prior to issuance of Building Permit or 60 days of this approval. [COA] [PLANNING]

THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

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]
2. **USE EXPIRATION (Ordinance 2895-09):** - The approved use Permit for the use shall expire if the use is discontinued for a period of two years or more. [SDR] (PLANNING)
3. **PERMIT EXPIRATION (Ordinance 2895-09):** The Use 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)

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.

4. **DELIVERY HOURS** – Delivery hours for the approved use shall comply with SMC 19.42.030:
 - a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
 - b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

5. **HOURS OF OPERATION** – The use permitted as part of this application shall comply with the following hours of operation at all times:
 - a) The hours of operation are limited to 6:00 a.m. to midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]
6. **RECYCLING AND SOLID WASTE** - All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
7. **LOUDSPEAKERS PROHIBITED** - Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
8. **EXTERIOR EQUIPMENT** - All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. 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]
9. **LANDSCAPE MAINTENANCE** - All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained 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]
10. **AWNINGS** - 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]



Emergency
Road Service

Fortes Bros. Towing

365 Villa Street
Mountain View, Ca. 94041
(650) 964-0215 Fax: (650) 965-9041

3/16/2010

City of Sunnyvale

Re: **Business plan for leased property at 930 E California St.**

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:

Our plan is to store impounded vehicles and vehicles that have been involved in an accident. The average length of a vehicle being stored is 7 days with a maximum of 35 days. We are estimating an average of 20 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 plan on employing 2-3 personal at the location during the office hours. We are anticipating 1 to 2 customers picking up their vehicles at one given time.

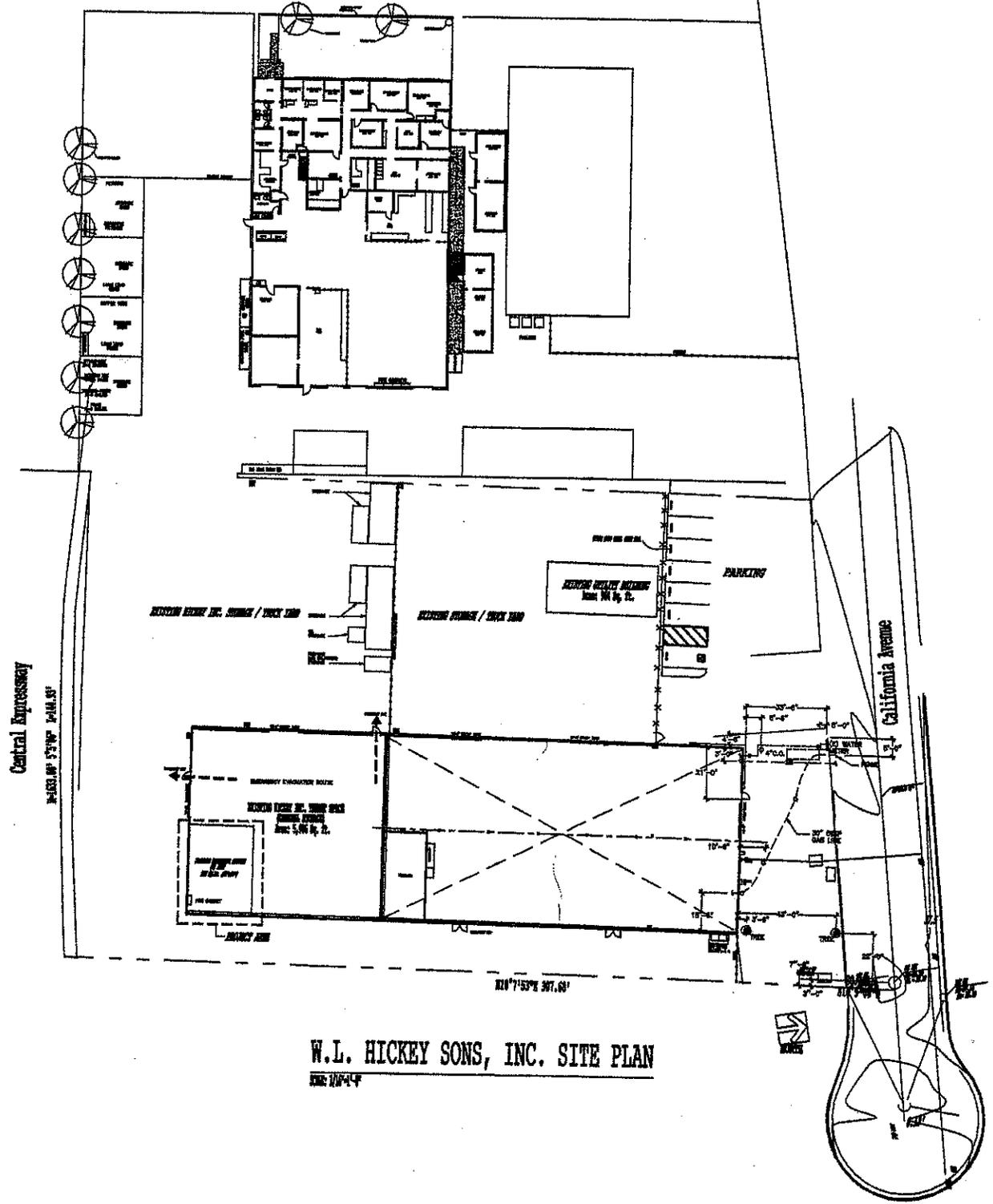
The location at 930 E California St will be a 2nd location to our existing main location at 365 Villa St, Mtn. View. All of our trucks will be stored when not in use at our main location in Mtn. View.

Side notes:

The leased property has 2 restrooms. The warehouse has fire sprinklers with a grade level bay door.

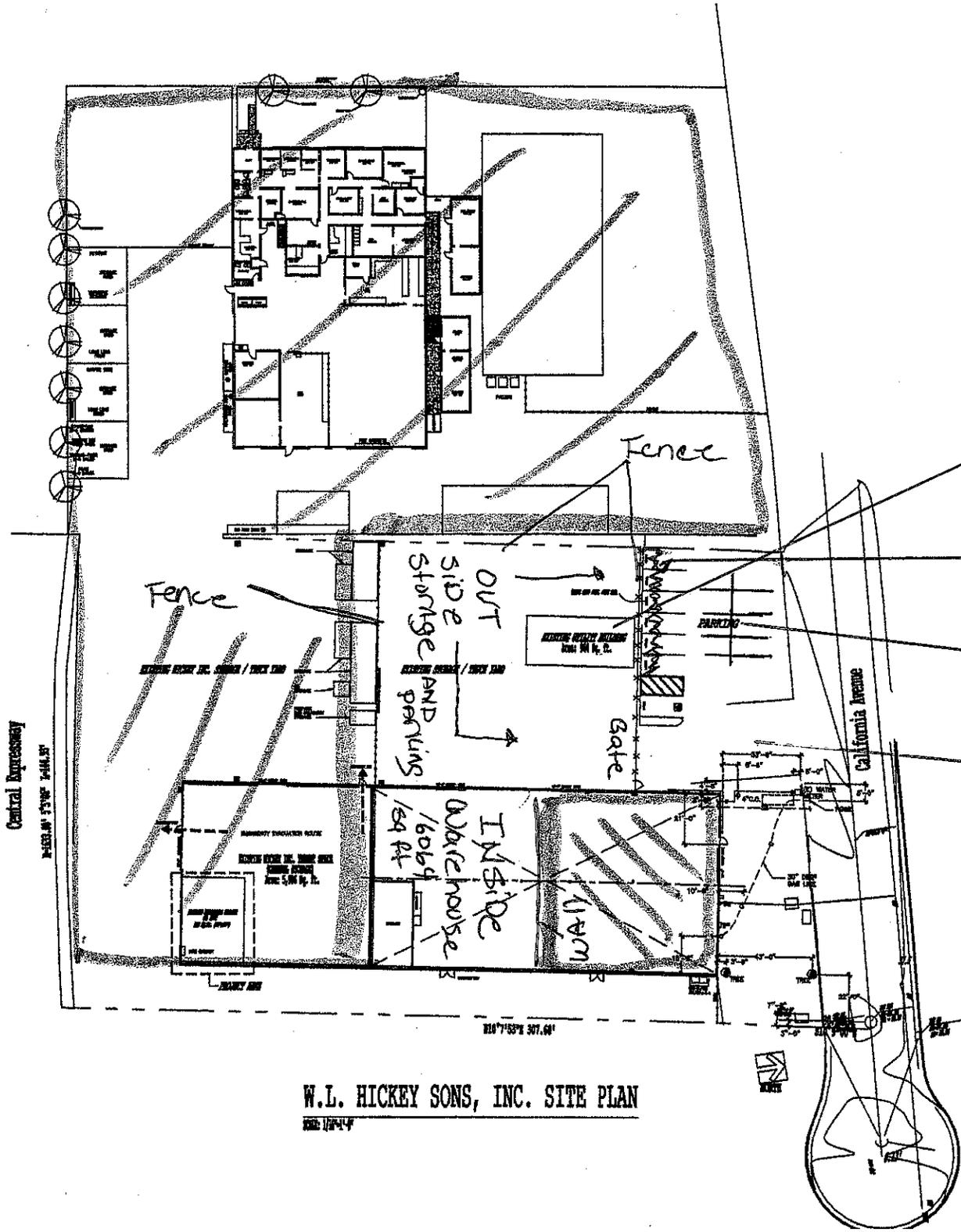
About us:

We have been in business and operating at the location in Mtn. View for 30 plus years. We have recently changed our name from Mtn. View Towing to our current name. AAA has expanded our contracted area over the past year to the San Jose Airport and we felt the name was limited us to the city name.



W.L. HICKEY SONS, INC. SITE PLAN
 DATE: 10/24/97

leased
By Others



Office 964 sq ft
landscape
Customer parking
Driveway

W.L. HICKEY SONS, INC. SITE PLAN

