



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 24-0802, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

SUBJECT

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to demolish an existing one-story commercial building and construct a new 999 square feet one-story office building and 4,967 square feet two-story office building with podium parking. The project requests a deviation to allow 20-foot front yard setback, where 70 feet minimum is required.

Location: 1689 South Wolfe Road (APN: 309-51-028)

File #: 2022-7340

Zoning: C-1/PD (Neighborhood Business with a Planned Development combining district)

Applicant / Owner: Joseph Bellomo Architects (applicant)/PSR Development Inc. (owners)

Environmental Review: A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Mary Jeyaprakash, 408-730-7449, mjeyaprakash@sunnyvale.ca.gov

REPORT IN BRIEF

The Zoning Administrator considered this item on May 15, 2024.

Owner representative from the neighboring gas station at 1697 South Wolfe Road (to the south of the project site) spoke against this item. There is a drive-aisle, allowing passage through the two properties, connecting South Wolfe Road and Homestead Road. The gas station wants to continue using this drive-aisle. However, the project proposes a concrete wall and fence over the drive-aisle, blocking access through the project site.

A summary of issues raised by the gas station owner representative is listed below, along with the City's responses,

- The proposed project will build over and block the existing drive-aisle, that provides access between South Wolfe Road and Homestead Road. The gas station owner representative characterizes this drive-aisle as a Prescriptive Easement. He states that the applicant is prohibited to build over or locate the proposed office building closer to this easement.
Staff Response: The gas station site has three other ingress and egress access points from South Wolfe Road and Homestead Road. The gas station site neither depends on the drive-aisle for access nor has an easement along the drive-aisle. According to the City Attorney, Prescriptive Easements are established by court and the City would require a copy of a court judgement to verify. Without such information, the City's zoning standards do not prohibit the project as proposed. As of the date of staff report production, staff has not received any documentation from the gas station following the Zoning Administrator hearing.
- The proposed office building along South Wolfe Road is located at zero-lot line with the gas

station's property line. The gas station owner representative suggests moving the proposed office building facing South Wolfe Road a minimum 10 feet away from their property line or where the current retail building is located (leaving 24'-6" from the property line).

Staff Response: The project site is in C-1 zoning district which allows 0-foot side setback. The proposed office building is at zero-lot line on the south side of the project site and it complies with the City's zoning standards. According to the applicant, the proposal will not be feasible with the suggested setback.

The proposal complies with relevant zoning standards, except for the deviation to the front setback requirement on the Martin Avenue frontage. Considering this a private dispute, the Zoning Administrator encouraged the parties to work together and resolve the situation. No other members of the public spoke on this item at the May 15, 2024 hearing. This project was continued to June 12, 2024, and then to July 10, 2024, to allow the applicant and the gas station property owner additional time to coordinate and reach an agreement.

During the discussion, the Zoning Administrator asked questions on the perforated HVAC screening over the roof; pavement over parking lot; brick accent over masonry wall; impact fees; and Green Building program minimum standards. As a result, Recommended Conditions of Approval (Attachment 4) is updated with minor changes. See Attachment 9 for an excerpt of the draft Zoning Administrator minutes.

ALTERNATIVES

1. Approve the Special Development Permit with recommended Findings in Attachment 3 and recommended Conditions of Approval in Attachment 4.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with the recommended Findings in Attachment 3 and the recommended Conditions of Approval in Attachment 4.

Prepared by: Mary Jeyaprakash, Senior Planner

Approved by: Momo Ishijima, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Site and Architectural Plans
6. Project Description Letter from Applicant
7. Special Development Permit Justification Form

Additional Attachments

8. Report to Zoning Administrator [24-0572, May 15, 2024] (without attachments)
9. Excerpt of Draft Minutes of the Zoning Administrator Meeting [24-0572, May 15, 2024]