



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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**File #:** 15-0481, **Version:** 1

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### **REPORT TO THE ZONING ADMINISTRATOR**

**File #:** 2014-7946

**Location:** 727/731 S. Wolfe Road (APNs: 211-05-030, 211-05-031)

**Applicant / Owner:** Athidhi (applicant) / Wolfe Reed Properties LLC (owner)

**Proposed Project:**

**USE PERMIT** to allow an expansion of an existing banquet hall space at 727 South Wolfe Road (Athidhi Banquet Hall) into a vacant, 1,711 square foot tenant space located at 731 South Wolfe Road.

**Reason for Permit:** A Use Permit is required for new place of assembly uses within the C-1 zoning district.

**Project Planner:** George Schroeder, (408) 730-7443, [gschroeder@sunnyvale.ca.gov](mailto:gschroeder@sunnyvale.ca.gov)

**Issues:** Parking and neighborhood compatibility.

**Recommendation:** Approve with conditions

### **PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Neighborhood Commercial	Same
Zoning District:	C-1	Same
Lot Size (Sq. Ft.):	276,940	Same
Total Sq. Ft. Onsite:	75,747	Same
Tenant Sq. Ft.:	1,711	Same
Parking:	398 spaces	Same

Previous Planning Projects related to Subject Application: The Wolfe-Reed Shopping Center was developed in 1969 and is comprised of four contiguous buildings. The applicant currently operates in two locations within the shopping center. Athidhi Indian Cuisine (restaurant) is located at 727 South Wolfe Road and was approved with alcohol service (Use Permit 2007-1148). A banquet hall expansion with internal access to the restaurant was approved with restrictions on use, hours of operation, building occupancy and alcohol service (Use Permit 2009-0398). Athidhi Banquet Hall (place of assembly) is located two tenant spaces to the west at 882 Old San Francisco Road and was also approved with similar restrictions on use, hours of operation, building occupancy and alcohol service (Use Permit 2011-7794).	<b>Yes</b>
Neighborhood Preservation Complaints: There was a temporary sign violation for Athidhi Indian Cuisine in 2008, but was promptly resolved.	<b>No</b>
Existing Deviations from Standard Zoning Requirements: Based on the square footage and land use types onsite, the Municipal Code requires a minimum total parking count of 408 stalls for the shopping center. Presently, the shopping center provides 398 total parking spaces. The Municipal Code allows for potential deviation from required parking through submittal of a Parking Management Plan to demonstrate the management of parking demand, circulation, and peak hour traffic volumes in relation to parking lot design. A Parking Management Plan for the shopping center was previously approved in 2013 as part of a Use Permit (2013-7540) for a recreational and athletic facility (UFC Gym) to occupy a tenant space formerly utilized as a grocery store.	<b>Yes</b>

## Background

The applicant is proposing to expand the existing Athidhi Indian Cuisine and Banquet Hall (restaurant/place of assembly) business at 727 South Wolfe Road into the adjacent 1,711 square foot vacant tenant space at 731 South Wolfe Road, previously occupied by a discount store. The total size of the existing restaurant and banquet hall with the proposed expansion would be 9,032 square feet, consisting of 3,214 square feet of restaurant area and 5,818 square feet of banquet hall area. The applicant proposes to change the address of the vacant tenant space to their current 727 South Wolfe Road address. The tenant spaces are located within a 27,044 square foot building at the northern end of the Wolfe Reed Shopping Center along Old San Francisco Road. There is another Athidhi Banquet Hall of 1,487 square feet located two tenant spaces to the west at 882 Old San Francisco Road, which is not internally connected to the restaurant and banquet hall at 727 South Wolfe Road.

## Use Description

The nature of the proposed banquet hall is similar to the existing two banquet halls onsite. The space will be available for patrons to rent for corporate events, fund-raising events, and celebratory events. The banquet hall will primarily be an open seating area with portable tables and chairs that can be

configured per the patrons' request. No bar area or kitchen facility is proposed within the banquet hall. Patrons may either bring in their own food or be served by the existing restaurant, but the banquet hall will not be used as spillover restaurant seating, and all entrances into the banquet hall will be required to be closed when not in use (Condition # GC-4d). There will be occasional amplified music, but there will be no live entertainment. The project will be subject to similar operational noise standards as the other two existing banquet halls (Condition # AT-10). Beer and wine service is proposed, and the applicant will need to obtain a California Department of Alcoholic Beverage Control (ABC) license. The existing restaurant has a beer and wine ABC license. However, the existing banquet halls do not have ABC licenses.

The applicant requests for the banquet hall to be available for patrons for weekend events on Saturdays and Sundays from 10 a.m. to 3 p.m. and 5 p.m. to 10:30 p.m. The applicant anticipates that there may be occasional weekday events throughout the year (3 to 4 per year), which are specified in the conditions of approval.

The applicant states that there will be no more than 83 persons at a given time within the proposed tenant space, due to California Building Code occupancy limits. This would be in addition to the maximum occupancy in the existing adjacent banquet hall and restaurant (150 and 90 maximum occupants, respectively). To avoid conflict with other potential occupancy limitations, staff recommends that condition be added to allow up to 83 patrons at any given time, or as required by any other California Building Code restriction, whichever is less.

### **Interior and Exterior Modifications**

Interior tenant improvements include new restrooms, a changing room, and a storage room. Proposed exterior building modifications include a new double entrance door and two windows on the north side of the space, facing Old San Francisco Road. All new window and door glazing will be clear and transparent, with the exception of an existing window on the east side, which will have obscured window film applied due to its location at the new changing room. All new doors and windows will match as closely as possible the original design for the shopping center (Condition # PC -8).

### **Parking**

The Wolfe-Reed Shopping Center is comprised of a mix of retail, restaurant, personal service, place of assembly, child care, and recreational/fitness uses that share 398 parking spaces. Per the Municipal Code, all businesses within a shopping center may use the shopping center parking rate (4 spaces per 1,000 square feet) except in the following instances, where their parking requirement would be calculated separately from other uses in the shopping center:

- A restaurant with a bar or entertainment;
- Total recreational and athletic facility square footage of greater than 8,000 square feet; or
- Total restaurant square footage (not including takeout restaurants) of greater than 40% of the shopping center floor area.

There are no restaurants with bars or entertainment in the shopping center, and the total percentage of restaurants is less than 40% (at 17% of total shopping center floor area). The existing recreational and athletic facility (UFC Gym) is greater than 8,000 square feet (34,709 square feet of total floor area). Therefore, the Municipal Code allows the proposed banquet hall expansion to be subject to the

shopping center rate, while the recreational and athletic facility is calculated separately. Also calculated separately is an existing child care center (Boost Up Kids Academy) that was originally calculated separately for its project approval (2012-7413). Please see below for a calculation of the shopping center required parking:

Land Use	Square feet or # of children	Required parking ratio	Parking stalls required
Shopping center	35,343 (incl. 12,622 of restaurants and 7,305 of banquet halls/places of assembly)	4 spaces/1,000 sq. ft.	141
Child Care Center (Boost Up Kids Academy)	112 children (5,695 square feet)	.25 spaces/child	28
Recreational and athletic facility classroom area (UFC Gym)	4,365	20 spaces/1,000 sq. ft. of classroom area	87
Recreational and athletic facility general floor area (UFC Gym)	30,344	5 spaces/1,000 sq. ft. of general area	152
		Total code requirement	408
		Total parking supply	398

According to the table above, the shopping center has fewer than the minimum code-required parking spaces. Nevertheless, the City of Sunnyvale Municipal Code allows for possible deviation from Code requirements through preparation of a Parking Management Plan (PMP).

A PMP was previously approved in 2013 as part of a Use Permit (2013-7540) for the UFC Gym to occupy a tenant space formerly utilized as a grocery store (Safeway). The PMP concluded that the existing parking capacity would accommodate the peak parking demand generated by the UFC Gym. To date, there have been no documented parking-related complaints in the shopping center. The PMP noted that peak parking demand occurred on weekdays (Monday-Thursday) where 12 surplus spaces were expected to be available. The PMP found more than an adequate surplus of parking spaces (100+) during weekends. Since the applicant has not updated the PMP to reflect the current proposal, as a conservative measure, staff is recommending Condition # AT-2 to prohibit business operations in the expanded tenant space on Mondays through Thursdays to ensure no adverse parking impacts occur unless a new PMP is submitted for consideration by the City (Condition #AT-2c).

The parking lot striping in the area in front of the expanded tenant space (to the east) has not been well-maintained and is faded. Condition # PC-7 requires the applicant to restripe the parking area (approximately 51 spaces).

### **Neighborhood Impacts / Compatibility**

The proposed project, as conditioned, would have minimal negative impact on the neighborhood. The project would occupy a tenant space that has been vacant for several years and will provide space for community events and social gatherings. The applicant has operated two existing banquet halls in the shopping center without any documented operational-based complaints. Hours of operation will be limited to weekends (including Fridays), where sufficient surplus parking is available to accommodate the project parking demand. Parking spaces immediately in front of the tenant space will be restriped to improve visibility and functionality.

**Public Contact:** 422 notices were sent to surrounding property owners and residents within 300 feet of the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

**Environmental Determination:** A Categorical Exemption Class 3 (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. *Attain the objectives and purposes of the General Plan, specific plan, precise plan, or other specialized plan of the City of Sunnyvale. (Finding Met)*

The following General Plan goals and policies relate to the proposed project:

- Policy LT-4.1a - Limit the intrusion of incompatible uses and inappropriate development into City neighborhoods.
- Policy LT-4.3- Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.
- Policy LT.4.13c- Provide opportunities for, and encourage neighborhood-serving commercial services in, each residential neighborhood.

The proposed use is compatible with the mix of tenants within the shopping center, and two existing similar banquet halls have operated for several years without any documented complaints. In addition, the proposed project provides gathering space that the neighboring residents and community can utilize for special occasions.

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 Met)*

The project is expected to have minimal impacts on surrounding properties. Minor exterior modifications are proposed and, as conditioned, parking will not spillover into adjacent residential neighborhoods. Future expansion of the use will be considered through the appropriate review process to ensure parking requirements are met.

### **ALTERNATIVES**

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

### **RECOMMENDATION**

Alternative 1. Approve the Use Permit with recommended Conditions in Attachment 2.

Prepared by: George Schroeder, Project Planner

Approved by: Gerri Caruso, Principal Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Maps
2. Standard Requirements and Recommended Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant