



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 16-0855, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2016-7244

Location: 108 South Sunnyvale Avenue (APN: 209-05-039)

Applicant / Owner: Tacos Joya (applicant) / Ralph Accola Trustee & Et Al (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to allow a new restaurant within a shopping center in the Downtown Specific Plan (Block 3).

Reason for Permit: A Special Development Permit is required for restaurants and fast food restaurants with on sale beer and wine alcohol beverage service in the Block 3 of the Downtown Specific Plan area.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Trash enclosure

Recommendation: Approve with conditions

PROJECT DESCRIPTION

Previous Planning Projects related to Subject Application:	None
Neighborhood Preservation Complaint #2016-1982: <i>Overflowing trash/recycling containers in rear of foot massage business at mall.</i>	Yes
Deviations from Standard Zoning Requirements	No

The proposal is for a new restaurant (Tacos Joya) in a multi-tenant shopping center located in Block 3 of the Downtown Specific Plan District. The existing building was built in 1978 and has been occupied by recreational, personal service, restaurant and office uses.

See Attachment 4 for the "Site and Architectural Plans" and Attachment 5 for the "Project Description Letter", provided by the applicant.

Use Description

The proposed use is for a restaurant, Tacos Joya, in a vacant 656 square-foot vacant tenant space (Suite A). The tenant space was previously occupied by retail use (Crazy Snacks).

The food service will include Mexican cuisine and beer and wine service. The restaurant will be open seven days a week from 7 a.m. to 10 p.m. Sunday through Thursday, and 7 a.m. to 1 p.m. Friday and

Saturday. No outdoor seating and exterior modifications are proposed as part of this application.

Site and Floor Layout

The shopping center is located at the intersection of South Sunnyvale Avenue and East Evelyn Avenue. The subject site is located one tenant space away from the end of the building closest to the street corner. The customer entrance to the restaurant is provided directly in front of the parking lot. The proposed floor plan consists of a dining area, kitchen, storage and toilet.

Parking

The project is located within the Downtown Parking District; therefore, parking fees will be reassessed based on the proposed use. The property has seven on-site parking spaces located in the front of the shopping center along South Sunnyvale Avenue, and the property owner currently pays for 68.29 deficient parking spaces. Public surface parking lots are located behind the building and across the street (South Sunnyvale Avenue) from the subject property.

Neighborhood Impact

The immediate neighborhood is made up of a mix of residential, commercial, recreational and office uses. As conditioned, the proposed restaurant use is compatible with the surrounding uses and is not anticipated to have significant impacts on the surrounding uses.

Trash and Recycling Facility

The existing trash enclosure for the shopping center is located in the northeast corner of the lot. A Neighborhood Preservation complaint was filed regarding the overflowing of garbage and bad odors from the trash enclosure at the subject site (104-122 S. Sunnyvale Avenue). The proposed restaurant use is anticipated to generate additional trash and could further aggravate the issue on the site.

Based on the site visit and nature of the proposed use, Department of Public Works-Solid Waste Division staff has made the determination that the existing trash enclosure is insufficient and inconsistent with the City of Sunnyvale's Design Guidelines for Solid Waste and Recycling Facilities for Commercial properties and, therefore, needs upgrades to meet the City's standards for solid waste and recycling facilities (Attachment 3). The applicant has worked with the staff to finalize the layout, size, and material for a new trash enclosure (see Attachment 4). The upgraded trash enclosure will be located at the existing location and no landscaping or parking will be removed or modified for the required upgrade.

Per Sunnyvale Municipal Code 19.38.030, trash enclosures within a commercial zoning district are required to be constructed of masonry with exterior material that matches the main structure. However, a PG &E gas line runs beneath the proposed location of the trash enclosure. Constructing a masonry wall over the pipe can cause damage and, therefore, six feet high chain link fence with wooden slats are proposed for the trash enclosure. The staff has added a condition that the wooden slats be painted to match the building color (BP-5).

FINDINGS

In order to approve the Special Development 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.***

Goal Lt-4 Quality Neighborhoods And Districts: Preserve and enhance the quality character of Sunnyvale's industrial, commercial and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

Downtown Specific Plan Goal B: Establish the Downtown as the cultural, retail, financial and entertainment center of the community, complemented by employment, housing and transit opportunities.

The proposed use will provide additional commercial opportunities within the Downtown Specific Plan District while not causing any negative impacts to surrounding uses.

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.***

There are no proposed changes to the existing structure and site except the modifications to the trash enclosure. The upgrade of the trash enclosure will improve the general appearance of the property and immediate neighborhood.

Public Contact

No letters or calls were received from the public by staff.

Notice of Public Hearing

- Published in the *Sun* newspaper
- Posted on the site
- 182 notices were mailed to property owners and tenants within 300 feet of the project as shown in Attachment 1

Staff Report

- Posted on the City of Sunnyvale's web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library

Agenda

- Posted on the City's official notice bulletin board
- City of Sunnyvale's web site

Environmental Determination

The project being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301 as it involves negligible expansion of use beyond that existing at the time of the application.

ALTERNATIVES

1. Approve the Special Development Permit with the recommended Conditions in Attachment 3.
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 Conditions in Attachment 3.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Standard Requirements and Recommended Conditions of Approval
4. Site and Architectural Plans
5. Project Description from the Applicant