



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO PLANNING COMMISSION

SUBJECT

File #: 2016-7127

Location: 760 E El Camino Real (APN: 211-25-044)

Zoning: C-2/ECR

Proposed Project: Appeal of decision by the Director of Community Development approving a Miscellaneous Plan Permit for architectural, lighting, landscaping, and parking lot modifications for New Seasons Market within an existing commercial retail site.

Appellant/Applicant/Owner: Protect Our Sunnyvale/LRS Architects/Ramco IL, Inc.

Environmental Review: Categorically Exempt Class 1

Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Commercial General Business

Existing Site Conditions: Commercial Retail Building - Vacant (Formerly Best Buy)

Surrounding Land Uses

North: Commercial Shopping Center (La Hacienda Center across El Camino Real)

South: Single Family Residential

East: Commercial Retail Building (PetSmart)

West: Auto Dealership (Tesla)

Issues: Appeal letter noting concerns with public health, safety, and welfare

Staff Recommendation: Deny the Appeal and uphold the decision of the Director of Community Development to approve the Miscellaneous Plan Permit subject to recommended Conditions of Approval in Attachment 3.

BACKGROUND

This is an appeal of the decision of the Director of Community Development to approve a Miscellaneous Plan Permit (MPP) that authorizes minor architectural modifications and site improvements to an existing retail building at 760 E. El Camino Real (previously the Best Buy electronics store) in order to accommodate a New Seasons Market grocery store.

The proposed grocery store use is allowed by right in the C-2/ECR zoning district. However, changes to the exterior of the building or other site modifications require design review pursuant to Section 19.80.030(b) of the Sunnyvale Municipal Code. In addition, the site is subject to a 2004 Special Development Permit, which provides that minor site or architectural modifications are subject to review and approval of the Director of Community Development. The Special Development Permit

authorized demolition of an auto dealership and construction of the two retail buildings that are presently on the site and neighboring property. The Special Development Permit does not restrict the type of retail uses that are allowed.

Description of Proposed Project

The project site is 1.7 acres in size and is developed with an approximately 30,071 square foot retail building, which is currently vacant. The building was originally constructed in 2005 along with the neighboring PetSmart building to the east.

The scope of the current project is limited to architectural modifications to the building and other site improvements related to landscaping and parking. The operation of a grocery store is an allowed use. No increase or decrease to the building footprint is proposed.

The proposed retail use is consistent with uses allowed by the Municipal Code within the C-2/ECR zoning district (SMC Table 19.20.030). Exterior changes to commercial buildings and site improvements require a Miscellaneous Plan Permit, which is a staff level review application (SMC 19.82.030).

See Attachment 1 for a Vicinity and Mailing Notice Map and Attachment 2 for the Data Table of the project.

EXISTING POLICY

General Plan Goals and Policies: Key goals and policies from the Land Use and Transportation Chapter of the General Plan which pertain to the proposed project are included in Attachment 3:

Applicable Design Guidelines: The City's Design Guidelines provide recommendations for site layout, architecture, and design. These guidelines are referenced in the discussion and analysis below.

ENVIRONMENTAL REVIEW

A Negative Declaration was prepared for the 2004 redevelopment application, which authorized the construction of the two retail buildings on the site. The current project is subject to a Class 1 Categorical Exemption under the California Environmental Quality Act (CEQA) (existing facilities). The project involves minor interior and exterior alterations of an existing retail building, with no increase in the building footprint, in order to accommodate a retail use that is allowed by right within the applicable zoning district. The proposed alterations to the existing structure involve negligible or no expansion of the existing use (CEQA Guidelines Section 15301(a)). In addition, none of the circumstances under Section 15300.2 of the CEQA Guidelines exist that would disallow reliance on the Class 1 Categorical Exemption. The project is not located on a hazardous waste site and no cumulative impacts, significant impacts due to unusual circumstances, impacts on scenic resources or historical resources have been identified.

DISCUSSION

Architecture and Site Layout: The existing site was originally subdivided into two parcels for Best Buy and PetSmart. Each site shares the parking lot and drive aisle easements. Two vehicular ingress/egress driveways are maintained on the subject site from El Camino Real; however an additional driveway on the neighboring PetSmart property also allows for easy access to the site

(Site and Architectural Plans are included in Attachment 5.)

The building is roughly square-shaped with a loading/delivery and trash and recycling area that extends out from the west side of the building. Currently, the primary customer entrance faces a larger parking lot area to the east side of the building in between the building and PetSmart. Parking is also positioned in front of the building adjacent to El Camino Real. Proposed modifications include adding a new entrance at the northeast corner of the building closer to El Camino Real, which would now serve as a primary building entrance (and exit). The existing sliding door along the east side of the building would be relocated slightly south along this facade. As discussed with neighboring residents, the applicant has agreed to modify this sliding door to a single door that is restricted to exit -only for customers. Relocation of the main entrance to the street side of the building was discussed; however, such a reconfiguration of the main entrance to the north side (El Camino Real frontage) building was determined to be infeasible. Significant site layout reconfiguration would be necessary because of a required fire lane that runs adjacent to the north side of the building and considerable amount of parking that would need to be removed or relocated.

Originally, the applicant proposed an outdoor seating area adjacent to the customer entrance near the southeast corner of the building where customers could enjoy prepared food purchased at the business. Staff recommended relocation of this dining area, due to its proximity to the rear property line and adjacent residents. In addition, neighboring residents had concerns regarding noise that may be generated. A location closer to the north side of the building was recommended; however, the applicant has since removed the outdoor seating area completely from the project plans. To further limit noise, an angled fence that was originally planned to enclose the dining area (near the southeast corner of the building) will be required to be modified to a minimum 8-foot tall sound attenuating masonry wall (Condition of Approval PS-1d). This modification may further limit noise generated from customers exiting the store.

The building exterior is composed of predominately concrete masonry unit (CMU) and an engineered insulation finish system (E.I.F.S.) material. This material is currently painted a mix of beige and gray. Much of this exterior material, aluminum and glass storefront, and tile and trellis elements will be removed. Certain areas of CMU material will be painted dark gray or green while other areas are replaced completely with horizontal wood siding. Stone veneer will also be added at the base of the main corner of the building. New metal canopy features will be added over portions of the east and north sides of the building. These canopies extend slightly further over the building entrances. Additional windows will be installed along the east side and at the northeast corner of the building. In response to concerns regarding the proposed paint colors facing the residents to the south, the applicant has agreed to not modify the paint color of this side of the building. The signage shown in the plans is not part of this application and will be subject to a separate sign permit review.

The overall building height would be reduced as a result of the removal of the architectural Best Buy ticket feature and cornice elements located at the building corners. As a result, the building height is reduced from a peak of approximately 38' to 28 '6" tall.

The applicant is proposing to install new lighting on the façade of the building at certain locations. In response to concerns from the neighbors, lighting at a portion of the façade near the southeast corner is no longer proposed. All other wall sconce lighting is positioned at above the ground and will be shielded and project lighting downward onto the building (Condition of Approval PS-1b). Although originally considered, parking light fixture lighting for the shared parking area with PetSmart will not

be modified. An agreement for a similar fixture design could not be reached with the neighboring property owner.

Parking: As part of the proposal, four spaces were removed, which allowed for slightly increased landscaping and ADA compliance improvements within the center of the parking lot. The site meets parking requirements with 146 spaces where 131 are required. Three new EV charging stations are voluntarily being added to the parking lot near the building entrance. Three additional Class 1 and 13 Class 2 bicycle spaces are being added to the site for a total of 6 Class 1 and 16 Class 2 spaces.

Landscaping and Tree Preservation: The project includes slightly increased landscaping by approximately 500 s.f.. The project meets landscaping requirements with approximately 26,460 s.f. where 23,523 s.f. is required. Upgrades to the site include additional landscaping within the parking lot and adjacent to the building.

Staff received concerns regarding the condition of landscaping within the buffer area located at the rear of the site between the parking lot and the rear perimeter wall (south side), which separates the property from single family homes. Staff has consulted with the City Arborist and has included Conditions of Approval #PS1e related to planting of additional trees where adequate space may be available. Additionally, the same Condition of Approval requires that all landscaping is properly irrigated and well maintained.

Trash and Recycling Access

Improvements to the existing trash enclosure were included as part of this proposal. These improvements included appropriate sizing of the bins within the enclosure. The location of the trash enclosure at the west side of the property will not change. An existing trash compactor located at the west side of the building will remain. Department of Public Works staff worked with the applicant to ensure current sizing and access standards are met.

FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected. The project is not subject to a Traffic Impact Fee or Housing Mitigation Fee as there is no change to building footprint.

PUBLIC CONTACT

As of the date of staff report preparation, staff has received eight comments from the neighboring residents. Most of these comments were received prior to the public outreach meeting held in July. Due to the number of comments received, the New Seasons Market held an outreach meeting at the Sunnyvale Senior Center on July 28, 2016. Approximately six people attended the meeting. Several items of concern that were discussed, included the following: proposed outdoor dining area near the south entrance, customer entrance location, building design, lighting, and condition of trees and landscaping. As noted within the staff report, the applicant has agreed to modify the plans in response to many of these concerns. Most of these modifications have been incorporated into the latest plans, while Conditions of Approval further ensure modifications are made prior to approval of building permits. The Miscellaneous Plan Permit was approved on August 18, 2016.

APPEAL

An appeal was received on August 31, 2016 within the 15 day appeal period. The letter is included in Attachment 7. The letter cites concerns with conformance to the General Plan and El Camino Real Precise Plan with respect to transportation, circulation, economy, noise and air quality. Also, the letter

notes that the project should not be considered categorically exempt from the California Environmental Quality Act. Lastly, the appellant states that there are potential deviations from the City's design review guidelines.

Staff finds that the use is consistent with the General Plan and zoning of the property. The change from an electronics retailer to a grocery retail use is a consistent and is allowed within the C-2 /ECR zoning district. Although the grocery store is a different type of retail use than the electronics store, such uses are allowed as a matter of right pursuant to SMC Table 19.20.030. Conditions of Approval relate to the proposed modifications to the site and ensure compatibility with the surrounding area. As stated earlier in the report, the Class 1 categorical exemption under CEQA allows for interior and exterior alterations of an existing facility to be considered. The footprint of the building remains the same. The project meets parking standards and no new deviations are requested.

A total of 110 public hearing notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting

FINDINGS

In order to approve the Miscellaneous Plan Permit, findings must be made regarding consistency with the General Plan and impacts to surrounding uses. Staff was able to make the findings as the proposed use is compatible with the existing zoning and surrounding uses, and will enhance the overall condition of the site. Recommended Findings are located in Attachment 3.

ALTERNATIVES

1. Find that the action is exempt from CEQA pursuant to CEQA Guidelines 15301, deny the appeal, and approve the Miscellaneous Plan Permit with recommended Findings in Attachment 3 and Conditions in Attachment 4.
2. Find that the action is exempt from CEQA pursuant to CEQA Guidelines 15301, deny the appeal, and approve the Miscellaneous Plan Permit with modifications.
3. Grant the appeal and direct staff to conduct additional Environmental Review through an Initial Study prior to consideration at a public hearing.

RECOMMENDATION

Alternative 1. Find that the action is exempt from CEQA pursuant to CEQA Guidelines 15301, deny the appeal, and approve the Miscellaneous Plan Permit with recommended Findings in Attachment 3 and Conditions in Attachment 4.

Prepared by: Ryan Kuchenig, Senior Planner
Approved by: Gerri Caruso, Principal Planner
Approved by: Andrew Miner, Planning Officer

ATTACHMENTS

1. Vicinity and Public Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval

- 5. Site and Architectural Plans
- 6. Letters from Interested Parties
- 7. Appeal Letter
- 8. 2004 Special Development Permit Conditions of Approval