

CITY OF SUNNYVALE REPORT Administrative Hearing

July 16, 2008

SUBJECT:

2008-0630 - Art Institute of California [Applicant] William

Miller Trustee & Et Al [Owners]: Application for a property located at 1120 Kifer Road (near Lawrence Expressway) in

an M-S (Industrial & Service) Zoning District.

Motion

Use Permit at an existing college to allow a "dining lab" open

to the public.

REPORT IN BRIEF

Existing Site Conditions

Institute of higher learning building

Surrounding Land Uses

North

Industrial and office

South

Industrial and office

East

Industrial and office

West

Industrial and office

Issues

Compatibility of the proposed use with the

surrounding uses.

Environmental

Status

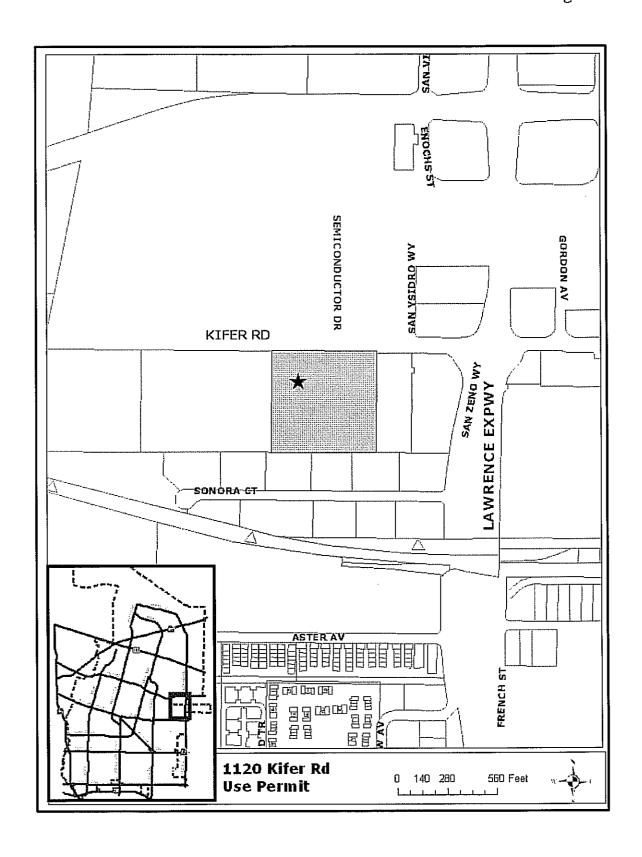
A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions

and City Guidelines.

Staff

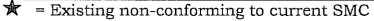
Approval with conditions.

Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	MS	Same	Same
Zoning District	Industrial and Service	Same	
Lot Size (sf)	348,698	Same	22,500 min
Gross Floor Area (sf)	100,400	Same	N/A
Floor Area Tenant Space	53,362	Same	N/A
Landscaping			
Landscaping (sf)	44,396 (13%)	Same	20% min
Parking			14.1.
• Total No. of Spaces	565	40	40 min
No. of Standards	372	Same	282 min
• No. of Compacts / % of total	181	Same	197 (35%) max
No. of Accessible	12	Same	12 min



ANALYSIS

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2002-0187	Use Permit for Brooks	Planning	08/26/2002
	College, included	Commission/	
	Negative Declaration	Approved	

Description of Proposed Project

The proposal includes the addition of a test kitchen or dining lab to the existing post-secondary educational use (Art Institute of California). The Art Institute is an educational facility that offers instruction for two and four year degrees in Media Arts, Culinary, and Design. The dining lab will serve as an instructional area as part of the Culinary coursework. It will not be a restaurant.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include changes in use to existing facilities.

Hazardous Materials: The City's hazardous material specialists has reviewed this project and stated that there are no significant hazardous material uses within 1,000 feet of the project site. Also, there are no records indicating that contamination exists on the site.

Use Permit

Use: The proposal is for the addition of a 964 square foot dining lab to the existing Art Institute of California building. The lab will contain approximately 34 seats and will be open between noon and 3:00pm, three days a week for lunch only. The timing of the lab will coincide with classroom instruction and will vary somewhat each school quarter.

The lab will be part of the educational curriculum with students functioning as the cooks and chef instructors overseeing food preparation. The lab will be open to the public on a limited basis with a pre-prepared menu. Money will be charged for meals and returned back to the program. The money will supplement the expenses of purchasing the food served. Students will not receive any payment for service and no alcohol will be served. See Attachment D for additional business description details.

Site Layout: There are no proposed changes to the site layout, which includes an existing 348,698 square foot building, comprised of two separate tenant spaces. The other tenant space is occupied by Telenav Company (Industrial R&D).

Landscaping: There are no proposed change to the site's landscaping. The existing landscaping does not meet Sunnyvale Municipal Code (SMC) requirements with only 44,396 square feet (13%) where 20% is the minimum required. However, the existing landscaping is well maintained and there are mature trees throughout the site. At the time Brooks College was approved to occupy the site in 2002, landscape upgrades were not required. Staff is not recommending any additional landscaping at this time.

Parking/Circulation: There are currently 565 parking spaces on site. The proposed use would not require any additional parking spaces since the dining lab would substitute for existing classroom spaces. The adjacent business, Telenav Company, requires only 94 spaces, leaving the Art Institute with 471 parking spaces; far in excess of the approximate 290 spaces required.

Compliance with Development Standards/Guidelines: The proposed project complies with all current development standards. No further improvements are required at this time.

Expected Impact on the Surroundings: The project site is surrounded by industrial uses on all sides and no site or exterior building modifications are proposed. Staff evaluated the potential impacts and believes there will not be a significant effect on the surrounding area.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

At the time of the staff report, no comment letters have been received.

Notice of Public Hearing	Staff Report	Agenda
 Published in the Sun newspaper Posted on the site 13 notices mailed to property owners and residents adjacent to the project site 	 Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	 Posted on the City's official notice bulletin board City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

- 1. Approve the Use Permit with the Recommended Conditions of Approval found in Attachment B.
- 2. Approve the Use Permit with modified Conditions of Approval.
- 3. Deny the Use Permit.

Recommendation

Recommend Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Andrew Miner Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Proposed Business Description

Recommended Findings for Approval - Use Permit

Land Use and Transportation Element

- **Policy C4.1** Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.
- **Policy N1.6** Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas

Socio-Economic Element: Education and Training

- **Goal E** Support efforts to improve the availability and quality of education made available in Sunnyvale.
- **Policy E.6** Support and/or consider the feasibility of attracting higher education into Sunnyvale and the region.
- **Goal F** Provide job training and employment services, within constrains of operative federal regulations and available federal funding, to address the locally-determined employment and training needs of economically disadvantaged residents and others with special needs.
- 1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project (Finding met with Conditions).

The additional dining lab in the existing Art Institute would help to improve the availability of higher education in Sunnyvale as well as broaden the spectrum of educational services offered in the City. This use will be located at an existing school thereby limiting further intrusion of this use into areas of the industrial zone where it may be found to be incompatible.

The Art Institute is a unique and desirable use for the City that provides a service to a student population that cannot be provided by other schools currently located in Sunnyvale. Staff considers the subject site suitable for an educational use, due to the nature of the adjacent uses, lack of hazardous materials in proximately to the project site, and minimal potential health risks.

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 either the orderly development of, or the existing uses being made of, adjacent properties as the project does not propose any significant site or building improvements that would be noticeable to the surrounding neighborhood. Staff has determined that there would be no significant impacts to the surrounding properties.

Recommended Conditions of Approval - Use Permit

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- E. Any expansion or modification of the approved use shall be approved by separate application.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the necessary Building permits for all tenant improvements related to this use.
- B. Pay all applicable Public Works fees.

3. OPERATIONS

- A. Hours of operation shall be limited to the following hours:

 Monday Sunday: 9:00am to 5:00pm
- B. Changes to the hours of operation may be considered through a Miscellaneous Plan Permit or equivalent staff level permit.
- C. No outside event promoters are allowed to operate at this location.
- D. Special events (operated by the Arts Institute of California only) involving greater than 40 participants and/or attendees shall be submitted for approval of a Miscellaneous Plan Permit.
- E. The business operator shall be responsible for monitoring any patrons loitering outside of the building.
- F. The business operator shall ensure that any noise generated by patrons loitering outside of the building shall not be audible at the property line of the residential development to the south of this site.

4. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the necessary Building permits for all tenant improvements related to this use.
- B. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, and Title 19 California Code of Regulations.

5. LANDSCAPING

A. All landscaping shall be maintained in a neat, clean, and healthful condition.

6. PARKING

A. At no time shall this use exceed the total available parking at the site, as calculated using the City's parking ratios.

7. RECYCLING AND SOLID WASTE

A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.



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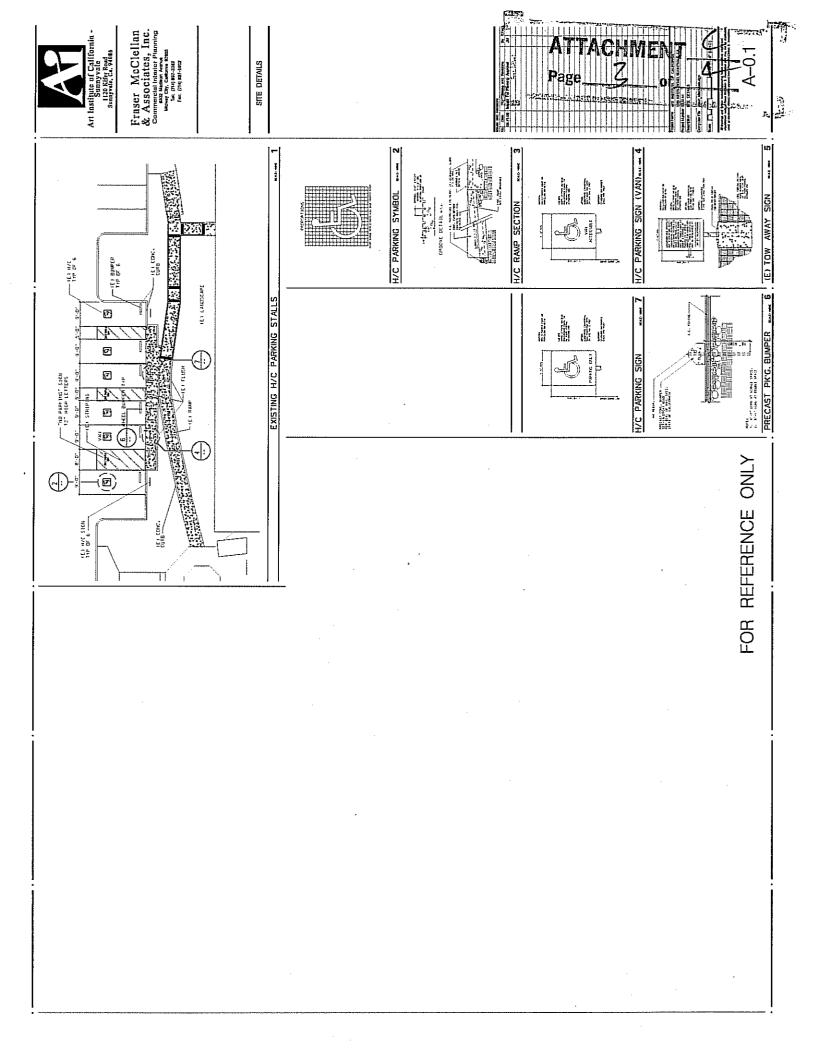
COVER SHEET

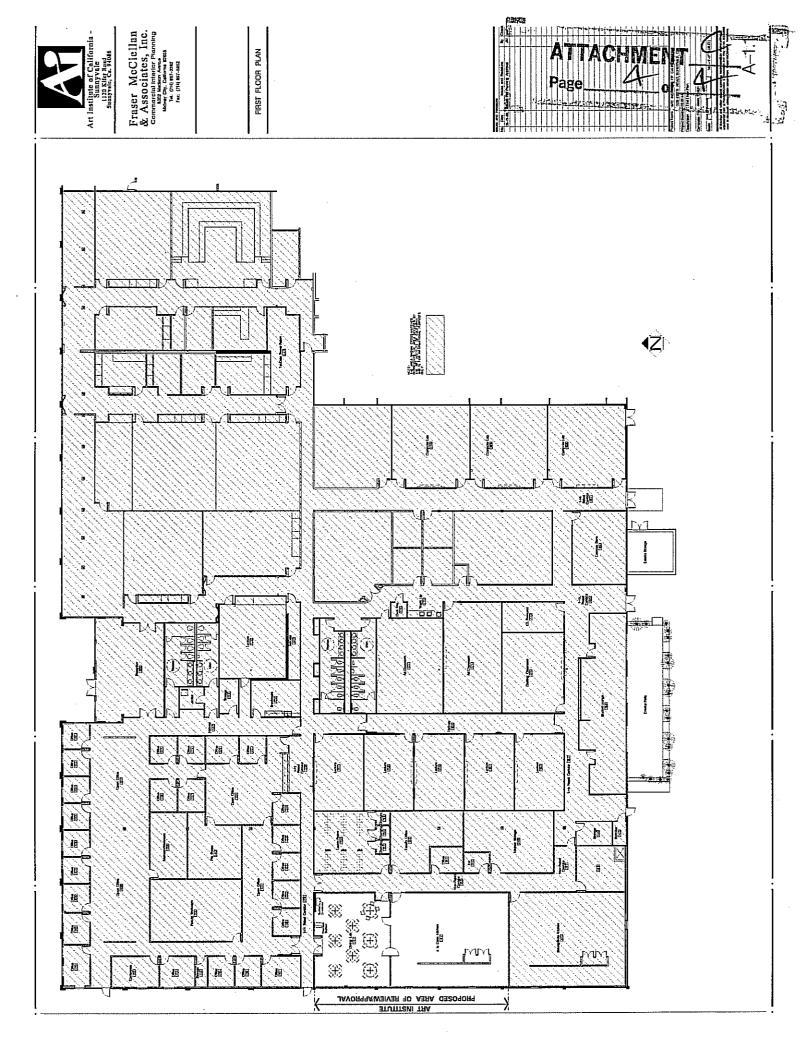
First Floor

Special DevelopmentPermit/Use Permit Art Institute of California

Sunnyvale, California 1120 Kifer Road

INDEX OF DRAWING CENTRAL EXPY KIFER ROAD PROJECT SITE







Commercial Interior Planning

ATTACHMENT Page of 2

June 11, 2008

City of Sunnyvale Planning Department 456 West Olive Avenue Sunnyvale, CA 94088-3707

Re: Special Development Permit/Use Permit The Art Institute of California — Sunnyvale 1120 Kifer Road Sunnyvale, CA 94086

To Whom It May Concern:

The Art Institute is an educational facility which offers coursework and instruction for two and four year degrees in the fields of Media Arts, Culinary, and Design. Enclosed are Documents as prepared for Planning Department review and approval. As outlined on the plans, the Dining Lab room #141, which is located adjacent to the A la Carte Kitchen, is the primary space we're seeking Development Permit/Use Permit approval on.

Below is a description of the intended uses of the culinary kitchens and Dining Lab to be constructed

Below is a description of the intended uses of the culinary kitchens and Dining Lab to be constructed in The Art Institute of California- Sunnyvale.

Dining Lab Operations:

The purpose of the Dining Lab is to serve as an instructional dining area (teaching lab), not a restaurant. Where as the food preparation will be overseen by chef instructors, and prepared by students/chef instructors. The seating area of the Dining Lab is approximately 946 square feet and is furnished to allow seating for 34 persons.

The school will be serving to the public on a limited basis. The dining lab menu will be part of student course work, the preparation is part of their course work, and students staff all positions including waiting tables, bussing tables, preparing the meals, taking cash, etc. This is part of their core experience as part of the curriculum.

The dining lab is not marketed as a restaurant. Due to enrollment, course structure and possible other factors, it is not anticipated that the dining lab will be available for public use for approximately 12 months. It will be marketed to our student body and nearby businesses as a place to come and enjoy the experience of watching the students prepare the food and serve the food. Money charged for the meals returns back to the programs to supplement the expense of purchasing the food served. Students are not paid for this.

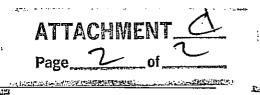
A menu is prepared, but it will change quarterly, as the classes change. Cost of meals is usually calculated at a break even rate.

Time of operation coincides with classroom and instruction time, and may vary quarter to quarter based on availability of upper level classes. The Dining Lab will not be open at holiday breaks or between quarters—just during school operation hours. Typical hours of operation in which the facility will be open to the public is between the hours of 12:00 PM and 3:00 PM. Lunches will be served no more than 3 times a week and only 9 to 10 weeks per quarter.

The program is a fully accredited educational program in that the operation of the dining lab is overseen by the Education Department, not an outside entity.

For your information, the A la Carte Kitchen (room #142) which supports the Dining Lab is approximately 1,538 square feet. The A la Carte Kitchen and Dining Lab combined are designed for a classroom size to allow for approximately 25 students, plus one instructor at any given time.





In addition to the Dining Lab and A la Carte Kitchen, the facility will include a Baking/Skills Kitchen in room #143. This kitchen will be used for culinary instruction only, and is not included as part of this review submittal. None of the prepared food will be sold or given away. Typically, the students consume any food that is produced, or it is destroyed.

Note: There are no exterior modifications to the building being proposed at this time.

If you have any questions regarding this matter, please contact me at your earliest convenience at (949) 215-4044.

Sincerely,

John Marzich

Authorized Agent for The Art Institute of California — Sunnyvale.