



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 14, 2009

SUBJECT: **2008-1126 – Sue Kim** [Applicant] **Jamshid and Marta Noghrey** [Owner]: Application for a property is located at **251 W. El Camino Real** (near S. Taaffe St.) in a C-2/ECR (Highway Business/Precise Plan for El Camino) Zoning District.

Motion Special Development Permit to allow an art gallery, restaurant use (café), and retail art supply sales.

REPORT IN BRIEF

Existing Site Conditions Existing vacant commercial building, approximately 10,544 square feet.

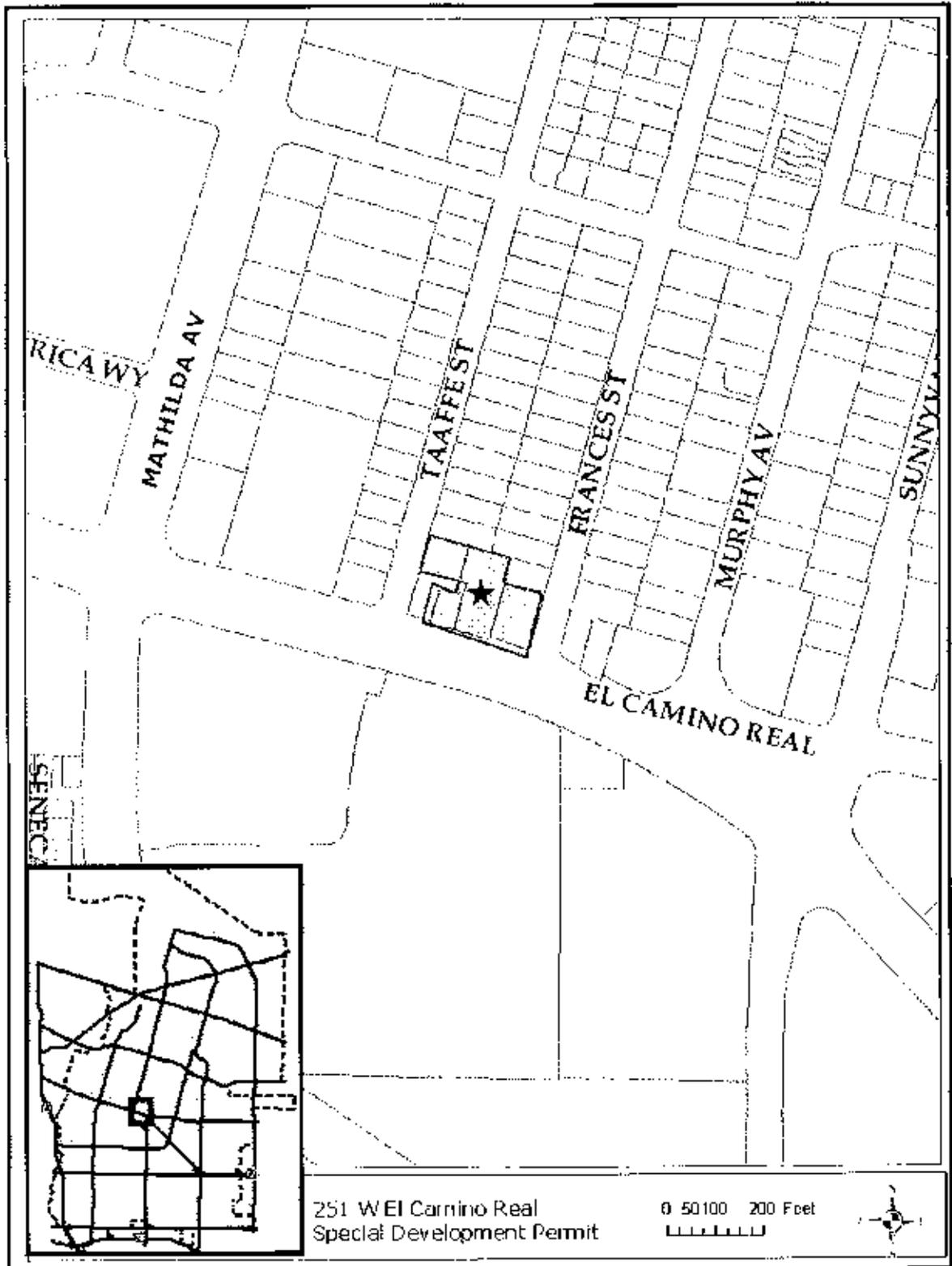
Surrounding Land Uses

| | |
|-------|--------------------------------------|
| North | single family residences |
| South | Across El Camino Real, apartments |
| East | Flower shop, single family residence |
| West | Nail salon, single family residence |

Issues Parking, intensity of use

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny the Special Development Permit



251 W El Camino Real
Special Development Permit

0 50 100 200 Feet



PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---------------------------------|---|--|--------------------------------|
| General Plan | Commercial General Business | Same | Commercial General Business |
| Zoning District | C-2/ECR | Same | C-2/ECR |
| Lot Size (s.f.) | 14,138 s.f. | Same | No min. |
| Gross Floor Area (s.f.) | 12,500 s.f. | Same | No max. |
| ★ Gross Floor Area of Tenant | 10,278 s.f., plus 266 s.f. of storage space not occupied by tenant but part of tenant's existing building = 10,544 s.f. total | Same | No max. |
| Lot Coverage (%) | 88% | Same | 35% max. |
| Floor Area Ratio (FAR) | 88% | Same | No max. |
| No. of Buildings On- Site | 3 | Same | |
| Distance Between Buildings | 28 ft. 5 ft. | Same | 5 ft. min. |
| Setbacks* | | | |
| ★ Front | 7 ft. | Same | 70 ft. min. |
| Left Side | 0-43 ft. | Same | No min. |
| Right Side | 11-22 ft. | Same | No min. |
| Rear | 0-57 ft. | Same | No min. |
| ★ Landscaping (sq. ft.) | | | |
| Total Landscaping | 261 s.f. | 57 additional s.f. = 318 s.f. total | 20% of lot min. = 2827 s.f. |
| Frontage Width (ft.) | 0 ft. | 1 ft. | 15 ft. min. |
| Landscaping Buffer (ft.) | 0 ft. | 0 ft. | 10 ft. min. |

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---------------------------------------|--------------------------------|--------------------------------|--|
| % Based on Floor Area | 261 s.f. = 2% | 318 s.f. = 2.5% | 12.5% = 1562.5 s.f. min. |
| Buffer (ft.) Adj. Residential | 0 ft. | 0 ft. | 10 ft. min. |
| % Based on Parking Lot | 0% | 0% | 20% |
| Parking Lot Area Shading (%) | 0% | 0% | 50% min. in 15 years |
| Water Conserving Plants (%) | 0% | 0% | 70% min. |
| Parking** | | | |
| Total Spaces | 11 | 40 | 44 min. |
| Standard Spaces | 11 | 40 | 44 min. |
| Compact Spaces/ % of Total | 0 | 0 | 10% max. |
| Accessible Spaces | 1 | 0 | 2 min. |
| Aisle Width (ft.) | 11'2" one-way 20'8" two-way | Same | 12 ft min. one- way traffic 26 ft min. two- way traffic |
| Bicycle Parking | 0 | 3 (one locker and one rack) | 3 Min. (one locker and one rack) |
| | | | |

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

* Please see site map (Attachment C) for further information regarding setbacks. The property owner owns several adjacent properties on this block, and the proposed project extends onto four of those separate properties. Depending on how setbacks are measured (on a single property, or to the boundaries of the four subject properties) different measurements could be taken. However, in this zoning district, there are no minimum required setbacks for side and rear yard areas, so the only setback area that deviates from Municipal Code requirements is the front yard area.

** The tenant's lease area is completely within the largest building in the project area (Building "A"). The other two buildings on-site are unpermitted

and therefore illegal and should be removed. However, should these buildings be included in determining site requirements, the 1,150 s.f. "office" use (Building "B") would require (using 1 space per 225 s.f.) 6 additional spaces. There is also 806 s.f. of "storage" space identified on-site (Building "C"). If that use was calculated at the 1 space per 400 s.f. rate of the majority of the building space (as per SMC 19.46.020), then 3 more spaces would be required, for a total parking requirement of 44 spaces. This would mean that the applicant's proposal of 40 spaces would be deficient.

ANALYSIS

Description of Proposed Project

The proposed project is for a Special Development Permit for an art gallery, café, and art supply store use within an existing 10,544 sq. ft. building. The previous approved use in the building was a furniture store.

Due to the lack of sufficient improved parking onsite, the applicant is proposing to improve the area around the existing building and add parking to accommodate the increased demand due to the more intense proposed use. The site is underlandscaped and the applicant is proposing to add a small amount of landscaping, though not enough to meet code requirements.

Staff has requested that the applicant either eliminate or reduce the café and art supply sales to only ancillary uses in order to reduce the intensity of uses on site, but the applicant chose to go forward with the proposed design.

Background

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

| File Number | Brief Description | Hearing/Decision | Date |
|---------------------|---|--|-------------|
| 1990-0282 (7055) | 5 year permit for furniture retail sales use | Planning Commission/ Approved with Conditions | 1/15/91 |
| 1981-0255 (4451) | To allow tow trucks and stored vehicles | City Council/Denied | 5/19/81 |
| 1979-0286 (3871) | To allow carpet sales | City Council/Denied | 4/10/79 |
| 1971-0133 (2255) | Unenclosed new auto display and tow truck storage | City Council/Approved | 6/8/71 |

As part of the 1990-0282 permit approval, conditions were imposed that required the property owner to remove the two small unpermitted structures on the site and to add landscaping along Taaffe Street and El Camino Real. The landscaping conditions were not met and the unpermitted structures remain on site. Part of the reason the property owner was required to remove the unpermitted structures was to provide more parking area. Staff notes that any commercial use of the building would likely require additional parking area, but available area is currently being occupied by unpermitted structures.

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 of use within existing facilities.

Special Development Permit

Detailed Description of Use: The proposal is for an art gallery, café, and art supply sales use with hours of operation of 8am-9pm with an estimated 5 employees. The art gallery would occupy approximately 8,357 s.f., which is the majority of the building, with five galleries to display paintings for sale by professional artists, art students, and amateur artists. The applicant desires to promote the work of local artists. A secondary use would be an art supply sales area occupying approximately 650 square feet of the building. Products for sale would include canvas, paintbrushes, drawing paper, and a variety of paint tools, supplies, and mediums. Another secondary use would be a café occupying approximately 1,271 square feet in the front of the building facing on El Camino Real. The café proposal includes 8 tables with a total of 22 unfixed seats. The applicant plans to serve coffee drinks, pastries, and cold sandwiches, but would not have any burners, grills, fryers or other similar kitchen equipment. The applicant would occupy a total of approximately 10,278 square feet of space in Building A.

The applicant would like to have the two secondary uses to generate sufficient revenue for a successful business (Attachment E, Letters from Applicant). However, staff feels that this site is already overdeveloped in that it does not conform to SMC requirements, and should only support low intensity uses similar to the previous furniture store use. A café especially would generate more traffic than is appropriate for the site. Staff has recommended to the applicant that instead of a café, a coffee bar might be more appropriate as an ancillary use to the main art gallery with no tables or chairs. The applicant has not yet agreed with that recommendation.

Site Layout: The project site consists of four separate adjoining lots all owned by the same property owner. The main building (Building A) is 10,544 s.f.

total, and contains all of the space to be occupied by the applicant. It is positioned at the front of the middle lot on El Camino Real (Attachment C, site plan). The two other unpermitted buildings on site include Building B, a 1,150 square foot office structure located at the north end of the project area immediately adjacent to a neighboring single family residential lot, and Building C, an 806 square foot storage structure located to the west of Building A, in the unimproved parking area off of Taaffe Street.

There is currently only one improved parking area which contains 11 spaces and is directly adjacent to the west of Building A off of El Camino Real. The paved open space to the east, north, and west of the Building A, with entrances off of Frances and Taaffe Streets, is proposed by the applicant to be improved and used as a parking area for a total of 40 parking spaces.

Staff acknowledges the difficulty in finding an appropriate use for the property (due to the parking deficiency), but it is important to find a use with a low parking demand because of limitations of the property such as the too-large existing structure, limited on-street parking, and the residential neighborhood immediately adjacent.

Architecture: There are no significant changes proposed for the existing building. The applicant proposes dressing the front of the store with blooming plants, a wall sign saying, "Sunnyvale Fine Arts Gallery", and smaller wall signs announcing the café and art supplies available inside the Gallery (Attachment D, site photos). Staff is concerned that allowing wall signs advertising the café and art supply sales would generate additional traffic that would not be appropriate to this property.

Landscaping: The site is currently underlandscaped, as noted in the "project data table" on Page 3. Much of the existing landscaping appears to be untended or actually overgrowth from neighboring properties (Attachment D, site photos). There is minimal opportunity to increase landscaping on-site. The applicant proposes to add 1' wide planter areas across the front of the existing building (Attachment E, Letters from Applicant). Approximately 57 s.f. would be added at this location for a total of approximately 318 s.f. or 2.5% of the site. Staff believes that, should this use permit be granted, additional landscaping be required (as discussed in a prior staff report for project #1990-0282 for a possible permanent use permit rather than the temporary one that was eventually approved) along Taaffe Street, El Camino Real, and as buffer areas between the subject property and the adjacent residential lots as is possible.

The site currently has no protected heritage trees.

Parking/Circulation: Sunnyvale Municipal Code requires that all uses provide on-site parking (SMC 19.46.010). Exceptions to parking standards (SMC 19.90.030 (a)(8)) can be considered as part of the Special Development Permit.

The following table describes the proposed uses and parking requirements of the application:

| Use | Square Feet | Parking Rate | Spaces Required |
|-------------------|-------------|----------------------|-----------------|
| Building A | | | |
| Art Gallery | 8,357 s.f. | 1 space per 400 s.f. | 20.89 |
| Art Supply Store | 650 s.f. | 1 space per 400 s.f. | 1.63 |
| Café | 1,271 s.f. | 1 space per 110 s.f. | 11.55 |
| Non-lease storage | 266 s.f. | 1 space per 400 s.f. | .67 |
| Subtotal | 10,544 s.f. | | 34.74 (= 35) |
| Building B | | | |
| Office | 1,150 s.f. | 1 space per 225 s.f. | 5.11 (= 6) |
| Building C | | | |
| Storage | 806 s.f. | 1 space per 400 s.f. | 2.02 (=3) |
| TOTAL | 12,500 s.f. | | 44 spaces |

The current application requires 35 parking spaces, plus 9 additional spaces for the other buildings on site, for a total of 44 spaces, where 11 currently exist. The applicant proposes to add parking spaces at different locations around the property, with a final total of 40 spaces which is an insufficient number.

Staff reviewed the proposed parking plan with the Department of Public Safety ("DPS") and found it is not in conformance with Code requirements, and would not likely be approvable in its current form. It is not yet clear what DPS will require for fire access to the subject property. Should a fire lane be required entering from Frances Street, going around the north end of the property, and exiting on Taaffe Street, there is not likely to be enough room for both parking spaces and a fire lane. With the proposed parking spaces, there is only a 12' wide aisle remaining, which does not meet the fire lane requirement of 24' of clear space. It is also not clear where loading and unloading would occur for the proposed business, or if there is sufficient room for delivery vehicles to maneuver with the applicant's proposed plan. There also does not appear to be the required back-up distance of 26' for most of the proposed parking spaces.

The plan does not show any proposed landscaping in the parking areas, which does not meet the Code's parking lot shading requirements (SMC 19.38.070). Should landscape buffer areas be incorporated, it will likely be necessary to eliminate some of the parking spaces, which would likely mean that the proposed parking would be insufficient to meet the required spaces.

The plan is also likely to change due to the matter of possibly removing the unpermitted structures which would change the potential parking situation even further. At this time, there does not appear to be enough information to definitively determine if parking would be sufficient to support the proposed use, but staff does not believe it would be.

In addition, staff is concerned about how useful the proposed parking and circulation plan would be. The spaces are not located in obvious places on site, but are scattered around the site. The consequences of this is that people would have trouble finding parking and could try to park in the adjacent residential neighborhood and in parking areas intended for other nearby businesses.

The applicant provided a title report which shows no recorded parking agreements between the subject property and adjacent property owners. The applicant has stated that the adjacent property owners' customers park on the street and not in any of the subject parking areas.

Compliance with Development Standards/Guidelines:

| General Plan Sub-Element | Goal Or Policy | Comments |
|-------------------------------------|--|--|
| Land Use and Transportation Element | <i>N.1.1.1 Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.</i> | The proposed use requires parking in excess of what is likely to be available on site, as well as a more intense use than would be supported by such a site, creating potential incompatibility with the neighborhood. |
| Land Use and Transportation Element | <i>N.1.11.1 Use the Precise Plan for El Camino Real to protect legitimate business interests, while providing sufficient buffer and protection for adjacent and nearby residential uses.</i> | There is currently no buffer proposed between the subject property and adjacent residential uses. Adding parking at the rear of the property could increase impacts to the adjacent residential neighbors. |

Precise Plan for El Camino Real: This site is located in the Downtown Node of the Precise Plan for El Camino Real. The proposed change of use to an art gallery, art supply sales, and café does not include any major modifications to

the exterior of the building. There is limited opportunity for increased landscaping for the site without losing needed parking. This area has several properties that are older and require reinvestment to upgrade or replace the existing development, but this project does not propose any such major changes.

Expected Impact on the Surroundings: As proposed, the project is likely to have an impact on the surrounding area. The use is more intense than what Staff recommends for this site. When the previous use was considered by the Planning Commission in 1991, there was concern that even the relatively low-impact furniture store use would have too significant an impact on the surrounding neighborhood. Increased traffic, noise, and the lack of landscaping and other noise buffers were mentioned in the report and at the public hearing as potential concerns. The residential neighborhood behind the subject property is an older and well-established Sunnyvale neighborhood which could be disturbed by any increase in traffic. Staff has included conditions of approval to limit the uses on site and require further review of the parking and landscape plan, should the project be approved. Staff recognizes that having an interested tenant could have a positive impact on the care and maintenance of the site, and landscaping upgrades would also improve the appearance of the site. Future modifications or expansion of the use will require further consideration through separate public hearings.

Fiscal Impact

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

Public Contact

At the time of this staff report, there has been no contact from members of the public in regard to this proposed project. A notice of this hearing was sent to all adjacent property owners. As of this staff report, Staff has not received any parking complaints from adjacent property owners.

| Notice of Public Hearing | Staff Report | Agenda |
|--|---|---|
| <ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 20 notices mailed to property owners and residents adjacent to the project site | <ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Web site • Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • Posted on the City of Sunnyvale's Web site |

Conclusion

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending Conditions of Approval (Attachment B).

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

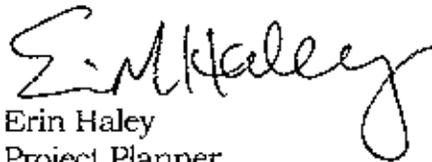
Alternatives

1. Deny the Special Development Permit.
2. Approve the Special Development Permit with conditions.
3. Approve the Special Development Permit with modifications.

Recommendation

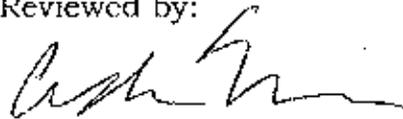
Alternative 1.

Prepared by:



Erin Haley
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Site Photos and pictures of proposed improvements
- E. Letters from the Applicant

Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (Finding not met.)

Policy N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The proposed use is more intense than the site can support and likely requires parking in excess of that available on site creating potential incompatibility with the neighborhood.

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. (Finding not met.)

The project will likely impact adjacent land uses with increased traffic and noise. The site is overdeveloped and the proposed parking spaces are scattered all around the sides and rear of the property. This makes for an inefficient circulation plan and would make it difficult for customers to find parking on the site, which will likely cause them to look for parking in the adjacent residential neighborhood, or in parking areas intended for nearby businesses. The project also does not propose any sort of buffering plan to mitigate impacts on adjacent properties.

Recommended Conditions of Approval - Special Development 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. Execute a Special Development Permit) document prior to issuance of the building permit.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- C. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- E. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The Special Development 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 and is approved by the Director of Community Development.
- G. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Administrative Hearing Officer.
- H. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain all necessary building permits.

- B. Obtain necessary permits from the Department of Public Works for all proposed off-site improvements.
- C. Obtain approval from the Santa Clara Environmental Health Department prior to issuance of a Building Permit.

3. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
 - 1. Landscape improvements to the existing planter at the front of the main building with an automatic sprinkler system.
 - 2. Provide trees at a minimum of 30-foot intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring properties.
- B. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- C. Prepare a landscape maintenance plan subject for review and approval by the Director of Community Development
- D. Allow a ten-foot wide landscape buffer along the north property line where possible due to the parking requirements.
- E. Allow a minimum of a five-foot wide landscape strip along Taaffe Street.

4. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
 - B. Sodium vapor (of illumination with an equivalent energy savings).
 - C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 15 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
 - D. Provide photocells for on/off control of all security and area lights.
 - E. All exterior security lights shall be equipped with vandal resistant covers.
 - F. Wall packs shall not extend above the roof of the building.

- G. Lights shall have shields to prevent glare onto adjacent residential properties.
- H. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.
- I. Non-essential site lighting should not be illuminated after closing of the on-site business.

5. PARKING

- A. A revised Parking Management Plan must be submitted to the Director of Community Development prior to issuance of a building permit. The revised Parking Management Plan shall include the following:
 - 1. At least 35 parking spaces that meet Code requirements (or 44 spaces if existing unpermitted structures remain on site).
 - 2. All parking spaces, aisles, and back-up distances shall meet required parking standards.
 - 3. Employee parking locations shall be away from the building, in parking spaces that are the least used.
 - 4. Specify the location and term of short-term parking.
 - 5. Employees shall be required to park on the site.
 - 6. Add at least one more accessible parking spaces.
 - 7. Show all accessible parking spaces.
 - 8. Show pedestrian routes between parking areas and the building entrances.
 - 9. Show all required fire safety routes, as per the Department of Public Safety.
 - 10. Adequate on site signage directing patrons to all parking areas.
- B. The parking lot shall be maintained as follows:
 - 1. Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
 - 2. Maintain all parking lot striping and marking.
 - 3. Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.

4. Provide and maintain signs to direct patrons to all additional parking areas off of Taaffe Street and Frances Street.
 5. Provide signs showing clearly the areas requiring "one way" traffic flow and clear "Do Not Enter" signs to stop drivers from going the wrong way into one way traffic areas.
- C. Provide one bicycle locker and one bicycle rack with at least two spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

6. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall:
 1. Match the design, materials and color of the main building.
 2. Be of masonry construction
- D. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

7. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code.
- B. All signage must receive separate permit approval from the Director of Community Development
- C. Only signage relating to the art gallery use is allowed.

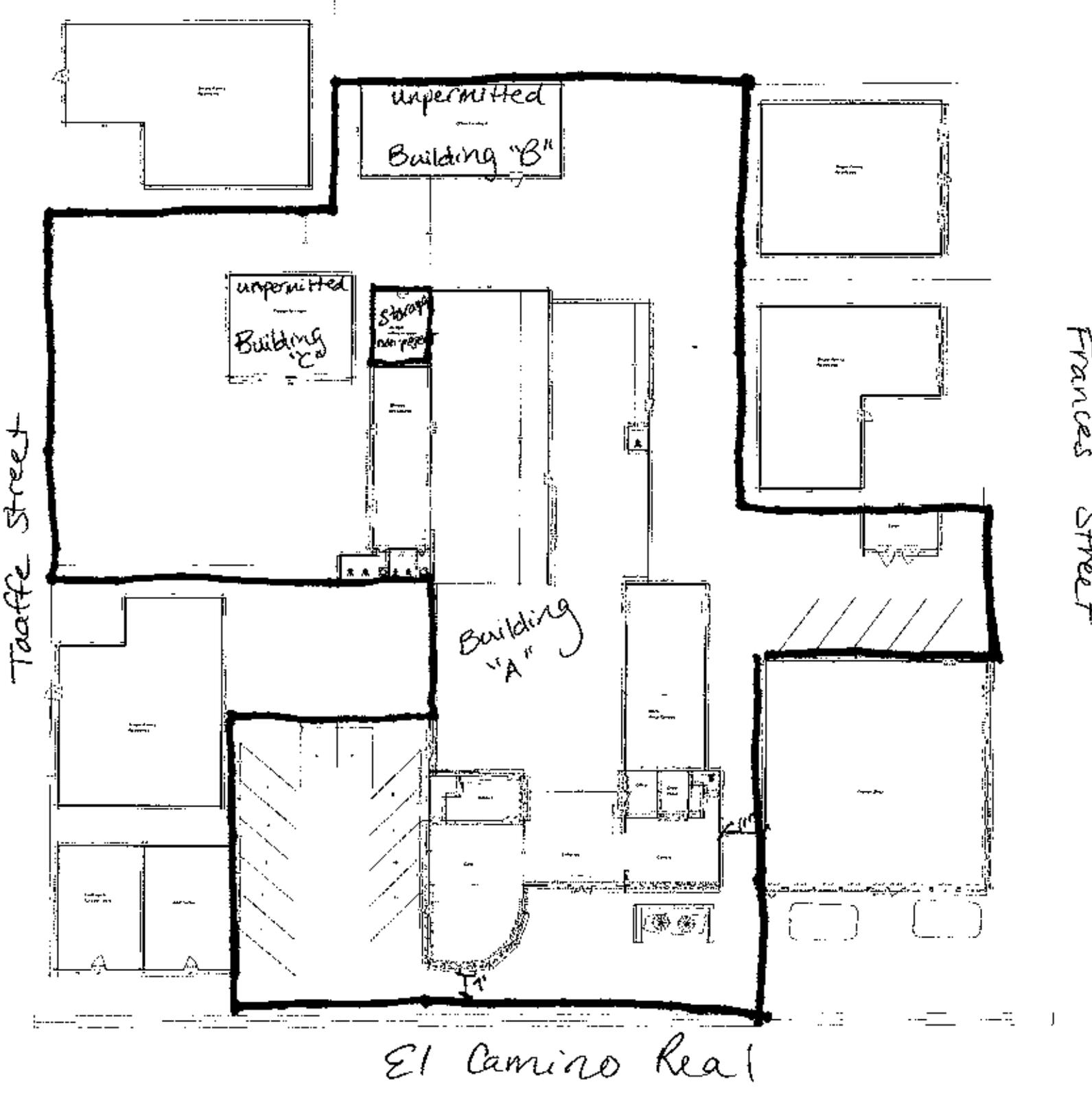
8. STORAGE

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.

9. MISCELLANEOUS

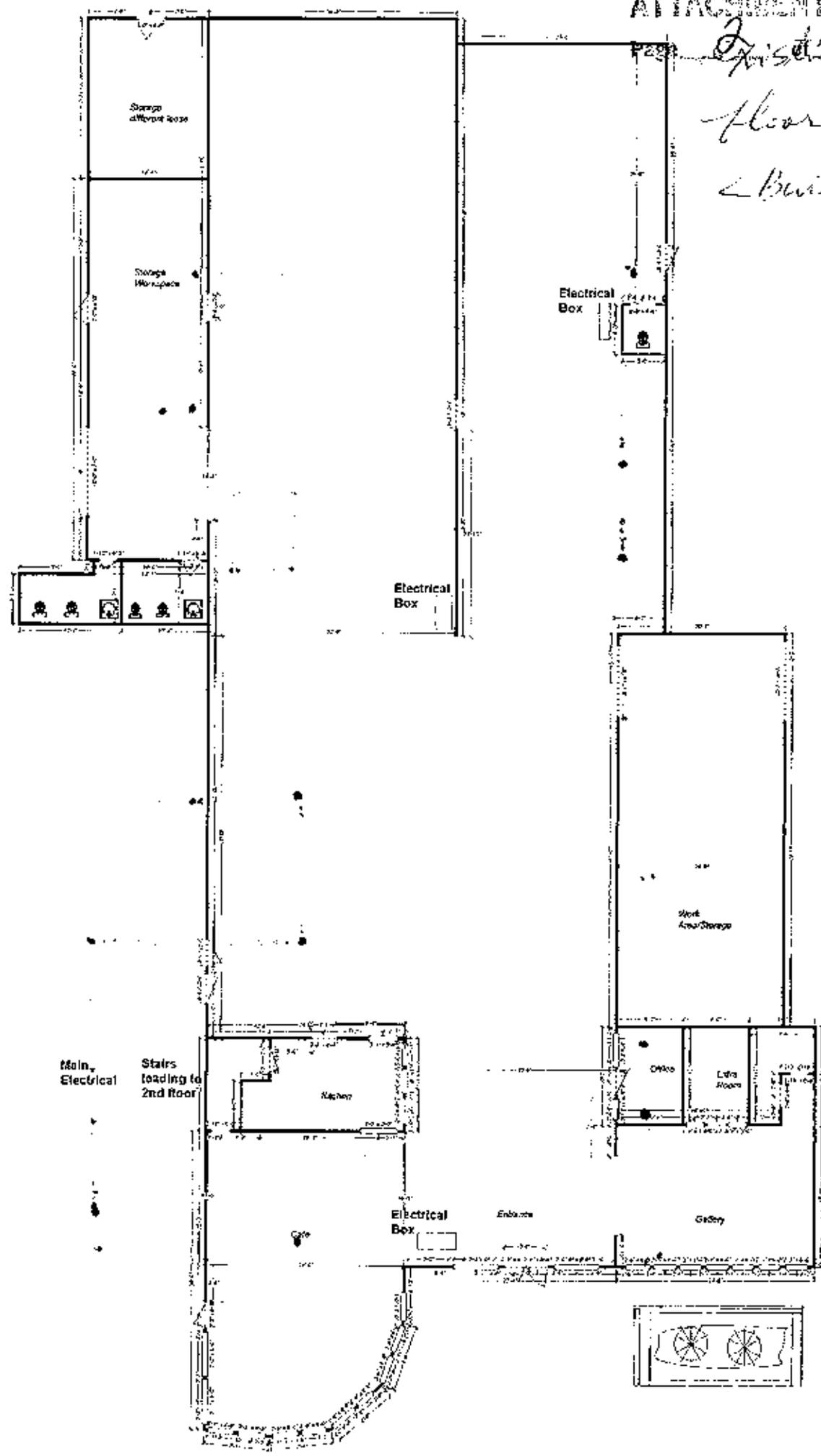
- A. Hours of operation are to be 8am-9pm.
- B. The two smaller unpermitted structures (one at 1,150 s.f. and one at 806 s.f.) are to be removed within 90 days of permit approval.
- C. The proposed café use is to have no associated tables or chairs or any posted signage intended to be seen from outside of the subject building.

< existing siteplan >



ATTACHMENT C

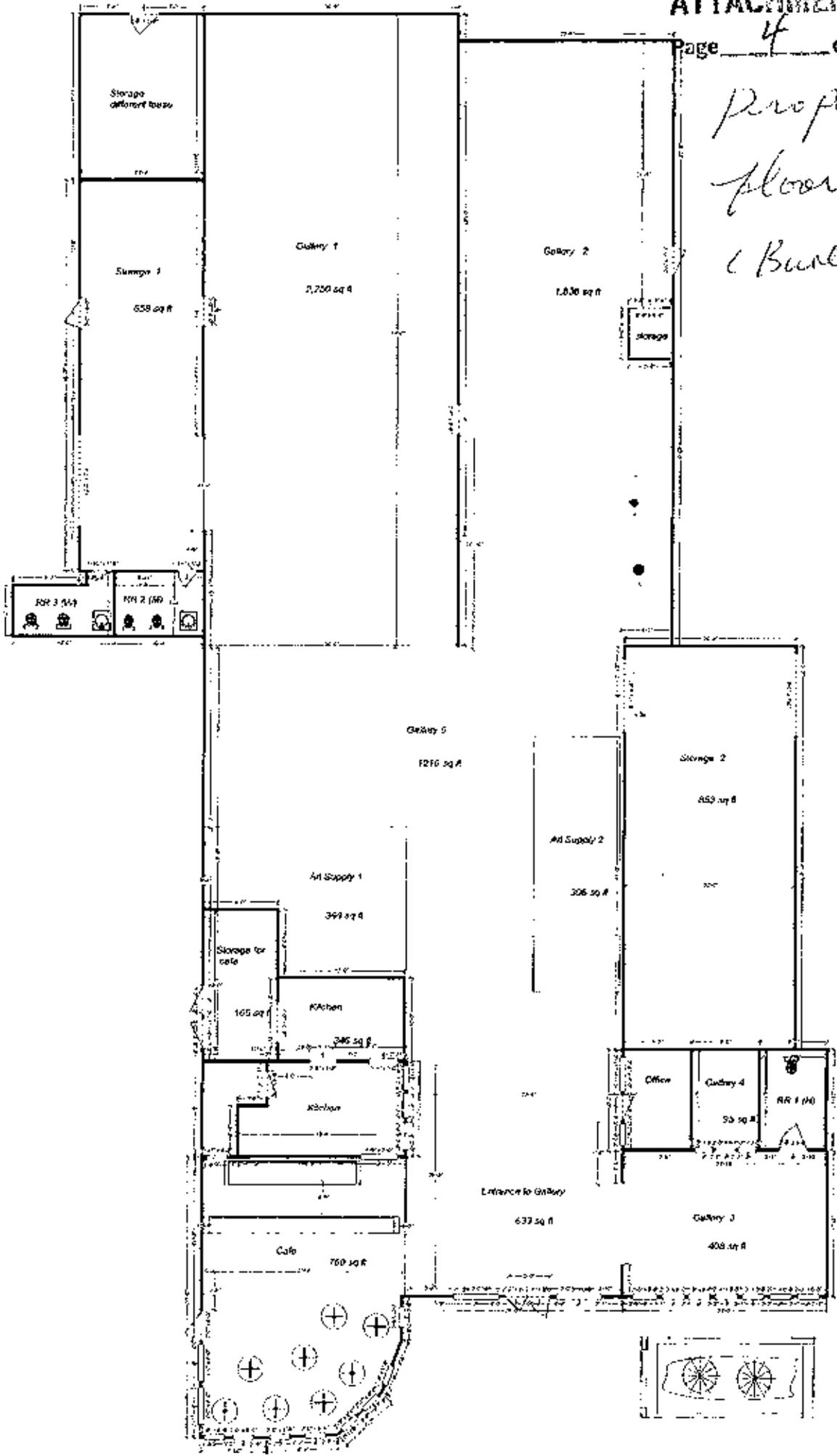
Existing
Floor plan
< Building 7



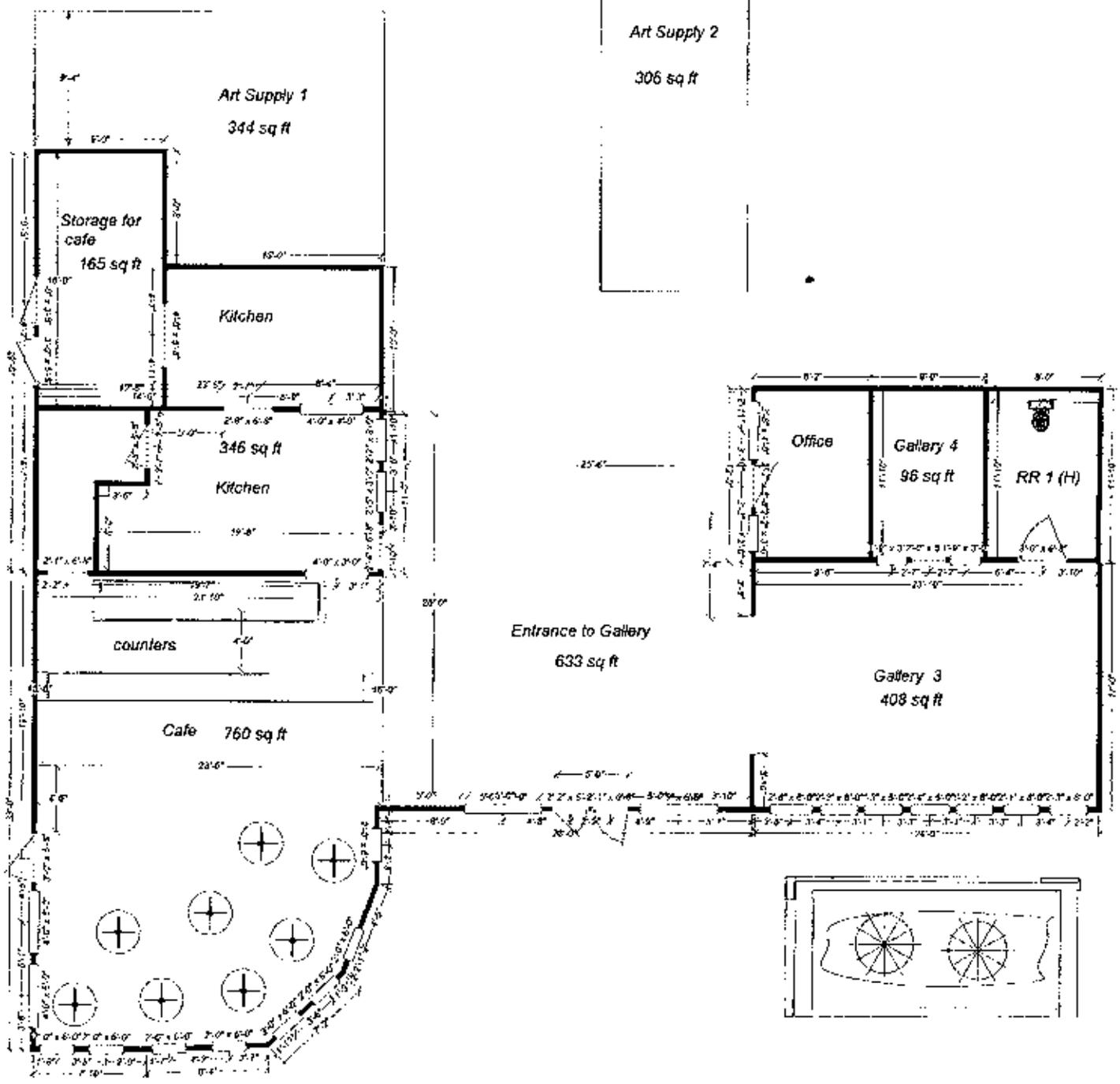
proposed siteplan



*Proposed
floor plan
(Building)*



(close up)





Alley off of Frances Street between residences on the right and subject building on left.



North end of subject property. Residences to right and ahead.



North end of property and unpermitted office structure.



West of main building looking toward El Camino Real. Taaffe Street to the right.



West of main building looking at the main building with unpermitted storage structure to left.



Unpermitted storage structure.
Taaffe Street behind us.



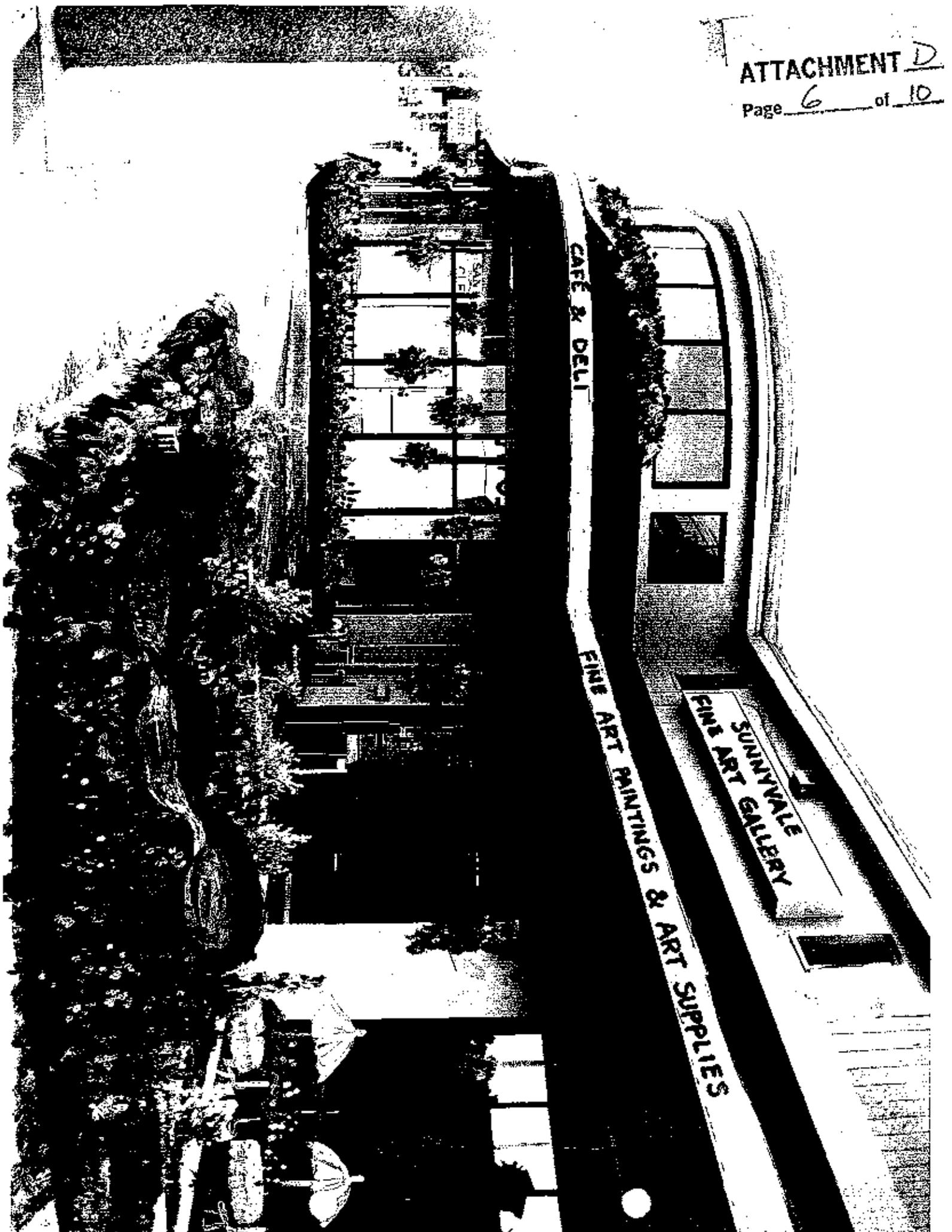
Western edge of property looking toward
Taaffe Street.



Looking North from western edge of property
at adjacent residential property.



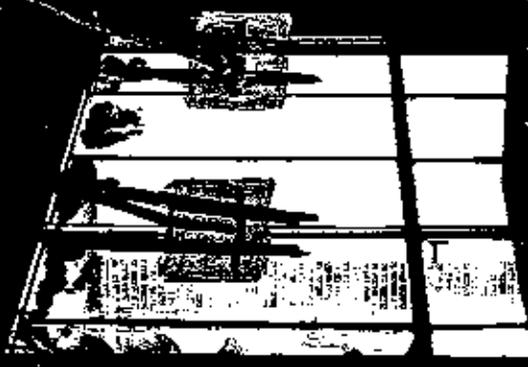
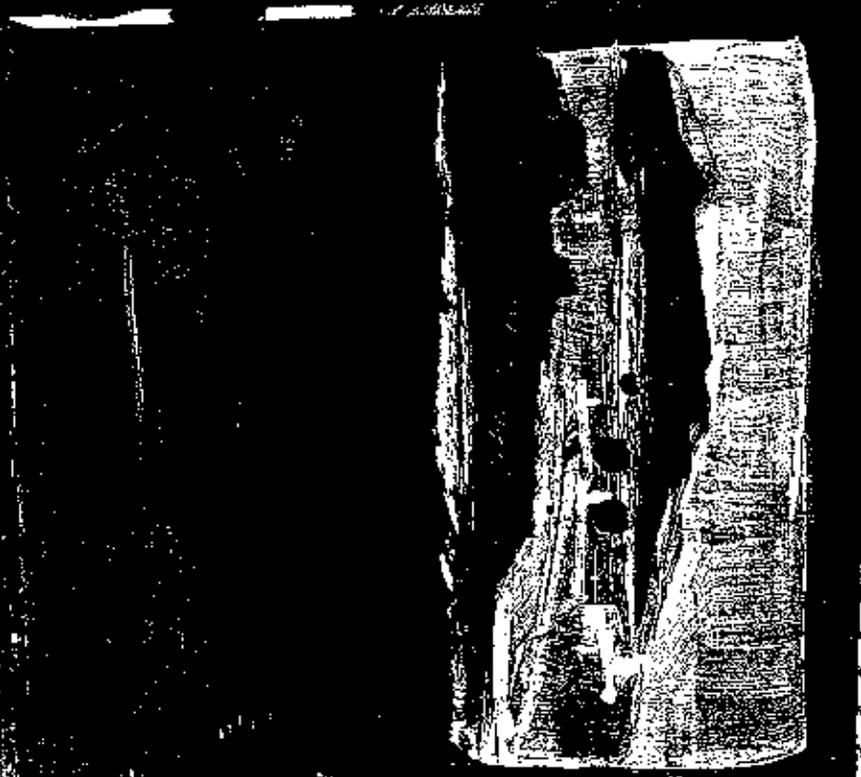
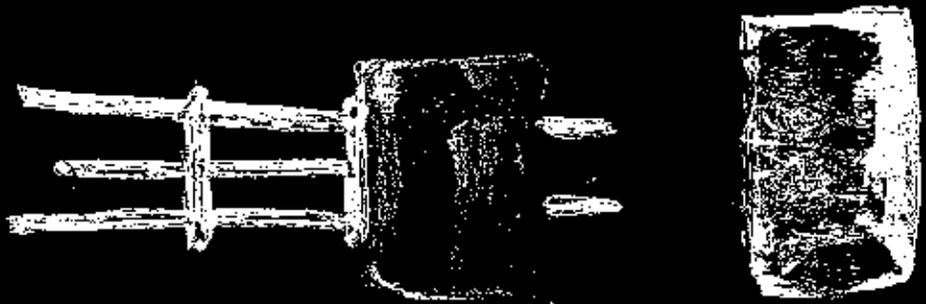
Existing improved parking lot located
off of El Camino Real.

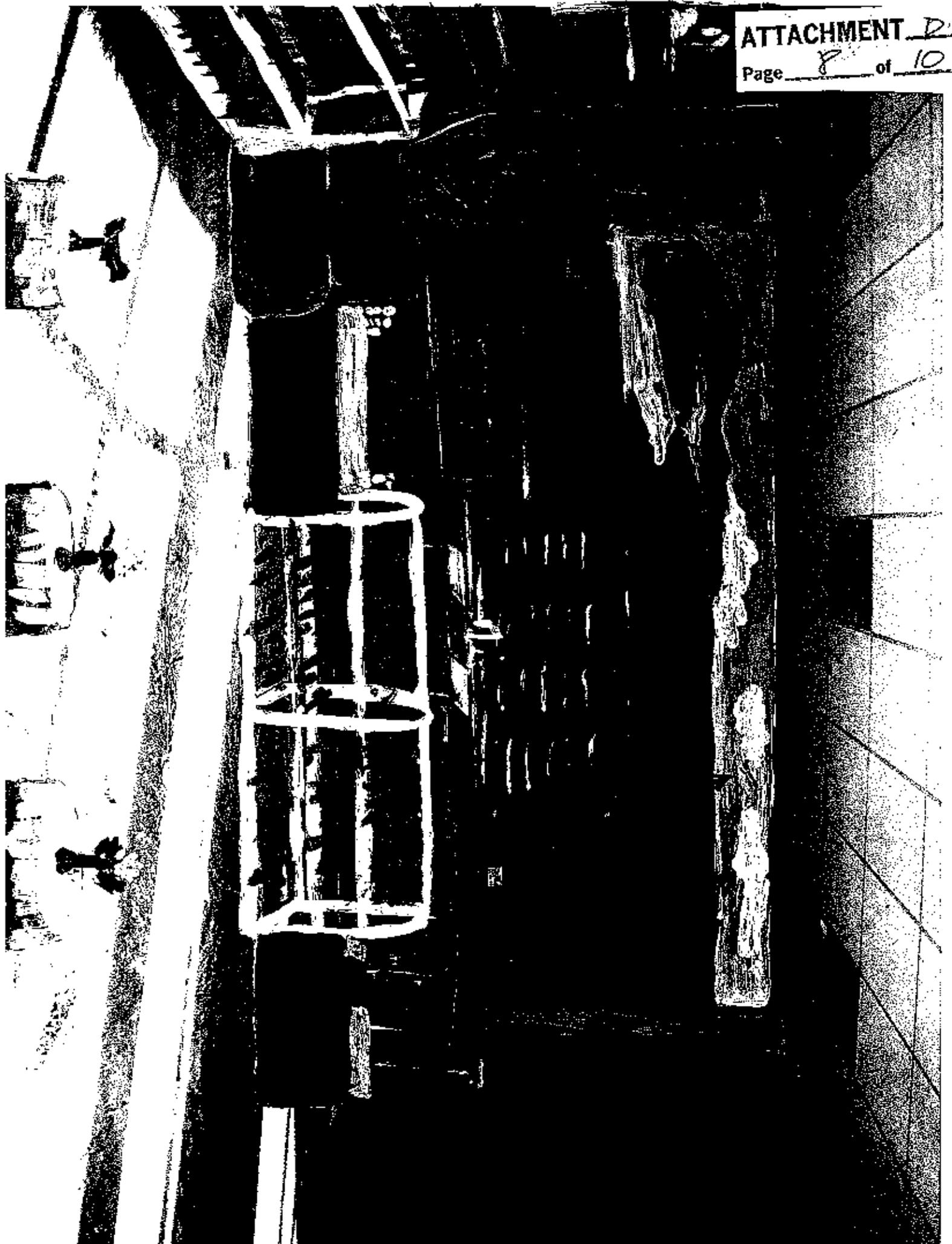


CAFÉ & DELI

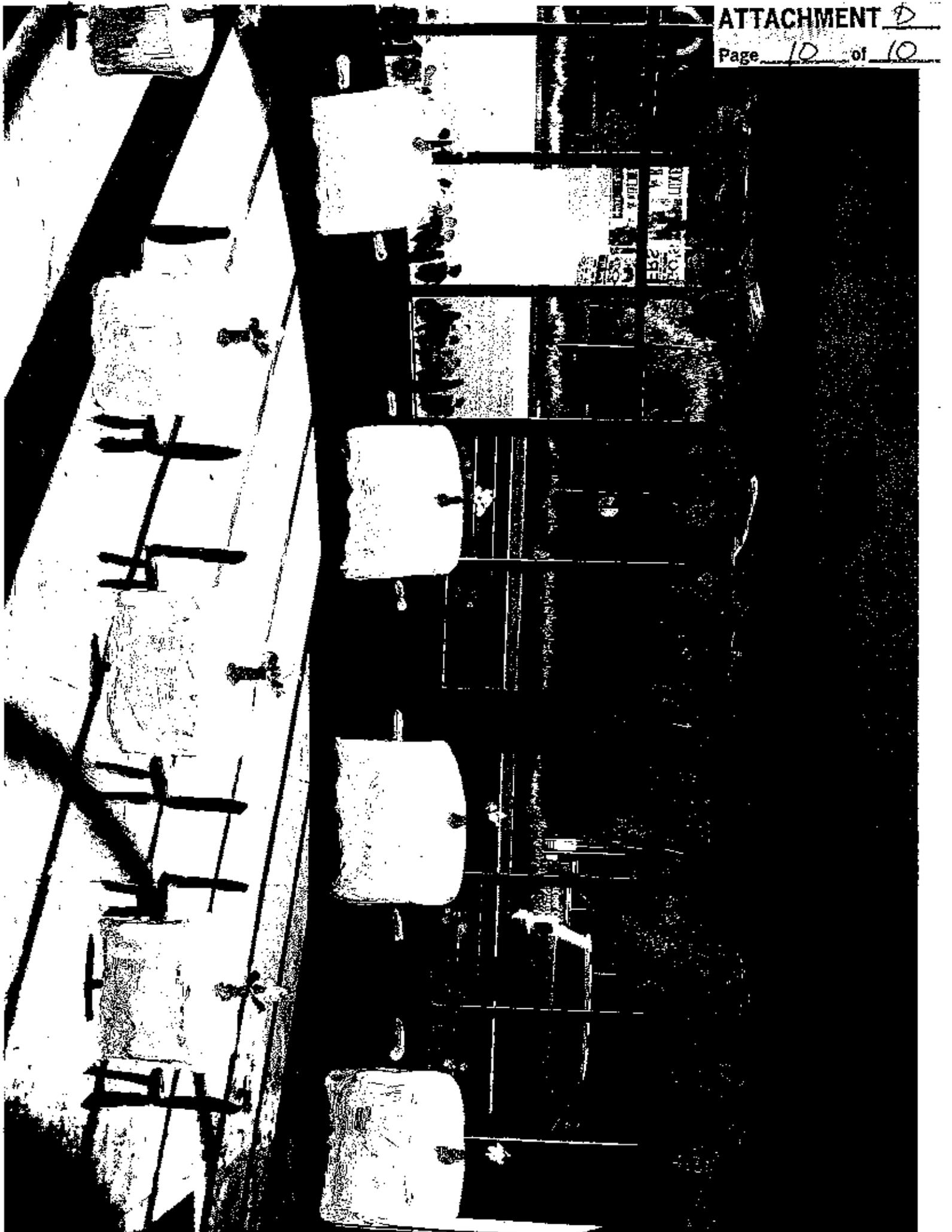
FINE ART PAINTINGS & ART SUPPLIES

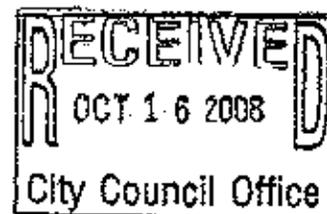
SUNNYVALE
FINE ART GALLERY











October 14, 2008

Dear City of Sunnyvale planner,

As I submit this permit, I'd like to explain why I'd like to open the 'Sunnyvale Fine Arts Gallery'.

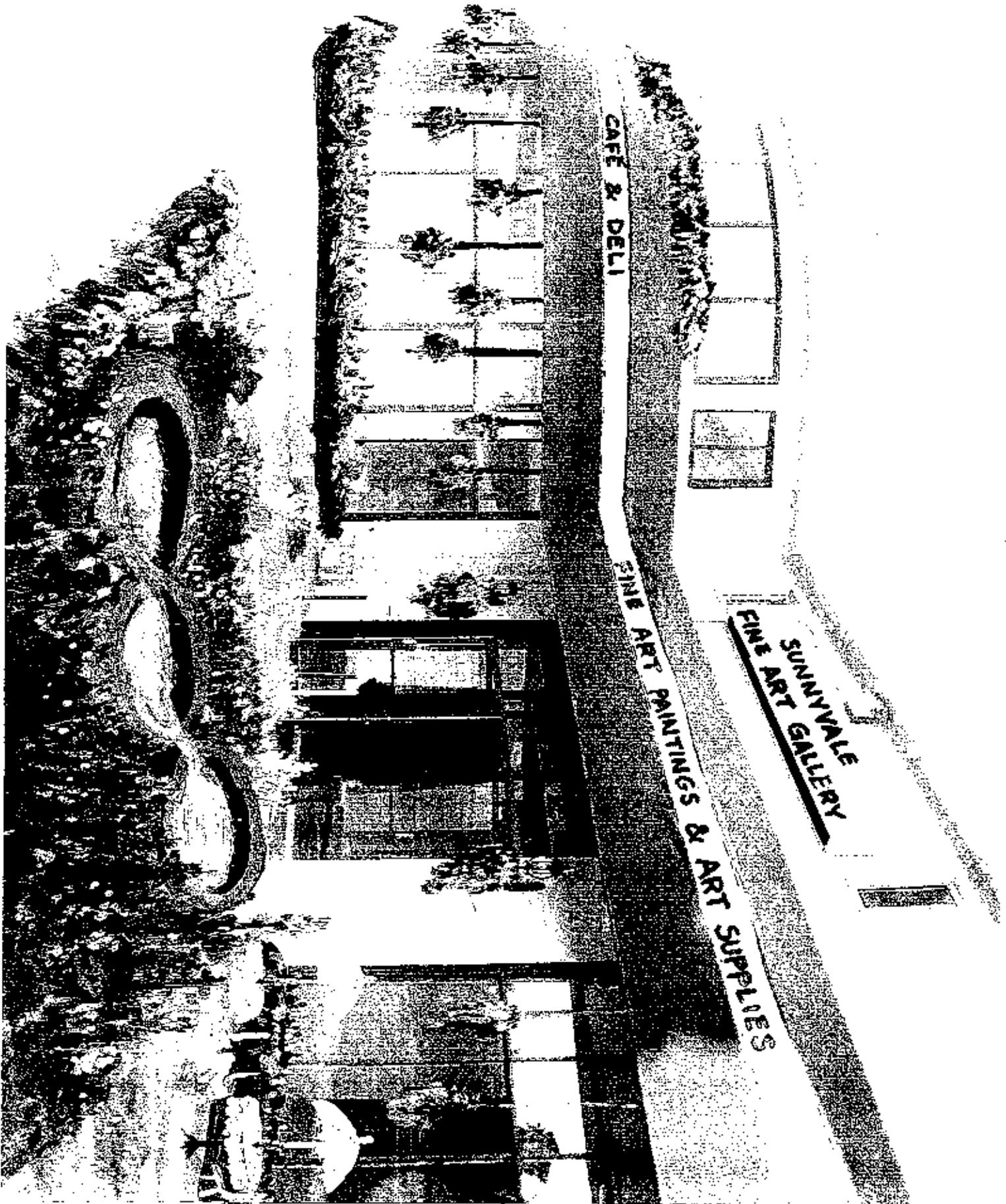
I opened Kimm's Flower Basket in Sunnyvale for over 28 years now, and have been painting regularly on the side for many years. As an artist, I've wondered why there is not a fine arts gallery in Sunnyvale. As a businesswoman, I've been given an opportunity to open a gallery here in Sunnyvale, and I think this is a good chance to create a gallery. The store is located in the center of Sunnyvale, and the space (11,000sq) is enough to conduct such a business. However, after considering the gallery as a business, I feel that it will be extremely difficult to pay rent with only the gallery generating revenue. With the economy in a recession, opening a gallery is a big risk. However, I have this opportunity and I want to take it. Galleries are long-term businesses and I feel that it will take at least a couple of months for us to get established within the community. Even after that, there is no guarantee that the gallery will bring in enough revenue for rent. This is why I'd like to open a café, and also sell some art supplies. If I can run a café and sell art supplies, we'll be able to survive and maintain the art gallery.

I have many ideas already for the gallery. I've heard that there are many artists in Sunnyvale. When we have our grand opening, I'd like to have an opening exhibition just for Sunnyvale artists. I think this will be a good opportunity for them to showcase their work. Also, I feel that the gallery will serve as a community gathering place for artists and buyers alike. Also, thinking about the future, I'd like to hold workshops for artists to come and instruct. This is just an idea, however, and I haven't put much thought into it.

I have submitted our floor plans and have included the available parking spaces. There is a maximum of 53 parking spaces available. Hopefully, this will be enough to obtain the permit for the business. Thank you for taking the time to process our application. If there is any other information and/or procedures we need to know about, please give us a call and we will get that to you as soon as possible. We are in also in a bit of a time constraint, so the sooner we can process this application the better. Thank you again and I look forward to working with you.

Sue Kim

Kimm's Flower Basket
201 West El Camino Real, Sunnyvale, Ca 94087
(408) 737-7760



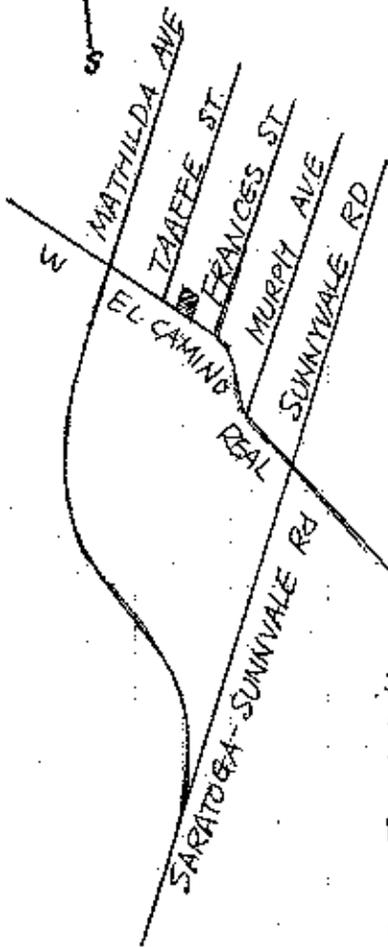
SUNNYVALE FINE ARTS GALLERY

Description of Areas:

| | | |
|-----------------|--------------------|---------------------|
| 1) Gallery | | 9079 sq ft |
| 2) Café | | |
| a. Lounge area | 760 sq ft | |
| b. Kitchen area | 346 sq ft | |
| c. Storage | <u>165 sq ft</u> | |
| Total: | <u>1,271 sq ft</u> | 1,271 sq ft |
| 3) Art supply | | <u>650 sq ft</u> |
| Total: | | <u>11,000 sq ft</u> |

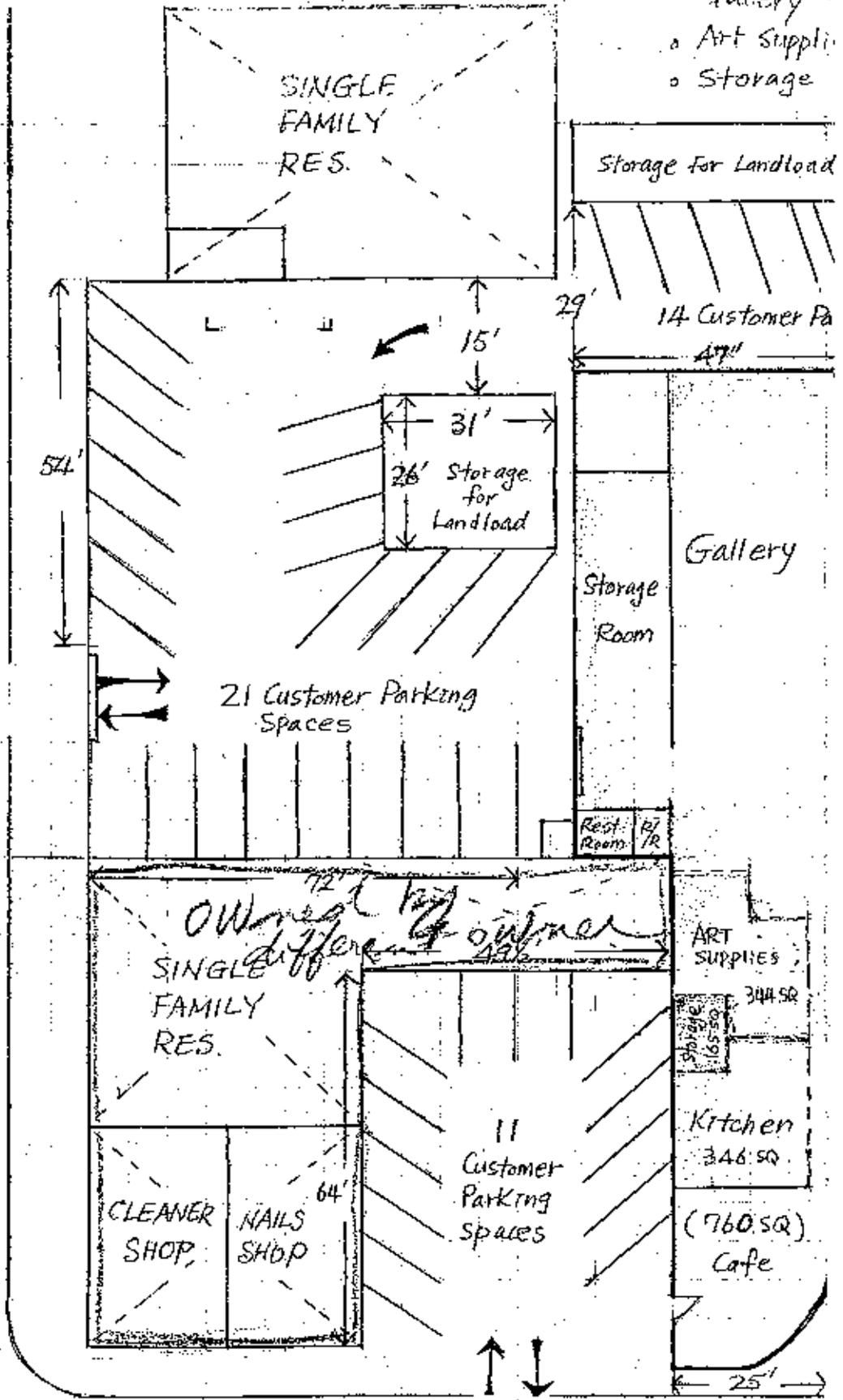
Parking Space availability

| | |
|--------------|-----------|
| 1) 9' x 17': | 20 |
| 2) 9' x 18': | <u>26</u> |
| Total: | <u>46</u> |



TAAFFE ST.

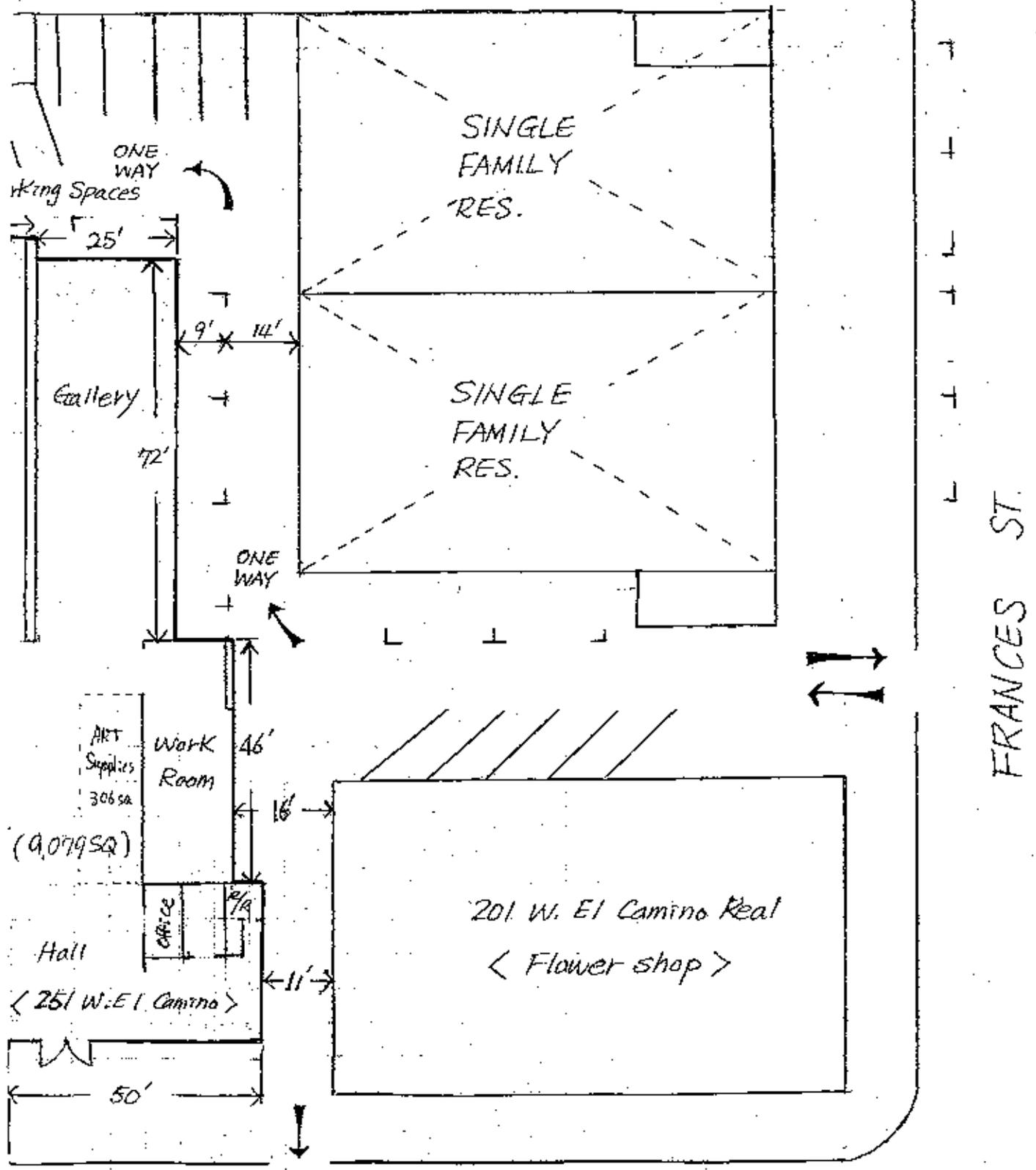
SITE PLAN
 1/4" = 6 1/2'
 10/16/08



- o Gallery
- o Art Supplies
- o Storage

- 9,079 SQ
- 15 850 SQ
- 165 SQ
- o Kitchen - 345 SQ
- o Cafe - 760 SQ
- o Parking spaces total 46

ATTACHMENT E
5 15



EL CAMINO REAL

SUNNYVALE FINE ARTS GALLERY

Erin Haley
City of Sunnyvale Planning Department
Project Review Committee

Project: 2008-1126
PRC Date: 11/03/08
Today's Date: 11/20/08
Address: 251 WEST EL CAMINO REAL
Description: ART GALLERY AND CAFÉ WITH ART SUPPLY SALES.

Contact info:
Kimm's Flower Basket
201 West El Camino Real
Work number: (408) 737-7760
Cell number: (408) 306-1419
Please ask for Sue or Tim

Sunnyvale Fine Arts Gallery

Final Project Description

Dear Planning Committee,

Thank you for reviewing our application into opening an art gallery here in the city of Sunnyvale. As residents of the city and also local florists of our family owned business 'Kimm's Flower Basket' for 30 years now, we have seen a great deal of change and are very thankful to live and work here. Recently we have been given the opportunity to lease the building located directly left of the flower shop. 251 West El Camino Real. For many years it has been a failing furniture store with new management changing every 6 months or so. Now with this opportunity, we wish to convert the furniture business into an art gallery that will promote local artists. Our family has a great passion for art. Stop by our flower shop and you'll see hundreds of paintings of portraits and landscapes covering the entirety of the store.

However, our biggest obstacle deals with how we will pay rent to stay in business. With a growing recession and an unstable economy we deeply wish to start the gallery but also face the reality that it is an extremely risky business to enter. To help with this problem, we have proposed the use of an ancillary operation in the form of a café and an art supply store. This will, hopefully, ensure that during bad times we'll still be able to survive by at least paying for rent and business operations for the gallery.

The following are detailed descriptions of the gallery, art supply store, and café. Please refer to the 'description of proposed areas' for further information on the square footage.

Gallery

The main focus of our business. The area will cover approximately 8,357 square feet. Gallery 1 will display paintings done by professional artists as well as artists of merit. Galleries 2-5 will display paintings done by art students and other amateur artists. The galleries will be a place where customers can admire and purchase the artwork. There will be no workroom with space to be rented to artists. The gallery will exist simply as a gallery. A sign reading "SUNNYVALE FINE ARTS GALLERY" will be displayed in the front.

Art Supply Store

A secondary operation. The area will cover approximately 650 square feet. For the most part, the products we'll carry will be found in your typical art supply store; Canvas, paintbrushes, drawing paper, and a variety of paint tools and mediums. In addition we'll sell a variety of high quality paint supplies (oil, pastel, acrylic, watercolor, etc.)

Café

A secondary operation. The area will cover approximately 1,271 square feet. This includes the front area (760sqft), the kitchen (346sqft), and storage (165sqft). There will be 4 tables with 2 seats and 4 tables with 4 seats. A total of 22 seats. The seats will be unfixed. As far as food and drink, we'll serve quality coffee, delicious pastries, and possibly cold sandwiches. We will not have a burner, grill, deep fryer, or anything that will need a kitchen hood of any sort.

PARKING

Currently there are 11 parking spaces located directly left of the Gallery. The businesses adjacent to the parking lot do not use the lot and their customers park on El Camino or to the side on Taaffe Street. The landlords are different and so the parking lot is gated off. However, because of the additions of the art supply store and the café, we understand that we will need to provide additional parking as well as bicycle parking. The project description of the 8,357 art gallery requires 1 space/400 sq ft = 21 parking spaces. The art supply store with 650 square feet requires 1 space/400 sq ft = 2 parking spaces. The café and kitchen with no fixed seating and with no waiters and with 1106 square feet requires 1 space/75 sq ft = 15 parking spaces. The total number of spaces required under this proposed project description = 38 spaces. All parking spaces have been drawn to code to meet parking standards. If there are any discrepancies, please let us know so we can work together to find a solution.

Side note: Our first submitted application measured the art gallery to be at 9,079 square feet. This amount includes a back office and storage compartment used by our landlord. We weren't sure whether the parking requirement would drop so we have accounted for the 2 extra parking spaces and have a total of 40 parking spaces to stay within the original proposal.

As far as traffic, we will put up signs to direct the flow of traffic and make it clear that there is additional parking in the rear of the building. Lighting will be provided in the parking lots to provide enough light for security and safety. Bicycle parking will consist of one bicycle locker and one bicycle rack with at least 2 spaces. Two entrances/exits are located in the front of the building as well as the back next to the two restrooms. A secondary exit will also be location in Gallery 2 next to the storage room.

If you have any questions or concerns please give us a call anytime so we can get it resolved. We understand that the department is incredibly busy with other city projects but we ask for our application to be processed as soon as possible. Initially we submitted our application October 16, but unfortunately, because of miscommunication and also our lack of permit experience, we have lost a lot of valuable time and are in a bit of a time crisis. With your approval, help us create a gallery we feel will greatly complement this city. Thank you very much for reviewing our proposal.

Best regards,

The Kim Family

Sunnyvale Fine Arts Gallery

Description of proposed Areas

1) Gallery Area

Galleries:

| | | |
|--------------------------|--------------------|-------------|
| Gallery 1 | 2,250 sq ft | |
| Gallery 2 | 1,836 sq ft | |
| Gallery 3 | 408 sq ft | |
| Gallery 4 | 96 sq ft | |
| Gallery 5 | <u>1,216 sq ft</u> | |
| Total area of Galleries: | <u>5,806 sq ft</u> | 5,806 sq ft |

Restrooms:

| | | |
|-----------------|-------------------|-----------|
| RR 1 (Handicap) | 96 sq ft | |
| RR 2 (Men) | 75 sq ft | |
| RR 3 (Women) | <u>80 sq ft</u> | |
| Total RR Area: | <u>251 sq ft.</u> | 251 sq ft |

Storage:

| | | |
|---------------------|--------------------|-------------|
| Storage 1 | 658 sq ft | |
| Storage 2 | 853 sq ft | |
| Total Storage Area: | <u>1,511 sq ft</u> | 1,541 sq ft |

| | | |
|-----------|------------------|-----------|
| Entrance: | <u>663 sq ft</u> | 663 sq ft |
| Office: | 96 sq ft | 96 sq ft |

Total Gallery Area: **8357 sq ft**

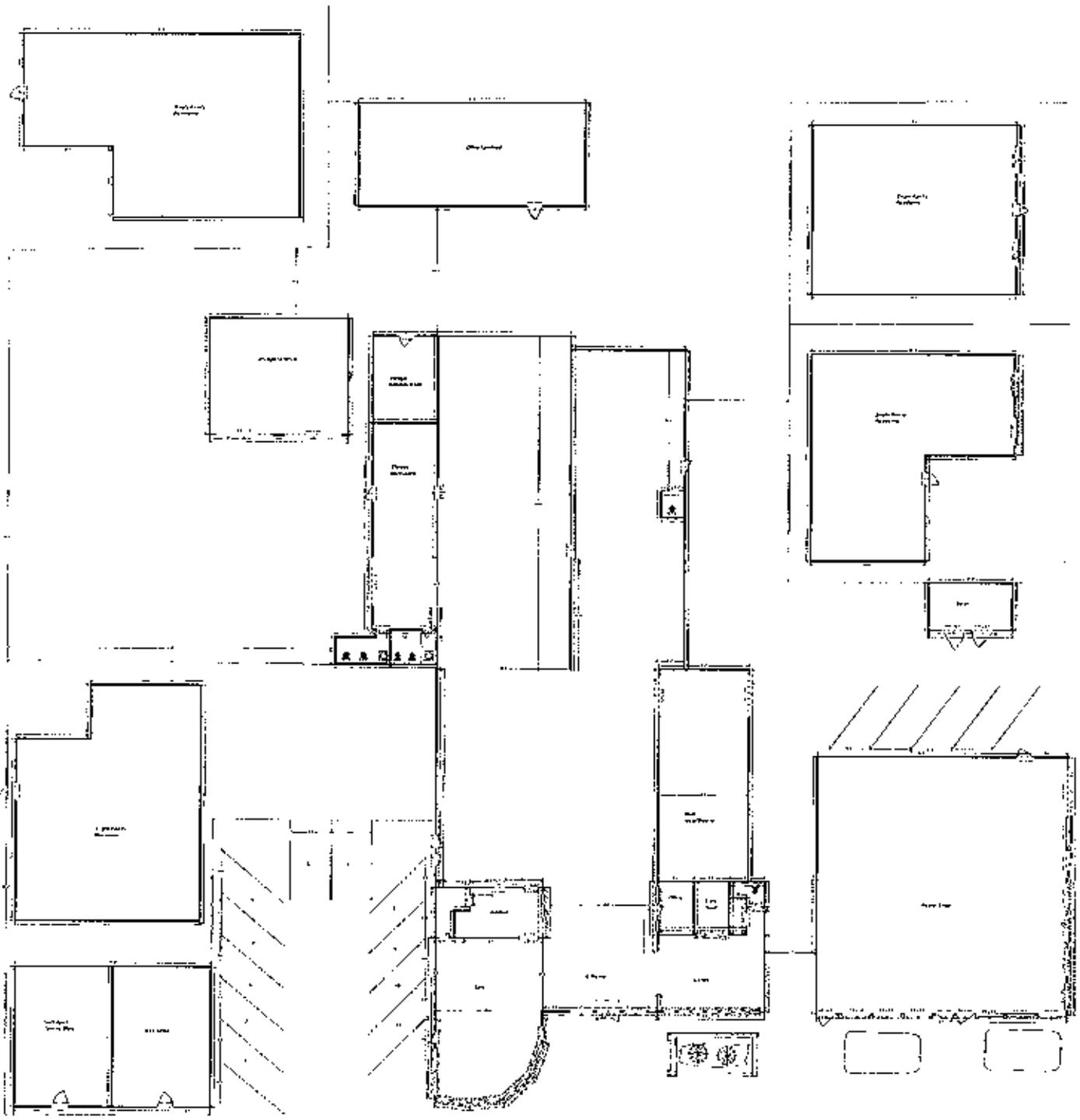
2) Art Supply Area: **650 sq ft** **650 sq ft**

3) Café Area:

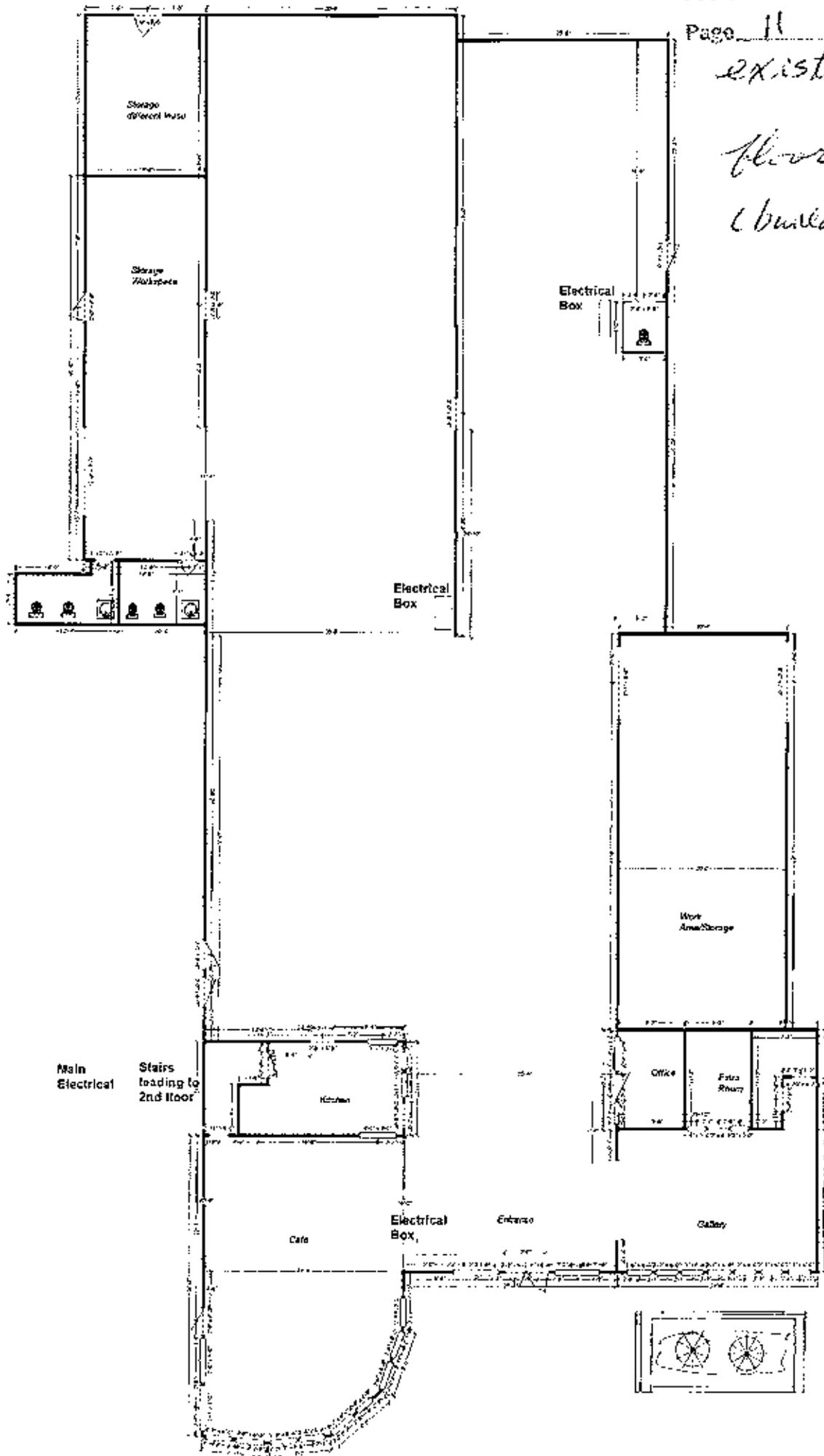
| | | |
|------------------|-------------------|------------|
| Front Area | 760 sq ft | |
| Kitchen | 346 sq ft | |
| Storage | <u>165 sq ft</u> | |
| Total Café Area: | <u>1271 sq ft</u> | 1271 sq ft |

GRAND TOTAL: **10,278 sq ft**

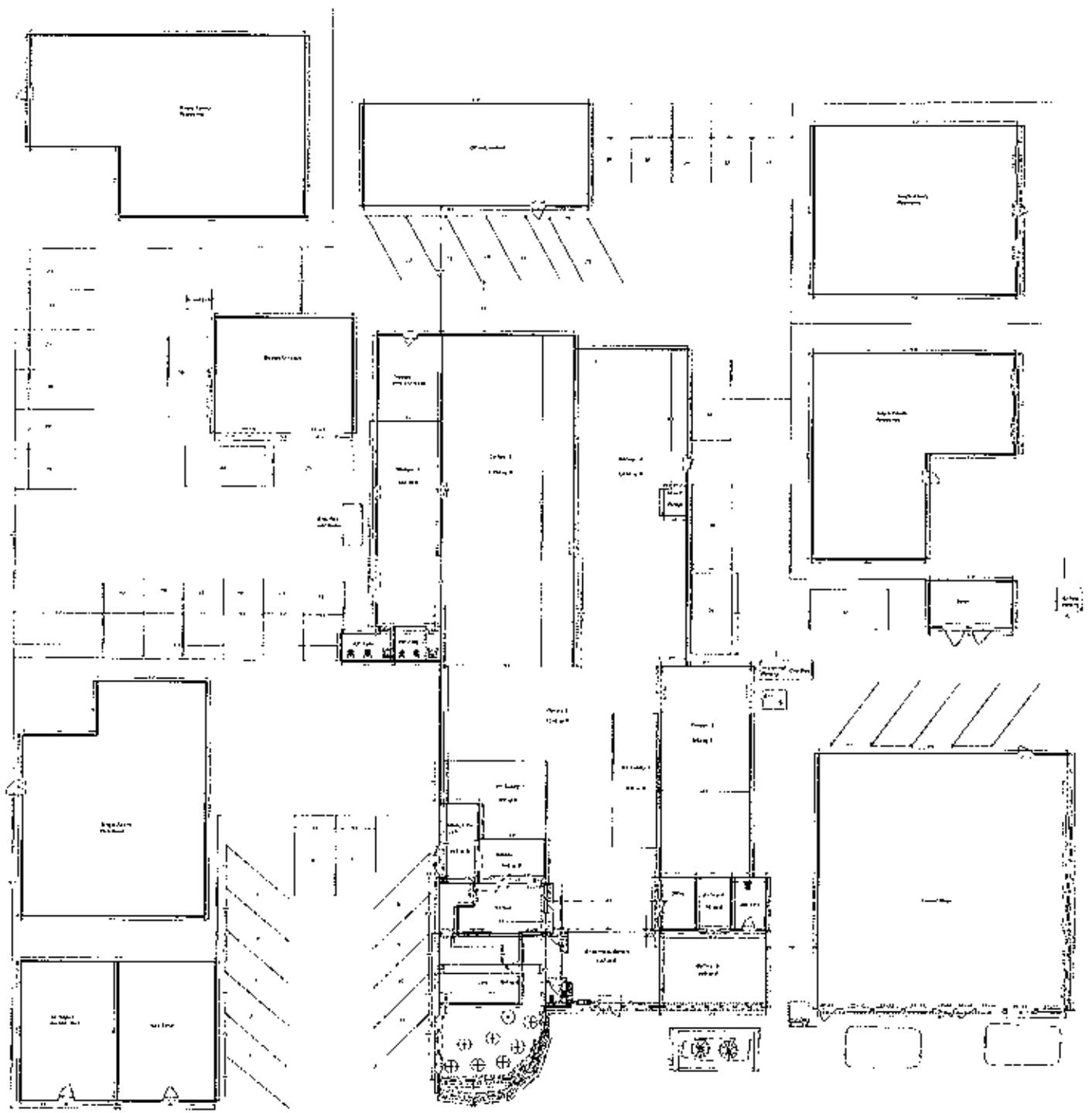
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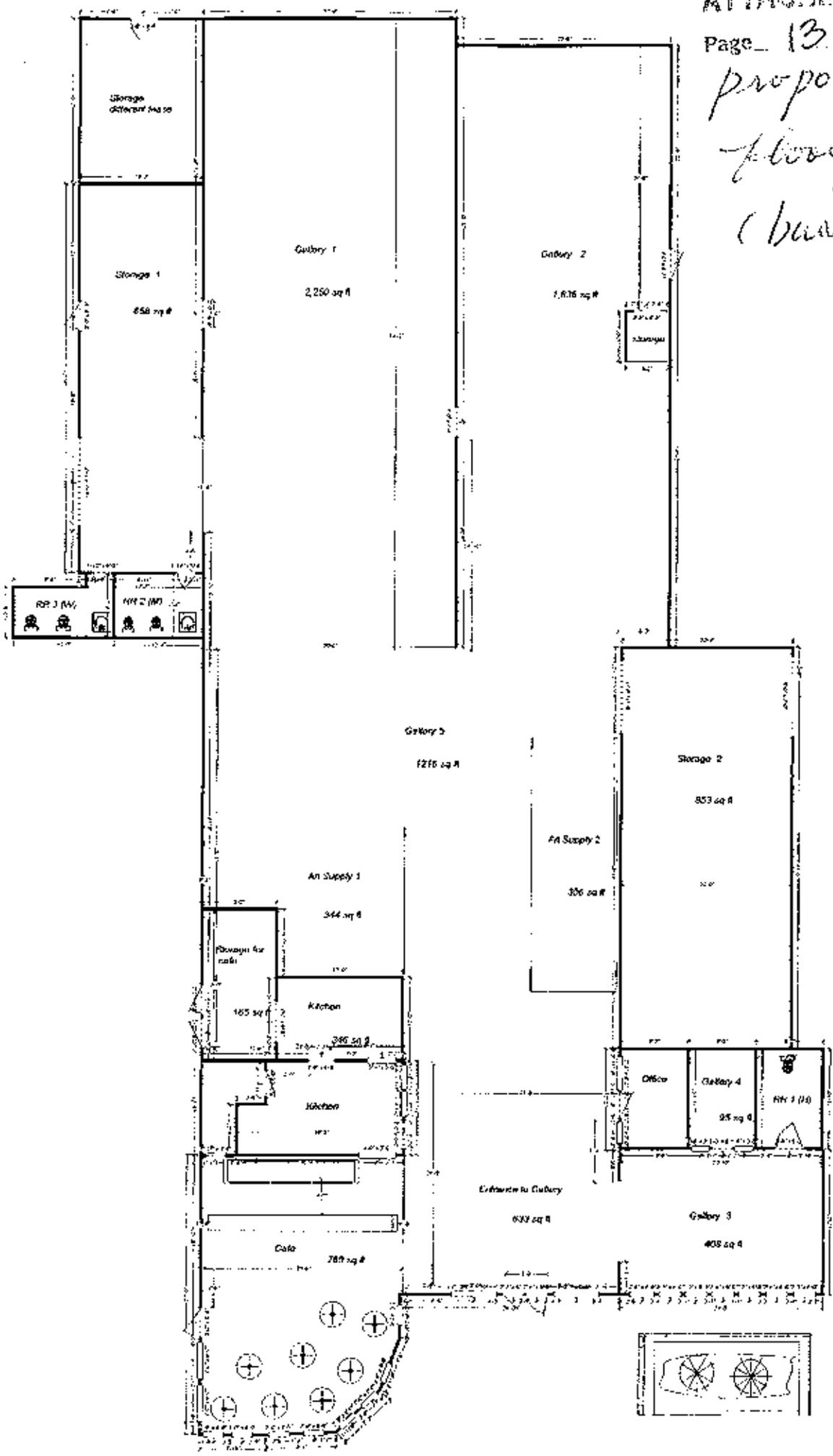
*existing
floor plan
(building)*



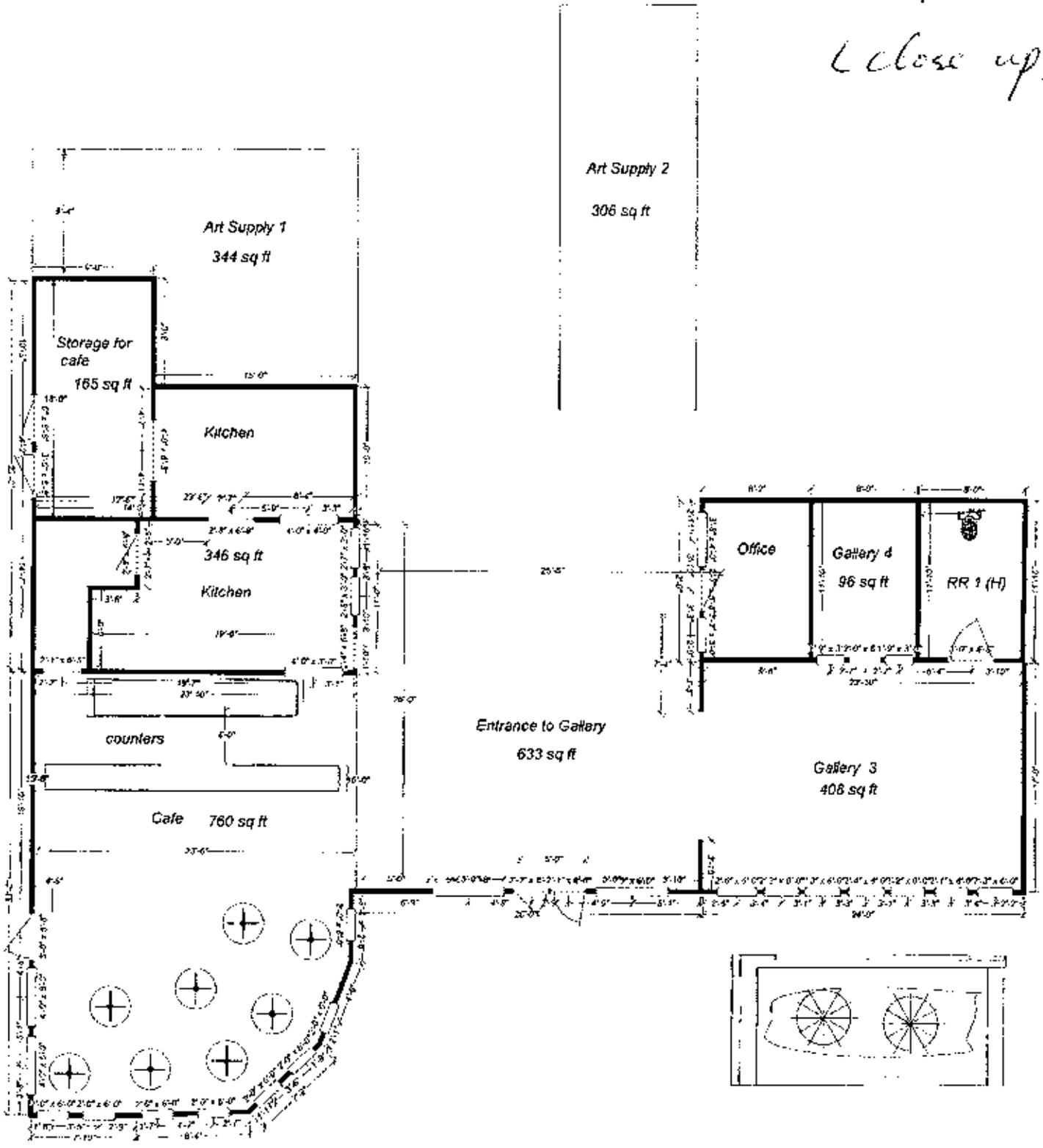
< proposed floor plan >



ATTACHMENT E
Page 13 of 15
proposed
floorplan
(building)



Proposed
floorplan
(close up)



Landscaping for the Art Gallery:

Dear Landscaping,

Currently there is an existing planters box measuring 20'6" x 12' 8" for a square footage of approximately 261 sq ft. According to the code 19.38.070, we seem to need 20% landscaping in accordance with our total plot size. However, this existing amount is not sufficient to meet the 20%. We ask that the landscaping department allows us to operate with the existing planters box since it came with the building originally.

Also, we would like to add more landscaping to the front of the building. On the curved portion of the building we propose to add another brick planters box with a width of 1 foot stretching alongside the exterior of the café section. The total length from one side to the other is 35 feet. Also along the wall to the right of the entrance, we are going to build a brick planters box with a width of 1 foot stretching 22'. Please consider these additions to the front area. We will plant flowers that we hope will brighten up the building and the street. If there is anything else we can do please let us know. Thank you for your time.

-Tim Kim

Sunnyvale Art Gallery

RECEIVED

JAN - 6 2009

PLANNING DIVISION