



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, January 14, 2009

2008-1126 – Sue Kim [Applicant] **Jamshid and Marta Noghrey** [Owner]: Application for a Special Development Permit to allow an art gallery, restaurant use (café), and retail art supply sales. The 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. (APN: 209-29-017) EH

In attendance: Tim & Sue Kim, Applicants; Jim Noghrey, Owner; Carol Haywood, Artist; Jean Massey, Member of the Public; Bill Weaver, Neighbor; Gerri Caruso, Administrative Hearing Officer; Erin Haley, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Erin Haley, Project Planner, stated that 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. Ms. Haley also mentioned that Public Safety got back to her on what they would require if approval was to be given to this project. She stated that due to the emergency vehicle access, removal of the trash enclosure as well as some parking spaces may be required.

Ms. Caruso opened the public hearing.

Tim Kim, Applicant, received and reviewed a copy of the staff report. Mr. Kim stated that he spoke to a good majority of his neighbors and none of them had issues regarding the project. Ms. Caruso asked if the neighbors understood that if the project was to be approved there would be a number of improvements that would have to be made, he stated that they do understand that. He also stated that he would be willing to put up signs directing patrons where to park.

Carol Haywood, Artist, stated that she is speaking on behalf of the Art Society Club. Ms. Haywood stated that after doing research seeking gallery space in Sunnyvale, she sees this as a rare opportunity to display art in the community, especially since there is no such use in Sunnyvale.

Jean Massey, Supporter, stated that in an economic downturn, it is depressing to see empty buildings in the city and she believes that an art gallery would improve the moral of the City.

Bill Weaver, Neighbor, stated that he believes that this would be the best use since he has lived here since 1985. His only concern is that recorded and live music will not be played at this location. He also stated that he is concerned with additional traffic that this type of use will create.

Jim Noghrey, Owner, stated that the building has been vacant for the past year and believes that this is the best type of use for this location. He also stated that the Kim's also rent from him at another location and that they have been great tenants. He also mentioned that he knows that the applicants will do everything in their power to make sure everything is up to City standards. Mr. Noghrey stated that there are 40 parking spaces which he feels is more than accommodating for this type of use. Mr. Weaver also stated that he was granted a waiver for the shed located at this property.

Sue Kim, Applicant, wanted clarification on condition 9.C. in regards to tables, chairs and posted signage to be seen outside. The Hearing Officer explained the condition.

Ms. Caruso closed the public hearing.

Ms. Caruso took the application under advisement until Tuesday, January 20, 2009. On that day the Administrative Hearing Officer approved the application subject to the findings and conditions of approval located in the staff report with the following modifications:

- 5.A.1. At least 33 parking spaces that meet Code requirements**
- 5.A.3. Employee parking locations shall be marked as such and located away from the building, in parking spaces that are the least used.**
- 6.A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development**
- 9.B. If required for the approved Parking Management Plan, the two accessory storage structures (one at 1,150 s.f. and one at 806 s.f.) are to be removed prior to issuance of a building permit.**

The Hearing Officer also added the following condition:

- 5.B.6. Regrade and resurface parking areas to meet City standards.**

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:51 p.m.

Minutes approved by:

Gerri Caruso

Principal Planner