



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, July 15, 2009

2009-0398: Athidi Restaurant [Applicant], **Wolfe Reed Properties LLC Et Al** [Owner]. Application for a Special Development Permit to allow a banquet/party hall adjacent to an existing restaurant (Athidi) located at **731 S. Wolfe Road** (APN: 211-05-030) NC

In attendance: Arvind Iyer, Applicant; Gerri Caruso, Administrative Hearing Officer; Noren Caliva, 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.

Noren Caliva, Project Planner, stated that the applicant proposes to occupy a 4,746 square foot vacant tenant space (#731) adjacent to their existing restaurant. Approximately 4,107 square feet will be used to relocate the party hall (existing party hall location will be vacated). The remaining 639 square feet will be used as additional seating area for the existing restaurant.

Ms. Caruso opened the public hearing.

Arvind Iyer, Applicant, received and reviewed a copy of the staff report. The applicant stated that they have no objections to the conditions of approval and had one question in regards to entertainment. Mr. Iyer stated that there is a condition that requires a Use Permit be applied for in regards to live entertainment. The applicant wanted to know if he can be allowed to provide amplified recorded music since this will be a party hall.

Ms. Caruso asked staff why that condition was included and Ms. Caliva stated that it was carried over from a previous Use Permit. Ms. Caruso verified that the party hall backs up to the building and not to any residences. Ms. Caliva stated that the nearest residential units are around 100 feet away and that there was no contact from residents in regards to this project.

Ms. Caruso closed the public hearing.

Ms. Caruso took the application under advisement to research information regarding amplified music as well as to verify with the Neighborhood Preservation Division that there have been no complaints reported against the business until Thursday, July 16, 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 added conditions:

- 4. Noise Compliance: The noise level generated by the facility shall not create a nuisance to occupants or customers of adjacent commercial establishments.**
- a. The noise or sound level shall not exceed 60 dBA during daytime and 45 dBA during nighttime hours at any point on adjacent residentially zoned properties.**
 - b. Install sound proofing materials to mitigate noise and vibration impacts on neighboring properties and adjoining tenant spaces.**
 - c. All exterior doors, especially the rear door, shall have a self-closing mechanism and shall be kept closed at all times.**
 - d. Patrons shall be restricted from the rear area adjacent to neighboring properties at all times.**
 - e. The rear parking lot shall be open for use by shopping center employees.**
 - f. The tenant is responsible for ensuring customers do not smoke within 20 feet of any doorways, per State law.**

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 2:17 p.m.

Minutes approved by:

Gerri Caruso

Principal Planner