



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES

Wednesday, March 10, 2010

2009-0931: Adam Simms [Applicant] **Price-Simms Re LLC** [Owner] Special Development Permit to allow a new 7,901 square foot building for an automobile dealership with an associated service use and second floor storage area located at **923 W. El Camino Real**. (APN: 165-01-035) RK

In attendance: Adam Simms, Applicant; Peter Beritzhoff, Contractor; Stephen Droll, Architect; Andrew Miner, Administrative Hearing Officer; Ryan Kuchenig, Project Planner; Luis Uribe, Staff Office Assistant.

Mr. Andrew Miner, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Miner announced the subject application.

Ryan Kuchenig, Project Planner, stated that there have been some changes made to the conditions of approval. Staff noted a change to the conditions of approval, removing condition 7.E. regarding an additional handicap accessible space. Mr. Kuchenig also stated that the project is subject to Green Building requirements and would need to meet the Certified level. Staff was able to make the findings and recommends approval. Mr. Miner clarified that the applicant would have to meet 40 points to be Certified LEED, staff agreed. Mr. Miner changed condition 6.B. to read 8 feet in height within 10 feet of residential uses. Mr. Kuchenig stated that a number of options have been given in regards to the noise study and have been including in the conditions of approval.

Mr. Miner opened the public hearing.

Adam Simms, Applicant, received and reviewed a copy of the staff report. The applicant stated that the Fisker dealership will receive approximately 15 new vehicles a month and will also provide sales of used vehicles. Mr. Simms stated that the project is not designed to be LEED Certified and they did not budget the building to be designed as such. He asked that the City reconsider that issue because it increases the cost of the project. Mr. Simms mentioned that the wall at the rear of the property is 7' tall and raising it to 8' will be an un-needed cost to the project. The applicant asked staff to revisit the issue of the display area, currently they have four display spaces in the landscaping area and the city is allowing only two. Mr. Simms stated that impact wrenches are what creates a lot of noise at service shops but they are planning on using low-noise impact wrenches which would remove the need for other noise reduction measures. The applicant asked if the traffic impact fee could be reduced.

Mr. Miner clarified that the site would be used for Fisker vehicles only, Mr. Simms stated that it will sell and service new Fiskers as well as selling used hybrid vehicles. Mr. Miner had a question regarding the hours of operation and asked if they would have any issues closing at 9 p.m., including the service station. Mr. Simms had no objections. Mr. Miner

wanted to know the reason why the applicant would not be able to meet the 40 point requirement to obtain LEED certification. The applicant stated that it a lot to do with their finances and the extra time they would need to put into the project. Mr. Simms stated that they have implemented other sustainable strategies.

Mr. Kuchenig stated that some members of the public had come in with some questions but nothing that had been submitted in writing.

Mr. Miner stated that he will have to revisit condition 4.D. regarding noise levels and feels that he may need more information from the applicant. He also added a condition where the applicant will have to notify the neighborhood about the construction start date.

Mr. Miner closed the public hearing.

Mr. Miner took the application under advisement until Thursday, March 11, 2010. He then extended the continuation date to Monday, March 15, 2010. On that day, the Administrative Hearing Officer approved the application subject to the findings and conditions of approval located in the staff report with modifications to condition 5.L. to encourage the applicant to modify the existing masonry wall along the rear property line to maintain an eight-foot height. 7.E. One handicap accessible space shall be provided on-site. 11.B. The hour of operation shall be limited to daily operation from 8:00 a.m. to 9:00 p.m. and delivery hours limited to the period from 7:00 a.m. to 9:00 p.m. daily. Nighttime delivery is prohibited from 9:00 p.m. to 7:00 a.m. daily. Mr. Miner added condition 11.E. the applicant shall notify surrounding residential uses of the construction schedule in writing, prior to construction while including a contact number in the construction notification letter. No other changes were made to the recommended conditions of approval.

Mr. Miner 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 2:34 p.m.

Minutes approved by:

Andrew Miner

Principal Planner