



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 17-0515, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2017-7008

Location: 1219 Wildwood Avenue (APN: 104-23-003)

Applicant / Owner: Benjamin Young (applicant) / Executive Inn, Inc. (owner)

Proposed Project:

USE PERMIT to re-establish a previous restaurant use with live entertainment and full liquor license at the Ramada Inn hotel.

Reason for Permit: A Use Permit is required for restaurants with alcohol sales and live entertainment.

Project Planner: Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

Issues: Neighborhood compatibility

Recommendation: Approve with conditions

PROJECT DESCRIPTION

	Existing/Approved	Proposed
General Plan Designation	Commercial General Business	Same
Zoning	Highway Business	Same
Combining District	None	Same
Lot Size	239,580 s. f. (5.5 acres)	Same
Building Square footage	77,248 s. f.	Same
Tenant Square Footage (Restaurant)	3,375 s. f.	Same
Parking	301 spaces	Same

Previous Planning Projects related to Subject Application:	Yes
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements	No

BACKGROUND

The original Use Permit (UP 1978-0320) for the restaurant and live entertainment use was granted in August 1978. The last active business license for the full-service restaurant and live entertainment use expired on 12/31/15 and the space has been vacant since then. Per SMC 19.98.110 (Expiration), a permit is considered expired if the use is discontinued for more than year. As a result,

a new use permit is required to re-establish the use.

Existing Conditions/Permit History

The project is located on a 5.5-acre site developed with a two-story, 176-room hotel with restaurant, 301 surface parking spaces and various site improvements including a wireless telecommunication facility housed in a 60-foot mono-palm tree. The following table summarizes previous planning applications related to the subject site:

Table 1: Permit History

Date	File Number	Brief Description	Hearing/Decision/Comments
1962	?	New Motel	Building permit issued for the construction of the hotel.
6/24/74	1974-0230	Use Permit - Add 62 new room	Approved (Planning Commission)
8/28/78	1978-0320	Use Permit - Add live entertainment	Approved (Planning Commission)
2/24/87	1987-0196 1987-0432	Use permit and Variance - Expansion of hotel, lobby and restaurant and allowance for parking variance	Approved (Planning Commission)
3/28/11	2010-7670	Use Permit - Locate wireless telecommunication Facility	Approved (Planning Commission)

Staff conducted a site visit to ensure the site is in conformance with development standards for the trash enclosure and approved landscaping plans. Currently, the existing trash enclosure is substandard and does not provide the adequate dimensions or connection to sanitary sewer. Staff recommends a condition (Recommended Condition No. BP-1 and BP-2) that requires the applicant to upgrade the existing trash enclosure to conform with the city's development standards and design guidelines prior to occupancy as well as replace three missing trees in the east parking lot area with 24-inch box trees.

Description of the Proposed Project

The project proposes to re-establish an expired use permit to allow for the operations of a full-service dining establishment with live entertainment (live music and dancing) and a full liquor license. The proposed hours of operation are similar to the previous tenant, which include the following:

- Sunday through Thursday from 11:00 AM to 2:00 PM and 5:00 PM to 10:00PM.
- Friday and Saturday from 11:00 AM to 2:00 PM and 5:00 PM to 1:30 AM.

The project entails interior tenant improvement to update and modernize the dining and bar area with new finishes and furnishings. No exterior changes are proposed with this application.

ABC Licensing

The sale of alcohol in the State of California is regulated by the Alcoholic Beverage Control Act (California Business and Profession Code Sections 23000-25762). The State of California Department of Alcoholic Beverage Control (ABC) regulates the type of spirits sold and ages allowed into an establishment. ABC may impose other restrictions based on the requested license and site history. There are numerous types of licenses issued by ABC. Generally, restaurants will operate within two types of licenses either a Type 41 (Eating Establishment, Beer and Wine) or a Type 47 (Eating Establishment, General Sales "Distilled Spirits"), both of which require a specific volume of food sales and allow patrons of any age into the establishment.

ABC is generally required to deny an application for a license if its issuance would result in or add to an 'undue concentration' of licenses in a particular area, unless a finding of 'public convenience or necessity' can be made. An 'undue concentration' is defined as an area where:

- (a) The project site is in a crime reporting district that has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the Sunnyvale Police Department.
- (b) The ratio of on-sale (on site consumption) retail licenses to population in the census tract or census division in which the project site is located exceeds the ratio of on-sale retail licenses to population in Santa Clara County (for on-sale retail licenses).
- (c) The ratio of off-sale (off site consumption) retail licenses to population in the census tract or census division in which the project site is located exceeds the ratio of off-sale retail licenses to population in Santa Clara County (for off-sale retail licenses).

According to the Department of Alcoholic Beverage Control (ABC), the project site does not fall within in an area of undue concentration, given that the relevant area is only authorized to have seven (7) on-sale permits and two (2) off-sale permit. Currently, there are three (3) on-sale permits and two (2) off-sale permit in the area.

Apart from the ABC licensing process, the City's municipal code requires that full alcohol sales in C-2 zones obtain a Use Permit. In order to issue Use Permit, the project must meet required findings which are provided in Attachment 2. Generally, staff notes that the proposed hours of operations would not cause disruption or the quiet and peaceful enjoyment of the neighborhood and the project located in an area where these types of uses would be encouraged.

Neighborhood Impacts / Compatibility

In terms of neighborhood compatibility, the proposed restaurant with live entertainment and on-site

consumption of alcohol is not anticipated to have a detrimental impact on the community. The full-service restaurant is compatible with the hotel use in that it provides a convenient on-site dining establishment for out of town guests staying at the hotel as well as regular restaurant patrons. Staff is recommending a number of conditions to help minimize anticipated impacts from noise, loitering, and littering (Recommended Condition No. AT-1 to AT-19). Although the project site is bordered by residential uses on three sides of the property, the restaurant is buffered by the parking lot, mature landscaping and private roads. The nearest residential unit is approximately 245-feet away. The restaurant is sited along the street frontage, with Highway 101 across the street. The project is not located to other sensitive land uses such as schools, parks and churches.

Parking

The current parking standards require a total of 141 parking spaces for the hotel use based a parking ratio of 0.8 spaces per hotel room. The restaurant and bar requires a parking ratio of 13 spaces per 1000 square feet of use and requires a total of 44 parking spaces. The total number of parking spaces required for both uses is 184 spaces. The project provides a total of 301 parking spaces. As such, the parking requirements are satisfied with the on-site parking spaces provided.

Public Contact: 574 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

ALTERNATIVES

1. Approve the Use Permit with recommended Conditions in Attachment 2.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

RECOMMENDATION

Alternative 1. Approve the Use Permit with recommended Conditions of Approval in

Prepared by: Cindy Hom, Assistant Planner

Approved by: Noren Caliva-Lepe, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Recommended Findings
3. Standard Requirements and Recommended Conditions of Approval
4. Site and Architectural Plans