



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 18-0512, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2018-7244

Location: 919 East Duane Avenue (APN: 205-12-003)

Applicant / Owner: Metro City Restaurant (applicant) / Hacienda Garden Properties Llc (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to allow on sale general alcoholic beverage service for a new restaurant.

Reason for Permit: A Use Permit is required for restaurants that have on sale general alcoholic beverage service.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Neighborhood impacts, recycling and solid waste management

Recommendation: Approve with conditions

PROJECT DESCRIPTION

Zoning District:	C-1/PD	Existing	Restaurant
Parking Spaces	262	Proposed	Restaurant with general alcoholic beverage service

<i>Several applications have been processed for the Fair Oaks Shopping Center including: 907 E Duane 2017-7038: Miscellaneous Planning Permit (MPP) for change of use from office to an adult daycare. 2008-0194: Special Development Permit for use of existing tenant space as banquet hall with live entertainment. 911 E Duane 2014-8000: MPP to allow the sale of beer and wine in conjunction with a restaurant. 917-919 E Duane 1974-0161: Use Permit for live entertainment. 927 E Duane 2011-7209: Special Development Permit to allow continuation of an existing restaurant with live entertainment and extended hours until 2:00 a.m. 2009-0066: Special Development Permit to allow expansion of the existing tenant into the adjacent space. 2002-0128: Special Development Permit to allow live entertainment at an existing restaurant with a bar.</i>	Yes
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Neighborhood Preservation Complaint <i>An active case for noise from the club La Ronda</i>	Yes
Deviations from Standard Zoning Requirements	No

The proposal is for a new restaurant (Metro City) with general alcohol beverage service at Fair Oaks Plaza shopping center. The center is currently occupied by 16 tenants. The shopping center is bound by Duane Avenue on the south side, by San Rafael Street on east side, and single-family residences on the north side. The multi-tenant shopping center is currently occupied by restaurant, nightclub, medical office, retail and personal service uses.

See Attachment 4 for the project description letter and Attachment 3 for site and architectural plans.

Use Description

The proposed use is for a restaurant with bar in a vacant 4,840 square foot tenant space. The tenant space was occupied by another restaurant (Knockout Sports Bar and Grill) until last year. The restaurant would include breakfast, lunch and dinner with general alcohol beverage service. This restaurant would be the second location, which currently operates in downtown Sunnyvale. The restaurant will be open seven days a week from 7 a.m. to 10 p.m. The applicant is anticipating up to 200 patrons at a given time and have a maximum of 30 employees.

Site and Floor Layout

The Fair Oaks Plaza is located on East Duane Avenue at the intersection of San Rafael Street. The I-shaped multi-tenant shopping center is comprised of three separate parcels with shared parking and four contiguous buildings. The main parking area is located between the shopping center and the streets. A smaller parking lot is located towards the rear side of the shopping center, but is gated off from public use.

The proposed restaurant is located next to two other restaurants (Bava Tai and Pho Vy Vietnamese restaurant). The customer entry to the restaurant is provided directly in front of the parking lot. The proposed floor plan consists of dining area, bar, kitchen, restrooms and storage area. No modifications are proposed to the site as part of the application.

Parking

The site contains two parking lots. The main parking lot that is open to public has 221 spaces, while the gated part of the site contains 41 parking spaces. A previous Special Development Permit (2008-0194) required the rear parking lot to be only available for use by shopping center employees.

The site has 262 parking spaces, where 287 spaces are required, per Sunnyvale Municipal Code (SMC) standards. Per SMC 19.46.110, all individual businesses within a shopping center use the shopping center parking rate, except for a restaurant with a bar or entertainment or when total restaurant square footage (not including takeout restaurants) is greater than forty percent of the shopping center floor area. Currently, the restaurant square footage comprises over 40% of the shopping center floor area, and the shopping center will include two restaurants with bar/entertainment (La Ronda and Metro City). However, given the proposed restaurant with bar use is the same as the previous use, which was occupying the site until the end of the last year, no change in parking demand is estimated. The following table shows the required number of parking spaces for the shopping center:

Type of Uses	Area	Required parking rate per SMC 19.46.100	Required Parking Spaces
Shopping Center	25,269 s.f.	4 spaces per 1,000 s.f.	101
Bar and Nightclub	7,980 s.f.	13 spaces per 1,000 s.f.	104
Restaurants	9,070 s.f.	9 spaces per 1,000 s.f.	82
Required Parking			287

Staff recommends a Condition of Approval (PS-1, Attachment 2) requiring the applicant to repaint the parking spaces, and ensure that the spaces are clean and available for parking vehicles. The aerial image indicates that some of the parking spaces towards the rear are being used for storage and staging trash.

Neighborhood Impacts / Compatibility

The immediate neighborhood consists of a mix of commercial, medical office and residential uses. The noise and public safety impacts are minimal as the proposed restaurant does not include live entertainment and will close at 10 p.m. Public Safety Department has expressed no concerns about the proposed use. The staff recommends a condition requiring the doors to remain closed during the business hours to further minimize any potential impacts on the adjacent residential neighborhood. As conditioned, the proposed use is compatible with the neighborhood and is not anticipated to have any significant impacts on the surrounding uses.

Trash and Recycling Facility

Per SMC 19.38.030, all nonresidential uses shall provide adequate recycling and solid waste facilities on site, and provide recycling and solid waste enclosures for the storage of recyclable materials and solid waste. Recycling and solid waste facilities (including carts, bins, containers, and enclosures) shall be adequate in capacity, number and distribution to serve the uses on-site.

The site currently has no trash enclosure. Based on the Department of Public Works-Solid Waste staff, the site appears to have inadequate recycling and solid waste facility, and is inconsistent with the City of Sunnyvale's Design Guidelines for Solid Waste and Recycling Facilities for Commercial properties. Staff has added a condition requiring a new trash enclosure located towards the rear side of the shopping center (PS-1, Attachment 2). The new trash enclosure shall require a separate planning permit (Miscellaneous Plan Permit) and be in conformance with the Sunnyvale Municipal Code and Design Guidelines. The upgrade to the trash enclosure shall be installed within 180 days of the issuance of this permit.

Public Contact

Seven letters were received from the public by staff from the neighboring residential properties supporting the application. See Attachment 5 for letters from public.

Notice of Public Hearing

- Published in the *Sun* newspaper

- Posted on the site
- 394 notices were mailed to property owners and tenants within 300 feet of the project as shown in Attachment 1

Staff Report

- Posted on the City of Sunnyvale's web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library

Agenda

- Posted on the City's official notice bulletin board
- City of Sunnyvale's web site

Environmental Determination

The project being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301 as it involves negligible expansion of use beyond that existing at the time of the application.

FINDINGS

In order to approve the Special Development Permit the following findings must be made:

- 1) *Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; **Finding met.***

POLICY 76: Promote business opportunities and business retention in Sunnyvale.
Encourage conveniently located retail, restaurant, and other supportive land uses near business areas.

- 2) *Ensure 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. (Ord. 2920-10 § 5; Ord. 2623 § 1; prior zoning code §§ 19.20.070 <[\(http://qcode.us/codes/sunnyvale/view.php?cite=_19.20.070&confidence=5\)](http://qcode.us/codes/sunnyvale/view.php?cite=_19.20.070&confidence=5)>(c), 19.30.260 <[\(http://qcode.us/codes/sunnyvale/view.php?cite=_19.30.260&confidence=5\)](http://qcode.us/codes/sunnyvale/view.php?cite=_19.30.260&confidence=5)>) **Finding met.***

There are no proposed changes to the existing structure and site, except for a new trash enclosure and improvements to the parking lot, as required per Conditions of Approval. The upgrade of the trash enclosure and maintenance of parking will improve the general appearance of the property and immediate neighborhood.

ALTERNATIVES

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

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment 2.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Standard Requirements and Recommended Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant
5. Letters from the public