



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 21-0325, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

SUBJECT

Proposed Project:

SPECIAL DEVELOPMENT PERMIT: to allow general alcohol service at an existing restaurant (Garcia's Taqueria) that currently allows beer and wine.

Location: 738 S. Fair Oaks Avenue (APN: 211-08-008)

File #: 2021-7046

Zoning: C-2/ECR (Highway Business/Precise Plan for El Camino Real)

Applicant / Owner: Garcia's Taqueria (applicant) / Roy J Divittorio Trustee & Et Al (owner)

Environmental Review: Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Betty Avila, 408-730-7419, bavila@sunnyvale.ca.gov

BACKGROUND

The project site is located in the Precise Plan for El Camino Real area in the Community Center node, and zoned C-2/ECR, Highway Business/Precise Plan for El Camino Real combining district. This area has a variety of commercial uses with shopping centers, restaurants, and businesses. The current restaurant, Garcia's Taqueria, opened in 1995.

Description of Proposed Project

The proposed project is to allow full alcoholic beverage service at an existing restaurant, Garcia's Taqueria. The existing restaurant currently has beer and wine service.

The alcoholic beverages will be served during the existing restaurant's business hours, which are as follows:

- Monday- Thursday 9:00 A.M. to 10:00 P.M.
- Friday-Saturday 9:00 A.M. to 11:00 P.M.
- Sunday 9:00 A.M. to 10:00 P.M.

No changes to the interior space, outdoor dining area, and building exterior are proposed as part of the project. See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

Previous Actions on the Site

Other than permanent and temporary sign permit applications and one day events, the following Planning Permits have been approved for the subject property and related to the requested permit:

- Miscellaneous Planning Permit (1994-0014): Seating review for restaurant

- Miscellaneous Planning Permit (1991-0297): Trash enclosure
- Variance Permit (1977-0772): To allow 22 off-street parking spaces in lieu of 37 spaces required in conjunction with expansion of a restaurant.
- Use Permit (1972-0084): To allow a convenience market and other retail store.
- Variance Permit (1972-0083): To allow 22 off-street parking spaces in lieu of a requirement of 28 spaces.
- Special Development Permit (1978-0342): Develop small shopping center

ENVIRONMENTAL REVIEW

A Class 1 Categorical Exemption (CEQA Guidelines, Section 15301, Existing Facilities) relieves this project from the California Environmental Quality Act (CEQA) provisions. The project proposes no changes to the existing building and site.

DISCUSSION

The existing restaurant requests for expansion of its alcoholic beverage service from beer and wine to full alcoholic beverage service. No changes to the interior space and building exterior are requested as part of this application. Approval of a Special Development Permit is required for a restaurant that has on sale general alcoholic beverage service in the Precise Plan for El Camino Real area.

El Camino Real has a concentration of local and region-serving commercial businesses and has a variety of restaurants which have full alcoholic beverage sales and food service. Therefore, staff finds that the requested service expansion meets the required Special Development Permit findings, as the use complies with the General Plan and Precise Plan for El Camino Real goals and policies that promote an attractive and functional commercial environment. See Attachment 3 for the required Special Development Permit findings.

NEIGHBORHOOD IMPACTS/COMPATIBILITY:

The existing restaurant is located at the Community Center node around the intersection of El Camino Real and Fair Oaks Avenue. This intersection includes a variety of uses, such as large shopping centers, free-standing restaurants, hotel, auto dealerships, a fast-food restaurant, and multi-family residential. Staff believes this use will not have a negative impact to the surrounding uses with the incorporation of the recommended Conditions of Approval (Attachment 4). The Conditions provide guidance to the applicant, as well as future business owners, and grant the City the right to modify or revoke the permit if the business operations begin to have negative impacts in the area. The Department of Public Safety has previously reviewed the proposed application for the prior Use Permit allowing full alcohol service and did not find any concerns. Therefore, the neighborhood impact from the requested full alcoholic beverage service would be minimal.

PUBLIC CONTACT

457 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.

CONCLUSION

Staff is able to make the required Findings (Attachment 3) of the Special Development Permit. Staff

recommends that the Special Development Permit be approved.

ALTERNATIVES

1. Approve the Special Development Permit with recommended Conditions in Attachment 4.
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 4.

Prepared by: Betty Avila, Assistant Planner

Approved by: Momoko Ishijima, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Site and Architectural Plans