



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 23-0541, Version: 1

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### REPORT TO THE ZONING ADMINISTRATOR

#### **SUBJECT**

##### **Proposed Project:**

**USE PERMIT:** to allow an expansion and relocation of an existing bar area within an existing restaurant for on-site consumption of beer, wine and distilled spirits (Type 47 ABC Liquor License). Floor plan changes also consist of the removal of a banquet room.

**Location:** 1214 Apollo Way (APN: 216-35-017)

**File #:** PLNG-2023-0173

**Zoning:** M-S (Industrial and Services)

**Applicant / Owner:** Naresh Kumar (applicant) / Gahrahmat Fam Limited Partnership I (owner)

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

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

#### **BACKGROUND**

The subject site is located on an existing 4.32-acre industrial site located at the northeast corner of the Lawrence and Central Expressway interchange. Currently, the site is utilized as a one-story, multi-tenant commercial center with various uses that include professional offices, retail, and restaurants. The project tenant space is located on the north side facing Apollo Way. The site is surrounded by other industrial and commercial buildings and uses.

In 2021, Urban Grill took over the existing restaurant that is approved with a banquet facility and on-site consumption of beer, wine, and distilled spirits (Type 47 ABC Liquor license) from the landlord. The previous restaurant operator shut down due to the Covid pandemic. At the time of the new lease, Urban Grill did not occupy the banquet facility and it was removed from the tenant space with an interior partition wall.

In July 2022, the applicant submitted a building permit (2022-2929) for tenant upgrades for the relocation and expansion of the bar area. The existing bar is approximately 72 square feet and located in the northeast corner of the dining area. The proposed bar will be approximately 142 square feet and located at the southeast corner, near the courtyard entrance. Staff became aware of the floor plan changes and required a use permit to reflect the current layout and operations as required by Condition of Approval GC-1 which require a public hearing to review substantial changes to the approved planning application.

#### **Description of Proposed Project**

The applicant is proposing to relocate and expand the existing bar area and remove banquet facilities from the floor plan. There are no exterior changes to the building or site. The applicant will continue to operate the facility as a full-service dining establishment. The proposed hours of operation are from 10:00 AM to 3:00 PM and 5:00 PM to 10:00 PM, Wednesday to Monday and closed all day on

Tuesdays.

Modifications to the Minor Use Permit is required to be reviewed and approved by the Zoning Administrator pursuant to Sunnyvale Municipal Code (SMC) Section 19.88.020 (a) (1)).

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**

- 2018-7761 - Use Permit to allow an upgrade of the liquor license from beer and wine to all types of liquor.
- 2018-7356 - Miscellaneous Plan Permit to allow a change in the hours of operation.
- 2003-0653 - Use Permit to allow a banquet facility in conjunction with a restaurant.
- 1988-0460 - Variance for parking reduction of 46 spaces.
- 1981-0215 - Use Permit to allow restaurant use.

Subsequent approval also includes Miscellaneous Plan Permits for exterior modifications and certain uses.

### **ENVIRONMENTAL REVIEW**

A Class 1 Categorical Exemption (15301) relieves this project from the California Environmental Quality Act (CEQA) provisions. The project consists of minor interior improvements to an existing restaurant space.

### **DISCUSSION**

#### **Floor Plan**

The original restaurant tenant space was approximately 5,350 square feet that included kitchen facilities, dining area with a bar, and banquet room. Urban Grill currently occupies 3,930 square feet and has retained the kitchen and dining area for their operations. The applicant proposes to remove the existing buffet tables and counter located along the southeast portion of the dining area. The applicant proposes to replace this area with a 142 square foot bar. The floor plan plans are substantially different from the approved planning permit. A use permit is needed to memorialize the modifications to the layout and operations.

### **Development Standards**

#### **Parking**

The project consists of modifications within the existing floor plan, with no additional floor area, and does not require additional parking. Based on the current uses of the project site, a total of 245 spaces are required. The site provides a total of 244 parking spaces. However, the project site was granted a Use Permit and Variance (1988-0460) for a parking reduction of 46 parking spaces for a retail store that is now occupied by an Indian grocery store. The project complies with parking requirements as demonstrated in Table 1 below:

Table 1: Parking Summary

Address	Primary Uses	Gross Area	Parking Ratio	Required Parking
1214 Apollo				

	Urban Grill	3930	13/1000	51
	Bar Restaurant	2180	13/1000	28
	General Retail/Services	8073	4/1000	32
1208 Apollo	General Retail/Services	6974	4/1000	28
1202 Apollo	Warehouse/retail	13,358	2.5/1000	33
333 Cobalt	General Retail/Services	5996	4/1000	24
341 Cobalt	General Retail/Services	6012	4/1000	24
349 Cobalt	General Retail/Services	6006	4/1000	24
Total Parking Spaces Required				245
Approved Parking Reduction for the site				46
Minimum Parking Required				245 - 46 = 189
Total Provided				244

### **NEIGHBORHOOD IMPACTS/COMPATIBILITY:**

In terms of neighborhood compatibility, the full-service restaurant use is not anticipated to have a detrimental impact on the community. Staff is supportive of the use because the project site is not located adjacent to sensitive receptors such as residential homes, schools, churches, and public parks. The project would be compatible and cater to adjacent employment centers and adjacent businesses by providing a full-service dining establishment along a major arterial. See Attachment 2 - Recommended Findings.

### **PUBLIC CONTACT**

104 notices were sent to surrounding property owners and residents adjacent to the subject site. Staff has received no comments on the item. In addition, the notice of the Public Hearing was published in the *Sun* newspaper.

Public contact was made by posting the agenda on the City's official-notice bulletin board and on the City's website. As of the date of staff report production, staff has not received any public comments.

### **ALTERNATIVES**

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

### **RECOMMENDATION**

Alternative 1. Approve the Use Permit with recommended Conditions in Attachment 3.

Prepared by: Cindy Hom, Associate Planner

Reviewed by: George Schroeder, Principal Planner  
Approved by: Momo Ishijima, Senior Planner

**ATTACHMENTS**

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