



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**February 13, 2008**

**SUBJECT:** **2007-1352 - Senzala Brazilian Cuisine** [Applicant] **Mike and Kulwinder K Atkar** [Owner]: Application located at **250 East Java Drive** (at Geneva Dr.) in an MP-TOD (Moffett Park – Transit Oriented Development) Zoning District.

Motion Special Development Permit (SDP) to allow live entertainment and full liquor service at an existing restaurant.

**REPORT IN BRIEF**

**Existing Site Conditions** Restaurant within a commercial center

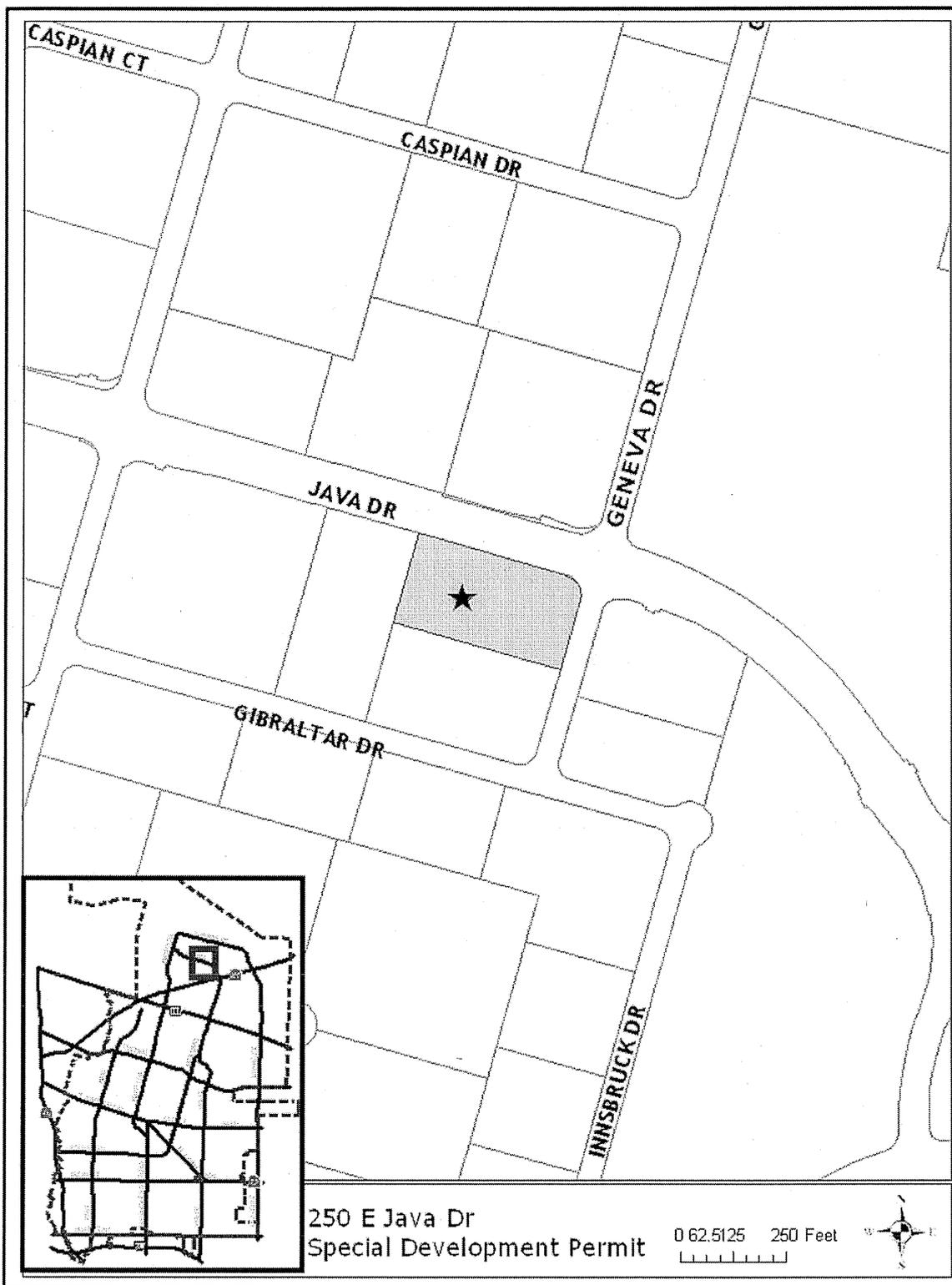
**Surrounding Land Uses**

North	Office and Industrial
South	Office and Industrial
East	Office and Industrial
West	Office and Industrial

**Issues** Public Safety  
Neighborhood compatibility

**Environmental Status** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approval with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Moffett Park Specific Plan	Same	Moffett Park Specific Plan
<b>Zoning District</b>	MP-TOD	Same	MP-TOD
<b>Lot Size (s.f.)</b>	85,758	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	19,154	Same	38,591 max.
<b>Gross Floor Area of Tenant</b>	7,500	Same	N/A
<b>No. of Buildings On-Site</b>	1	Same	N/A
<b>Parking</b>			
<b>Total Spaces</b>	123	Same	107 min.
<b>Standard Spaces</b>	118	Same	96 min.
<b>Accessible Spaces</b>	5	Same	5 min.

**ANALYSIS**

**Description of Proposed Project**

The application is for a Special Development Permit to allow full liquor service and live entertainment at Senzala Brazilian Cuisine, an existing restaurant within the Moffett Plaza shopping center at 250 East Java Drive. The proposal includes utilization of an existing bar area for liquor service, and a stage area for musicians during Friday lunch and Saturday dinner services. No other changes to the site or building are proposed.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2006-0701	Special Development Permit to allow on-sale beer and wine at 262 E Java	Staff/Approved	08/16/06
2001-0817	Use Permit to allow a restaurant	City Council/Approved	04/16/02
1983-0142 V-83-70	Allow expansion of restaurant use with Variance for parking	Planning Commission/Approved	09/12/1983
1982-0140	Modification to original Use Permit to allow on-sale general liquor license at 250 Java Drive	Planning Commission/Approved	02/02/1982
1980-0089 (V-80-68)	Modification to original Use Permit to allow a second restaurant with Variance for parking	Planning Commission/Approved	11/24/1980
1979-0129 (Old File #3943)	Use Permit for Office/Retail Center with a maximum of two restaurants approved for the center	Planning Commission/Approved	07/09/1979

Senzala Brazilian Cuisine has been in existence for over two years in this location. The restaurant currently serves beer and wine. Since that time, the Department of Public Safety has not received any complaints about the business. The Neighborhood Preservation Division does not have any complaints or other violations on record for the business (except for one temporary sign violation that has been closed).

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include operation, repair, maintenance, demolition, permitting, leasing, licensing or minor alteration or additions at existing facilities.

### **Special Development Permit/Use Permit/Variance**

**Use:** The existing shopping center has a mix of uses including office, retail services and restaurants. Most of the shopping center's patrons are from the surrounding office and industrial areas. The subject business occupies a tenant space that was approved for restaurant use by the original Use Permit.

The subject restaurant currently serves beer and wine as accompaniment to meals and would like to expand to full liquor service (see Applicant's project description in Attachment D). The applicant proposes to use an existing bar (previously unused) as part of the liquor service. Drinks would be served as accompaniment to meals.

The applicant also proposes to include live entertainment during Friday lunch hours and Saturday dinner hours. The proposed live entertainment use includes a stage area to accommodate musicians. The applicant does not intend to transform the restaurant into a dance club. Staff has recommended a condition to require the applicant to obtain approval from the Director of Community Development for any changes proposed to the live entertainment use.

**Site Layout:** The retail center is located on the southwest corner of East Java Drive and Geneva Drive. One building sits parallel to the south property line. The parking lot is located in front of the building and faces East Java Drive. The subject business is located at the western end of the building.

**Floor Plan:** The restaurant is comprised of a large dining area in the center of the space with a smaller dining area near the existing bar to the east and a small private dining area near the main stage. The stage area to be used for the live entertainment is situated in the northwest corner of the space. There is a smaller stage area in the northeast corner of the space that is to be used only as decoration and not as part of the live entertainment. The kitchen and storage areas are located in the rear of the space.

**Parking/Circulation:** The commercial center, Moffett Plaza, exceeds the required parking for shopping centers with retail less than 20,000 square feet, providing 123 spaces where 107 are required. Because a high percentage of restaurant use exists (56.7% of total floor area), the actual demand for parking may be higher than a typical shopping center. However, the subject restaurant occupies a tenant space that was approved for a restaurant use in the original Use Permit. There does not appear to be a parking shortage on the site. Peak hours for the office and retail/service uses occur mostly in the morning and afternoon, which offset the peak period for restaurants at lunchtime. Peak hours for the subject restaurant also occur during weekend evenings/nights, during which no other businesses in the shopping center operate. Staff finds that the proposed expansion of use at the existing restaurant will not significantly increase parking demand in the shopping center.

**Public Safety:** The Department of Public Safety has no concerns with the proposed full liquor service and live entertainment so long as the entertainment did not include dancers and that the subject business complies with the requirements of the Department of Alcoholic Beverage Control (ABC).

**Compliance with Development Standards/Guidelines:** The proposed project complies with all development standards and guidelines.

**Expected Impact on the Surroundings:** Staff finds that the proposed addition of full liquor service and live entertainment at the existing restaurant would not have a negative impact to the site or its surrounding uses. The restaurant currently has a license for on-site sale and consumption of beer and wine. There have been no recorded complaints with the Neighborhood Preservation Division regarding the existing restaurant. Staff recommends a condition of approval to require the applicant to obtain approval if any changes (i.e., second stage area, addition of a dance floor, etc.) to the live entertainment use are proposed.

**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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Staff has not received any public comments regarding this application.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 8 notices mailed to property owners and residents adjacent to the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

**Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

**Alternatives**

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1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

**Recommendation**

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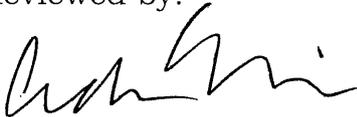
Alternative 1

Prepared by:



Rosemarie Zulueta  
Project Planner

Reviewed by:



Andrew Miner  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Floor Plans
- D. Applicant's Description of Use

**Recommended Findings - Special Development Permit**

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Goals and Policies that relate to this project are:

**Land Use and Transportation Element**

*Policy N1.7 – Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support businesses, their customers and their employees.*

*Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (*Finding Met*)

The subject business is an existing restaurant within a commercial shopping center. The restaurant currently serves beer and wine and another restaurant in the center also includes on-site sale of alcohol. There are no residential neighborhoods that may be affected by the proposed use. The live entertainment and full liquor service would be ancillary to the existing restaurant use.

The subject restaurant caters mostly to Moffett Park area patrons. The expansion of use would continue to help support businesses in the area, their customers and their employees.

2. The proposed use ensures 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. (*Finding Met*)

As proposed, the addition of full liquor service and live entertainment to the existing restaurant use would not interfere with or be detrimental to the neighboring businesses. The project does not propose any expansion or modifications to the site, so no visual impact to the surrounding area is anticipated.

**Recommended Conditions of Approval - Special Development Permit**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes may be approved at a public hearing.
- B. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

D. The hours of operation of the business shall be as follows:

7 a.m. – 12 a.m., Monday through Sunday.

The hours of the live entertainment use shall be as follows:

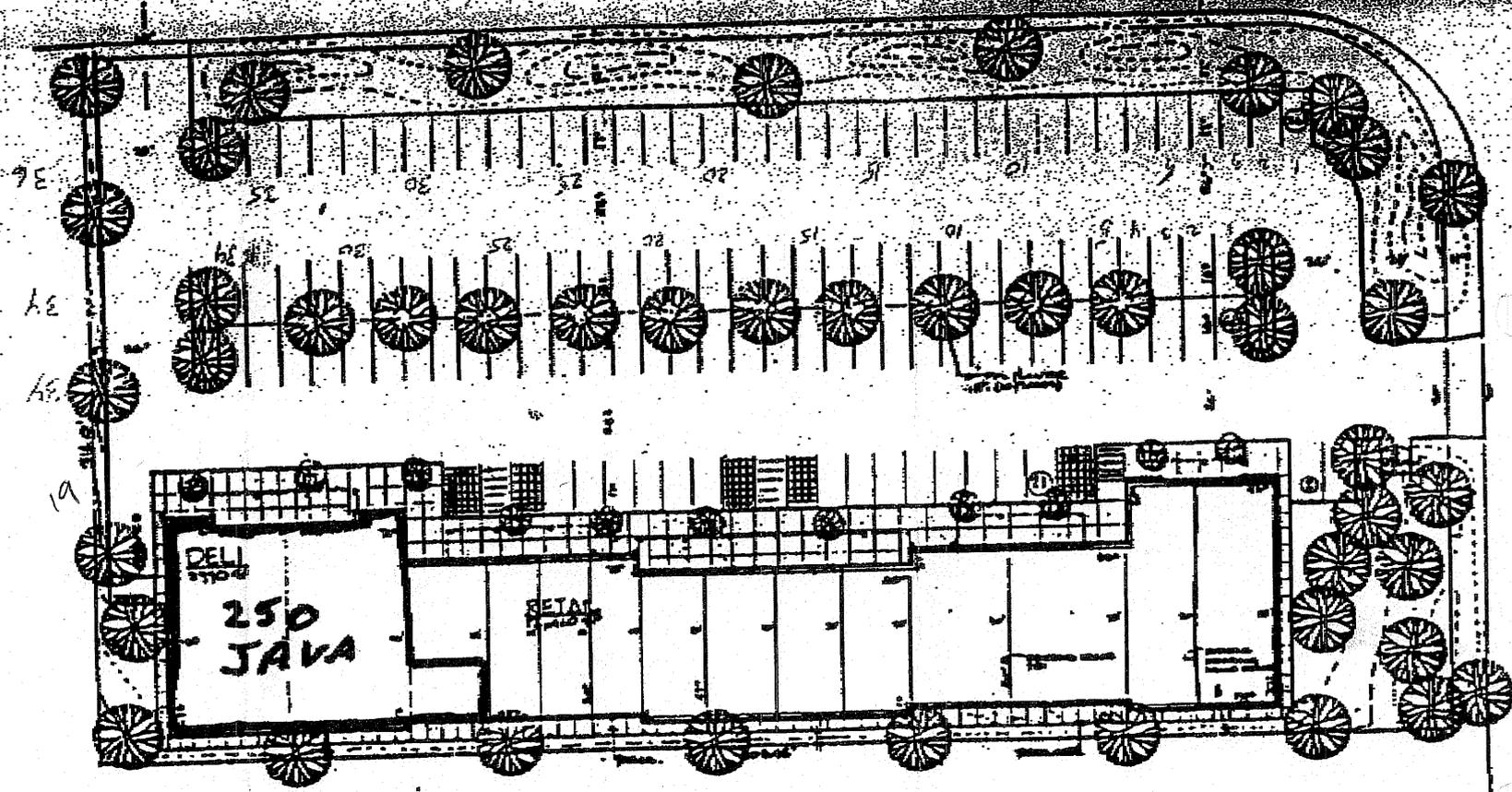
12 p.m. – 2 p.m., Fridays, and 7 p.m. – 12 a.m., Saturdays.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain the appropriate license for on-site beer and wine service from the Alcoholic Beverage Control (ABC) Department and comply with all ABC license requirements. Failure to comply with all ABC requirements is grounds for revoking this permit.
- B. Any expansion or modification of the approved use shall be approved by separate application by the Director of Community Development, which may be reviewed with or without a public hearing, depending on the magnitude of the modification.
- C. Any proposed signs are subject to the approved Master Sign Program for the shopping center.
- D. Comply with the conditions of all previously approved permits for the subject site except as they may be herein modified.

**3. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. Waste containers, including tallow bins and recycling bins, shall be stored with their lids closed.
- C. Waste containers shall be stored within enclosures with the enclosure gates closed. Containers shall not be placed in parking spaces or landscaped areas at any time.
- D. The property shall remain clean and free of debris and garbage.

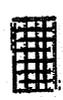


PLANNING DIVISION

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DEC 26

**BROWN  
LEARY  
OREMEN**

PLANNING & ARCHITECTURE MEMBERS AIA 11045 SORRENTO VALLEY ROAD, SUITE 314, SAN DIEGO, CALIFORNIA 92181



5 HANDICAP PARKING SPACES



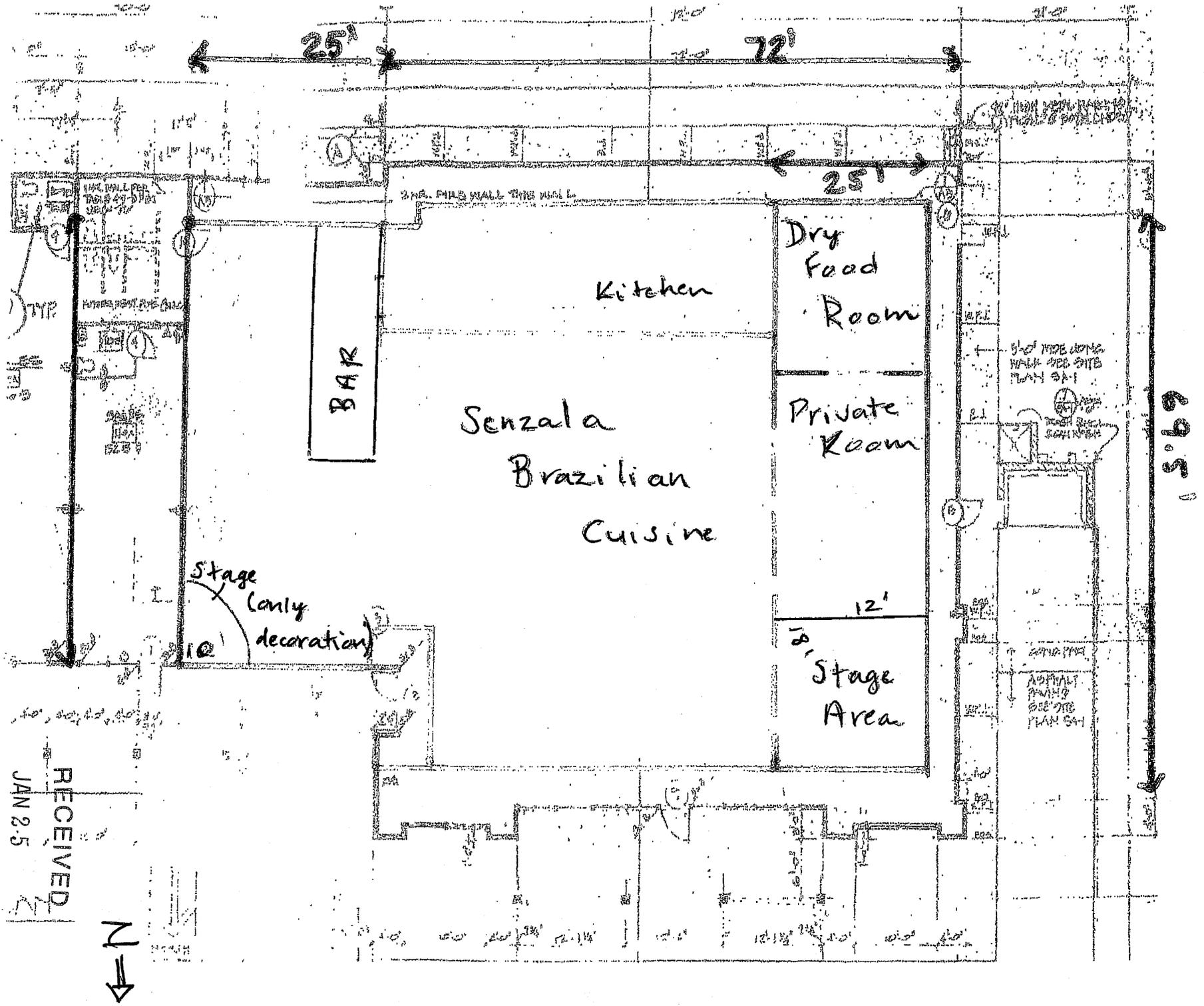
3 RAMPS



118 STANDARD PARKING SPACES JAVA  
SUNNYVALE,  
LA JOLLA DEVEL

Existing Floor Plan

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JAN 2.5



**Senzala Brazilian Cuisine****250 E Java Dr. Sunnyvale 94089****Hours of Operation:****Monday through Sunday 7AM to 12AM****Live Entertainment: Friday's 12PM to 2PM****Saturday's 7PM to 12AM**

Live entertainment will be mostly light jazz during meal time and occasionally some dancing nights. Our restaurant is family and business orientated, and we feel that during the last two years, we have been offering a very healthy ambience for working people to eat well and relax during their time off for lunch or dinner. We do have free internet access and most of our customers take advantage of it and come, work and eat as well. We have been attending a very large demand for company meetings, special lunch reunions and we would like to be able to provide even more in the near future.

We do not have problems with noise or parking in this area. In the evening we are the only business open in this commercial shopping center and our adjacent neighbors are companies not within a distance that would hear the noise. Our objective with our liquor license is to provide drinks during our meals. We do have several Brazilian fruit drinks that we would like to offer with our traditional plates. Our main objective is to be a restaurant and do not have plans to operate as a club or to have young crowds drinking here. Our customers are working, 25 to 60 years olds looking for a good place to eat, work and relax.

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JAN 25

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