



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 14, 2009

SUBJECT: **Dish Dash Restaurant:** Application for a 3,125 square foot site located at **192 South Murphy Avenue** in a DSP-2 (Downtown Specific Plan / Subdistrict 2) Zoning District (APN: 209-06-026):

Motion **2008-1292-** Special Development Permit to allow full alcohol service and live entertainment to an existing restaurant and patio.

REPORT IN BRIEF

Existing Site Conditions Historic two-story building

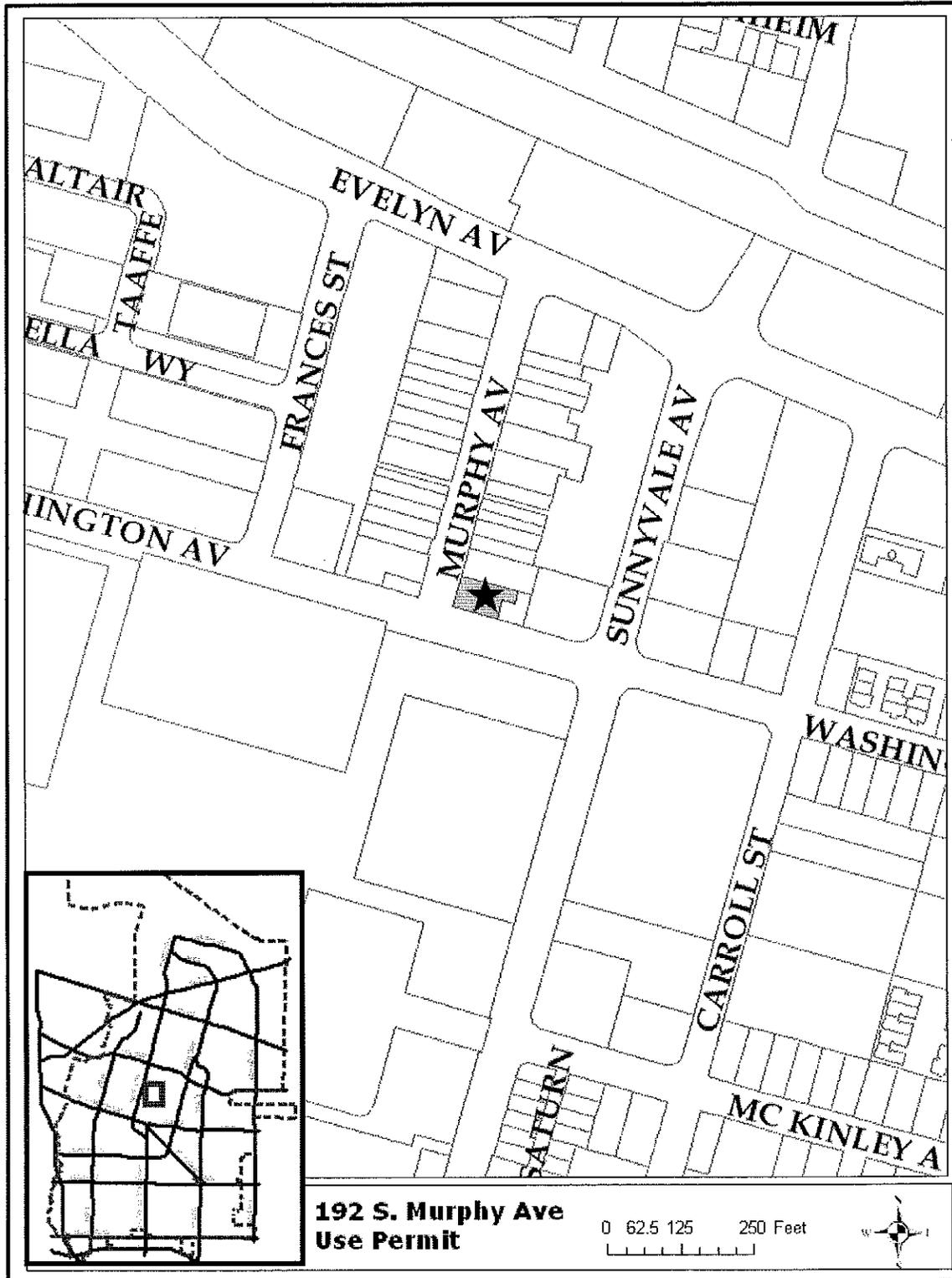
Surrounding Land Uses

North	Historic Commercial (coffee shop)
South	Historic Commercial (nail salon, Washington Avenue, Macy's Parking Lot)
East	Parking District 8
West	Historic Commercial (Office, restaurant, retail)

Issues Public Safety
Compatibility with surrounding uses
Liquor license

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

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Downtown Specific Plan	Same	Same
Zoning District	DSP-2	Same	Same
Lot Size (s.f.)	6,250 s.f.	Same	No min.
Gross Floor Area (s.f.)	6,250 s.f.	Same	
Lot Coverage (%)	100%	Same	100% max.
Floor Area Ratio (FAR)	128%	Same	No max.
No. of Buildings On-Site	1	Same	1
Building Height (ft.)	28 ft.	Same	36 ft. max.
No. of Stories	2	Same	2 stories max.
Setbacks (Facing Property)			
Front	0'	Same	0 min.
Left Side	0'	Same	0 min.
Right Side	0'	Same	0 min.
Rear	42'	Same	0 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The applicant is proposing to serve beer, wine and full liquor at an existing restaurant (Dish Dash) as well as provide live entertainment (DJ only). Alcohol is to be served in dining areas, bar, and patio.

Background

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

File Number	Brief Description	Hearing/Decision	Date
2004-0907	Use permit to allow dancing to DJ music at Hookah lounge during the hours of Sun-Thurs 8PM-12AM, and Fri and Sat 8PM-2AM	Admin Hearing/ Approved	01/12/2005
2003-0668	SDP for "Hookah" use and to allow extra seating during restaurant hours for Dish Dash restaurant	Admin Hearing/ Approved	9/24/2003
2001-0143	SDP to allow beer and wine	Approved	4/11/01

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing buildings.

Special Development Permit

Use: The applicant proposes to include full alcohol service with food service during all permitted hours of operation. Alcohol will be served in dining areas, bar and patio. The proposed project also includes live DJ entertainment on Fridays and Saturdays during business hours.

Hours of operation are: Monday – Thursday: 11AM-11PM

Friday and Saturday: 11AM – 2AM

Sunday: closed

The proposed live entertainment will be performed by a live DJ playing house and ethnic (Greek, Middle Eastern, Persian, and Indian) music. (Attachment D, Letters from Applicant) No dance floor will be provided and dancing will not be encouraged on the premises.

The previously approved use for a Hookah Lounge is no longer in use at the subject property. The subject property is currently only used for the Dish Dash restaurant.

The applicant has stated that he understands that he must comply with all California Department of Alcoholic Beverage Control ("ABC") requirements in relation to the use and location for serving alcohol.

Site Layout: The site includes two ground-floor tenant spaces. The south entrance opens to restaurant seating that is adjoining to the second tenant space. The bar and restrooms are located towards the back of the south building. The cookline and kitchen are located in the rear of the second (northernmost) tenant space. The patio area faces South Murphy Avenue outside of the northernmost tenant space. (Attachment C, Site Plans)

Architecture: There are no proposed architectural changes associated with this project.

Landscaping: There are no proposed landscaping changes associated with this project.

Parking/Circulation: This site is a part of the Downtown Parking District. No additional parking is required.

Public Safety: The Department of Public Safety ("DPS") reviewed the application for alcohol service on-site and live entertainment. DPS noted that the applicant must comply with all requirements of the ABC, and must monitor all loitering patrons, but did not have any further comments associated with the project.

Compliance with Development Standards/Guidelines: This project meets all code requirements for the Downtown Specific Plan Subdistrict 2 Zoning District. There is no proposed increase in floor area or new development proposed as a part of this project. The existing parking has the capacity to support the proposed use. The proposed sales of full liquor and live entertainment do not intensify the use for this site.

Expected Impacts on the Surroundings

Staff believes that the proposed sale of alcohol and live entertainment at the site will not have a negative impact to the surrounding uses. The 100 block of Murphy Avenue contains numerous restaurants and bars with the sale of alcohol that are open late into the evening. As reported by the applicant, neighboring businesses include a hair salon that closes at 6:00 PM and a coffee shop that closes at 8:00 PM and therefore will not be affected by the live entertainment. (Attachment D, Letters from Applicant)

Fiscal Impact

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

Public Contact

At the time of this staff report, no comments have been received by any interested parties.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 11 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Web site • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • Posted on the City of Sunnyvale's Web site

Conclusion

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

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

Alternatives

1. Approve the Special Development Permit subject to the recommended Conditions of Approval.
2. Approve the Special Development Permit subject to modified Conditions of Approval.
3. Deny the Special Development Permit.

Recommendation

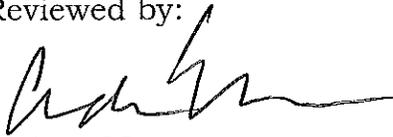
Alternative 1.

Prepared by:



Erin Haley
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letters from the Applicant

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy C4.1 – *Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

Land Use and Transportation Element

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 as the project will allow the restaurant to provide additional services to its patrons and will not negatively affect the surrounding properties.
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 as the project does not include any expansion or other modification to the existing building so no visual impacts to the surrounding area are anticipated. The site is appropriately located on the 100 block of South Murphy Avenue. Through compliance to the Conditions of Approval, the proposed business will not be a detriment to neighboring properties.

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 Conditions of Approval shall be reproduced on a page of the plans submitted for any Building Permit for this project.
- C. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. 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.

2. OPERATIONS

- A. Hours of operation shall be limited to the following hours of operation: Monday-Thursday 11:00am - 11:00pm, Friday and Saturday 11am-2am.
- B. No outside event promoters are allowed to operate at this location.
- C. If amplified sound is used as part of the live entertainment, an amplified sound permit shall first be obtained from Sunnyvale's Department of Public Safety.
- D. Any change to the described entertainment use (i.e. live DJ, no dancing) shall require a new Special Development Permit.
- E. Dancers (paid or unpaid who are employed by the restaurant) are specifically prohibited unless a new Special Development Permit is approved.
- F. The business operator shall be responsible for monitoring any patrons loitering outside of the building.

3. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the proper alcohol service licenses from the California Department of Alcoholic Beverage Control ("ABC"), and comply with

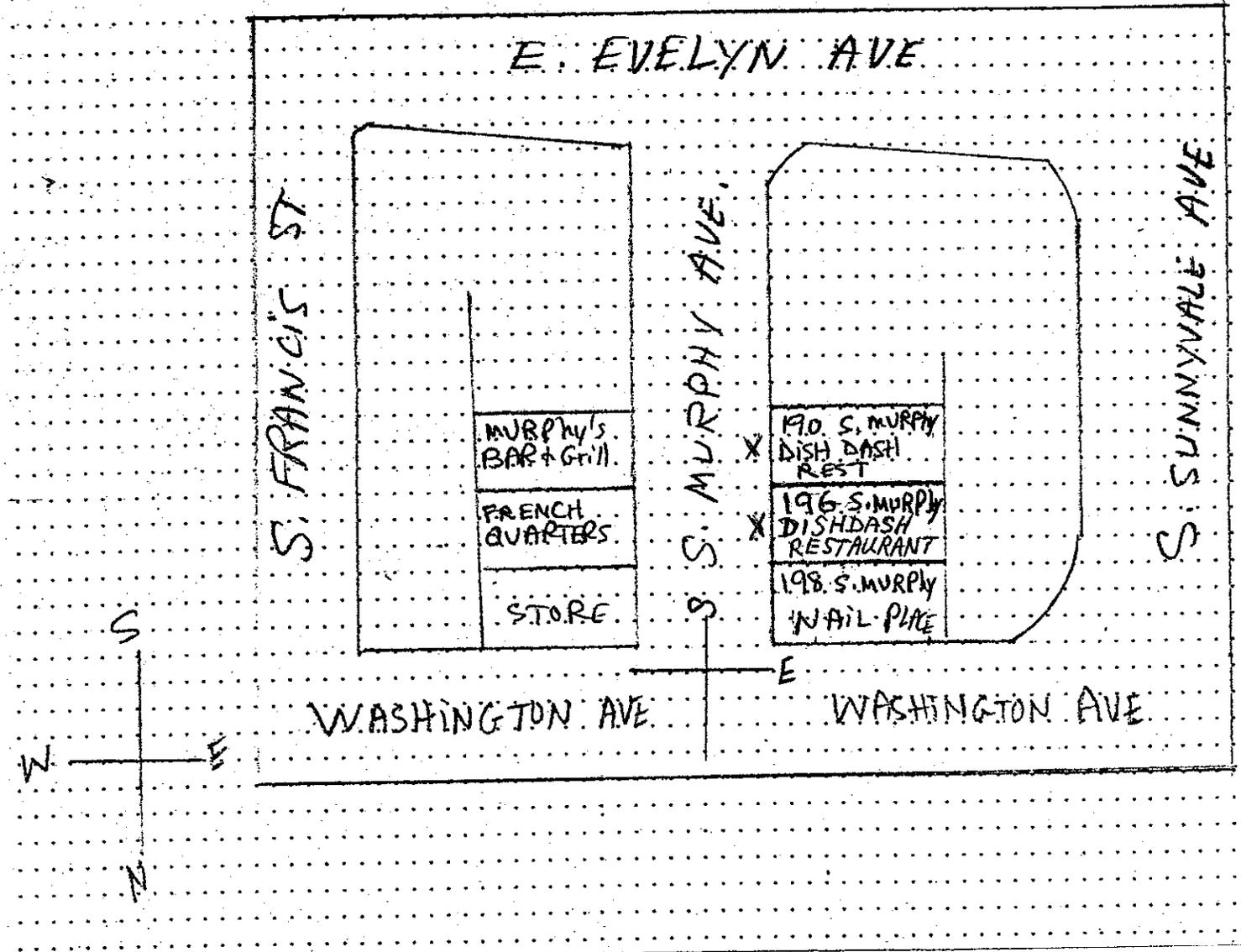
- all ABC license requirements. Failure to comply with all ABC requirements is grounds for revoking this permit.
- B. All modified/new signs must be obtained with a separate sign permit approval.

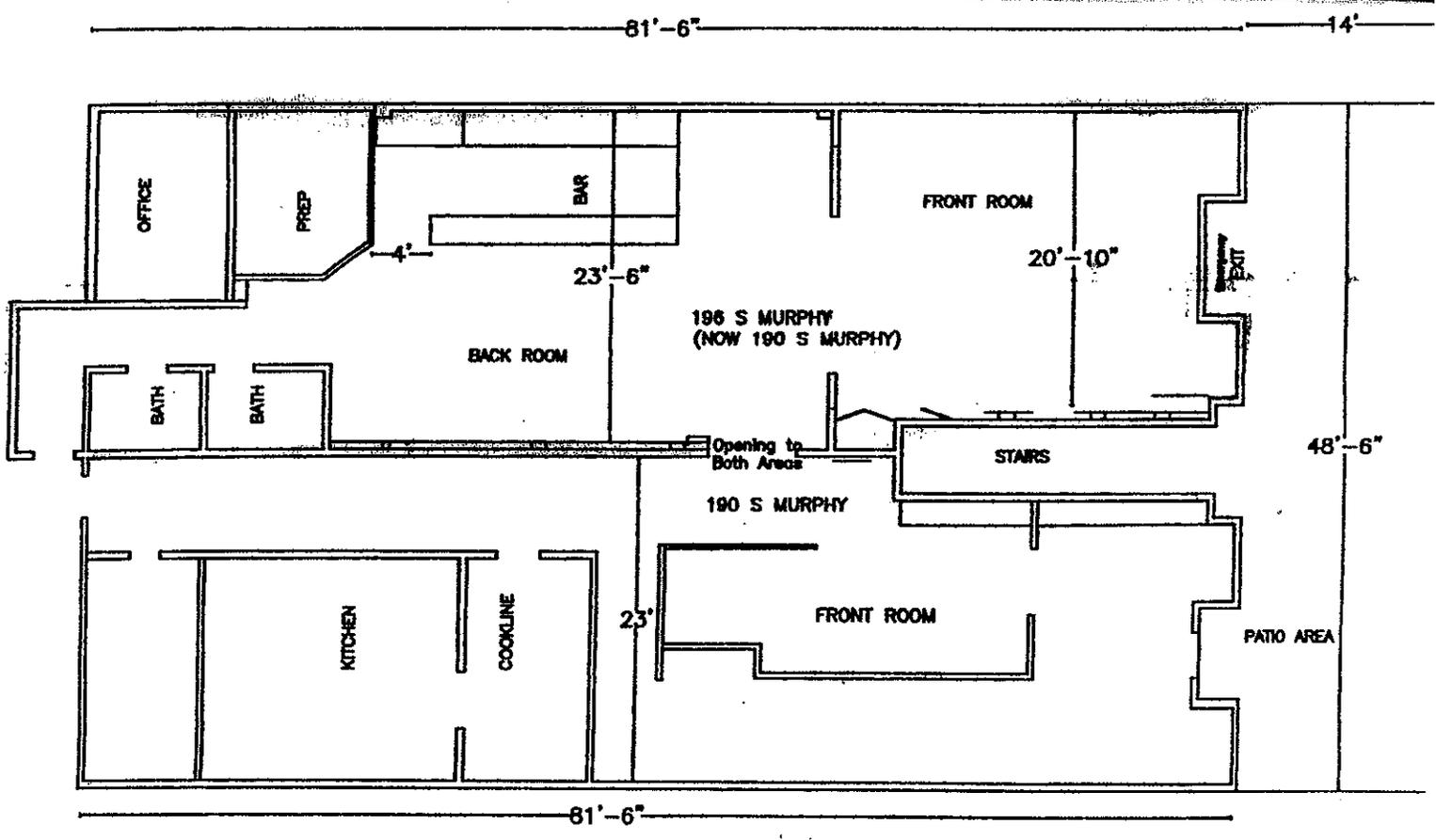
4. **RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. The property shall remain clean and free of debris and garbage.

Site Plan -
Dish Dash

DIAGRAM





190 S. Murphy Avenue
Sunnyvale, CA 94086
P: (408) 774-1889
F: (408) 774-1896

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Dishdash Restaurant

ATTACHMENT D
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December 9, 2008

City of Sunnyvale : One-Stop Permit Center
456 W. Olive Avenue
Sunnyvale, California 94086

Subject: Use Permit/Special Development Permit Project Description

Dear Sir/Madam:

Dish Dash LLC, dba Dishdash Restaurant, wishes to apply for the Use Permit/Special Development Permit so as to provide an added service to an existing restaurant that will attract both local and regional patrons.

My applications for your special permit and the ABC full liquor license would allow our restaurant to serve beer, wine and spirits. My intention is to continue increasing our business success in downtown Sunnyvale during the current economic status and avoid reducing my work force. Just as Dishdash added an eclectic cuisine on Murphy Avenue, Dishdash intends to do the same with the new venture.

Alcoholic drinks would be served in the dining areas, bar area, and patio from Monday through Saturday, 11 a.m. to 11 p.m. On Friday and Saturday nights, this service would continue till 2 a.m.

Music would be played by a DJ on weekends during business hours.

Sincerely,


Nadiah Mshasha

(1) Full Liquor Service

(2) Live Entertainment

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190 S. Murphy Avenue
Sunnyvale, CA 94086
P: (408) 774-1889
F: (408) 774-1896

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Dishdash Restaurant

ATTACHMENT D
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December 23, 2008

City of Sunnyvale : One-Stop Permit Center
456 W. Olive Avenue
Sunnyvale, California 94086

Subject: Use Permit/Special Development Permit Project Description

Dear Haley:

Per our phone conversation on December 23, you requested that I provide the following information that is to be included with the letter dated December 9.

- Music would be played by a DJ on weekends during business hours.
- The type of entertainment for our customers will be house music and ethnic music in Greek, Middle Eastern, Persian and Indian.
- Dancing will not be encouraged.
- As per your concern, in regards to the neighbors' privacy or distraction, the hair salon on one side closes at 6:00 p.m., and the coffee shop on the other side closes at 8:00 p.m.

Sincerely,



Nadiah Mshasha

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