



**CITY OF SUNNYVALE
ADMINISTRATIVE HEARING REPORT
March 11, 2009**

File Number: 2009-0084

Permit Type: Use Permit

Location: 1208 E. Arques Avenue (near Lawrence Expressway.) (216-56-005)

Applicant/Owner: iChaat Café/MNR Capitol

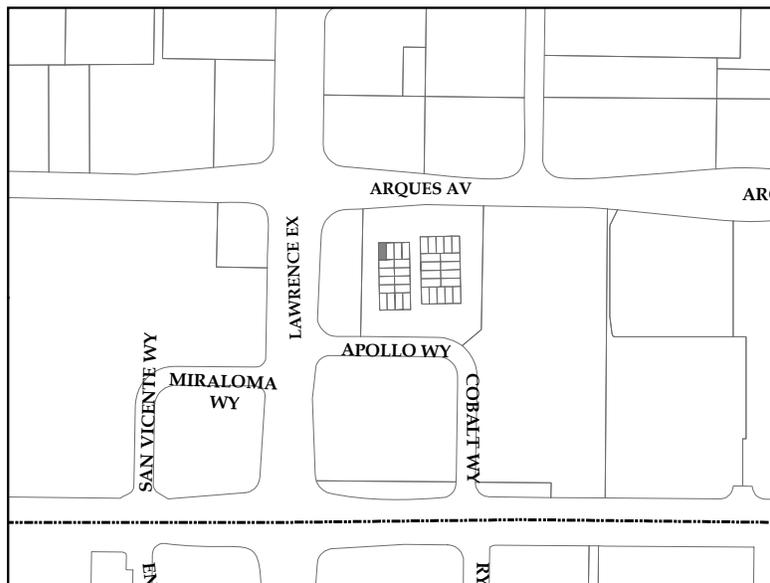
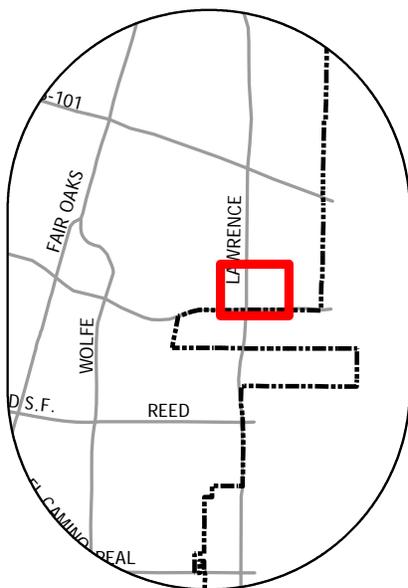
Staff Contact: Steve Lynch (408) 730-2723, slynch@ci.sunnyvale.ca.us

Project Description: To allow a beer and wine license at an existing restaurant.

Reason for Permit: A Use Permit is required for alcohol sales in the M-S/POA Zoning District.

Issues: Neighborhood Compatibility

Recommendation: Approval with conditions



500

Feet

PROJECT DESCRIPTION

Existing Conditions: Existing building	Tenant Sq. Ft.: 1,279
General Plan: IND	Existing Parking: 197
Zoning District: M-S/POA	Proposed Parking: Same
Total Building Sq. Ft.: 45,350	Required Parking: 197

Use Description: The applicant is proposing to serve beer and wine with meals at an existing restaurant. There currently are no alcohol sales at this restaurant. Other uses in this commercial condominium center include restaurants, office, medical office, and retail. The site is zoned with a Places of Assembly Combining District so may include business and community serving assembly uses in the future, such as instructional centers, martial art centers, or places of worship. The surrounding uses on Lawrence Expressway are generally the same uses as found in this commercial center.

Hours of Operation: 11:00am – 9:00pm, Monday through Sunday.

Department of Public Safety Review: Department of Public Safety stated they have not received any complaints regarding this application.

Public Contact: Sixty seven (67) notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. Staff has not received any complaints regarding this application.

Environmental Determination: A Categorical Exemption Class 1 (minor modification to existing facilities) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Use Permit, the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

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 business, their customers and their employees.

Land Use and Transportation Element

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

Staff was able to make the findings since the proposed use meets the General Plan guidelines described above.

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 the orderly development of, or the existing uses being made of, adjacent properties because site is appropriately located in a commercial and office center. The additional ability to sell beer and wine will not interfere with or be detrimental to the surrounding uses.

ALTERNATIVES:

1. Approve the Use Permit with recommended Conditions of Approval.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

RECOMMENDATION

Alternative 1: Approve the Use Permit with recommended Conditions of Approval.

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared by: Steve Lynch, Senior Planner

Attachments:

- A. Sunnyvale Municipal Code Requirements and Recommended Conditions of Approval
- B. Letter from the Applicant
- C. Site and Architectural Plans

Sunnyvale Municipal Code Requirements

The following is a list of standard requirements. This list is intended to assist the applicant and public in understanding basic related requirements, and is not intended as an exhaustive list. These requirements cannot be waived or modified.

1. **Permit Expiration:** The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
2. **Permit Lapse if not Exercised:** The Use 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 and is approved by the Director of Community Development prior to expiration date.
3. **Signs:** All new signs shall be in conformance with Sunnyvale Municipal Code and any existing Master Sign Program.
4. **Building Permits:** Obtain Building permits if required for any proposed equipment installation or other building modifications.
5. **Alcohol Beverage Control:** Obtain all appropriate permits and/or licenses from the Department of Alcoholic Beverage Control (ABC).
6. **Clean Site:** All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

Recommended Conditions of Approval

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:

1. The operation hours for the business shall be as follows:
 - Monday – Sunday: 11:00am – 9:00pm
2. All recycling and solid waste shall be confined to approved receptacles and enclosures.
3. The property shall remain clean and free of debris and garbage.



Answers for Justification Form & Project Description:

Background: iChaat Café (c/o. Neil Enterprises, Inc.) at 1208 Arques Plaza # 103 in Sunnyvale operates from 11 AM to 9 PM Mon thru Saturday serving South Asian Fusion & Indian food. The food includes Wraps, Kababs, Salad, Tandoori Stuffed Naan, Curries & Desserts. Café is mostly take-out food place with few seats for customers for dine-in.

Answers for # 1:

The objective of the café is to provide a clean food services place to meet all customer needs with safe standards of business practice.

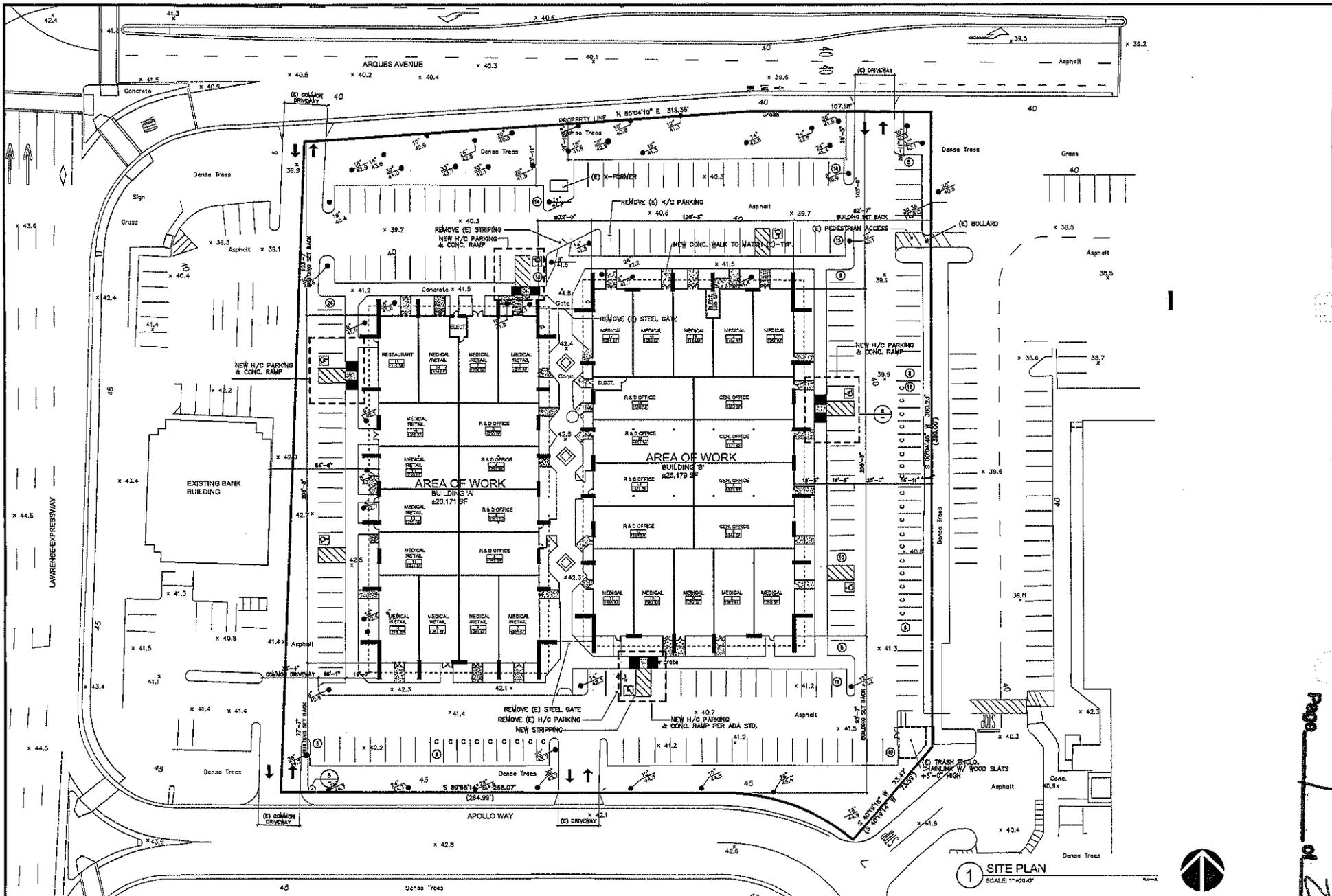
The purpose of this permit is to meet our customer needs. Increasing number our customers are asking to serve beer & wine with food as it compliments our menu well. We like to serve bottled indian beer & small bottled California wine for our dine-in customers only.

There will be no entertainment provided at this premises. Beer and wine will be served with food.

Answers for # 2:

The proposed use and appearance of the place will not change. It will not impair the orderly development or affect the adjacent neighbors. Across the street from us on Apollo way Quarter Note & Sneha Restaurant operates with liquor license for many years and it has not affected the development or the business around.

There will be no entertainment provided at this premises like any band. Beer and wine will be served with food and it will help us reach to our customer needs.



1 SITE PLAN
SCALE: 1" = 20'-0"

All work shall be in accordance with the City of Sunnyvale and State of California Building Code and all applicable laws, rules and regulations. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The architect shall be responsible for providing all necessary information and documents to the contractor. The contractor shall be responsible for coordinating all construction activities with the adjacent properties and the public. The architect shall be responsible for providing all necessary information and documents to the contractor. The contractor shall be responsible for coordinating all construction activities with the adjacent properties and the public.

REVISION 1
REVISION 2
REVISION 3

DENNIS KORZA & ASSOCIATES, INC.
A.I.A. ARCHITECT
2088 OLD MIDWAY DRIVE
SUNNYVALE, CA 94089
PHONE: (408) 735-1100
FAX: (408) 735-1101
EMAIL: DKA@DKORZA.COM
C 4352
DATE: 08/11/04
DRAWN BY: JFCV



REVISION 4
REVISION 5
REVISION 6

TENANT IMPROVEMENTS FOR
ARQUES AVENUE
1208 ARQUES AVENUE
SUNNYVALE, CA
SHEET TITLE: **SITE PLAN**

SHEET NO. **A-1**
DATE: 08.11.04
DRAWN BY: JFCV

