



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

March 24, 2010

File Number: 2010-7069

Permit Type: Use Permit

Location: 544 Lawrence Expressway (near Titan Wy.) APN: 216-44-086

Applicant/Owner: Ishan, LLC / Lawrence Oakmead Center LLC

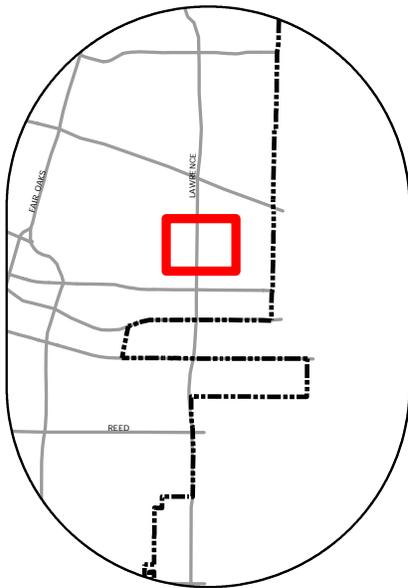
Staff Contact: Mariya Hodge, Associate Planner, (408) 730-7659

Project Description: Use Permit to allow a general liquor license in an existing restaurant (Madhuban).

Reason for Permit: A Use Permit is required for general liquor service.

Issues: Neighborhood compatibility

Recommendation: Approve with Conditions



PROJECT DESCRIPTION

General Plan: Industrial	Existing Parking: 195
Zoning District: M-S/POA	Proposed Parking: Same
Total Building Sq. Ft.: 24,000	Required Parking: 195
Tenant Sq. Ft.: 4,615	

Yes	Previous Planning Projects related to Subject Application: In April of 2007, Use Permit #2007-0305 was approved to allow beer and wine service at the subject restaurant.
No	Neighborhood Preservation Complaints
No	Deviations from Standard Zoning Requirements
No	Adjacent to Residential or Place of Assembly Use

Use Description: The current use is a restaurant (Madhuban) which offers beer and wine service. The applicant now proposes to add full liquor service in addition to beer and wine. Alcoholic beverages will be served at existing tables along with meal service, as well as at an existing bar/beverage station within the restaurant. There is no outdoor dining or live entertainment proposed as part of this application.

Hours of Operation: The existing hours of operation as approved by Use Permit #2007-0305 are Sunday through Thursday 11:00 a.m. to 10:30 p.m., and Friday and Saturday 11:00 a.m. to 11:30 p.m. The applicant is now proposing to operate from 11:00 a.m. to 11:00 p.m. seven days a week.

Department of Public Safety Review: The Department of Public Safety notes that the applicant must comply with all requirements of the Department of Alcoholic Beverage Control (see recommended Conditions of Approval #4-5). No additional Public Safety comments were provided regarding the proposed use.

Neighborhood Compatibility: The project site is a shopping center in an industrial neighborhood along Lawrence Expressway near Highway 101. Surrounding uses are industrial and commercial. The existing restaurant use and proposed alcoholic beverage service are compatible with the neighborhood.

Public Contact: 23 notices were sent to surrounding property owners and tenants adjacent to subject site in addition to standard noticing practice. Staff has not been contacted by any members of the public related to this application.

Environmental Determination: A Categorical Exemption Class 1 (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.

The proposed use will provide additional service for patrons of the existing restaurant without resulting in negative impacts on the site or surrounding properties. The use contributes to the location of convenient retail and commercial services (e.g. restaurants) within the City's industrial areas to support businesses and their customers and employees.

Staff was able to make the required finding as 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.

The proposed project does not include any expansion or other modifications to the existing building so no visual impacts to the surrounding area are anticipated. The site is located in an industrial area along Lawrence Expressway near Highway 101 and surrounding uses are commercial and industrial, with no adjacent residential areas. The proposed project is not expected to have any negative impacts on the site or the surrounding neighborhood.

Staff was able to make the required finding as described above.

ALTERNATIVES:

1. Approve the Use Permit with the Conditions of Approval listed in Attachment A.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

RECOMMENDATION

Alternative 1: Approve the Use Permit with the Conditions of Approval listed in Attachment A.

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: *Mariya Hodge, Associate Planner*

Attachments:

- A. Recommended Conditions of Approval and Standard Requirements
- B. Site and Architectural Plans
- C. Applicant Description and Justifications

Standard Requirements

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

- A. **Permit Expiration (Ordinance 2895-09):** The approved Use Permit for the use shall expire if the use is discontinued for a period of two years or more.
- B. **Permit Lapse if not Exercised (Ordinance 2895-09):** The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.

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:

- A. **Conformance with Approved Planning Application:** Operations shall substantially conform with the approved planning application, including: drawings/plans, uses, hours of operation, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing.
- B. **Alcoholic Beverage Control:** The project applicant shall obtain all appropriate permits and/or licenses from the Department of Alcoholic Beverage Control prior to commencement of use approved as part of this permit.
- C. **Compliance:** Non-compliance with the Conditions of Approval for this planning application or the requirements of the Department of Alcoholic Beverage Control at any time may trigger either reconsideration (discretionary review of new application) of the SDP and the imposition of additional Conditions of Approval, or initiation of a Use Permit revocation process by the Director of Community Development.



301 ORCHARD CITY DRIVE
SUITE 101
SANFELIX, CA 94068
PHONE: 415-11-1071

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REVISION

MADHUBAN
INDIAN CUISINE
544 Lawrence Expwy
Sunnyvale, CA 94085

PROJECT

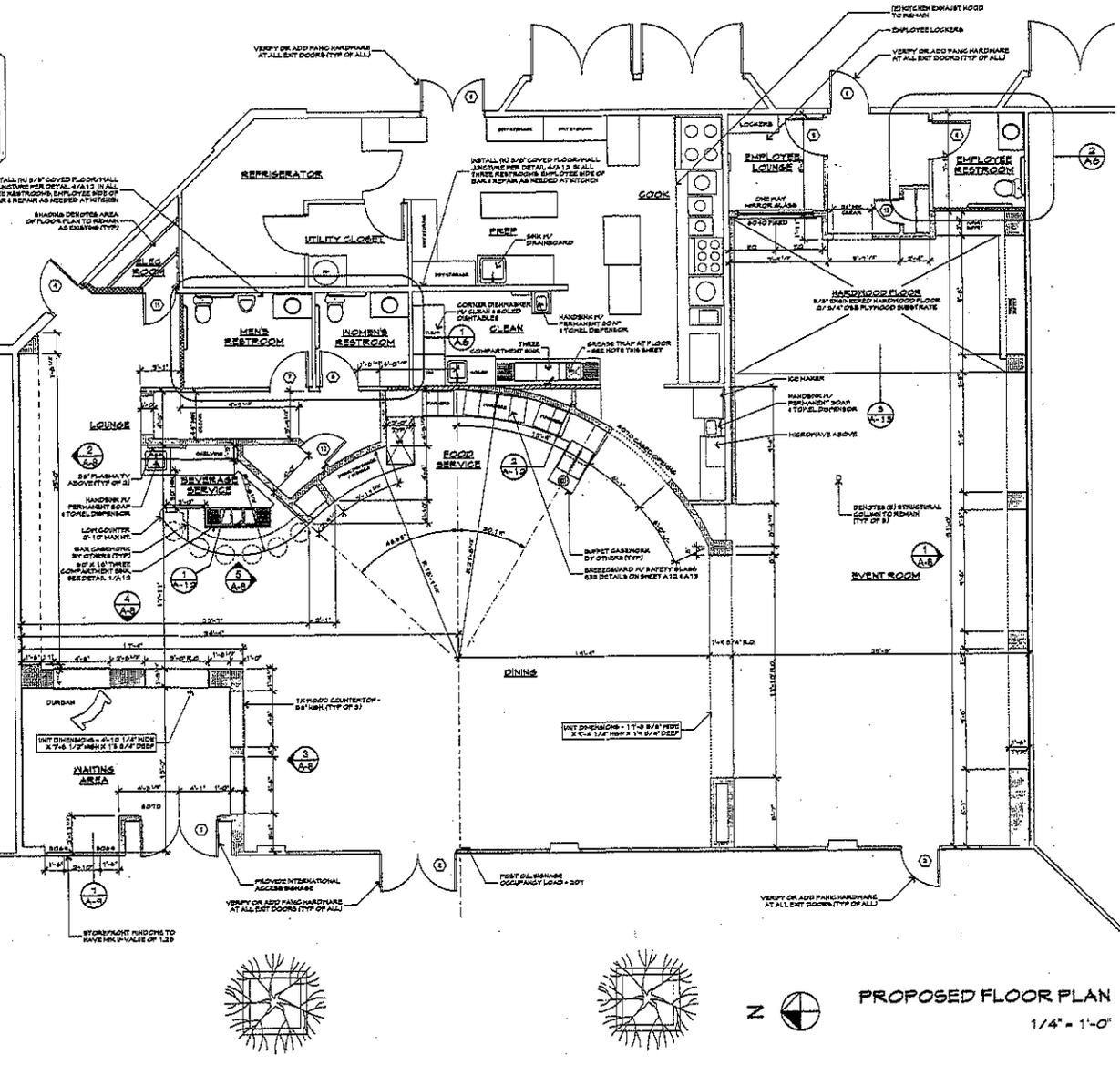
ATTACHMENT **B**
Page 3 of 4

FLOOR PLAN & DETAIL NOTES

- SITE VERIFICATION**
VERIFY ALL DIMENSIONS SHOWN ON DRAWINGS BY TAKING FIELD MEASUREMENTS. PROPER FIT AND ATTACHMENT FOR ALL PARTS IS REQUIRED. BEFORE COMMENCING WORK, CHECK ALL LINES AND LEVELS OF EXISTING WALLS FROM TO COMMENCEMENT OF WALL LAYOUT. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY REPORT TO THE ARCHITECT FOR CORRECTION AND / OR ADJUSTMENT.
- SEISMIC BRACING**
ALL PARTITIONS SHALL BE ANCHORED FIRMLY AND ESSENTIALLY BRACED BY THE GENERAL CONTRACTOR AS INDICATED ON THE DESIGNATED DETAILS.
- SIGNAGE, SHELVING, CABINETRY & GRAB BARS**
TENANT PROVIDED SIGNAGE SHALL BE INSTALLED BY THE GENERAL CONTRACTOR. GENERAL CONTRACTOR SHALL COORDINATE WITH THE ARCHITECT ANY REQUIRED RETROFITTING FOR THE WALL SYSTEM THAT IS REQUIRED TO INSTALL SIGNAGE PROPERLY. ALL CABINETRY, SHELVING AND GRAB BARS INDICATED ON THESE PLANS SHALL ONLY BE INSTALLED USING A SOLID BACKING SUPPORT IN THE WALLS.
- NEW WALL**
CONTRACTOR SHALL PROVIDE BIDS FOR PARTITION STORAGE CABINETRY AND RECEPTION DESK/CABINETRY AS SHOWN ON INTERIOR ELEV. ALL NEW INTERIOR (NON-BEARING) WALL PARTITIONS SHALL BE CONSTRUCTED AS FOLLOWS:
2x4 WOOD STUDS LOCATED AT 16" o.c. W/ 1/2" FIRE TAPED (TYPE X) GYPSUM BOARD ON BOTH SIDES.
ALL INTERIOR D.T.P. SHALL BE SCREWED AT 7" o.c. AT ALL PANEL EDGES AND AT 12" o.c. AT ALL THE INTERMEDIATE SUPPORTS. ALL VERTICAL JOINTS OF GYPSUM BOARD SHALL OCCUR OVER STUDS. ALL HORIZONTAL JOINTS SHALL OCCUR ON OR TOP AND BOTTOM PLATES. ALL GYPSUM BOARD SHALL BE "TYPE X" FIRE CODE AS CALLED FOR ON REQUIRED BY LOCAL CODES. REFER TO PLAN FOR LOCATION.
- INSULATION**
PROVIDE MIN 2" BATT INSULATION AT WALLS AND CEILING AS REQUIRED FOR SOUND ATTENUATION PURPOSES OVER BATHROOM A CONFERENCE ROOM CEILING/WALLS.
- CONTINUING OPERATIONS**
IT IS NECESSARY THAT THE EXISTING ADJACENT TENANTS CONTINUE OPERATIONS OCCUPANCY DURING THE RECONSTRUCTION. THE CONTRACTOR SHALL AFTER CONSULTING WITH THE BUILDING MANAGEMENT SCHEDULE THE WORK SO AS NOT TO INTERFERE UNLESS BY APPROVED MEANS AND MINIMIZE NOISE AS MUCH AS PRACTICAL. IN NO CASE SHALL THE WORK INTERFERE WITH EXISTING STREETS, DRIVEWAYS, WALKS, PASSAGEWAYS, ETC.
IN THE EVENT ANY SPECIAL SEQUENCING OF WORK IS NECESSARY, THE CONTRACTOR SHALL ARRANGE A CONFERENCE WITH ARCHITECT & OWNER BEFORE ANY SUCH WORK'S BEGIN.
- TEMPERED GLASS**
TEMPERED GLASS TO CONFORM TO C.E.C. SECTION 5406. ALL GLASS WITHIN 4" OF FINISHED FLOOR IS TO BE TEMPERED GLASS. GLASS WITHIN 1" OF A DOOR IS TO BE TEMPERED GLASS.
- FLOOR SURFACE**
FLOOR SURFACE IN ALL THREE RESTROOMS, AND ON THE EMPLOYEE SIDE OF THE BAR, MUST BE COVERED AT THE FLOOR/WALL JUNCTURE WITH A MINIMUM 2" HIGH RADIUS CORNER BASE. THE FLOOR MATERIAL MUST CONTINUE UP THE WALL AT LEAST 4". TOP SET COVERED BASE MATERIAL IS NOT ACCEPTABLE.
- WALL & CEILING SURFACE**
THE WALLS AND CEILING IN ALL THREE RESTROOMS MUST BE SMOOTH FINISHED, NON-SABOTAGED AND EASY TO CLEAN. THE WALLS INCLUDING WALL TILES, AND CEILING IN THE EMPLOYEE RESTROOM MUST BE LIGHT IN COLOR (A LIGHT REFLECTANCE VALUE OF 70% OR GREATER).
- PANELING**
INSTALL LIGHT COLORED, FIBERGLASS-REINFORCED PANELING ON THE WALLS BEHIND THE BRIMS IN THE BAR. THIS PANELING IS TO BE INSTALLED TO A MINIMUM HEIGHT OF 48 INCHES ABOVE THE FLOOR, OR TO THE UNDERSIDE OF THE BAR COUNTER.
- HANDSINKS**
PROVIDE PERMANENTLY INSTALLED SOAP AND TOWEL DISPENSERS AT EACH HANDSINK LOCATION.
- PIPING**
SURFACE MOUNTED PIPING IS NOT ACCEPTABLE. PIPING AND CONDUITS OF ALL TYPES MUST BE CONCEALED WITHIN WALLS, FLOORS AND CEILING (INCLUDING CONDENSATE DRAIN LINES, WATER HEATER PRESSURE RELIEF LINES, AND SOCIAL LINES).
- COUNTERS / SHELVING**
ALL COUNTERTOPS AND CUSTOM SHELVING IS TO BE OF CABINET QUALITY CONSTRUCTION WITH ALL SURFACES SMOOTH AND ALL CRACKS AND CRACKS SEALED WITH A GULLING-TYPE SEALANT.
PROVIDE NEW GREASE TRAP TO REPLACE (R) CORRODED & UNDERSIZED TRAP. (R) GREASE TRAP IS TO BE INSTALLED IN FLOOR SO TOP OF TRAP IS FLUSH WITH THE FINISHED FLOOR SURFACE.

FLOOR PLAN LEGEND

(E)	INDICATES EXISTING FEATURES	(N)	INDICATES NON-BEARING POST
(N)	INDICATES HIGH FEATURES	(P)	INDICATES IN PLUMBING FIXTURES
---	INDICATES (R) HALL TO REBAR	(C)	INDICATES IN COUNTER/CABINETRY
---	INDICATES (R) HALL TO BE REBAR/REPAIR AS NEEDED	(D)	INDICATES DOOR - SEE SCHEDULE & ELEVATIONS OR INSET A-F
---	INDICATES (R) 1/2" OF HALL FULL HEIGHT	(A, B)	INTERIOR ELEVATION REFERENCE NUMBER
---	INDICATES (R) 1/2" OF HALL	(S)	DETAIL SOURCE SHEET NUMBER
---	INDICATES (R) 2x4 HALL		
---	INDICATES (R) DOOR		
(O)	INDICATES OPENING	(P)	INDICATES (R) 1/2" DIA NON-BEARING POST
(O)	INDICATES (R) 4x8 POSTS TO REBAR		
(O)	INDICATES (R) 10" DIA NON-BEARING POST		
(O)	INDICATES (R) 12" DIA NON-BEARING POST		
(O)	INDICATES (R) 14" DIA NON-BEARING POST		
(O)	INDICATES (R) 16" DIA NON-BEARING POST		
(O)	INDICATES (R) 18" DIA NON-BEARING POST		
(O)	INDICATES (R) 20" DIA NON-BEARING POST		
(O)	INDICATES (R) 22" DIA NON-BEARING POST		
(O)	INDICATES (R) 24" DIA NON-BEARING POST		
(O)	INDICATES (R) 26" DIA NON-BEARING POST		
(O)	INDICATES (R) 28" DIA NON-BEARING POST		
(O)	INDICATES (R) 30" DIA NON-BEARING POST		
(O)	INDICATES (R) 32" DIA NON-BEARING POST		
(O)	INDICATES (R) 34" DIA NON-BEARING POST		
(O)	INDICATES (R) 36" DIA NON-BEARING POST		
(O)	INDICATES (R) 38" DIA NON-BEARING POST		
(O)	INDICATES (R) 40" DIA NON-BEARING POST		
(O)	INDICATES (R) 42" DIA NON-BEARING POST		
(O)	INDICATES (R) 44" DIA NON-BEARING POST		
(O)	INDICATES (R) 46" DIA NON-BEARING POST		
(O)	INDICATES (R) 48" DIA NON-BEARING POST		
(O)	INDICATES (R) 50" DIA NON-BEARING POST		
(O)	INDICATES (R) 52" DIA NON-BEARING POST		
(O)	INDICATES (R) 54" DIA NON-BEARING POST		
(O)	INDICATES (R) 56" DIA NON-BEARING POST		
(O)	INDICATES (R) 58" DIA NON-BEARING POST		
(O)	INDICATES (R) 60" DIA NON-BEARING POST		
(O)	INDICATES (R) 62" DIA NON-BEARING POST		
(O)	INDICATES (R) 64" DIA NON-BEARING POST		
(O)	INDICATES (R) 66" DIA NON-BEARING POST		
(O)	INDICATES (R) 68" DIA NON-BEARING POST		
(O)	INDICATES (R) 70" DIA NON-BEARING POST		
(O)	INDICATES (R) 72" DIA NON-BEARING POST		
(O)	INDICATES (R) 74" DIA NON-BEARING POST		
(O)	INDICATES (R) 76" DIA NON-BEARING POST		
(O)	INDICATES (R) 78" DIA NON-BEARING POST		
(O)	INDICATES (R) 80" DIA NON-BEARING POST		
(O)	INDICATES (R) 82" DIA NON-BEARING POST		
(O)	INDICATES (R) 84" DIA NON-BEARING POST		
(O)	INDICATES (R) 86" DIA NON-BEARING POST		
(O)	INDICATES (R) 88" DIA NON-BEARING POST		
(O)	INDICATES (R) 90" DIA NON-BEARING POST		
(O)	INDICATES (R) 92" DIA NON-BEARING POST		
(O)	INDICATES (R) 94" DIA NON-BEARING POST		
(O)	INDICATES (R) 96" DIA NON-BEARING POST		
(O)	INDICATES (R) 98" DIA NON-BEARING POST		
(O)	INDICATES (R) 100" DIA NON-BEARING POST		



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PROPOSED FLOOR PLAN
1/4" = 1'-0"



METKO
DESIGN
GROUP
801 ORCHARD CITY DRIVE
SUITE 101
CAMPBELL, CA 95008
PHONE (408) 451-1011

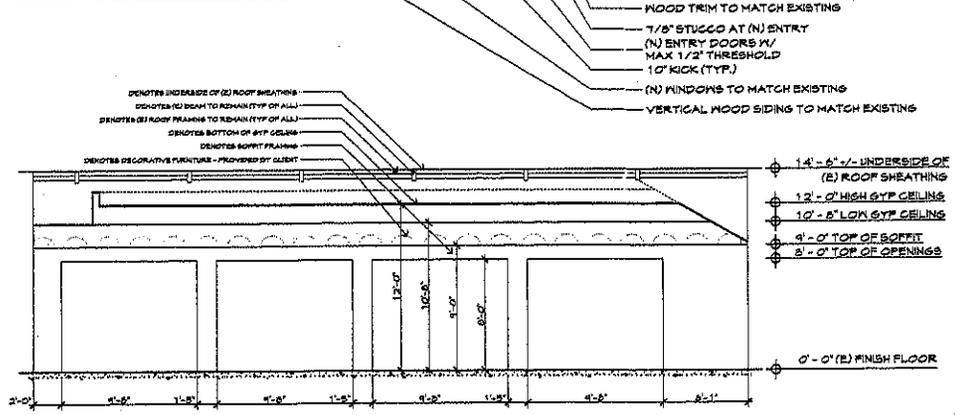
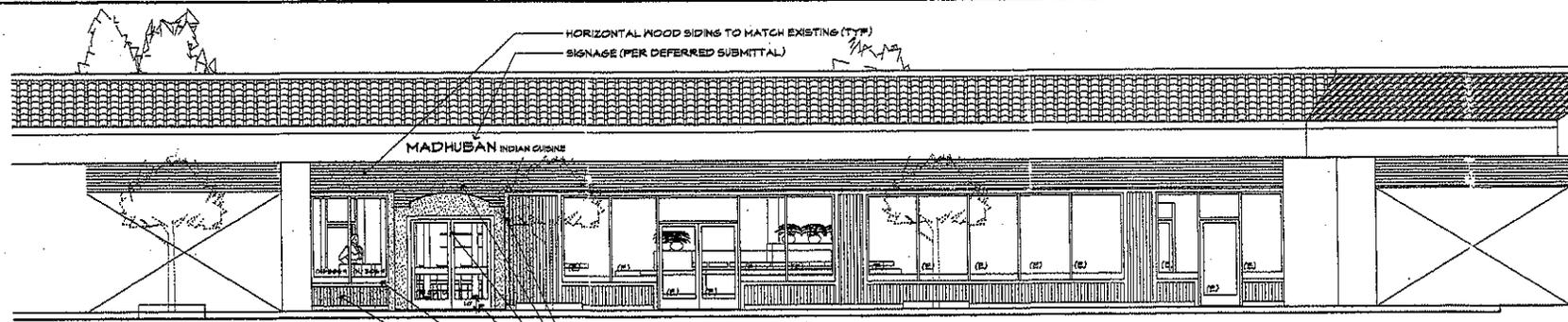
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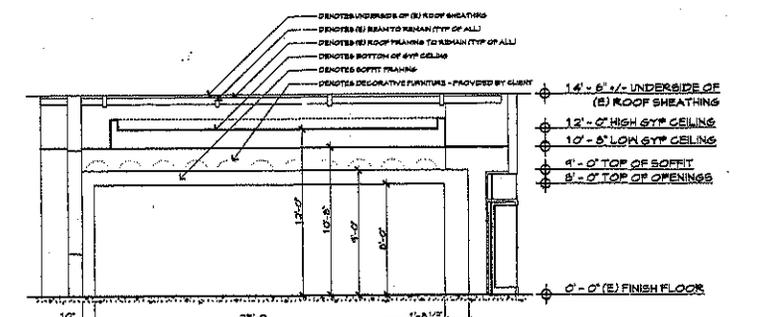
MADHUBAN
INDIAN CUISINE
544 Lawrence Expwy
Sunnyvale, CA 94088

PROJECT

ATTACHMENT
Page 4 of 4
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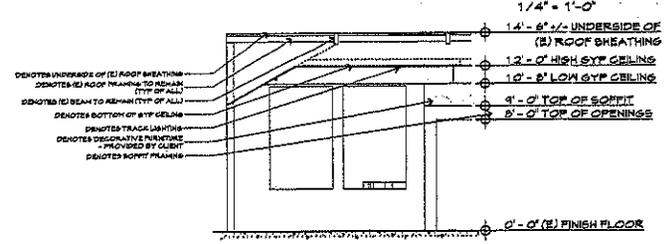


1 - EVENT ROOM WALL ELEVATION
1/4" = 1'-0"

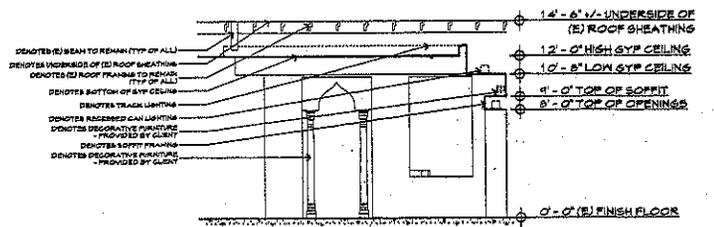


2 - WALL ELEVATION
1/4" = 1'-0"

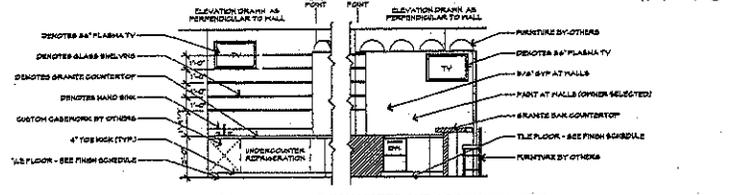
PROPOSED WEST (FRONT) ELEVATION
1/4" = 1'-0"



3 - FOYER WALL ELEVATION
1/4" = 1'-0"



4 - FOYER WALL ELEVATION
1/4" = 1'-0"



5 - BAR WALL ELEVATION
1/4" = 1'-0"

NOTE: SEE SHEET A6.2 FOR FINISH NOTES AND ADDITIONAL INFO

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**Madhuban Indian Cuisine – Project
544 Lawrence Expressway Sunnyvale, CA**

Proposed Use

Full Liquor License

Previous Use

Beer and Wine

Project Description

Madhuban Indian Cuisine is a fine dining restaurant serving Indian cuisine with the bay area best in-class décor and ambience. The restaurant has been elected as “**Best Indian Restaurant in the Northern California for 2009**” by **Best Of The Bay**. The project is a landmark in the bay area restaurant history as this is the first of its kind to present the décor with a number of more than 500 year old antique pieces from north western part of India. As you enter the restaurant, you relish the ambience as you enjoy the tables built with solid wood with hand artistry of metal add-ons and chairs with camel leather seats. All around the wall, you relish the painting, hand carvings, original doors and windows from ancient Indian kingdom.

In order to build and execute this ambitious project, the owners have put their full heart into project planning and execution. The project costs to just re-model the place for building this new landmark exceeded 1 million dollar of investment with construction time spanning more than 9 months. Granting the “Full Liquor License” will help the project succeed to be the pride of bay area.

Hours of Operation

11 am to 11 pm

Number of Employees

12

Tenants

TOGO's , Fast Signs, Bagel Company, Unamas, Merit Vegetarian Restaurant



USE PERMIT/SPECIAL DEVELOPMENT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ... Brings vitality to the city consistant with the Community Vision Element & City Goals listed in the General Plan. Long Range Planning dictates that places of employment be located off major freeways & transportation corridors. The Business has been & will continue to promote Sunnyvale's tradition of a high level of Public Health & Safety. A thriving Restaurant provides jobs & tax revenue for the City.

OR

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 ...

No Building Alterations are proposed

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.