



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

November 28, 2012

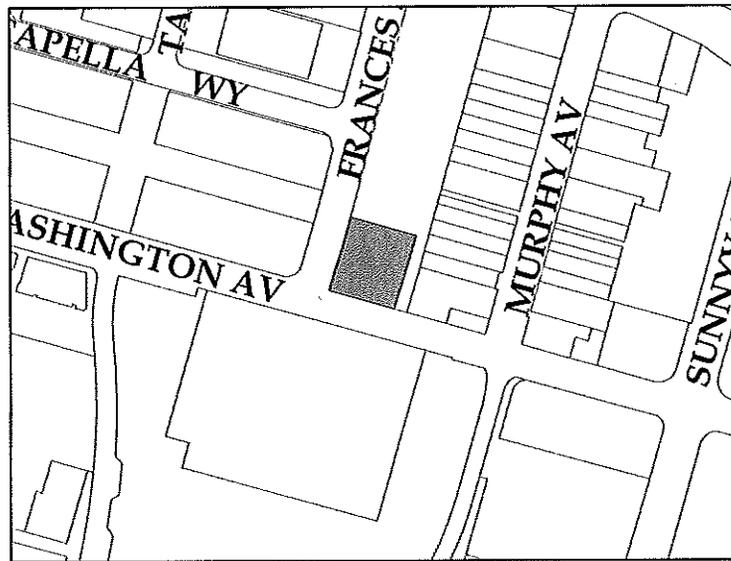
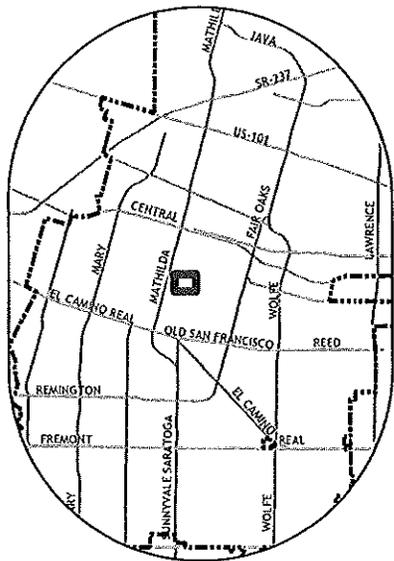
File Number: 2012-7754 **Permit Type:** Special Development Permit
Location: 151 W. Washington Ave (near S. Frances St.) (APN: 209-06-018)
Applicant/Owner: Wayne Renshaw / Evon K Hass Trustee & et al
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431,

Project Description: To allow a new restaurant with general alcohol sales (Type 47) within a vacant 5,631 square foot tenant space.

Reason for Permit: A Special Development Permit is required for new restaurants with general alcohol sales (Type 47).

Issues: Compatibility of Use, Trash and Recycling Facilities

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Downtown Specific Plan	Same
Zoning District:	Downtown Specific Plan – Block 2	Same
Total Sq. Ft. on Site:	14,133	Same
Tenant Sq. Ft.:	5,632	Same
Parking:	Downtown Parking District	Same

Previous Planning Projects related to Subject Application: A	Yes
Landmark Alteration Permit for façade and architectural improvements was approved for the subject property in 2011. The building is currently under construction.	
Neighborhood Preservation Complaints	No

Use Description: The proposed use is for a restaurant, Bamboo Garden, with general alcohol sales. Restaurants with a general liquor license (Type 47) require a Special Development Permit, within the Downtown Specific Plan - Block 2 Zoning District. The proposal does not include any live entertainment.

Hours of Operation: The restaurant would operate seven days a week. The hours of operation include 9 a.m. to 11 p.m., Monday through Thursday and 9 a.m. to midnight on Fridays, Saturdays, and Sundays.

Floor Plan: The 5,632 s.f. restaurant would occupy approximately half of the available floor area of the remodeled building. The layout includes an approximately 3,200 s.f. dining, lounge and bar area. The kitchen and bathrooms are positioned towards the rear of the building. The updated plan indicates a trash and recycling room at the rear of the building (See "Trash and Recycling Facilities" section). A stairway in the back corner of the building leads to a small mezzanine above the subject tenant space. This area is planned to be occupied by a separate use. (The Site and Floor plans are provided in Attachment B.)

Another restaurant (Rokko) occupies the northwest corner of the building along S. Frances Street. Two smaller tenant spaces, currently vacant, are positioned facing W. Washington Avenue. There are no planned exterior changes associated with the proposed project. Extensive exterior improvements were approved through separate permits.

Trash and Recycling Facilities: Due to needed upgrades for trash and recycling facilities for the new restaurant use, and an updated City policies for businesses to provide on-site facilities; the site will no longer utilize the existing

enclosure within the parking lot that is owned by the City. The applicant has revised the original proposal to accommodate this need by modifying the rear portion of the building. A trash room has been designed within the building and accessed through a new double door facing the rear parking lot.

Parking: The project is located within the Downtown Parking District. The parking required for the proposed use would be provided by the spaces located within the public lot behind the building.

Public Contact: 52 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Special Development 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. (*Finding Met*)

Land Use and Transportation Element

Action Statement LT-4.1a – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Downtown Specific Plan

Policy B.1 - Encourage mixed uses throughout the downtown when consistent with the district character

The proposed full alcohol service had been established for the restaurant when it was located nearby within the former Town and Country development before having moved to Mountain View. The project provides additional commercial opportunities while not causing any negative impacts to surrounding uses.

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.

There are no proposed changes to the approved façade or architecture of the building other than to accommodate for the trash and recycling facilities. A number of nearby restaurant establishments in the area offer

similar uses including the sale of alcohol. Staff has consulted with the Department of Public Safety and determined that the proposed use does not cause a significant concentration.

ALTERNATIVES:

1. Approve the Special Development Permit with recommended Conditions in Attachment A.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment A.

Reviewed by:



Shaunn Mendrin
Senior Planner

Prepared By: Ryan Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Floor Plans

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
November 28, 2012**

Planning Application 2012-7754
151 W. Washington Ave
Special Development Permit for a New Restaurant
with General Alcohol Sales (Type 47)

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, 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. [COA] [PLANNING]

GC-2. USE EXPIRATION:

The approved Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. PERMIT EXPIRATION:

The 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 and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-4. ALCOHOL BEVERAGE CONTROL (ABC):

The project applicant shall obtain all appropriate licenses from the Department of Alcoholic Beverage Control prior to commencement of the sale of alcohol on the subject property. [COA] [PLANNING]

GC-5. USE AND ABC COMPLIANCE:

Non-compliance with the Conditions of Approval for this Special Development Permit or non-compliance with the requirements of the Department of Alcoholic Beverage Control at any time may trigger either: 1) reconsideration of the SDP and the imposition of additional Conditions of Approval; or 2) initiation of revocation proceedings by the Director of Community Development. [COA] [PLANNING]

BP: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-3. TRASH AND RECYCLING ENCLOSURE:

Prior to building permit issuance, the developer shall submit to the City, for review and approval, a site plan with design details, including but not limited to, the enclosure doors, wheel stops and loading area stress pad, the number, size and placement of trash and recycling bins and/or compactors that meet the City's sizing criteria and design guidelines. [COA] [PLANNING]

BP-4. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-5. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-6. CONNECTION FEES:

The new use is subject to a water connection fee, preliminarily estimated at \$1,706.14 (prior to any credit). Preliminary sewer connection fee is \$47,202.16 (prior to any credit). [SDR] [PUBLIC WORKS]

DC: THE FOLLOWING SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
- b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

AT-2. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The hours of operation are limited to 6:00 a.m. to midnight for standard hours of operation, excluding short duration sales events which may have extended hours. Hours extending beyond midnight shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-3. RECYCLING AND SOLID WASTE:

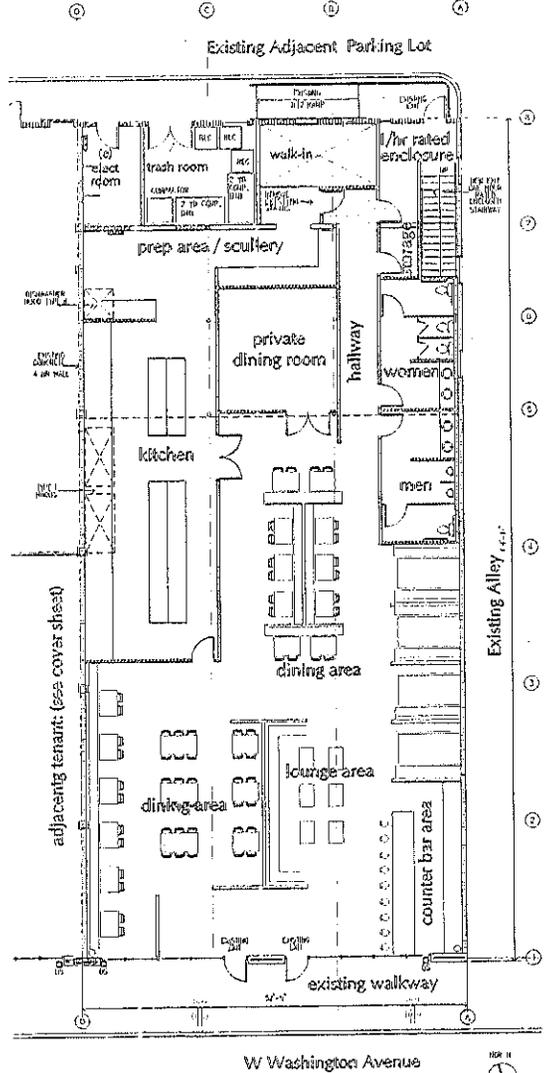
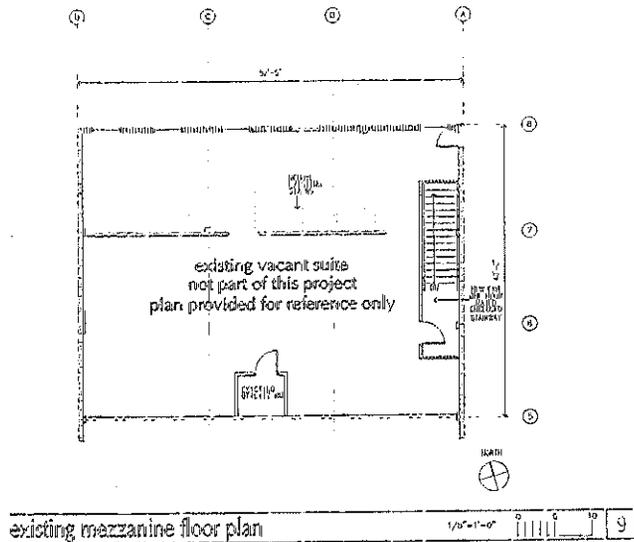
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. Fire sprinklers shall be provided within the designated trash room. [COA] [PLANNING]

AT-4. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]

AT-5. EXTERIOR EQUIPMENT:

All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]



floor plan legend

SYMBOL	DESCRIPTION	APPROX. QUANTITY	REMARKS	EST. COST	EST. DATE
[Symbol]	EXISTING CONCRETE WALL TO REMAIN	-	-	-	-
[Symbol]	EXISTING WALL TO REMAIN	-	-	-	-
[Symbol]	NEW BRICKWORK WITH CEILING	-	-	-	-
[Symbol]	NEW BRICKWORK WITH CEILING (SEE WALL)	-	-	-	-
[Symbol]	MAINT. TO EX. BRICKWORK	-	-	-	-

TRASH ENCLOSURE (ARTS)
 ANTICIPATED TRASH LOAD:
 3 CYCLES PER WEEK STARTING (COVERING ALL OF BUILDING IS TRASH-SERVICED)
 1/2" x 13,000 SF. IN INITIAL PHASES:
 13,000 x 3/4" RUBB + 35 CYCLES PER WEEK.
 TRASH COMPACTOR: 4500 LB. COMPACTOR RATIO, 34" x 4" x 9.74' x 16" / WEEK.
 TRASH COMPACTOR SIZE 1.2 CYCLES (RUBB), ONE DAY PER WEEK (RUBB + 4 CYCLES)
 VEHICLE 3 TIMES PER WEEK = 12 COMPACTED TONS.

floor plan sheet notes

floor plan general notes

wayne renschaw
architect

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111 West St. John Street
San Jose, CA 95113
(408) 288 6033
fax 509 6637

1. This sheet is part of a set and is not to be used alone.
2. This sheet is not to be used for construction unless the architect's name and signature appear on the sheet.
3. These notes and other sheets are supplementary to the contract documents and shall be read in conjunction with them.
4. Location: San Jose, California 95113

Bamboo Garden Restaurant

Use Permit

151 West Washington Street
Sunnyvale, CA

ATTACHMENT

Page 2 of 2

Description	Date

NO. 1237
DATE
BY

floor plans

UP2.1