



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

November 28, 2012

File Number: 2012-7802 **Permit Type:** Special Development Permit

Location: 295 East Washington Ave. (near Carroll St.) (APN: 209-05-011)

Applicant/Owner: Island 295 / Gregory Smith

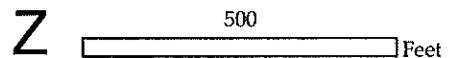
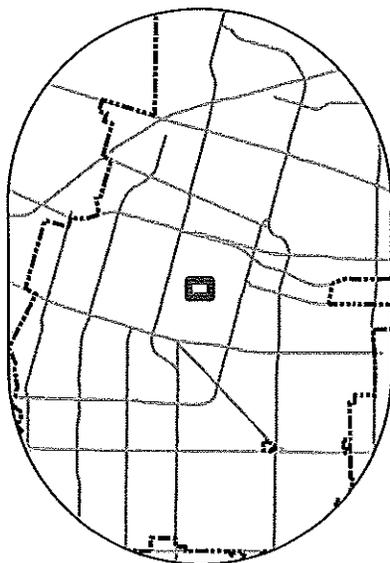
Staff Contact: Shétal Divatia, Associate Planner, (408) 730-7422

Project Description: To utilize an existing space for a restaurant; previously approved entertainment use (karaoke); and beer and wine service.

Reason for Permit: The subject site is located in DSP – 3 (Downtown Specific Plan, Block 3) in which a Special Development Permit is required to allow a restaurant; live entertainment (karaoke - previously approved); and beer and wine service.

Issues: Compatibility with surrounding uses.

Recommendation: Approve with Conditions



PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Downtown Specific Plan	Same
Zoning District:	DSP-3	Same
Total Sq. Ft. on Site:	5,200	Same
Tenant Sq. Ft.:	2,400	Same
Parking:	Downtown Parking District	Same

Previous Planning Projects related to Subject Application: a SDP (2010-7661) to allow a nightclub with karaoke and a waiver of screening for roof equipment and outdoor storage. Additional permits for changes of use relate to other tenants within the same shared building, but not this specific tenant space.	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Use Description: The proposed use is for a restaurant and karaoke bar within a 2,400 square-foot vacant tenant space. This space was previously approved to allow a private bar/lounge with karaoke in 2010. The current applicant (different from the previous applicant) notes that they have completed the interior remodel (TI) associated with that permit and have also exercised part of that permit which includes karaoke.

The applicant proposes to: serve breakfast, lunch and dinner; karaoke with light snacks and tea; and serve beer and wine from lunch through karaoke. Food service would include full-service international cuisine (American, Chinese, Japanese, Korean and Mexican) and beer and wine - Project Description (Attachment - B).

Hours of Operation: The applicant proposes to open for business from 7am to 2am Monday through Sunday. Food would be served between 7am to 10pm while karaoke would run between the hours of 9pm to 2am (as previously approved).

Expected Customers: Based on building code and occupancy limitations, the applicant is proposing a maximum capacity of 49 people for the proposed use. The applicant notes that unlike the previous approval (that included private parties only), they intend to serve a larger and broader spectrum of customers. They hope to serve the senior population living across the street by serving traditional Chinese style breakfast, herbal teas and karaoke.

Site Plan and Floor Plan: The subject site is located one tenant space away from the corner of Washington and Carroll Street. Entrance to the restaurant is from the parking lot and not from the Washington Street frontage. The floor plan consists of separate seating areas with fixed booths through much of the tenant space and a bar counter area in the middle to serve beer and wine. Restaurant kitchen is located behind the bar along the side of the tenant space. The karaoke area is located in the rear closer to the Washington Street frontage. The applicant notes that the store front windows facing Washington Street have been filled in with sound insulation (as required by the previous approval). This frontage continues to include doors which will function as emergency exits for the proposed use. Storage and office area is situated in the middle of the tenant space along one side. Two bathrooms are also located by the entrance (see Floor Plan in Attachment C for more detail).

Exterior Changes: There are no planned exterior changes as part of this application. Any new signage requires a separate permit.

Parking: The project site is located in the Downtown Parking District. All customer parking is provided in the downtown parking lots and street parking along Washington Avenue and Carroll Street. The proposed use is subject to the Downtown Parking Maintenance District Fee Regulations. As stated previously, staff has included a Condition of Approval that limits the number of patrons and employees in the building to 49. This condition was placed on the previous application with the requirement that future tenants with a similar bar and entertainment establishment were subject to the same Conditions of Approval.

Public Contact: Six property owners within the surrounding area were notified. Additionally, residents/tenants within these properties were also notified. No letters have been received as of the writing of this staff report. Any correspondence received shall be presented at the public hearing.

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.

The proposed restaurant and entertainment use is appropriately located in a downtown commercial district and would provide an additional entertainment use in a formerly vacant tenant space. As conditioned and

designed, the proposed restaurant and entertainment establishment will have minimal adverse impacts to the surrounding area. Compliance reviews are also required to be conducted to ensure that the business is meeting the Conditions of Approval and a public nuisance is not occurring. A public hearing would be required for any proposed expansion of the use in the future.

Staff was able to make the findings as the design meets the 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.

The proposed restaurant and entertainment use is compatible with the downtown. As conditioned, limitations have been established so that the proposed use cannot expand without subsequent review by the City through a public hearing.

The project is expected to have minimal impacts on surrounding properties.

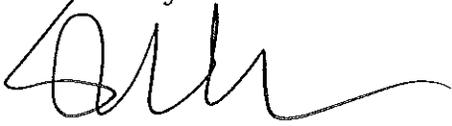
ALTERNATIVES:

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:

A handwritten signature in black ink, appearing to read 'SM', with a long horizontal flourish extending to the right.

Shaunn Mendrin
Senior Planner

Prepared By: Shétal Divatia, Associate Planner

Attachments:

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

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

Planning Application 2012-7802

295 East Washington Avenue

Special Development Permit to allow a restaurant and karaoke establishment
with beer and wine sales within a multi-tenant commercial building

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 use 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 Special Development Permit shall be exercised within 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. [SDR] (PLANNING)

GC-4. ALCOHOL BEVERAGE CONTROL (ABC):

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

GC-5. COMPLIANCE REVIEW:

The following compliance review is required for the proposed use and shall be provided by the property owner or business owner and if the required materials are not submitted within the specified timeframes, the Director of Community Development may take compliance review to public hearing with a recommendation to initiate revocation of the SDP:

- a) A six (6) month compliance review from the commencement of the use (commencement shall be based on issuance of license from ABC and Karaoke)
- b) Compliance Review: The property owner or business owner shall apply for a compliance review (Planning Application type "Other" and the MPP fee) with Director of Community Development to determine if the business has successfully complied with all conditions of approval and applicable Municipal Codes. The property owner or business owner shall provide a narrative and supporting documentation indicating how the establishment has complied with all conditions of approval and the Director of Community Development may inspect the site and other documentation to verify the submitted narrative. If the Director of Community Development determines that the use is not in compliance with the approved conditions of approval, the compliance review will be referred to the Planning Commission for discretionary review. The Planning Commission may modify conditions of approval, impose new conditions of approval, recommend the City Council revoke the permit, require additional compliance reviews, or take no further action.

- c) Subsequent Compliance Review: After the six (6) month review, the Director of Community Development may require a subsequent compliance review, upon notice to applicant, to determine continued compliance with the applicable conditions of approval. Subsequent compliance reviews shall comply with the requirements of condition of approval 5(b).[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. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. 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-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 screened or painted to match the roof if equipment is not visible from street view. [COA] [PLANNING]

BP-6. DEPARTMENT OF PUBLIC SAFETY REVIEW:

Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit. [COA] [PLANNING]

BP-7. SECURITY CAMERAS SYSTEM:

The project applicant shall work with Public Safety to determine the appropriate number and locations of security cameras for the site. Locations and camera specifications shall be submitted to the Director of Community Development to determine if any additional permits are needed. The security camera system shall be installed and inspected by the Crime Prevention Division of Public Safety Department prior to commencement of use. [COA] [PUBLIC SAFETY]

BP-8. CONNECTION FEES

Pay applicable water and sewer connection fees as determined by the Director of Public Works [COA] [PUBLIC WORKS]

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 7:00 a.m. to 2:00 a.m. for standard hours of operation. Hours extending beyond 2:00 a.m. 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. [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]
- AT-6 OCCUPANCY:
No more than 49 people may occupy the tenant space any given time. Any modification to the approved floor plan that would result in greater than 49 person occupancy shall require approval at a Zoning Administrator Hearing through a Special Development Permit. [COA] [PLANNING]
- AT-7 PRIVATE ROOMS:
The creation of private rooms is prohibited. Open alcoves or similar features that allow clear visibility into the area may be added and require review and approval by the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PUBLIC SAFETY].
- AT-8 NOISE COMPLIANCE:
The noise level generated by the facility shall not create a nuisance to occupants or customers of adjacent commercial establishments.
- a) Operational noise shall not exceed 75 dBA at any point on the property line of the premises upon which the noise or sound is generated or produced;
- b) The noise or sound level shall not exceed 60 dBA during daytime and 45 dBA during nighttime hours at any point on adjacent residentially zoned properties including residentially zoned

properties across the street on Washington Avenue. [COA]
[PLANNING]

- c) Install sound proofing materials to mitigate noise and vibration impacts on neighboring properties and adjoining tenant spaces.
- d) All exterior doors, especially the rear door facing Washington Avenue, shall have a selfclosing mechanism and shall be kept closed at all times.

AT-9 SITE INSPECTIONS:

The City reserves the right to conduct biannual inspections of the site to ensure that use is operating in compliance with the approved conditions of approval. [COA] [PLANNING]

AT-10 SECURITY AND SAFETY PLAN:

The business operator shall comply with the approved security and safety plan and noncompliance with the security plan resulting in extraordinary public safety service will result in the City billing the business or land owner for public safety services pursuant to SMC 9.47. Any revisions to the approved security plan shall be submitted to Crime Prevention Division of Public Safety Department for review. [COA] [PUBLIC SAFETY]

AT-11 SECURITY CAMERA SYSTEM OPERATION:

The security camera system shall be maintained and operated at all time the business is in operation and recordings shall be retained for 30 days. The Department of Public Safety may request copies at any time. [COA] [PUBLIC SAFETY].

AT-12 EMPLOYEE TRAINING:

The business operator shall ensure that all employees are trained on the following:

- a) The business operator shall create an employee manual that informs employees the proper procedure in dealing with drunk and disorderly patrons and all security protocol included in the security plan. The manual shall address items such as outside transportation contact information for patrons leaving the club to their homes, maximum drink limits for inebriated patrons, policies on over-service of drinks, etc.
- b) Employees shall be given training and education from the employee manual on a quarterly basis. [COA] [PUBLIC SAFETY].

AT-13 EVENTS:

No outside event promoters are allowed to operate at this location. All entertainment shall be in the form of karaoke only. [COA]
[PLANNING]

ATTACHMENT B
Page 1 of 1
LRS ASSOCIATES INC.

Architecture-Planning-Interiors

October 31, 2012

Islands 295 Inc.
295 East Washington Avenue
Sunnyvale, Ca 94086

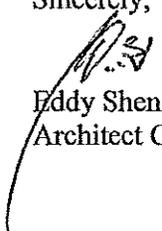
This application is to allow service for Breakfast, Lunch and Dinner at this location, Hours of operations are from 7:00 am to 10:00 pm, breakfast is served between 7am to 11am, Lunch is served between 11am to 3pm and Dinner is served between 5pm to 10pm. Food served will be international cuisine, from American to Chinese to Japanese and Mexican. A special rice soup breakfast for seniors and minors will be served during breakfast hours, also included is a special herbal health tea, which will be served during business hours, Welcome all.

This food service will enhance the immediate neighborhood from young to senior, for commuters and pedestrian alike. It is not detrimental to the neighborhood.

This application will also include the alteration of previously approved Karaoke Bar (file # 2010-7661) to a more public oriented rather than members only, we welcome our senior neighbors to participate in karaoke singing and herbal health tea and snakes, bear and wine to be served during karaoke hours. The operating hours for Karaoke will remain as approved from 9pm and 2am.

If you have any questions please call.

Sincerely,



Eddy Shen
Architect C12717

GENERAL NOTES

1. Dimensions are rounded up and include and are always an integral multiple of 1/8". Measurements are to finished surfaces unless otherwise indicated.
2. All work shall conform to all applicable codes, standards and specifications.
3. All work shall conform to all applicable codes, standards and specifications.
4. All work not otherwise specified shall be in accordance with the latest editions of the following codes, standards and specifications:
 - a. 2010 International Building Code (IBC)
 - b. 2010 International Residential Code (IRC)
 - c. 2010 International Energy Conservation Code (IECC)
 - d. 2010 International Fire Code (IFC)
 - e. 2010 International Mechanical Code (IMC)
 - f. 2010 International Plumbing Code (IPC)
 - g. 2010 International Fuel Gas Code (IFGC)
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LEGEND

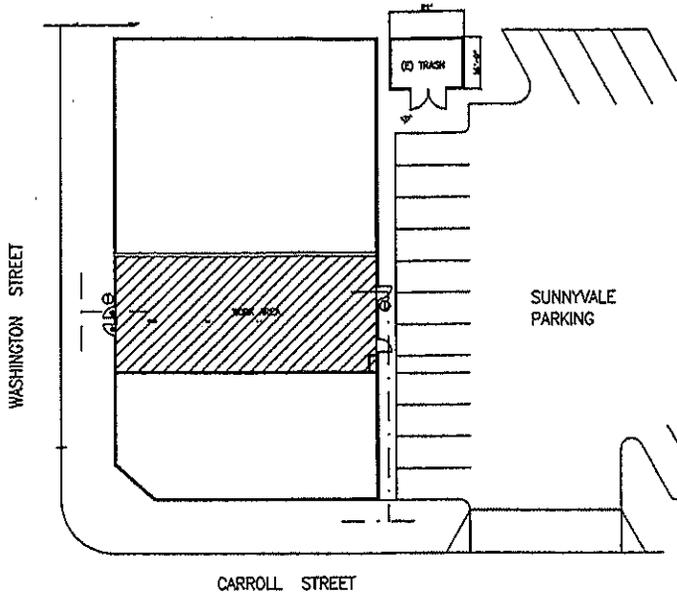
--- DA ACCESSIBLE PATH

① EXISTING ADA SIGN @ ENTRY DOOR MOUNTED 60" ABOVE PAVING



NOTES
ALL WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL MUST:

1. BE CONTINUOUSLY ACCESSIBLE
2. HAVE MAXIMUM 1/2" CHANGES IN ELEVATION
3. BE MINIMUM OF 48" IN WIDTH
4. WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 1:20 SHALL HAVE RAMP COMPLIING WITH CURRENT CDC STANDARDS



DELETED HC PARKING PROVIDED AT CITY'S PARKING FULL LOT

NTS 7

SITE PLAN

NTS 1

TACTILE SIGNAGE

[For DSA/AC & SFM] Tactile Exit Signage. For the purposes of Section 1011.3, the term "tactile exit sign" shall mean those required signs that comply with Section 1117B.5.1 [For DSA/AC & SFM] Where required, Tactile exit signs shall be required at the following locations:

1. Each grade - level exterior exit door shall be identified by a tactile exit with the word "EXIT".
2. Each exit door that leads directly to a grade - level exterior exit by means of stairway or ramp shall be identified by tactile exit sign with the following words as appropriate:
 - A. "EXIT STAIR DOWN"
 - B. "EXIT RAMP DOWN"
 - C. "EXIT STAIR UP"
 - D. "EXIT RAMP UP"
3. Each exit door that leads directly to a grade - level exterior exit means of an exit enclosure or an exit passageway shall be identified by tactile exit with the sign with the word "EXIT ROUTE".
4. Each exit access door from an interior room or area to a corridor or hallway that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words "EXIT ROUTE".
5. Each exit door through a horizontal exit shall be identified by a sign with the words "TO EXIT".

DELETED HC PARKING PROVIDED AT CITY'S PARKING FULL LOT

DELETED HC PARKING PROVIDED AT CITY'S PARKING FULL LOT

NTS 3

NTS 4

DELETED HC PARKING PROVIDED AT CITY'S PARKING FULL LOT

DELETED HC PARKING PROVIDED AT CITY'S PARKING FULL LOT

NTS 2

NTS 8

NTS 9

APP PLANNING APPLICATION:	208-08-011
PLANNING AREA:	2010-0161
STC AREA:	0.1677 ACRES
DEVELOP AREA:	7,000 SQ. FT.
TOTAL:	7,000 SQ. FT.
AREA OF THIS IMPROVEMENT:	2,800 SQ. FT.
OCCUPANT LOAD ALLOWED:	30
BUILDING COVERAGE:	00 %
PARKING INCLUDED:	00 %
PARKING PROVIDED:	00 %
TOTAL:	00 %
PARKING RATIO:	00 %
PAVED AREA:	00 %
PARKING COVERAGE:	00 %
LANDSCAPE AREA:	00 %
LANDSCAPING COVERAGE:	00 %
TYPE OF CONSTRUCTION:	REPAIR
OCCUPANCY:	REPAIR
FIRE SPROINKLER SYSTEM:	NO
CEILING:	NO
FLOOR:	NO
WALL:	NO
ROOF:	NO
TYPE 24 HANDICAP CODE:	NO

TABULATION

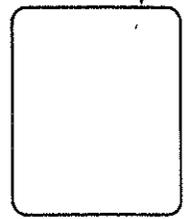
NTS 5

- ARCHITECTURAL
 - A-1 SITE PLAN, SITE DETAILS, DIMENSIONS, DRAWING INDEX
 - A-2 CONDITIONS OF APPEAL AND RESOLVE
 - A-3 FLOOR PLAN, DOOR AND WINDOW SCHEDULES, LAYOUT
 - A-4 REFLECTED CEILING PLAN
 - A-5 DETAILS
- ELECTRICAL
 - E-1 ELECTRICAL LAYOUT PLAN, PNEUMATIC SCHEDULE
 - E-2 ONE LINE DIAGRAM, PANEL SCHEDULE
 - E-3 ELECTRICAL POWER PLAN
 - E-4 LIGHTING FIXTURE SCHEDULE
- MECHANICAL
 - M-1 MECH PLAN
 - M-2 MECHANICAL ROOF PLAN
 - M-3 MECH DETAILS
 - M-4 MECHANICAL TILE 24
- PLUMBING
 - P-1 PLUMBING PLAN - HOT WATER AND GAS
 - P-2 PLUMBING PLAN - SEWER
 - P-3 PLUMBING DETAILS

DRAWING INDEX

NTS 10

NO.	DATE	DESCRIPTION



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