



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, February 27, 2008

2008-0062 – Steve Wright [Applicant] **Unlu Ismail** [Owner]: Application for a Special Development Permit to allow full liquor service and live entertainment at a restaurant. The property is located at **124 South Murphy Avenue** (near E. Evelyn Ave.) in the DSP – 2 (Downtown Specific Plan Block 2) Zoning District. (APN: 209-06-038) SL

In attendance: Steve Wright, Applicant; Gerri Caruso, Administrative Hearing Officer; Steve Lynch, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Steve Lynch, Project Planner, stated that the applicant is proposing to serve beer, wine, and full liquor at a new restaurant (Rok) as well as have live entertainment. The alcohol service would be in conjunction with full meals, although there is a small bar area with approximately nine seats. The live entertainment would not be amplified and restaurant would not contain a stage or dance area. Mr. Lynch noted a correction on condition of approval 2.F. replace Arques Avenue with Sunnyvale Avenue. Mr. Lynch also wanted to clarify condition 2.C. that amplified sound can be used but the applicant must get approval from public safety.

Ms. Caruso opened the public hearing.

Steve Wright, Applicant, received and reviewed a copy of the staff report. Mr. Wright had some questions regarding the hours of operation and wanted to purpose the hours of operation be extended. Mr. Wright stated that currently they do not plan on having performances but they are open to that idea.

Ms. Caruso closed the public hearing.

Ms. Caruso took the application under advisement until Wednesday, March 5, 2008 only to review the appropriate closing time. On that day, the Administrative Hearing Officer approved the application subject to the Findings and Conditions of Approval located in the staff report with a modified and added condition; that Limited amplification is allowed without a permit from Public Safety for instruments that typically require amplified sound, so long as it does not become unnecessarily loud as heard from the public right-of-way. These conditions have been modified as follows:

**Condition 2.A. Hours of operation shall be limited to the following:
Entertainment hours of operation: 10:00am – Midnight – Daily**

Liquor service hours of operation: 10:00am – 1:00am – Daily.

Condition 2.B. Liquor must be served in conjunction with full meal service.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:42 p.m.

Minutes approved by:

Gerri Caruso

Principal Planner