



CITY OF SUNNYVALE ZONING ADMINISTRATOR HEARING

MINUTES

Wednesday, February 15, 2012

FILE #: 2011-7719
Location: 153 E. Fremont Avenue (APN: 211-34-001)
Proposed Project: Special Development Permit to allow live entertainment (amplified acoustic music) and full liquor service at Da Kine Café.
Applicant / Owner: Da Kine Café / Soo Lee et al
Environmental Review: Categorically Exempt Class 1
Staff Contact: Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us

In attendance: Pete Be, Applicant; Raymond Loaec, Neighbor; Betty Jones, Neighbor; Yoko Drake, Neighbor; Masoud Heddad, Neighbor; Robert Chen, Neighbor; Andrew Miner, Zoning Administrator; Gerri Caruso, Project Planner; Luis Uribe, Staff Office Assistant.

Mr. Andrew Miner, Zoning Administrator, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Miner announced the subject application.

Gerri Caruso, Project Planner, presented the item and stated that the request for full liquor has been dropped. Staff did receive one letter and phone call opposing the project.

Mr. Miner opened the public hearing.

Pete Be, Applicant, received and reviewed a copy of the staff report. Mr. Be stated that his establishment will have live entertainment that will consist of acoustical music. Mr. Miner asked if there was amplification currently available, the applicant said yes. Mr. Miner also asked if there was a way for the City to be sure that only acoustical music will be performed. The applicant stated that they are in no way trying to create a club or dive bar environment. He also mentioned that the music will be very similar to the cuisine that is being served which is more island style music. Mr. Miner inquired about the hours of operation throughout the shopping center. The applicant stated that the pizza place is closed by 10 pm and that most of the other businesses close by 6 pm.

Raymond Loaec, Neighbor, stated that his biggest concern is with the business staying open until one in the morning. There is a lot of loitering that occurs when ever this business has an event and this shopping center has twenty instances with Public Safety a week.

Betty Jones, Neighbor, stated that she and Yoko Drake have compiled a list of written concerns which was submitted to Mr. Miner.

Yoko Drake, Neighbor, proceeded to read the list. Ms. Drake stated that she is requesting for denial of the application due to their concerns regarding noise, hours of operation and close proximity to Fremont High School. She also mentioned that there is no way to know if the applicant will no apply for a full liquor license in the future. Ms. Drake and Ms. Jones submitted a petition in opposition of the project.

Masoud Heddad, Neighbor, stated that he strongly feels that if music and liquor are allowed that and increase in crime will occur. He also wanted to mention that there is already an issue with crime in this area.

Robert Chen, Neighbor, stated that many of his tenants have children that attend Fremont High School and feels that this type of business will keep his tenants awake and will not be of any benefit to them. He also mentioned that there is a child care business in the shopping center that stays open until 8 pm and feels that children should not be exposed to this type of environment.

Pete Be stated that he feels there is a misunderstanding as to what type of business this will be. It is a restaurant that will have some music and understands the concern of kids loitering. He also mentioned that is working with Fremont High faculty to help eliminate a lot of the drug use that go on with Fremont High students. Mr. Be stated that the child care facility is in full support of his business. Mr. Miner addressed the liquor license and stated that in order to get a full liquor license the applicant would have to come in and apply for another permit. Mr. Miner asked staff about a time limit that has been used in the past to allow review of the business to see if it is a nuisance to the shopping center. Mr. Miner went on to address the concerns of the neighbors.

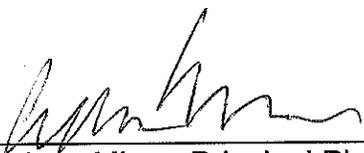
Mr. Miner closed the public hearing.

Mr. Miner approved the application subject to the findings and conditions of approval located in the staff report. He added a condition that the music must stop at midnight, that the graffiti be cleaned up and limited the use for 6 months.

Mr. Miner 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 2:47 p.m.

Minutes approved by:



Andrew Miner, Principal Planner