



## Agenda Report

19-734

Agenda Date: 7/24/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Consent: Action on an Amendment to an Existing Use Permit Allowing Alcohol Sales (ABC License Type 41) for Sky High Sports Located at 2880 Mead Avenue

#### **REPORT IN BRIEF**

Project: Modify an existing Use Permit to allow on-site sale and consumption of beer and wine (ABC Type 41 License)

Applicant: Sky High Sports

General Plan: Low Intensity Office R&D

Zoning: ML - Light Industrial

Site Area: 20,490 square foot tenant space

Existing Site Conditions: Existing tenant space within an industrial building

#### Surrounding Land Uses

North: Industrial Uses

South: Railroad right of way

East: Industrial Uses

West: Industrial Uses

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt the resolution approving the Use Permit, subject to conditions of approval

#### **BACKGROUND**

The applicant is requesting an amendment to an existing Use Permit to allow the sale and service of beer and wine as an ancillary use to an existing indoor recreation facility (Sky High Sports). The recreation facility occupies a 20,490 square foot tenant space within an existing industrial building.

Sky High Sports is an indoor trampoline center that was approved for operation via a Use Permit in 2006 (PLN2005-05501). The business is open daily with operating hours varying between 10 am and 11 pm.

The requested amendment of the prior Use Permit would modify the operation to allow for the sale and consumption of beer and wine (ABC License Type 41) in the concession area of the facility until 8 pm each day. The business currently serves a menu of food items and non-alcoholic beverages. Per the business plan provided by the applicant and included as an attachment, patrons that choose to drink alcohol are allowed a maximum of two drinks and can no longer jump on the trampolines. Colored wristbands would be utilized to identify patrons that are 21 and over. Sky High Sports does

not anticipate any live entertainment uses at this location.

## **DISCUSSION**

The primary issues for the project are consistency with the City's General Plan and Zoning Code.

### **Consistency with the General Plan**

The project site and neighboring properties to the northwest, west and south have a General Plan land use designation of Low Intensity Office R&D and are located in an Exception Area for Places of Assembly and Entertainment. The Low Intensity Office R&D designation is intended for campus-like office development. Properties to the northeast, east and south are designated High Intensity Office R&D and are intended for high-rise or campus-like developments and are also located in an Exception Area for Places of Assembly and Entertainment. Exception Areas are identified on the General Plan Land Use Map for the location of entertainment, recreation and assembly activities that include use by sensitive receptors (i.e. children and the aged) and preservation of industrial activities permitted by right outside the Exception Area.

### **Zoning Conformance**

The zoning designation is Light Industrial (ML). Pursuant to the Santa Clara City Code (SCCC), alcoholic beverage service is subject to Planning Commission review and approval of a Use Permit. SCCC Section 18.110.040 specifies the findings required in order for the Planning Commission to grant a use permit. Included in the Conditions of Approval (C8) is a requirement for the Planning Commission to review the Use Permit within 12 months from the date the applicant obtains an ABC Type 47 License. After six months from obtaining the ABC license, the City shall conduct an administrative review of ABC violations and police service calls and shall report any significant occurrences to the Planning Commission.

### **Circulation and Parking**

A total of 127 vehicle parking spaces are provided for shared use by all of the tenants and meet the parking demand of the new ancillary use of alcoholic beverage sales.

### **Conclusion**

The proposal is consistent with the General Plan and zoning designations for the subject property. The proposed on-site sale and service of beer and wine is an ancillary activity to the previously permitted recreational use that would meet customer needs and convenience, enhance a quality commercial use, and draw local and regional patronage to the facility.

## **ENVIRONMENTAL REVIEW**

[The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 Existing Facilities, in that the proposed use will occur inside an existing building involving negligible or no expansion of an existing use.]

## **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense which are offset by permit application fees

## **COORDINATION**

This report has been coordinated with the City Attorney's Office.

**PUBLIC CONTACT**

On July 12, 2019, public notice was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site.

**RECOMMENDATION**

Adopt a Resolution approving an amendment to the Use Permit for the sale and service of beer and wine (ABC License Type 41) in an existing recreational facility (Sky High Sports), subject to conditions of approval.

Prepared by: Rebecca Bustos, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Project Data Sheet
2. Development Plan
3. Resolution Approving the Use Permit
4. Conditions of Approval
5. Business Plan