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**Title:** Action on Use Permit for ABC License Type 47 for Pruneridge Golf Course located at 400 Saratoga Avenue

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**Attachments:** 1. Statement of Justification, 2. Development Plans, 3. Resolution approving a Use Permit, 4. Conditions of Approval, 5. City Approval- Past Records

Date	Ver.	Action By	Action	Result
8/28/2019	1	Planning Commission		

**REPORT TO PLANNING COMMISSION**

**SUBJECT**

Action on Use Permit for ABC License Type 47 for Pruneridge Golf Course located at 400 Saratoga Avenue

**REPORT IN BRIEF**

Project: Use Permit to allow on-site sale and consumption of beer, wine and distilled spirits (ABC Type 47 License) for the existing Pruneridge Golf Course.

Applicant: Chelsea Chilman, DJK Law Group/ Touchstone Golf, LLC

General Plan: Parks and Open Space

Zoning: Planned Development (PD)

Site Area: 30-acre Golf Course with a 4,046 square foot clubhouse that houses a 1,351 square foot restaurant.

Existing Site Conditions: Existing restaurant within the Pruneridge Golf Course and outdoor patio.

Surrounding Land Uses

North: Residential Planned Development

South: Retail and commercial uses across from Pruneridge Avenue.

East: R1-6L Single Family homes, Multifamily residential developments, and commercial developments across Saratoga Avenue

West: R1-6L Single Family homes across San Tomas Expressway

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

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

**BACKGROUND**

The applicant is requesting a Use Permit to allow on-site sale and consumption of beer, wine and distilled spirits (ABC License Type 47) in the restaurant located within the clubhouse and within the fenced premises of the golf course. Currently, the golf course wraps around an approximately 10-acre residential development. In 1977, the City Council approved the rezoning of the subject site along with the residential development from Agricultural (A) and Public, Quasi-Public (B) to a Planned Development (PD) Zoning District to allow retention of the nine-hole golf course, driving range, pro shop, restaurant and other related facilities, and construction of 79 townhouse units in the interior of the project area. Pruneridge Golf Course has been operating under the Type-41 (beer & wine) ABC license originally issued on September 9, 1980.

Past records from 1978 show that when the property was annexed from the County, the preexisting sale of alcoholic beverages was allowed to continue without the requirement of a Use Permit. In January 2007, following an inquiry from the then-owners of the Pruneridge Golf course regarding the allowance of the alcohol beverage service at the golf course, the City confirmed that the entitlement for beer and wine service was related to the Planned Development rather than a specific Use Permit approval and allowed the continued alcohol beverage service within the fenced area of the course. Prior approvals for the property under the City's jurisdiction are attached with this report. The golf course currently serves beer and wine within the fence premises of the course including the restaurant, patio, driving range and the course. The City's Police Department or the Code Enforcement division has not received any calls for service or violations related to the alcohol consumption on the site.

In addition to upgrading the current ABC license from Type 41 to Type 47, the applicant is proposing to make tenant improvements to the existing clubhouse restaurant (1,351 square feet) with 68 indoor seats existing. The applicant proposes to add 44 new seats to the 1,215 square foot outdoor patio within the clubhouse. There are currently 35 staff members employed at the golf course with an anticipated addition of up to 15 more staff members. However, most of the employees would work staggered shifts with no more than 22 staff members present onsite at a given time. There will be no change in the hours of operation for the golf course, which would continue to be from 6:00 A.M. to 10 P.M., Monday through Sunday. The applicant is not proposing live entertainment at this time. The applicant has provided a letter of justification along with the business operation plan to support the Use Permit request.

## **DISCUSSION**

### *Consistency with the General Plan:*

The subject property has a General Plan designation of Parks and Open Space. This classification is intended for improved and unimproved park and open space facilities, managed natural resource areas, and outdoor recreation areas. It includes neighborhood, community, and regional parks, public golf courses, recreational facilities, and nature preserves (such as the Ulistac Natural Area) that provide active or visual open space and serve the outdoor recreational needs of the community. The project is also consistent with the following General Plan policies:

5.3.3 P5 - Encourage public amenities and active uses in commercial centers and along commercial corridors. The proposal is consistent with this policy in that it will provide evening hours of operation until 10:00 p.m. allowing continued use of this publicly accessible amenity during the evening hours.

5.9.1 G1 Ample facilities for physical activities that promote community health. The project expands the services of the existing golf course, bringing in more people to the facility.

5.9.1 P18 Promote open space and recreation facilities in large scale developments in order to meet a portion of the demand for parks generated by new development. The project will be consistent with this policy by continuing to provide a recreational facility in close proximity to the other residential large-scale developments.

*Zoning Conformance:*

The zoning designation is Planned Development (PD) that was approved on July 19, 1977 allowing retention of the nine-hole golf course, driving range, pro shop, restaurant and other related facilities in conjunction with the construction of the residential development in the interior of the project. Since the property was annexed, the existing sale of alcoholic beverages was allowed without requiring a Use Permit. Now that the applicant wishes to expand the existing use by upgrading the ABC license to Type 47, a Use Permit is required to establish and maintain the proposed sales and on-site consumption of beer, wine, and distilled spirits.

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, City staff will conduct an administrative review of ABC violations and police service calls and shall report any significant occurrences to the Planning Commission.

*Circulation and Parking*

The restaurant is located within the clubhouse at the Pruneridge Golf Course, which provides 83 parking spaces including 4 accessible spaces that are available to all patrons visiting facility. Pursuant to the SCCC Section 18.74.020(g), the required parking for golf courses is one space for each tee plus one space for each employee. Pruneridge is a 9-hole golf course with a driving range providing 44 tees. Given that there will be no more than 22 employees onsite at a given time, the total parking requirement will be 75 spaces. Therefore, there is ample parking supporting the existing use.

*Conclusion:*

The proposal is consistent with the General Plan and Zoning designations for the existing Pruneridge Golf Course. The proposed on-site sale and consumption of beer, wine and distilled spirits is an ancillary use which would provide convenience to guests that would further enhance a quality commercial use, meet the needs of local customers, and draw patrons from the greater region.

**ENVIRONMENTAL REVIEW**

The action being considered is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class I Existing Facilities, in that the proposed use will occur at an existing location 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 for the typically covered by processing fees paid by the applicant.

**COORDINATION**

This report was coordinated with the City Attorney's Office.

**PUBLIC CONTACT**

On August 16, 2019 the notice of public hearing of this item 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. Planning Staff has not received public comments for this application.

### **RECOMMENDATION**

Adopt a resolution approving a Use Permit for the sale and consumption of beer, wine and distilled spirits (ABC License Type 47) for the existing Pruneridge Golf Course located at 400 Saratoga Avenue, subject to conditions of approval.

Prepared by: Nimisha Agrawal, Assistant Planner I  
Reviewed by: Alexander Abbe, Assistant City Attorney  
Approved by: Reena Brilliot, Planning Manager

### **ATTACHMENTS**

1. Statement of Justification
2. Development Plan
3. Resolution Approving a Use Permit
4. Conditions of Approval
5. City Approval - Past Records