



## Legislation Details (With Text)

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<b>Title:</b>	Action on Use Permit for ABC License Type 47 for 3151 Mission College Boulevard				
<b>Sponsors:</b>					
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<b>Attachments:</b>	1. Resolution Approving the Use Permit, 2. Conditions of Approval, 3. Statement of Justification, 4. Development Plans, 5. Agenda Report				

Date	Ver.	Action By	Action	Result
5/23/2018	1	Planning Commission	Approved as amended	Pass

## REPORT TO PLANNING COMMISSION

### SUBJECT

Action on Use Permit for ABC License Type 47 for 3151 Mission College Boulevard

### 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 a new BurgerIM restaurant, located on the north side of Mission College Boulevard. The BurgerIM restaurant is in progress of opening and will occupy a 2,341 square foot tenant interior space with a 426 square foot outdoor patio seating area which offers 72 seats in total. Proposed restaurant hours of operation, along with the sale and service of alcohol, are Monday -Thursday: 11:00 a.m. to 10:00 p.m., Friday-Saturday: 11:00 a.m. to 1:00 a.m. and Sunday: 11:00 a.m. to 10:00 p.m.

The retail building containing the subject restaurant was constructed in 1997 as part of the Mercado Shopping Center. In 2017, the building owner requested to downsize the existing Mexicali Grill restaurant creating another tenant space to accommodate the BurgerIM restaurant within the existing footprint. The tenant improvement plans are currently under review by the Building Department.

### Surrounding Land Uses

The existing Mercado Shopping Center is bordered by Calabazas Creek to the west, Mission College to the north, an existing office campus with High Intensity Office (R&D) land use designation to the east, and U.S. Highway 101 and Mission College Boulevard to the south.]

### DISCUSSION

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

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

The subject property has a General Plan designation of Regional Commercial (RGCO). This classification is intended for retail and commercial uses that provide local and regional services. It is intended for commercial developments that serve both Santa Clara residents and the surrounding region. A broad range of retail uses are allowed, including regional shopping centers and restaurants. The project is also consistent with the following General Plan policies:

#### **Commercial Land Use Policies:**

- 5.3.3-P1 Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region.
- 5.3.3 P5 Encourage public amenities and active uses in commercial centers and along commercial corridors.

### **Zoning Conformance**

The Zoning designation is Planned Development (PD). Under the approved Planned Development for the existing shopping center, restaurant uses are allowed by right, while alcohol sales are considered conditional uses. Therefore, a Use Permit is required to establish and maintain the proposed alcohol sales activity.

Per Santa Clara City Code (SCCC) Chapter 18.110, Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record.

### **Use Permit Findings**

The applicant is seeking a Use Permit to allow on-site sale and consumption of beer, wine and distilled spirits (ABC License Type 47) in a new burger restaurant. The applicant has provided a letter of justification to support the Use Permit request.

### **Circulation and Parking**

A total of 1,675 vehicle parking spaces are provided for shared use by all of the shopping center tenants. Of the total parking spaces, 24 spaces are currently available for the BurgerIM restaurant, which meets the requirement of 1 space for each three seats per SCCC Chapter 18.74. One Class I bicycle locker and two Class II bicycle rack parking spaces would be provided as part of the project.

### **Conclusion**

The proposal is consistent with the Planned Development approval for the existing Mercado Shopping Center. The proposed on-site sale and consumption of alcohol is an ancillary use which would provide convenience to restaurant guests, further enhance a quality commercial use, meet the needs of local customers, and draw patrons from the greater region. ]

### **ENVIRONMENTAL REVIEW**

The proposed is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class I 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 for the typically covered by processing fees paid by the applicant.

### **COORDINATION**

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

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website

### **RECOMMENDATION**

Adopt a Resolution approving a Use Permit for sales and consumption of beer, wine and distilled spirits (ABC License Type 47) in a new restaurant (BurgerIM) subject to conditions of approval.

Reviewed by: Reena Brilliot, Planning Manager

Approved by: Andrew Crabtree, Director of Community Development

### **ATTACHMENTS**

1. Resolution Approving the Use Permit
2. Conditions of Approval
3. Statement of Justification
4. Development Plans