



Legislation Details (With Text)

File #: 19-1588 **Version:** 1 **Name:**
Type: Consent Calendar **Status:** Agenda Ready
File created: 11/28/2018 **In control:** Planning Commission
On agenda: 2/27/2019 **Final action:** 2/27/2019
Title: Consent: Action on Use Permit for ABC License Type 47 for Element Hotel located at 1950 Wyatt Drive

Sponsors:

Indexes:

Code sections:

Attachments: 1. Development Plans, 2. Resolution Approving a Use Permit, 3. Conditions of Approval

Date	Ver.	Action By	Action	Result
2/27/2019	1	Planning Commission	Approved	Pass

REPORT TO PLANNING COMMISSION

SUBJECT

Consent: Action on Use Permit for ABC License Type 47 for Element Hotel located at 1950 Wyatt Drive

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of alcoholic beverages (ABC Type 47 License)

Applicant: Stephen Mobley, Bluebonnet Consulting

General Plan: Light Industrial

Zoning: Light Industrial (ML)

Site Area: 5,147 square foot area of the ground-floor of the Element Hotel

Existing Site Conditions: Existing square-footage within the Element Hotel

Surrounding Land Uses

North: Industrial uses

South: Montague Expressway

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 a Use Permit to allow on-site sale and consumption of alcoholic beverages (ABC License Type 47) in a new restaurant, located within the Element Hotel. The

restaurant will occupy 5,147 square feet of the ground floor of the hotel. The proposed restaurant hours of operation, along with the alcohol sales, are 6:30 a.m. to 10:00 a.m. for breakfast and 5:00 p.m. to 11:00 p.m. for dinner.

The hotel was approved through a Use Permit in 2016 (PLN2016-11737). The Use Permit includes the development of 24,000 square foot retail center and a 175 room hotel. The hotel is currently under construction.]

DISCUSSION

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

Consistency with the General Plan

The subject property has a General Plan designation of Light Industrial. This classification is intended to accommodate a range of light industrial uses, including general service, warehousing, storage, distribution and manufacturing. Restaurants providing full service dining and alcohol service are supported in the General Plan and are consistent with the following Office and Industrial Land Use Policies:

- 5.3.5-P8 Encourage the provision of services and amenities as part of larger developments in employment areas that cater to lunchtime and service needs, such as dry cleaners, to reduce vehicle miles traveled. The proposal would allow a full service restaurant serving alcoholic beverage in close proximity to the City's industrial employment center.

Zoning Conformance:

The zoning designation is Light Industrial (ML). Pursuant to Santa Clara City Code (SCCC), restaurants that serve alcoholic beverages are 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.

Conclusion:

The proposal is consistent with the General Plan and Zoning designations. The proposed on-site sale and consumption of beer and wine is an ancillary use which would provide convenience to hotel guests that would further enhance a quality commercial use.

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 activity consists of the permitting of a proposed use that will occur inside an existing building involving negligible or no expansion of 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 February 15, 2019, a 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 sales and consumption of beer and wine (ABC License Type 47) in a new restaurant within the previously approved Element Hotel, 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. Development Plan
2. Resolution Approving a Use Permit
3. Conditions of Approval