



## Legislation Details (With Text)

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**Title:** Action on Use Permit for ABC License Type 47 and outdoor seating for Bloom Restaurant located at 202 Saratoga Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Statement of Justification, 2. Development Plan, 3. Resolution approving the Use Permit, 4. Conditions of Approval

Date	Ver.	Action By	Action	Result
6/12/2019	1	Planning Commission		

## REPORT TO PLANNING COMMISSION

### SUBJECT

Action on Use Permit for ABC License Type 47 and outdoor seating for Bloom Restaurant located at 202 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 a new Bloom restaurant with outdoor seating

Applicant: Reza Manion, Bloom

General Plan: Community Mixed Use

Zoning: Community Commercial (CC)

Site Area: 2,500 square foot existing tenant space with 206 square foot outdoor seating on the shared sidewalk.

Existing Site Conditions: Existing tenant space within the Pruneridge Shopping Center

Surrounding Land Uses (adjacent to Pruneridge Shopping Center)

North: Pruneridge Golf Course

South: Residential Planned Development across San Tomas Expressway

East: Residential Planned Development 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 a new Bloom restaurant located at the Pruneridge Shopping Center. The restaurant will occupy a 2,500 square foot tenant space with 82 indoor seats and 12 outdoor seating (206 square foot) on the shared sidewalk. There is no enclosed patio for the outdoor seating. The proposed restaurant hours of operation, along with the sale and service of beer and wine, are Monday through Thursday from 7:00 a.m. to 10:00 p.m., Friday through Saturday from 7:00 a.m. to 11:00 p.m. and Sunday from 7:00 a.m. to 9:00 p.m. The applicant is not proposing live entertainment in the restaurant at this time.

## **DISCUSSION**

### *Consistency with the General Plan:*

The subject property has a General Plan designation of Community Mixed Use. This classification is a combination of the Community Commercial and Medium Density Residential designations and is intended to encourage a mix of residential and commercial uses along major streets. The project is also consistent with the following General Plan 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. The proposal is consistent with this policy in that the new restaurant will provide another eatery option within the larger mall complex.

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 10:30 p.m. that will allow for this public amenity to be available during regular mall hours.

### *Zoning Conformance:*

The zoning designation is Community Commercial (CC). Under the CC zoning designation for the Pruneridge Shopping Center, restaurant uses are allowed by right, while establishments selling alcoholic beverages are considered conditional uses. Therefore, a Use Permit is required to establish and maintain the proposed sales and on-site consumption of beer, wine, and distilled spirits. Outdoor seating is also subject to a Use Permit, per section 18.36.040 of the CC Zoning District allowing outdoor activity. The applicant has provided a letter of justification to support the Use Permit request. The leasing space is located within the Pruneridge Shopping Center, which provides 361 shared parking spaces that are available to all patrons visiting the shopping center. 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 for the existing Pruneridge Shopping Center. The proposed on-site sale and consumption of beer, wine and distilled spirits is an ancillary use which would provide convenience to restaurant 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 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 May 31, 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) and outdoor seating for a Bloom restaurant located at 202 Saratoga Avenue, subject to conditions of approval.

Prepared by: Nimisha Agrawal, Assistant Planner I

Reviewed by: Diana Fazely, Deputy 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