



Legislation Details (With Text)

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**Title:** Action on Use Permit for ABC License Type 47 for iChina Jiuba Restaurant and Lounge Located at 2855 Stevens Creek Boulevard

**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
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**REPORT TO PLANNING COMMISSION**

**SUBJECT**

Action on Use Permit for ABC License Type 47 for iChina Jiuba Restaurant and Lounge Located at 2855 Stevens Creek Boulevard

**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 tenant space, Suite 1891.

Applicant: Wendy Chen, T Square Consulting Group, Inc.

Owner: Scot Vallee

General Plan: Regional Commercial

Zoning: Community Commercial (CC)

Site Area: 12,297 square foot interior tenant space and 432 square foot patio area

Existing Site Conditions: Future tenant suite 1891 within the Westfield Valley Fair Mall

Surrounding Land Uses: (adjacent to Westfield Valley Fair Mall)

North: Single family residences along Forest Avenue

South: Commercial uses along Stevens Creek Boulevard including Santana Row

East: Interstate 280 Freeway

West: Commercial uses along Winchester Boulevard

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 beer, wine and distilled spirits (ABC License Type 47) in the new iChina Jiuba restaurant and lounge located within the Westfield Valley Fair Mall. The restaurant and lounge will occupy a 12,297 square foot tenant

space and a 432 square foot outdoor patio, Suite 1891, with 276 indoor seats and 20 seats in the patio area. The restaurant and lounge would not provide live entertainment as part of the regular operation. The proposed restaurant and lounge hours of operation, along with the sale and service of beer, wine and distilled spirits, are from 11:00 a.m. to 12:00 a.m. daily.

## **DISCUSSION**

### *Consistency with the General Plan:*

The subject property has a General Plan designation of Regional Commercial. 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:

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 12:00 a.m. that will allow for this public amenity to be available to mall patrons.

### *Zoning Conformance:*

The zoning designation is Community Commercial (CC). Under the CC zoning designation for the Westfield Valley Fair Mall, restaurant uses are allowed by right, while alcohol sales and consumption are considered conditional uses. Therefore, a Use Permit is required to establish and maintain the proposed alcohol sales and on-site consumption. The applicant has provided a letter of justification to support the Use Permit request. The leasing space is located within the Westfield Valley Fair Mall, which provides shared parking that are available to all patrons visiting the shopping center. Included in the Conditions of Approval (C6) 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 will conduct an administrative review of ABC violations and police service calls and report any significant occurrences to the Planning Commission.

### *Conclusion:*

The proposal is consistent with the General Plan and Zoning designations for the existing Westfield Valley Fair Mall. 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**

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 the sale and consumption of beer, wine and distilled spirit (ABC License Type 47) in the new iChina Jiuba restaurant and lounge located at 2855 Stevens Creek Boulevard, subject to conditions of approval.

Prepared by: Steve Le, 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