



Agenda Report

20-85

Agenda Date: 2/26/2020

REPORT TO PLANNING COMMISSION

SUBJECT

Consent: Action on Use Permit to expand the sale of alcoholic beverages (existing ABC License Type 47) and a new outdoor dining patio area at the Cheesecake Factory restaurant located at 3041 Stevens Creek Boulevard.

REPORT IN BRIEF

Project: Use Permit to allow a new outdoor dining patio area and expansion of sale of Beer, Wine & Distilled Spirits (existing ABC License Type 47) at the existing Cheesecake Factory restaurant to the new 1,084 square feet outdoor patio area.

Applicant: Jared Taylor, The Cheesecake Factory Restaurant Inc.

Owner: Scot Vallee, Unibail-Rodamco-Westfield

General Plan: Regional Commercial (RGCO)

Zoning: Community Commercial (CC)

Site Area: Cheesecake Factory restaurant within the Westfield Valley Fair Mall.

Staff Recommendation: Approve the Use Permit to allow a new outdoor dining patio area and expansion of existing ABC License Type 47 at the existing Cheesecake Factory restaurant to the new outdoor patio area.

BACKGROUND

The existing Cheesecake Factory restaurant occupies a 12,656 square foot (sf) tenant space. The applicant is requesting a Use Permit to allow a 1,084 sf new outdoor dining patio area with 54 seats and expansion of sale of beer, wine & distilled spirits (existing ABC License Type 47) at the existing Cheesecake Factory restaurant to the new outdoor patio area. The hours of operation, along with the proposed sale of alcohol, are from 11:00 a.m. to 11:00 p.m. Monday through Thursday, 11:00 a.m. to 12:30 a.m. on Friday, 10:00 a.m. to 12:30 a.m. Saturdays and 10:00 a.m. to 11:00 p.m. Sundays.

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.
- 5.3.4-P11 Foster active, pedestrian oriented uses at the ground level, such as retail shops, offices, restaurants with outdoor seating, public plazas or residential units with front stoops, in mixed use development.

Zoning Conformance

The Zoning designation is Community Commercial (CC). Under the Community Commercial zoning designation for the Westfield Valley Fair Mall, restaurant uses are allowed by right, while alcohol sales and outdoor patios with more than 12 seats or more than 250 square feet are considered conditional uses. Therefore, a Use Permit is required to expand and maintain the proposed alcohol sales activity and to build and maintain the new outdoor dining patio area.

Per Santa Clara City Code (SCCC) Chapter 18.110, the 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 the general welfare, based upon substantial evidence in the record. The findings in support of the request are contained in an attached resolution.

The applicant has provided a letter of justification to support the Use Permit request. There is no existing live entertainment at the restaurant. The applicant confirmed that they don't have any plans for having live entertainment in the future.

Circulation and parking

The number of seats and square footage of the restaurant interior is not changing. The applicant is proposing a 1,084 sf new outdoor dining patio area with 54 seats. Per SCCC Chapter 18.74, the required parking spaces for a restaurant is one space for each 200 square feet of floor area or one space for each three seats, whichever is greater. The required parking spaces for the new outdoor dining patio area is 18 spaces based on the 54 number of the seats provided. However, the restaurant is located as part of the Westfield Valley Fair Mall, which provides shared parking available to all patrons visiting the shopping center. Included in the Conditions of Approval (C7) 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 shall report any significant occurrences to the Planning Commission.

Conclusion

The proposal is consistent with approval for the existing Westfield Valley Fair Mall. The proposed outdoor patio area fosters active pedestrian uses at the ground level. The proposed expansion of the 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(e), Class 1 Existing Facilities, as the activity consists of an addition to an existing structure that will not result in an increase of either 50% of the existing floor area or 2500 square feet.

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 expansion of sale of alcoholic beverages (existing ABC License Type 47) in conjunction with the approval of a new outdoor dining patio area at the existing Cheesecake Factory restaurant located at 3041 Stevens Creek Boulevard, subject to conditions of approval.

Prepared by: Elaheh Kerachian, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Resolution Approving a Use Permit
2. Conditions of Approval
3. Letter of Justification
4. Development Plans