



Agenda Report

20-574

Agenda Date: 6/10/2020

REPORT TO PLANNING COMMISSION

SUBJECT

Action on Use Permit for ABC License Type 41 for Tapsilog Bistro at 1998 Homestead Road

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of beer and wine (ABC Type 41 License) for the subject site.

Applicant: Edmund Sanchez

Owner: Jinhie Lee, US Realty

General Plan: Community Commercial

Zoning: Neighborhood Commercial (CN)

Site Area: 1,200 square foot tenant space

Existing Site Conditions: Existing restaurant

Surrounding Land Uses:

North: Commercial uses

South: Single family residences

East: Single family residences

West: Commercial 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 beer and wine (ABC License Type 41) in a new restaurant (Tapsilog Bistro) located at 1998 Homestead Road. The restaurant occupies a 1,200 square foot tenant space in a multi-tenant commercial building. The restaurant would not provide live entertainment as part of the regular operation. The proposed restaurant hours of operation, along with the sale and service of beer and wine, are from 8 a.m. to 9 p.m. daily.

DISCUSSION

Consistency with the General Plan

The subject property has a General Plan designation of Community Commercial. This classification is intended for retail and commercial uses that meet local and neighborhood demands. 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 complex accessible to the greater neighborhood.

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 support a new restaurant business, which is considered an active use in an existing commercial center.

Zoning Conformance

Under the zoning designation for the subject site, Neighborhood Commercial (CN), 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.

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. The Planning Commission will also conduct a review of the Use Permit 12 months from the date the applicant obtains the ABC Type 41 license.

Conclusion

The proposal is consistent with the General Plan and Zoning designations for the site. The proposed sale of alcohol for consumption off the premises where sold is an ancillary use to an existing restaurant, which would provide convenience to the local and regional restaurant patrons.

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 and wine (ABC License Type 41) in a new restaurant (Tapsilog Bistro) located at 1998 Homestead Road, subject to conditions of approval.

Prepared by: Rebecca Bustos, Senior Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Development Plans
2. Resolution
3. Conditions of Approval
4. Letter of Justification