



Agenda Report

22-753

Agenda Date: 6/15/2022

REPORT TO PLANNING COMMISSION

SUBJECT

Action on Use Permit to allow on-site sale and consumption of beer and wine for a new Mendocino Farms Sandwich Market at 2040 Wyatt Drive, Suite 110

REPORT IN BRIEF

Applicant: Nina Raey, RSI Group, Inc

Owner: WH Silicon Valley LP

General Plan: Low Intensity Office / R&D

Zoning: Light Industrial (ML)

Site Area: 2,435 square foot tenant space in a previously approved Retail Center (File No. PLN2016-11737)

Existing Site Conditions: Vacant tenant space

Surrounding Land Uses: Commercial and Industrial

North: Commercial uses and Industrial Uses across Wyatt Drive

South: Commercial uses

East: Commercial uses

West: Mission College 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 the on-site sale and consumption of beer and wine (ABC License Type 41) in conjunction with a new Mendocino Farms Sandwich Market in an existing tenant space located within an existing retail center. A Use Permit for this retail center, Mission Park Marketplace, was approved by the Planning Commission on July 27, 2016 (File No. PLN2016-11737). The restaurant will occupy a 2,435 square foot tenant space and a 1,103 square foot outdoor patio, with 70 indoor seats and 32 seats in the outdoor patio. The proposed restaurant hours of operation, along with the sale and service of beer and wine, are Monday to Sunday from 11:00 a.m. to 11:00 p.m. Alcohol sale and service would only be available during normal business hours and when food service is available.

DISCUSSION

Consistency with the General Plan

The subject property has a General Plan land use designation of Low Intensity Office / R&D. This classification is intended for areas that provide a transition between light industrial and higher intensity office and R&D uses. It includes landscaped areas for employee activities and parking that

may be surface, structured or below grade. Accessory, or secondary, small scale supporting retail uses that serve local employees and visitors are also permitted. The proposed restaurant use in the existing retail center is consistent with this land use designation, as well as 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 retail development, which is surrounded by employment uses.

5.3.1 P9 Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.

The proposal is consistent with this policy in that it will provide this public amenity to support the employment growth.

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.

The proposal is consistent with this policy in that it provides a restaurant at the ground level of the larger retail development with outdoor seating.

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 beverages in close proximity to the City's industrial employment center.

Zoning Conformance

The subject property has a zoning designation of Light Industrial (ML). Pursuant to the 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 (P7) 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 retail center, Mission Park Marketplace. The proposed on-site sale and consumption of beer and wine is an ancillary use which would provide convenience to restaurant guests that would further enhance a quality commercial use and meet the needs of local customers.

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 at an existing facility 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 June 2, 2022, 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. As of the date of this report, planning staff have not received public comments for this application.

RECOMMENDATION

Adopt a resolution approving a Use Permit to allow the on-site sale and consumption of beer and wine (ABC License Type 41) for a new Mendocino Farms Sandwich Market at 2040 Wyatt Street, suite 110, subject to conditions of approval.

Prepared by: Nimisha Agrawal, Associate Planner
Reviewed by: Alexander Abbe, Assistant City Attorney
Approved by: Lesley Xavier, Planning Manager

ATTACHMENTS

1. Resolution Approving a Use Permit
2. Conditions of Approval
3. Development Plan