



Agenda Report

19-219

Agenda Date: 4/10/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Consent: Action on Use Permit for ABC License Type 47 for Del Frisco's Located at 2855 Stevens Creek Boulevard, suite 1860

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of beer, wine and distilled spirits (Type 47) for a new Del Frisco's with outdoor seating (ABC Type 47 License)

Applicant: Matt Ramos, Del Frisco's

General Plan: Regional Commercial

Zoning: Community Commercial (CC)

Site Area: 16,197 square foot tenant space, including 1,648 square foot interior patio space

Existing Site Conditions: Existing tenant space 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 a new Del Frisco's restaurant located at the Westfield Valley Fair Mall. The restaurant will occupy a 16,197 square foot tenant space including the two patio areas (1,648 square foot) with 331 indoor seats and 150 outdoor seats in two patios within the Mall. The proposed restaurant hours of operation, along with the sale and service of beer and wine, are from 11:00 a.m. to 10:30 p.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 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 Westfield Valley Fair Mall, 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 of beer, wine, and distilled spirits 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 (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 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

On March 29, 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 authorizing an outdoor dining area for a new Del Frisco's with outdoor seating located at 2855 Stevens Creek Boulevard, suite 1860, subject to conditions of approval.

Prepared by: Nimisha Agrawal, 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