



Agenda Report

19-220

Agenda Date: 4/10/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Consent: Action on Use Permit for ABC License Type 23 for Barebottle Microbrewery Located at 2520 Augustine Drive

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of beer and wine (ABC Type 23 License) for a new Barebottle microbrewery with outdoor seating at Santa Clara Square.

Applicant: Michael Seitz, Barebottle Brewing Company

General Plan: Regional Mixed Use

Zoning: Planned Development (PD)

Site Area: 4,976 square foot tenant space with a 333 square foot outdoor patio space

Existing Site Conditions: Existing tenant space within the Santa Clara square

Surrounding Land Uses (adjacent to Santa Clara Square)

North: US 101 Highway

South: Light industrial uses along Scott Boulevard

East: San Tomas Aquino creek

West: Commercial uses along Bowers Avenue

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 23) in the new Barebottle Microbrewery located at the Santa Clara Square. The restaurant will occupy a 4,976 square foot tenant space with 83 indoor seats and 24 seats in the outdoor patio (330 square foot). The proposed restaurant hours of operation, along with the sale and service of beer and wine, are from Sunday - Thursday 10:00 a.m. to 11:00 p.m. and Friday and Saturday from 10:00 am to midnight.

DISCUSSION

Consistency with the General Plan:

The subject property has a General Plan designation of Regional Mixed Use This classification is a combination of the Regional Commercial and High Density Residential designations and is intended for high intensity, mixed use development along major transportation corridors in the City. This designation permits all types of retail, local serving offices, hotel and service uses, except for auto

oriented uses, to meet local and regional needs. 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 mixed use development.

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 residential 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 project is consistent with this policy in that it provides a restaurant at the ground level of the mixed use development with outdoor seating.

Zoning Conformance:

The zoning designation is Planned Development (PD). Under the PD zoning designation for the Santa Clara Square, restaurant uses are an allowed use, while beer and wine sales are considered conditional uses. Therefore, a Use Permit is required to establish and maintain the proposed beer and wine sales and on-site consumption. The applicant has provided a letter of justification (Attachment 1 Project Summary) to support the Use Permit request. The leasing space is located within the Santa Clara Square, which provides shared parking that are available to all patrons visiting the site. 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 23 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 Santa Clara Square. 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, 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 and wine (ABC License Type 23) and authorizing an outdoor dining area for a new Barebottle microbrewery with outdoor seating located at 2520 Augustine Drive, 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. Project Summary
2. Development Plan
3. Resolution Approving a Use Permit
4. Conditions of Approval - Barebottle Microbrewery