



Agenda Report

19-348

Agenda Date: 4/24/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Consent: Action on Use Permit for ABC License Type 47 for AC Marriott Hotel located at 2950 Lakeside Drive

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of alcoholic beverages (ABC Type 47 License)

Applicant: Vince Cuce, AHTRST Concessions, LLC

General Plan: Low-Intensity Office/Research and Development (R&D)

Zoning: Light Industrial (ML)

Site Area: 3,500 square foot area of the ground-floor of the AC Marriott Hotel

Existing Site Conditions: Existing square-footage within the AC Marriott Hotel

Surrounding Land Uses

North: US 101 Highway

South: Industrial Uses

East: Commercial Park

West: Industrial 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 alcoholic beverages (ABC License Type 47) in a new restaurant, located within the AC Marriott Hotel. The restaurant will occupy 3,500 square feet of the ground floor of the hotel. The proposed restaurant hours of operation, along with alcohol sales, are 6:30 a.m.-10 a.m. for breakfast and 5 p.m.-12 a.m. for dinner. Alcohol consumption will also be permitted in the meeting rooms, patio area and pool area.

The hotel was approved through a Use Permit in 2015 (PLN2015-11204). The Use Permit includes the development of a seven story hotel with 188 rooms. The hotel is currently under construction.

DISCUSSION

The primary issues for the project are consistency with the City's General Plan and Zoning Code.

Consistency with the General Plan:

The subject property has a General Plan designation of Low-Intensity Office/Research and Development (R&D). This classification is intended for campus like office development that includes office and R&D, as well as medical facilities and free-standing data centers. Restaurants providing full service dining and alcohol service are supported in the General Plan and are consistent with the following Office and Industrial Land Use Policy:

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

Zoning Conformance:

The zoning designation is Light Industrial (ML). Pursuant to 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 (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. The proposed on-site sale and consumption of beer, wine and distilled spirits is an ancillary use which would provide convenience to hotel guests that would further enhance a quality commercial use.

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 for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

On April 12, 2019, 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 on this application.

RECOMMENDATION

Adopt a Resolution approving a Use Permit for sales and consumption of beer, wine and distilled spirits (ABC License Type 47) in a new restaurant within the previously approved AC Marriott Hotel, subject to conditions of approval.

Prepared by: Tiffany Vien, Assistant Planner

Reviewed by: Diana Fazely, Deputy City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

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