



## Agenda Report

19-501

Agenda Date: 5/22/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Consent: Action on Use Permit for ABC License Type 41 for Tender Greens located at 2532 Augustine Drive

#### **REPORT IN BRIEF**

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

Applicant: The Irvine Company

General Plan: Regional Mixed Use

Zoning: Planned Development (PD)

Site Area: 3,460 square foot tenant space

Existing Site Conditions: Existing tenant space within Santa Clara Square

#### Surrounding Land Uses

North: U.S. 101 Highway (U.S. 101)

South: Industrial Uses

East: Industrial Uses

West: Commercial Park

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 sale and service of beer and wine in a new restaurant (Tender Greens). The restaurant occupies a 2,850 square foot tenant space with 74 indoor seats and a 610 square foot enclosed patio with 30 outdoor seats in Santa Clara Square, a multi-tenant retail/apartment mixed-use complex at the northeast corner of Bowers Avenue and Scott Boulevard.

Tender Greens is a corporate owned-and-operated "fast-casual" restaurant chain that offers a fresh and organic menu. The restaurant is open daily from 11 a.m. to 9 p.m. and employs approximately 12 persons per shift. Alcohol sales for on-site consumption are proposed daily during food service hours. Tender Greens does not anticipate any entertainment uses at this location other than ambient music.

#### **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 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 proposed project is consistent with the following General Plan policies:

- 5.3.4 P6: Locate a neighborhood square or plaza within large mixed use developments.
- 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.

### Zoning Conformance

The zoning designation for the subject property is Planned Development (PD). This district is intended to accommodate development that is compatible with the existing community and that integrates uses that are not permitted to be combined in other zone districts; or utilizes imaginative planning and design concepts that would be restricted in other zone districts; or subdivides land or air space in a manner that results in units not having the required frontage on a dedicated public street; or creates a community ownership project.

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 (C7) is a requirement for the Planning Commission to review the Use Permit within 12 months from the date the applicant obtains an ABC Type 41 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.

### Use Permit Findings

The applicant is requesting a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in a new restaurant. The applicant has provided proposed findings to support the Use Permit request and is attached to this staff report. Use Permit findings are prepared and presented in the attached Planning Commission Resolution.

### Circulation and Parking

Santa Clara Square is accessed from Augustine Drive or Scott Boulevard by four driveways. The PD development standards for the retail center and residential/mixed use (PLN2014-10257/PLN2015-10900) propose one parking space for each 200 square feet of floor area regardless of the number of seats. Parking for dedicated outdoor dining is required at a rate of one parking space per three seats. The parking standards are generally consistent with the City's parking regulations. The proposed 74 interior seats inside of the new restaurant is in conformance with the parking standards on site. The proposed 30 exterior seats will be located in an enclosed patio.

Santa Clara Square has a Master Retail Seating and Parking Permit Program in place (PLN2016-11668). Additional retail parking would be provided on site within the office campus parking garage located across Augustine Drive near the western portion of the project site. There are 320 parking

spaces available within the office parking garage for Santa Clara Square retail employee and customer parking. The parking spaces within the parking garage may vary, but will be available indefinitely for retail parking.

#### Conclusion

The proposal is consistent with the General Plan and zoning designations for the subject property. The proposed on-site sale and service of beer and wine is an ancillary activity to the permitted restaurant use that would meet customer needs and convenience, enhance a quality commercial use and dining experience, and draw local and regional patronage to the restaurant.

#### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 Existing Facilities, in that the proposed use will occur inside an existing building involving negligible or no expansion of an existing use.

#### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense which are offset by permit application fees.

#### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

#### **PUBLIC CONTACT**

Public notice was posted within 300 feet of the project site and mailed to property owners within 300 feet of the project site.

#### **RECOMMENDATION**

Adopt a Resolution approving a Use Permit for the sale and service of beer and wine (ABC License Type 41) in a new restaurant (Tender Greens), subject to conditions of approval.

Prepared by: Rebecca Bustos, Associate Planner  
Reviewed by: Alexander Abbe, Assistant City Attorney  
Approved by: Reena Brilliot, Planning Manager

#### **ATTACHMENTS**

1. Development Plans
2. Resolution Approving the Use Permit
3. Conditions of Approval
4. Applicant Statement