



Agenda Report

19-1198

Agenda Date: 11/13/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Action on Use Permit for ABC License Type 47, and to allow indoor live entertainment for Eureka! Restaurant Located at 2762 Augustine Drive, Suite 120 and 130

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of beer, wine and distilled spirits (ABC Type 47 License) and to allow indoor live entertainment for the tenant space, Suites 120 and 130.

Applicant: Jared Taylor, Eureka!

Owner: The Irvine Company

General Plan: Community Commercial

Zoning: Planned Development (PD)

Site Area: 3,382 square foot interior tenant space and 653 square foot patio area

Existing Site Conditions: Existing tenant space within the Santa Clara Square Marketplace

Surrounding Land Uses:

North: Office complex

South: Industrial office and a UCSC Silicon Valley extension facility

East: Multi-family residential mixed-use development

West: Gas station, SVP substation, and office complex

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) and indoor live entertainment in the new Eureka Restaurant located within the Santa Clara Square Marketplace. The restaurant occupies a 3,382 square foot tenant space and a 653 square foot outdoor patio, Suites 120 and 130, with 98 interior dining seats, 16 interior bar seats, 46 exterior seats and 6 exterior bar seats in the patio area. The restaurant would provide indoor live entertainment as part of the regular operation inside the tenant space. The proposed live entertainment will include small local bands playing amplified music for dining ambiance. No DJ's, dance floor or stage are proposed. The proposed restaurant hours of operation, along with the sale and service of beer, wine and distilled spirits, are from 10:00 a.m. to 12:00 a.m. Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Friday through Saturday.

DISCUSSION

Consistency with the General Plan:

The subject property has a General Plan designation of Community Commercial. This classification is intended for retail and commercial uses that meet local and neighborhood demands. It is intended for

commercial developments that include community shopping centers and supermarkets, local professional offices, medical facilities, banks, restaurants, and neighborhood-type services. The restaurant is consistent with the land use classification of the General Plan. 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 retail 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 1:00 a.m. that will allow for this public amenity to be available to Santa Clara Square Marketplace patrons and residents nearby.

Zoning Conformance:

The zoning designation is Planned Development (PD). Pursuant to Santa Clara City Codes for commercial zoning districts, restaurants that serve alcoholic beverages and incidental live entertainment are allowable uses subject to Planning Commission review and approval of Use Permit. Section 18.110.040 of the Zoning Code identifies the findings that the Planning Commission must make in order to approve the Conditional use Permit. The attached resolution includes those required findings, along with the justification of how those findings can be met. The attached conditions of approval support the Planning Commission's ability to make the required findings, including 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, City staff will conduct an administrative review of any ABC violations and police service calls and report any significant occurrences regarding either liquor sales or disturbances involving live entertainment to the Planning Commission.

The applicant has provided a letter of justification to support the Use Permit request. The lease space is located along the western edge of the Santa Clara Square Marketplace which is separated by retail buildings to the residential mixed-use buildings.

Circulation and Parking:

The proposed number of outdoor seats is consistent with the approved master outdoor seating and retail parking program (PLN2016-11668) for the Santa Clara Square development. The Planned Development was approved with a retail parking ratio of one parking space per 200 square feet of each tenant's floor area. A bicycle parking requirement was also approved under the Planned Development for Santa Clara Square. The proposed project would not expect to generate additional parking demand that has not already been accounted for in the commercial center.

Conclusion:

The proposal is consistent with the General Plan and Zoning designations for the existing Santa Clara Square Marketplace. The proposed on-site sale and consumption of beer, wine and distilled spirits and live entertainment 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 neighborhood. Due to distance and separation by retail buildings, the proposed use and live entertainment is not expected to have an impact on the nearby residents. No

detrimental effects or adverse impacts are anticipated to result in the area with approval of the requested Use Permit, and is therefore supported by staff.

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 and outside of 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, wine and distilled spirit (ABC License Type 47), and incidental live entertainment in the new Eureka! Restaurant located at 2762 Augustine Drive, Suite 120 and 130, subject to conditions of approval.

Prepared by: Yen Han Chen, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

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