



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
(408) 777-3308 • FAX (408) 777-3333

PLANNING COMMISSION STAFF REPORT

Agenda Item No. ____

Agenda Date: December 8, 2015

SUBJECT:

Use Permit for a separate full service bar and late hours of operation at a restaurant located in Shop 4 within the Main Street Cupertino development; and Architectural and Site Approval to allow enhancements to the exterior patio dining area for the restaurant. (Application No.(s): U-2015-08 & ASA-2015-25; Location: 19379 Stevens Creek Blvd, APN: 316-20-112; Applicant: Jonathan Siu (Alexander's Steakhouse); Owner: Main Street Cupertino Aggregator LLC)

RECOMMENDATION:

Staff recommends that the Planning Commission the following in accordance with the draft resolutions:

1. approve the Use Permit (U-2015-08) to allow a restaurant with late hours and a separate bar (Attachment 1); and
2. Architectural and Site Approval (ASA-2015-25) permit to allow façade and site modifications for a new restaurant and bar (Attachment 2).

PROJECT DATA:

General Plan Designation:	Commercial/Office/Residential
Special Area	South Vallco sub-area within the Heart of the City Special Area
Zoning Designation:	P(CG, OP, ML, Res)
Specific Plan:	Heart of the City Specific Plan
Shop 4 Area:	12,616 square feet
Number of Seats:	
Indoor Dining:	208
Separate Bar:	10
Exterior Patio:	50

Max. number of employees:	65	
Hours of Operation – Main Restaurant:	Proposed	Allowed
Monday	5:30 p.m. – 9:30 p.m.	7:00 a.m. – 11:00 p.m.
Tuesday, Wednesday	11:30 a.m. – 9:30 p.m.	7:00 a.m. – 11:00 p.m.
Thursday – Saturday	11:30 a.m. – 1:00 a.m.	7:00 a.m. – 11:00 p.m.
Sunday	5:00 p.m. – 9:00 p.m.	7:00 a.m. – 11:00 p.m.
Bakery:	8:00 a.m. – 10:00 p.m.	7:00 a.m. – 11:00 p.m.
Parking:	Consistent with the Main Street shared parking plan	
Project Consistency with:		
General Plan:	Yes	
Zoning:	Yes	
Environmental Assessment:	Categorically Exempt, Section 15301 (Existing Facilities)	

BACKGROUND:

Project Site and Surroundings

The 18.7-acre Main Street project is located at the northwest corner of the Stevens Creek Boulevard and Tantau Avenue intersection. The site is bounded by Stevens Creek Boulevard to the south, Tantau Ave to the east, Vallco Parkway to the north, and the Metropolitan mixed-use development to the west.



Figure 1: Main Street Cupertino Project Location

The project includes:

- Office buildings (260,000 s.f.) on the east and north-east portions of the site
- Parking garage (1,410 spaces) along Vallco Parkway
- 180-room hotel located at the southeast corner of the intersection of Vallco Parkway and the former Finch Road
- 130,500 s.f. of retail development comprising of:
 - Retail buildings 7 and 8 near the public park

- Shops 2-5 and pads 1-3 arranged around a pedestrian plaza at the northeast corner of the intersection of Stevens Creek Boulevard and the main entrance (former Finch Road)
- Flex/mixed-use buildings located east of the former Finch Road, along a new private street running east-west through the site
- Shop 6 and the major retail located at the northwest corner of the intersection of Stevens Creek Boulevard and the main entrance (former Finch Road)
- 120 unit rental Loft Apartments located at the southwest corner of the intersection of Vallco Parkway and the former Finch Road
- Town Square and pedestrian plaza located centrally on the site on a portion of the former Finch Road
- Public park located on the west side of the project site directly south of the Nineteen800 (Rosebowl) project

The office and commercial components of the project have been constructed. The apartments, hotel, park, major retail, and shop 6 are under construction. Alexander's Steak House will be located in Shop 4, as shown in Figure 1 above in black outline.

DISCUSSION:

Alexander's Steak House is currently located in a stand-alone building within the Vallco Shopping District on the east side of N. Wolfe Road where it has been operating since 2005. Relocation to the Main Street development offers the operator newer and more visible location that is in close proximity to their original location.

The applicant, Jonathan Siu, representing Alexander's Steak House, is requesting a Use Permit to incorporate a separate bar within the restaurant, and extended hours of operation. The General Commercial (CG) Ordinance requires that the Planning Commission review and approve requests for extended hours of operation (beyond the hours of 7:00 a.m. and 11:00 p.m.) and separate bar facilities.

In conjunction with the proposed bar and extended hours of operation, an Architectural and Site Approval is being requested to allow enhancements to the patio area for outdoor dining. (See Attachment 3). Architectural and Site Approvals may be approved by the Director of Community Development. However, since the permit is being sought concurrently with the use permit, the Municipal Code requires that the higher approval body review both requests.

Operational Details

Alexander's Steak House is a sit-down restaurant that offers lunch and dinner options to customers. They will be adding a new component to the restaurant that serves pastries and coffee. The restaurant includes a separate bar area and banquet rooms for larger parties. In accordance with Main Street Cupertino condition of approval #33B.4,

Alexander's is activating the restaurant frontage along Stevens Creek Boulevard by incorporating a connection from the interior dining and bar area to the secondary patio area along Stevens Creek Boulevard. The proposed hours of operation comply with the City's Municipal Code at all times except for Thursday through Saturday when the restaurant proposes to be open until 1:00 a.m. The restaurant will have a maximum of 65 employees at any given time. Employees will remain on site until 2:00am to clean up. A condition of approval has been added to reflect this (See Attachment 4)

Architectural & Site Approval

Alexander's is incorporating three outdoor dining areas: one near the main entrance facing the interior courtyard of Main Street (north patio), a second dining area along the Stevens Creek Boulevard frontage (south patio), and a third dining area along the western elevation of Shop 4 (west patio). To accommodate the new patio seating, modifications include hand rails enclosing the north and south patio areas. All patios include dining furniture, heating lamps, and umbrellas for shade. The State's Department of Alcoholic Beverage Control (ABC) requires patio areas to be enclosed in order to permit outdoor alcohol service. The proposed railing comprises of stained grade wood with cable wires and black metal posts and includes recessed, under-rail lighting. The outdoor dining furniture includes glass table tops with weather proof chairs, and sofas with red and black couch cushions.

Parking

Main Street Cupertino has a previously approved shared parking plan with 1,984 spaces total that allows for 130,500 square feet of retail/restaurants and office with a limitation of 35% for restaurant uses. The proposal is within the allowed restaurant square footage for the project, and therefore, meets the parking requirements.

Proximity to Residential Use

The new restaurant will be located in the Heart of the City Specific Plan Area which is envisioned to serve as a gathering place. Main Street Cupertino encourages commercial and retail use, with supportive residential development. The residential portion of the Main Street Cupertino (Loft Apartments) is located in a separate building approximately 480 feet away from the retail portion of the project. Other residential developments around the Main Street Cupertino development include: Metropolitan condominiums, located 510 feet to the west of the project, the Stevens Creek Village apartments, located 500 feet to the south of the project across Stevens Creek Boulevard, an attached townhome community located 540 feet to the south of the project on Craft Drive and Finch Avenue, and the closest single family residence located 650 feet from the new restaurant location.

In order to ensure that odors do not become a nuisance from the new establishment, a condition of approval has been added to include an odor abatement system in the kitchen. The project is not anticipated to impact any of the residential uses in the project vicinity.

Security

As conditioned, the applicant will submit a security plan for the restaurant which will be reviewed and approved by the Santa Clara County Sheriff's department prior to operation of the restaurant. In addition, the Cupertino Sheriff's sub-station, located within the development, will further enforce safety and security throughout the project. A condition of approval has been added to require the property owner to address security concerns, in the event that they arise, and reimburse the City, in the event of additional Sheriff's enforcement time.

Other Department/Agency Review

The City's Public Works Department, Building Division, the Santa Clara County Fire Department, the Cupertino Sanitary District, and Cal Water reviewed the project and have no objections. Their pre-hearing comments/conditions have been incorporated as conditions of approval in the draft resolutions.

ENVIRONMENTAL ASSESSMENT

The use permit is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301 (Existing Facilities) of the CEQA Guidelines because the proposed use occurs within the city limits and is surrounded by existing urban uses.

PUBLIC NOTICING & OUTREACH

The following table is a brief summary of the noticing done for this project:

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>at least 10 days prior to hearing</i>)▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>)▪ Notices mailed to property owners adjacent to the project site (<i>at least 10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>5 days prior to hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>5 days prior to hearing</i>)

PERMIT STREAMLINING ACT

This project is subject to the Permit Streamlining Act (Government Code Section 65920 – 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

Project Received: October 8, 2015; Deemed Incomplete: November 5, 2015

Resubmittal: November 13, 2015; Deemed Incomplete: November 17, 2015

Resubmittal: November 18, 2015; Deemed Complete: November 18, 2015

Since this project is Categorically Exempt, the City has 60 days (until January 18, 2015) to make a decision on the project. The Planning Commission's decision on this project is final unless appealed within 14 calendar days of the decision.

CONCLUSION

Staff recommends approval of the project since the project and conditions of approval address all concerns related to the proposed development and all of the findings for approval of the proposed project, consistent with Chapter 19.168 of the Cupertino Municipal Code, may be made.

Prepared by: Tiffany Brown, Associate Planner

Reviewed and Approved by:

_____/s/Piu Ghosh
Piu Ghosh
Principal Planner

ATTACHMENTS:

- 1 – Draft Resolution U-2015-08
- 2 – Draft Resolution ASA-2015-25
- 3 – Plan Set
- 4 – Business Description with Menu