



**OFFICE OF COMMUNITY DEVELOPMENT**

CITY HALL

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**PLANNING COMMISSION STAFF REPORT**

Meeting: June 13, 2017

**SUBJECT**

Use Permit to consider allowing a separate bar facility within a newly proposed restaurant (Stout Burgers & Beers) at the Nineteen800 development (Application No.(s): U-2017-02; Applicant(s): Philip Camino (Stout Burgers and Beers); Location: 10088 N Wolfe Road, Ste #100; APN(s): 316-20-108)

**RECOMMENDED ACTION**

That the Planning Commission:

1. Find the project exempt from CEQA and
2. Approve the Use Permit (U-2017-02), in accordance with the draft resolution.

**DISCUSSION**

**Application Summary:**

Use Permit to allow a separate bar facility with 14 bar seats within a new restaurant.

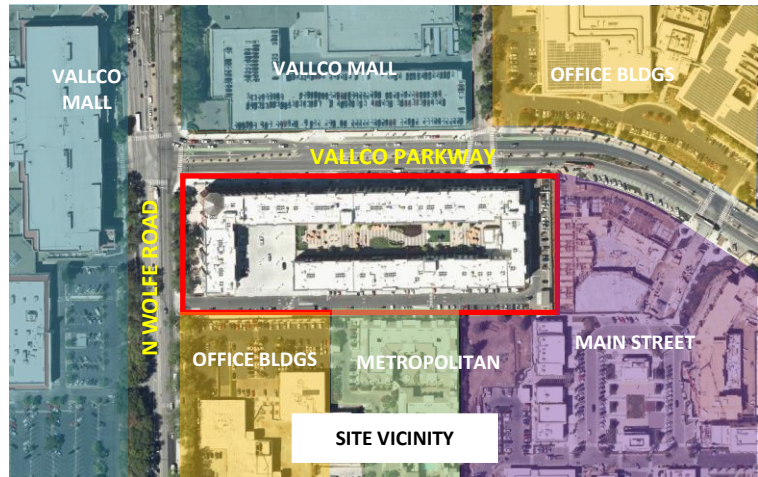
**Project Data:**

<b>General Plan Designation:</b>	Commercial/Residential
<b>Special Area:</b>	South Vallco Park Gateway within the Heart of the City Special Area
<b>Zoning Designation:</b>	P(CG, OP, Res)
<b>Restaurant Size:</b>	3,362 square feet
<b>Seating:</b> Dining:	54
Bar:	14
<b>Number of Employees:</b>	7
<b>Parking Spaces (required and provided):</b>	30 (1 space/3 seats + 1 space/employee)
<b>Hours of Operation</b>	
Sunday – Saturday:	11 AM to 11 PM

<b>Project Consistency with</b>	
General Plan:	Yes
Zoning:	Yes
<b>Environmental Assessment:</b>	Categorically Exempt

### Background:

The residential mixed-use Nineteen800 project, approved in October 2004 and completed in October 2015, is located at the southeast corner of N. Wolfe Road and Vallco Parkway within the South Vallco Park Gateway of the Heart of the City Special Area. To the west and north of the site is the Vallco Shopping District. The businesses currently operational in the Vallco Shopping District



are: Bay Club, Dynasty Restaurant, and AMC Theatres on the west side of N. Wolfe Rd and Benihana and Bowlmor Cupertino on the north side of Vallco Parkway. To the east is the mixed-used Main Street project with residential lofts, a hotel, offices and retail businesses; and to the south is the residential/commercial mixed-use Metropolitan development and an office complex. The nearest single-family residential property is approximately 830 feet to the west of the site.

Stout Burgers and Beers is a sit-down restaurant designed around a central bar area to serve burgers and micro-brewed beer with the intent of serving the community as a local pub. The proposed floor plan includes a half-circle bar counter located at the center of the restaurant's dining space. The proposed hours of operation are 11:00am to 11:00pm Sunday through Saturday. Please see cover sheet of Attachment 2 for operational narrative.

### Proposed Project:

The applicant, Philip Camino, representing Stout Burgers and Beers, is requesting a Use Permit to operate a separate bar within the restaurant. The General Commercial (CG) Ordinance requires that the Planning Commission review and approve requests for full-service restaurants with separate bar facilities.

Of the three major tenant spaces within the Nineteen800 development fronting N Wolfe Road, two restaurant operators requested and obtained approval from the Planning Commission for a separate bar facility within the restaurants' interior dining spaces. In addition, several business in the adjacent Main Street development also have separate bars. Recent approvals of separate bar facilities within restaurants include:

- |                                    |  |
|------------------------------------|--|
| ▪ Steins Beer Garden (Nineteen800) | ▪ Rootstock Wine Bar (Main Street)     |
| ▪ Doppio Zero (Nineteen800)        | ▪ Alexander's Steakhouse (Main Street) |
| ▪ LYFE Kitchen (Main Street)       | ▪ Lazy Dog Restaurant (Main Street)    |
| ▪ Eureka (Main Street)             | ▪ The Counter (Biltmore)               |

#### *Noise*

The proposed bar facility is located within an existing tenant space and no additional noise impacts are anticipated due to the requested 14 bar seats.

#### *Parking*

The Nineteen800 development has a total of 475 parking stalls for the retail component of the project with separate residential parking. With its existing tenant mix and an assumption that the vacant commercial spaces are parked at the standard parking ratio for retail uses, the center is required to provide 339 spaces (see Attachment 3 for parking analysis). There is an excess of 136 parking spaces available, therefore, there are no impacts to parking.

#### *Security*

The Sheriff's Office reviewed the project proposal and did not identify any security or public safety concerns. Additionally, the Cupertino Sheriff's sub-station, located within the Main Street development adjacent to the Nineteen800 development, enforces safety and security in this vicinity and 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.

#### **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 in an existing built up environment within the city limits and is surrounded by existing urban uses.

#### **Other Department/Agency Review:**

The City's Building Division, the Santa Clara County Fire Department, and the County's Sheriff's Office reviewed the project and have no objections.

## PUBLIC NOTICING & OUTREACH

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

Notice of Public Hearing and Intent, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none"> <li>▪ Site Signage (<i>14 days prior to the hearing</i>)</li> <li>▪ Legal ad placed in newspaper (<i>at least 10 days prior to the hearing</i>)</li> <li>▪ 115 public hearing notices mailed to property owners within 300 feet of the project site (<i>10 days prior to the hearing</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>)</li> <li>▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>)</li> </ul>

No public comments have been received as of the date of production of this staff report (May 31, 2017).

## 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:*** March 28, 2017; ***Deemed Incomplete:*** April 25, 2017

***Project Received:*** May 11, 2017; ***Deemed Complete:*** May 31, 2017

Since this project is Categorically Exempt, the City has 60 days (until July 31, 2017) to make a decision on the project.

## 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 19.156 of the Cupertino Municipal Code, may be made.

## NEXT STEPS

Should the project be approved, the Hearing Officer's decision on this project is final unless an appeal is filed within 14 calendar days of the date of the mailing of the decision, on June 27, 2017.

This approval expires on June 13, 2019, at which time the applicant may apply for a one-year extension.

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Prepared by: Ellen Yau, Assistant Planner

Reviewed by: Piu Ghosh, Principal Planner

Approved by: Benjamin Fu, Assistant Director of Community Development

**ATTACHMENTS:**

1 – Draft Resolution for U-2017-02

2 – Plan Set

3 – Parking Analysis for Nineteen800