



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

CITY HALL
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PLANNING COMMISSION STAFF REPORT

Meeting: June 13, 2017

SUBJECT:

Use Permit to consider allowing a separate bar and hours of operation past 11pm at a hotel restaurant (Marriott), located within the Main Street Cupertino mixed use development. Application No(s): U-2017-04; Applicant(s): Marc Dimalanta (Marriott Hotel); Location: 19429 Stevens Creek Boulevard. APN(s): 316-20-115)

RECOMMENDED ACTION:

Staff recommends that the Planning Commission:

1. Find that the project is exempt from CEQA; and
2. Approve the Use Permit (U-2017-04) in accordance with the draft resolution (Attachment 1)

DISCUSSION:

Application Summary:

Use Permit (U-2017-04) to allow a hotel restaurant within the Marriott Residence Inn to operate past 11 pm with a separate bar in a mixed use development (Main Street).

Project Data:

General Plan Designation:	Commercial/Office/Residential	
Special Area	South Vallco Gateway within the Heart of the City Special Area	
Zoning Designation:	P(CG, OP, ML, Res)	
Specific Plan:	Heart of the City Specific Plan	
	Size	Seats
Restaurant/Banquet Facility	4,000 square feet	170
Bar	2,500 square feet	80
Total	6,508 square feet	250

Hours of Operation	Proposed	Allowed
Sunday - Wednesday	11:00 a.m. – 11:00 p.m.	7:00 a.m. – 11:00 p.m.
Thursday	11:00 a.m. – Midnight	7:00 a.m. – 11:00 p.m.
Friday & Saturday	11:00 a.m. – 2:00 a.m.	7:00 a.m. – 11:00 p.m.
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. The project includes:

- Office buildings (260,000 s.f.);
- Parking garage (1,410 spaces);
- 120 unit rental Loft Apartments;
- 180-room hotel (identified by the blue star in Figure 1);
- 130,500s.f. of retail development comprising of several retail buildings, including buildings labeled Shops 1-8 and pads 1-3 on Figure 1 above, arranged around a Public Park, Town square and interior plazas, a flex office/mixed-use building and a major retail building (Target Express).



Figure 1 Project Location

The office and commercial components of the project have been constructed. The Loft Apartments and the Marriott Residence Inn (hotel) are currently under construction.

An Architectural and Site Approval (ASA-2012-11) for the hotel was approved by the City Council on January 1, 2013. In addition, Use Permit (M-2012-03) Resolution 12-098, permitted 24-hour operation of the hotel while also requiring that the hotel provide a minimum of 6,500 square feet of restaurant and meeting space area on the ground floor. The proposed lounge, meeting rooms, and banquet facility meet the requirement of the

Use Permit approval. However, the operations of these portions of the hotel were fully determined at that time and therefore, not approved in conjunction.

Applicant Requests

The applicant, Marc Dimalanta, representing Marriott Hotel, is requesting a Use Permit to operate a restaurant and conference space with extended hours of operation and a separate bar facility. The General Commercial (CG) Ordinance requires the Planning Commission to review and approve requests for hours of operation beyond the hours of 7:00 a.m. and 11:00 p.m. and separate bar facilities.

Analysis:

Operational Details

The hotel is considered a business class hotel that primarily caters towards business travelers and provides limited amenities such as conference and meeting rooms, kitchenettes, restaurants that serve free daily hot breakfasts, and business service centers. The operators of the hotel are proposing to operate an approximately 6,500-square-foot restaurant which includes an outdoor patio, banquet facility, meeting room, and separate bar. A 2,500-square-foot bar area, the Atlas Lounge, will focus on “New American International Fare” cuisine and specialty cocktails and craft beer. The approximately 4,000-square-foot banquet facility and meeting room portions will be reserved for conferences, weddings, and similar events. The bar area seats approximately 80 patrons within the space, including the adjacent outdoor patio area, while the banquet facility and meeting room sits approximately 170 patrons. The applicant is proposing to allow service to customers until 11:00 p.m. between Sunday and Thursday, until midnight on Thursday and until 2:00 a.m. on Friday and Saturday. Employees would remain on site for up to one hour after closing.

Proximity to Residential Use

The Hotel is located in the Heart of the City Specific Plan Area which is envisioned to serve as a gathering place that supports the creation of Main Street and downtown environment. 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 to the northwest of the business. Other mixed use developments around the Main Street Cupertino development include the Metropolitan development, the closest residence of which are located approximately 550 feet to the west of the project, and the Nineteen800 development of which the closest residence is located approximately 470 feet to the northwest.

The operation of the business is subject to the regulations and violations in Cupertino Municipal Code Chapter 10.48: *Community Noise Control*. The table below is a list of the businesses in the South Vallco neighborhood that have a separate bar and/or expanded hours of operation.

Name	Approved Customer Service Hours	Separate Bar	Closest Proximity to Residential Use
Alexander's Steakhouse	Daily 7:00 a.m. to 1:00 a.m.	Yes	510 feet (Metropolitan)
Rootstock Wine Bar	Daily 8:00a.m. – 1:00 a.m.	Yes	490 feet (Loft Apartments)
Eureka!	Sunday – Thursday 7:00 a.m. to midnight Friday – Saturday 7:00 a.m. to 1:00 a.m.	Yes	630 feet (Loft Apartments)
Meet Fresh	Daily 11 a.m. to 12:00 a.m.	No	25 feet (Loft Apartments)
Steins Beer Garden	Sunday - Thursday 10:00 a.m. to 11:00 p.m. Friday - Saturday 10:00 a.m. to midnight	Yes	0 feet (Nineteen800)
Lazy Dog	Monday - Saturday 11:00 a.m. – 1:00 a.m. Sunday 10:00 a.m. - midnight	Yes	325 feet (Stevens Creek Village)
Lyfe Kitchen	Daily 7:00 a.m. to 11:00 p.m.	Yes	360 feet (Loft Apartments)

The City has not received any complaints due to the expanded hours of operation or bar use for any of the businesses above. Allowing this use to expand hours of operation and separate bar is also not anticipated to impact the residential uses in the project vicinity.

A condition of approval has been added to allow the staff to review the operations of the business, and if warranted rescind and/or modify the Use Permit approval, in the event that there are ongoing issues with the use.

Security

The Cupertino Sheriff's sub-station, located within the development, enforces 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.

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.

Other Department/Agency Review:

The Sheriff's Department has reviewed the application and has no comments.

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>) ▪ 6 Notices mailed to property owners adjacent to the project site (300 foot) (<i>at least 10 days prior to the hearing</i>) ▪ 28 interested persons were notified (<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>)

One member of the public has commented on the project as of the date of production of this Staff Report. (Attachment 4).

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: April 26, 2017

Deemed Complete: May 19, 2017

Since this project is Categorical Exempt, the City has 60 days (until July 19, 2017) 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 19.156 of the Cupertino Municipal Code, may be made.

NEXT STEPS

All approvals granted by the Planning Commission shall go into effect after 14 days. Should the project be approved, the Planning Commission'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.

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

Prepared by: Gian Paolo Martire, Associate Planner

Reviewed by: Piu Ghosh, Principal Planner

Approved by: Benjamin Fu, Assistant Director of Community Development

ATTACHMENTS:

- 1 – Draft Resolution for U-2017-04
- 2 – Floor Plan & Elevations
- 3 – Business Description
- 4 – Public Comment