



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

File #: 19-0221, Version: 1

### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2018-7711

**Location:** 150 E. McKinley Avenue, Suite 200 (APN: 209-35-015)

**Applicant / Owner:** American Multi-Cinema, Inc. (applicant) / STC Venture LLC (owner)

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** to allow alcohol service with food at a movie theater.

**Reason for Permit:** A Special Development Permit is required for food uses that have on-sale general alcohol beverage service in the Downtown Specific Plan (DSP) zoning district.

**Issues:** Neighborhood impacts

**Project Planner:** Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

**Recommendation:** Approve the Special Development Permit with the recommended Conditions of Approval.

### PROJECT DESCRIPTION

The proposed project is for full alcohol service with food at a movie theater. The theater, to be operated by AMC, is currently under construction as part of the approved CityLine project (formerly Sunnyvale Town Center).

A master Special Development Permit (2007-0030) was approved by the City Council in 2007 for the CityLine project, which consists of six sub-blocks within Block 18 of the Downtown Specific Plan. Sub-block 5, bound by McKinley Avenue to the north, Sunnyvale Avenue to the east, Iowa Avenue to the south and Murphy Avenue to the west, was approved with a two-story commercial building primarily facing McKinley. The first floor will contain a Whole Foods grocery store, while the second floor will contain an AMC movie theater. Updated architectural plans for the building were approved by the Planning Commission in 2016 (2016-7968), which included a revised theater floor plan with 10 screens and 1,800 seats. A subsequent Miscellaneous Plan Permit (2017-7494) was approved by staff in 2017 to allow the movie theater to have extended hours of operation until 4 a.m. for 12 weekends per year for special events.	Yes
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements	No

**Proposed Use:** The theater will operate a “dine-in” style movie theater, with a concession stand, a lounge seating area, and food service within the theater auditoriums. The theater also proposes to serve beer, wine and distilled spirits with food. If approved, the theater will obtain a Type 47 license through the California Department of Alcoholic Beverage Control for on-site consumption of alcoholic beverage sale and service associated with food establishments.

No changes to the building exterior are proposed as part of this permit. The theater will operate under the approved daily hours of 6 a.m. to 2 a.m., with extended hours for special events. Alcohol beverages will be served until 1 a.m.

**Neighborhood Impacts / Compatibility:** Planning staff consulted with the Department of Public Safety, who has expressed no concerns with the proposed project. It is not unreasonable to request alcohol service with establishments that provide food, especially in such an active downtown setting with a mix of retail, office and residential uses. The closest single-family homes are located across Sunnyvale Avenue to the east, with no theater building openings facing them. Therefore, staff finds neighborhood impacts to be minimal.

**Public Contact:** 480 notices were sent to surrounding property owners and residents within 300 feet of the site, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. Notices were also sent to the Sunnyvale Downtown Association. No letters or calls were received from the public by staff.

**Environmental Determination:** The proposed project is within the scope of the Downtown Specific Plan Environmental Impact Report (EIR) and subsequent addenda. Therefore, no new environmental review is required per California Environmental Quality Act (CEQA) Guidelines Section 15168(c). The project is also exempt under Guidelines Section 15305 (minor change to land use limitations) and Section 15061(b)(3) (it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment).

## **ALTERNATIVES**

1. Approve the Special Development Permit with recommended Conditions in Attachment 2.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

## **RECOMMENDATION**

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment 2.

Prepared by: Noren Caliva-Lepe, Senior Planner

Approved by: Ryan Kuchenig, Senior Planner

## **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Standard Requirements and Recommended Conditions of Approval
3. Recommended Findings
4. Site and Architectural Plans
5. Project Description Letter from the Applicant