

RESOLUTION NO \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING AN AMENDMENT TO A USE PERMIT TO ALLOW ON-SITE SALE AND SERVICE OF BEER AND WINE (ABC LICENSE TYPE 41) IN AN EXISTING RECREATIONAL FACILITY LOCATED AT 2880 MEAD AVENUE, SANTA CLARA, CA**

PLN2019-13864 (Use Permit)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, on April 26, 2019, Sky High Sports Santa Clara, (“Applicant”) applied for an amendment to a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing 20,490 indoor recreational facility, located at 2880 Mead Avenue, within a multi-tenant industrial building (“Site Location”);

**WHEREAS**, the Site Location is currently zoned Light Industrial (ML) and has the General Plan land use designation of Low Intensity Office R&D;

**WHEREAS**, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 existing facilities, in that the proposed use will occur at an existing location involving negligible or no expansion of an existing use;

**WHEREAS**, pursuant to Santa Clara City Code (“SCCC”) Section 18.48.040(e)(2), the current ML zoning designation of the Project Site permits uses not normally permitted but that are appropriate for an industrial area, subject to a conditional use permit;

**WHEREAS**, the Use Permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and specific locations, could have a detrimental effect on the community in specific instances;

**WHEREAS**, in order to implement the proposed activity, the Site Location requires a Use Permit to allow beer and wine in conjunction with the existing indoor recreational use, as shown on the Development Plans;

**WHEREAS**, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare;

**WHEREAS**, on July 12, 2019, the notice of public hearing for the July 24, 2019 meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to all property owners located within 300 feet of the Site Location; and

**WHEREAS**, on July 24, 2019, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that approving an amendment to an existing Use Permit to allow sale and service of beer and wine (ABC License Type 41) in a 20,490 square-foot industrial tenant space is consistent with the conditional uses contemplated in the industrial zoning districts.
3. That the Planning Commission hereby finds as follows:
  - A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the addition of beer and wine sales to customers will improve the entertainment experience for customers of the indoor recreational facility within the General Plan Exception Area for Places of Assembly and Entertainment Uses.

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposed use will continue to be fully contained within the existing building. Further, through implementation of the operational program restricting the number of drinks and overall operations, the inclusion of beer and wine to the café menu will not be detrimental to the public health, safety or welfare, and will not be materially injurious to properties in the vicinity.

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use will occur within the enclosed industrial building, and on-site parking is sufficient and available to service the proposed use and the existing businesses;

3) The general welfare of the City, in that the proposed use expands the beverage options available to the local and regional population that patron the business.

C. That said use will not impair the integrity and character of the zoning district, in that the existing recreational use as enhanced with beer and wine service for customers will continue on an existing developed parcel, with adequate on-site parking, and properly designed ingress and egress points provided.

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that the proposed enhanced indoor recreational use is permitted with Use Permit approval.

4. That the Planning Commission hereby approves this Amendment (PLN2019-13864) of the conditional Use Permit (PLN2005-05501) to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing recreational facility, located at 2880 Mead Avenue, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 24<sup>th</sup> DAY OF JULY 2019, BY THE FOLLOWING VOTE:

AYES:                      COMMISSIONERS:

NOES:                      COMMISSIONERS:

ABSENT:                      COMMISSIONERS:

ABSTAINED:                      COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval