



**City of
Santa Clara**
The Center of What's Possible

Planning Division

November 16, 2017

Steve Rawlings
Alcoholic Beverage Specialists
26023 Jefferson Avenue, Suite B
Murrieta, CA 92562

Re: Use Permit for Kitchen at the Commons 2515 Augustine Drive – PLN2017-12739

Dear Mr Rawlings:

Your request for a Use Permit to allow on-site sale and service of beer and wine (ABC License 41) in conjunction with meal service at a full-service restaurant at 2515 Augustine Drive (Kitchen at the Commons) has been approved at Planning Commission meeting October 25, subject to the conditions specified in the attached Permit.

Should you have any questions, please feel free to contact Anna McGill, Associate Planner, at (408) 615-2458/ AMcGill@santaclaraca.gov.

Sincerely,

Rebecca Bustos
Acting Development Review Officer

Attachment:

1. Use Permit
2. Sign Resolution

cc: Anna McGill

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USE PERMIT

Planning Division

Andrew Crabtree, Director of Community Development

File: PLN2017-12739

Location: 2515 Augustine Drive, a 8,615 square foot tenant space (Kitchen at the Commons) within a 47.57 acre mixed use development (Santa Clara Square), located on the north side of Augustine Drive and south of Highway 101; APN: 216-45-006; property is zoned Commercial Park (CP) with a General Plan designation of High Intensity Office/R&D.

Applicant/Owner: Steve Rawlings/Alcoholic Beverages Specialists

Request: Use Permit to allow on-site sale and consumption of beer and wine (ABC License Type 41) for Kitchen at the Commons, with proposed 118 indoor seats. Proposed hours of operation are Monday – Friday: 7:30 AM – 9:00 PM.

General Plan Designation: High Intensity Office/R&D

Zoning Designation: Commercial Park (CP)

Environmental Determination: Categorical Exemption per Section 15301, Class I Existing Facilities.

FACTS

The Director of Community Development finds that the following are the relevant facts regarding this proposed project pursuant to Planning Commission Resolution No. 17-047 adopted on October 25, 2017:

1. The project site has a High Intensity Office/R&D land use designation.
2. The project site is zoned Commercial Park (CP) and is approximately 47.57 acre site located at 2515 Augustine Drive, in the City of Santa Clara.
3. The project is a request for Use Permit to allow on-site sale and service of beer and wine in a full service restaurant (ABC License Type 41).
4. The project site is owned by 2505 Augustine Drive LLC and the applicant is Steve Rawlings with the Alcoholic Beverages Specialists.
5. The project submittal includes business description and development plans and is attached to, and part of, this Use Permit.

FINDINGS

The Director of Community Development finds that based on an analysis of the facts presented above, that:

(a) That 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 proposal contributes to the existing diversity of eating establishments serving beer and wine available along a commercial thoroughfare of the City to meet the needs of local customers and draw patrons from the greater region.

(b) That 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; 2. Property or improvements in the neighborhood of such proposed use; or 3. The general welfare of the City, in that:

- The proposal provides a restaurant that serves beer and wine in conjunction with food in a new commercial tenant space within Santa Clara Square which meets all City of Santa Clara codes and regulations; the hours of operation will be limited to Monday – Sunday: 7:30 a.m. – 9:00 p.m.; and the project will comply with all California Department of Alcoholic Beverages Type 41 licensing requirements;
- The on-site sale and consumption of beer and wine will take place entirely within the proposed restaurant. Santa Clara Square provides sufficient parking for shared use by all commercial and residential tenants;
- The proposal contributes to the variety of eating establishments providing beer and wine sales and service in conjunction with restaurant dining in a mixed use complex with sufficient parking available to support the proposed use.

(c) That said use will not impair the integrity and character of the zoning district, in that:

- The proposal is designed and conditioned in a manner to be consistent with adjacent commercial and residential development, on a developing parcel, with adequate parking.

(d) That said use is in keeping with the purposes and intent of the Zoning Code, in that:

- A restaurant that serves beer and wine in conjunction with food may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties; the proposed use is expected to operate in a manner that is complimentary to the surrounding area.
- The project will comply with all California Department of Alcoholic Beverages Type 41 licensing requirements.

(e) That said use will not impair the integrity and character of the zoning district, in that:

- The proposal is designed in a manner to be consistent with adjacent commercial and residential development, with adequate parking.

(f) That said use is in keeping with the purposes and intent of the Zoning Code, in that:

- A restaurant offering on-site sale and consumption of alcohol may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with all building code requirements and conditions thereof.
- C2. No live entertainment or amplified music will be allowed, unless it is wholly incidental to the restaurant use.
- C3. Any other use or uses not similar to a food service within Kitchen at the Commons with a full service menu accompanied with on-site consumption of beer and wine shall require an amendment to the Use Permit, subject to Planning Commission review and approval prior to commencement of such use.
- C4. Use shall be operated in a manner such that it does not create a public or private nuisance.
- C5. Any modification to the approved project description shall require an amendment to the Use Permit subject to Planning Commission review and approval prior to commencement of business.
- C6. The Director of Community Development may refer the Use Permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved project description. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the Use Permit to the Planning Commission within three months for consideration of revocation proceedings.
- C7. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of developer's project.
- C8. Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages are served.
- C9. The hours of operation shall be limited to the hours of Monday to Friday: 7:30 a.m. to 9:00 p.m. Any change to hours of operation within two years of planning approval can be reviewed by zoning administrator action through a minor modification. The zoning administrator reserves the right to discretionary referral to the Planning Commission if deemed necessary.
- C10. The restaurant shall be allowed to have up to 129 indoor seats.
- C11. The Planning Commission shall review this Use Permit PLN2017-12739 twelve (12) months from the date that applicant obtains an active Alcoholic Beverage Control (ABC) License Type 41. After six months from obtaining the ABC license, the City shall conduct an administrative review of any ABC violations and police service calls, and shall report any significant occurrences to the Planning Commission.
- C12. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E4. The following minimum bicycle parking facilities shall be provided at the main entrance or high visible areas: 1 Class I bicycle locker and 4 Class II bicycle parking spaces.

ELECTRICAL

No Comments

WATER

No Comments

POLICE

- P1. The business shall undergo a 6 month and 1 year review by the City of Santa Clara, including a check for ABC violations and police service calls.
- P2. All business or commercial establishments, of whatever nature, should have a comprehensive internal security plan, tailored to the specific use. This should include, but not limited to, employee security during working hours, after hours security, disaster preparation, etc. For retail uses, especially where there is cash on hand, robbery and cash security protocols should be established. Applicants are encouraged to contact the Santa Clara Police Department's Community Services Unit (408-615-4859) for assistance.
- P3. All business or commercial establishments, of whatever nature, should have an electronic intruder alarm system installed. The system should cover the interior and perimeter of structures determined to be a value target. Also, consideration should be given to exterior areas that are or contain value targets, such as a product display lot, company vehicle parking area, etc.
- P4. The installation and use of interior and exterior security cameras and recording devices is highly encouraged.
- P5. The business operator shall strictly adhere to the business hours as stated in the use permit.

FIRE

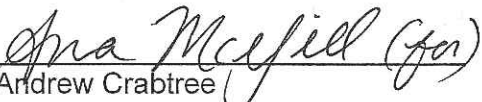
No comments

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STREET

No comments

Approved:


Andrew Crabtree
Director of Community Development

Dated: November 16, 2017

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RESOLUTION NO. 17-047

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO ALLOW ON-SITE SALE AND SERVICE OF BEER AND WINE (ABC LICENSE TYPE 41) IN A FULL-SERVICE CAFE WITH INDOOR SEATING, LOCATED AT 2515 AUGUSTINE DRIVE, SANTA CLARA, CA

PLN2017-12739 (Use Permit)

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

WHEREAS, on July 31, 2017, Steve Rawlings ("Applicant") applied for a Use Permit to allow on-site sale and service of beer and wine in a new 8,615 square foot full-service Café, Kitchen at the Commons (ABC License Type 41) with 118 indoor seats, located within Santa Clara Square, 2515 Augustine Drive ("Site Location");

WHEREAS, the Site Location is currently zoned CP – Commercial Park and has the General Plan land use designation of High Intensity Office/R&D;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow beer and wine sales in conjunction with food service within the 8,615 square foot restaurant occupying a commercial tenant space in the Santa Clara Square ("Proposal"), as shown on the Development Plans attached to this resolution;

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 I existing facilities, in that the proposed use will occur inside a building that was recently constructed in the previously approved Santa Clara Square (PLN2014-10258);

WHEREAS, the Office Phases II and III of the Santa Clara Square Project are served by surface parking and parking garages. The approved parking ratio for Office Phase II and III is 3.3/1000;

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, commercial uses including restaurants that serve alcoholic beverages are a conditionally permitted in the subject CP zoning district by the Planning Commission with the approval of a Use Permit;

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, based upon substantial evidence in the record;

WHEREAS, on October 13, 2017, the notice of public hearing for the October 25, 2017 meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to property owners within 300 feet of the Site Location; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on October 25, 2017 to consider the Use Permit. At the public hearing, the Planning Commission invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Proposal.

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 a Use Permit to allow sale and service of beer and wine in conjunction with food (ABC License Type 41) in a new 8,615 square foot commercial tenant space with 118 indoor seats is consistent with the commercial

uses contemplated in the development of the mixed use Santa Clara Square development to provide a variety of uses and services in the CP zoning district.

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, is essential or desirable to the public convenience or welfare, in that the proposal contributes to the existing diversity of eating establishments serving beer and wine available along a commercial thoroughfare of the City to meet the needs of local customers and draw patrons from the greater region.

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 proposal provides a café that serves beer and wine in conjunction with food in a new commercial tenant space within Santa Clara Square which meets all City of Santa Clara codes and regulations; the Santa Clara Square development provides sufficient parking for shared use by all commercial and residential tenants; the daily hours of operation will be limited to the hours of Monday to Friday: 7:30 AM to 9:00 PM

2) Property or improvements in the neighborhood of such proposed use, in that the on-site sale and consumption of alcohol will take place entirely within the existing café, and on-site parking is sufficient to service the proposed use and existing businesses;

3) The general welfare of the City, in that the proposal contributes to the variety of eating establishments providing beer and wine sales and service in conjunction with restaurant dining in a mixed use complex with sufficient parking available to support the proposed use. This would provide convenience to restaurant guests, further enhance a quality commercial use, meet the needs of local customers, and draw patrons from the greater region.

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed and conditioned in a manner to be compatible with adjacent

commercial and residential development, on a developing parcel, with adequate parking, and properly designed ingress and egress points.

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a café that serves beer and wine in conjunction with food, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties. The proposal provides 118 indoor seats with adequate parking.

4. That the Planning Commission hereby approves a Use Permit PLN2017-12739 to allow on-site sale and service of beer and wine (ABC License Type 41) in a full-service café, Kitchen at the Commons, located at 2515 Augustine Drive, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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6. 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 25th DAY OF OCTOBER, 2017, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: Chahal, Ikezi, O'Halloran, Reinhardt

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Jain, Kelly

ABSTAINED: COMMISSIONERS: None

ATTEST:



ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval

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