

RESOLUTION NO. _____

**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
ALCOHOL (ABC LICENSE TYPE 47) LOCATED AT 3149
MISSION COLLEGE BOULEVARD, SANTA CLARA, CA 95050**

PLN22-00272 (Use Permit)

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

WHEREAS, on May 12, 2022, Alexander Garcia for Tostada's ("Applicant") applied for a Use Permit to allow on-site sale and service of alcohol (ABC License Type 47) in a 5,314 square-foot tenant space within an existing commercial center located at 3149 Mission College Boulevard ("Site Location");

WHEREAS, the Site Location is currently zoned Planned Development (PD) and has the General Plan land use designation of Regional Commercial;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow the on-site sales and consumption of alcohol in conjunction with food service at Tostada's occupying the commercial tenant space in the existing retail center, as shown on the Development Plans;

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, commercial uses including restaurants that serve alcoholic beverages are conditionally permitted in the Planned Development (PD) 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 July 22, 2022, the notice of public hearing for the August 3, 2022, 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 August 3, 2022, 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 a Use Permit to allow the on-site sale and consumption of alcohol (ABC License Type 47) in the 3,149 square-foot Tostada's restaurant, with 160 indoor and 40 outdoor seats, is consistent with the commercial uses contemplated in the development of the existing retail center.
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 proposal would serve to expand the options available to local and regional customers by providing a neighborhood restaurant within an approved retail center to meet the interests of local customers and residents 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

restaurant that serves alcohol in conjunction with food in a restaurant within the tenant space in an existing retail center which meets all City of Santa Clara codes and regulations, and the business will comply with all City and state laws regarding the sale of alcoholic beverages;

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use will occur in an existing retail tenant space, 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 options available to the local and regional population by providing a restaurant use serving a full-range of alcohol to support businesses, residents, and visitors in the vicinity of the Site Location;

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 developed parcel, with adequate parking, and properly designed ingress and egress points; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that sales and consumption of alcohol in conjunction with food may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this Planned Development zoning district.

4. That the Planning Commission hereby approves Use Permit PLN22-00272 to allow on-site sale and consumption of alcohol (ABC License Type 47) for Tostada's located at 3149 Mission College Boulevard, subject to the Conditions of Approval and development plans, 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 SPECIAL MEETING THEREOF HELD ON THE 3rd DAY OF AUGUST,
2022, 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