

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 BEER AND WINE (ABC LICENSE TYPE 41) IN AN EXISTING RESTAURANT LOCATED AT 2047 EL CAMINO REAL, SANTA CLARA, CA

PLN2018-13370 (Use Permit)

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

WHEREAS, on June 29, 2018, David Pham, Tay Ho Restaurant (“Applicant”) applied for a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing 3,463 square foot restaurant, located at 2047 El Camino Real, within the multi-tenant El Camino Center (“Site Location”);

WHEREAS, the Site Location is currently zoned Community Commercial (CC) 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 beer and wine in conjunction with food service within the 3,463 square foot restaurant occupying a commercial tenant space in the existing El Camino 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, the required parking spaces is 26 spaces based on the 78 seats provided in the Tay Ho Restaurant. The leasing space is located within the El Camino Center Mall which has a surplus of parking spaces to accommodate existing uses on-site.

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 conditionally permitted in the Community Commercial (CC) 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 September 14, 2018, the notice of public hearing for the September 26, 2018 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 September 26, 2018, 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 sale and service of beer and wine (ABC License Type 41) in an existing 3,463 square foot restaurant with 78 seats is consistent with the commercial uses contemplated in the El Camino 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 allowing the sale and service of beer and wine with restaurant dining in an existing restaurant shopping mall 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 beer and wine in conjunction with food in an existing commercial tenant space within an established shopping center which meets all City of Santa Clara codes and regulations; the restaurant will be managed and maintained, and will comply with any and 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 full service dining experience to support businesses and residents in the vicinity of the project site;

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 commercial 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 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 in this Community Commercial zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2018-13370 to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing restaurant,

located at 2047 El Camino Real, 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 26TH DAY OF SEPTEMBER, 2018, 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

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