



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

Planning Division

September 21, 2017

Carlene Matchniff
Irvine Company
5451 Great American Pkwy
Santa Clara, CA 95054

Re: Use Permit for Raley's at 3555 Monroe – PLN2017-12719 (Use Permit)

Dear Mrs Matchniff:

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 3555 Monroe Avenue (Raley's in Nob Hill Foods) has been approved at Planning Commission meeting September 13, 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,

Gloria Sciara, AICP
Development Review Officer

Attachment:

1. Use Permit

cc: Anna McGill

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USE PERMIT

Planning Division

Andrew Crabtree, Director of Community Development

File:

PLN2017-12719

Location:

3555 Monroe Street, a 2,600 square foot tenant space (Raley's) within a 16.03 acre mixed use development (Monticello Village); located at the northeast corner of Monroe Street and Lawrence Expressway (APN: 216-25-006).

Applicant/Owner:

Carlene Matchniff/Irvine Company

Request:

Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in a full-service restaurant within Nob Hill Foods.

General Plan Designation:

Regional Mixed Use

Zoning Designation:

Planned Development (PD)

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. 17-033 adopted on September 13, 2017:

1. The project site has a Regional Mixed Use General Plan land use designation.
2. The project site is zoned Planned Development (PD) and is approximately 16.03 acre site located at 3555 Monroe Street, 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 Irvine Company and the applicant is Carlene Matchniff with the Irvine Company.
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 the Monticello Village which meets all City of Santa Clara codes and regulations; the hours of operation will be limited to Monday – Sunday: 6:00 a.m. – 8:00 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. The Monticello Village 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:

Conditions of Approval

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 Nob Hill Foods grocery store 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 Sunday: 6:00 a.m. to 8:00 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 39 indoor seats.
- C11. The Planning Commission shall review this Use Permit PLN2017-12719 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. Applicant shall pay all applicable development fees.
- E2. 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.
- E3. 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.

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

STREET

No comments

Approved:



Andrew Crabtree
Director of Community Development

Dated: September 22, 2017