

RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE
PERMIT MODIFYING USE PERMITS U.668 AND U.1863 TO
ALLOW THE CONVERSION OF A SERVICE STATION
BUILDING INTO A RETAIL CONVENIENCE STORE AND
POTENTIAL RESTAURANT, LOCATED AT 3725 EL CAMINO
REAL, SANTA CLARA, CA**

PLN2018-13294 (Use Permit)

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

WHEREAS, on July 2, 1968, the City of Santa Clara approved Use Permit U.668 for the operation of a full-service automobile service station at 3725 El Camino Real, at the northeast corner of Halford Avenue and El Camino Real (“Project Site”);

WHEREAS, On August 8, 1990, the Planning Commission approved Use Permit U.1863 for the Project Site, modifying the prior approval to allow for the conversion of the full-service station into a self-service station, and including the conversion of a 419 square-foot portion of the 1,792 square foot building for a convenience market & snack shop;

WHEREAS, on May 29, 2018, Royal Gas Zone, Incorporated (“Applicant”) applied for a Use Permit to modify the prior two approvals for the Project Site to allow conversion of the vehicle repair bays within the existing service station building for a retail convenience store including off-site beer and wine sales (ABC Type 20 License) and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) within the existing snack shop area of the building;

WHEREAS, the Site Location is currently zoned CC – Community Commercial and has the General Plan land use designation of Regional Mixed Use / El Camino Real Focus Area;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow a retail convenience store and the retail sales of beer and wine for off-site consumption (ABC Type 20 License), and a potential restaurant use (without beer and wine or any other

alcoholic beverage sales) within the existing 1,792 square foot service station building with related site parking and landscaping improvements, 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 CEQA Section 15303, new construction or conversion of small structures, in that the proposed use will occur on an existing developed property within an existing building, where only minor modifications are made in the exterior of the structure;

WHEREAS, the on-site parking will be improved to comply with the zoning requirement of one parking space for each two hundred (200) square feet of gross floor area or one space for each three seats, whichever is greater, per Chapter 18.74 of the Santa Clara City Code (SCCC);

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 retail convenience store uses and the concurrent retail sales of beer and wine for off-site consumption (ABC License Type 20), and restaurants are conditionally permitted in the subject CC zoning district by the Planning Commission with the approval of a Use Permit;

WHEREAS, pursuant to SCCC Sections’ 18.68.030 (d), 18.68.030 (f) and 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 December 21, 2018, notices of the January 9, 2019 public hearing for this project were posted in multiple locations within the City limits, including three locations within 300 feet of the Project Site, and were mailed to all property owners within 300 feet of the Project Site.

**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 modify prior Use Permits U.668 and U.1863 to allow conversion of the vehicle repair bays within an existing service station building for a retail convenience store including off-site beer and wine sales (ABC Type 20 License) and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) within the existing snack shop space of the building, is consistent with the commercial uses contemplated on this CC zoned property.

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 retail convenience store and possible restaurant use within an existing service station building 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 retail convenience store that will sell beer and wine for off-site consumption, and also a potential restaurant (that would not serve beer and wine or any other alcoholic beverages) within an existing building and will improve the on-site parking and landscaping in a manner which meets all City of Santa Clara codes and regulations; and will comply with any and all City and state laws regarding the sale of beer and wine;

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use will occur in an existing building;

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 convenience store and possible restaurant use to support nearby 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 nearby residential development, on a developed parcel; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a convenience store and potential restaurant within the existing building, may be conditionally permitted in a manner that would not be objectionable or detrimental to adjacent or nearby properties in this Community Commercial zoning district.

4. That the Planning Commission hereby approves a Use Permit PLN2018-13294 to modify prior Use Permits U.668 and U.1863 to allow conversion of the vehicle repair bays within an existing service station building for a retail convenience store including off-site beer and wine sales (ABC Type 20 License) and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) within the building, on the property located at 3725 El Camino Real, at the northeast corner of Halford Avenue and 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 9th DAY OF JANUARY,
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

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