

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) AT THE ELEMENT HOTEL LOCATED AT 1950 WYATT DRIVE, SANTA CLARA, CA

PLN2018-13597 (Use Permit)

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

WHEREAS, on October 29, 2018, Stephen Mobley with Bluebonnet Consulting on behalf of Element Hotel (“Applicant”) applied for a Use Permit to allow on-site sale and service of a full range of alcohol (ABC License Type 47) in a 5,147 square-foot portion of an existing hotel, located at 1950 Wyatt Drive (“Site Location”);

WHEREAS, the Site Location is currently zoned Light Industrial (ML) and has the General Plan land use designation of Light Industrial;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow alcohol sales and consumption in conjunction with food service within the 5,147 square foot restaurant on the ground floor of the Element Hotel, 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 Light Industrial (ML) 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 February 15, 2019, the notice of public hearing for the February 27, 2019 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 February 27, 2019, 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 a full-range of alcohol (ABC License Type 47) in the 5,147 square foot ground floor of the Element Hotel is an appropriate ancillary use to the commercial hotel use.

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 full restaurant use within an approved hotel to meet the interests of local customers and visitors to the 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 a hotel which meets

all City of Santa Clara codes and regulations; the restaurant will be routinely manned and maintained; and the restaurant 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 a full-service hotel, and on-site parking is sufficient and available to service the proposed use;

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 industrial 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 a restaurant that serves alcohol in conjunction with food, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this Light Industrial zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2018-13597 to allow on-site sale and service of alcohol (ABC License Type 47) in a restaurant, located at 1950 Wyatt Drive, 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 27th DAY OF
FEBRUARY, 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