

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, WINE, AND DISTILLED SPIRITS (ABC LICENSE TYPE 47) AND TO ALLOW INDOOR LIVE ENTERTAINMENT AT THE EUREKA! RESTAURANT LOCATED AT 2762 AUGUSTINE DRIVE, SUITE 120 AND 130, SANTA CLARA, CA**

PLN2019-14081 (Use Permit)

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

**WHEREAS**, on August 22, 2019, Jared Taylor for Eureka! (“Applicant”) applied for a Use Permit to allow on-site sale and service of beer, wine and distilled spirits (ABC License Type 47), and indoor live entertainment in a new 3,382 square foot restaurant with a 653 square foot outdoor patio area located at 2762 Augustine Drive, Suite 120 and 130, within the Santa Clara Square Marketplace. (“Site Location”);

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

**WHEREAS**, in order to implement the proposed activity, the Site Location requires a Use Permit to allow sale and service of beer, wine and distilled spirits at a bona fide eating place (ABC License Type 47) and to allow indoor live entertainment for Eureka! Restaurant in the existing Santa Clara Square Marketplace, 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**, pursuant to Santa Clara City Code provisions for commercial zoning districts, restaurants that serve alcoholic beverages, and live entertainment are an allowable use subject to Planning Commission review and approval of 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 November 1, 2019, the notice of public hearing for the November 13, 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 November 13, 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 beer, wine and distilled spirits at a bona fide eating place (ABC License Type 47), and to allow indoor live entertainment in the 3,382 square foot Eureka! Restaurant with 98 interior dining seats, 16 interior bar seats, 46 exterior seats and 6 exterior bar seats in the 653 square foot patio area, is consistent with the commercial uses contemplated in the development of the existing Santa Clara Square Marketplace.
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 and live entertainment use within an existing 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 and live entertainment use that serves beer, wine and distilled spirits in conjunction with food in a new commercial tenant space within an existing shopping center which meets all City of Santa Clara codes and regulations; the restaurant and live entertainment will be routinely manned and maintained; 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 and lounge use serving beer, wine and distilled spirits to support businesses and residents 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 a restaurant and indoor live entertainment that serves beer, wine and distilled spirits in conjunction with food, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this commercially zoned district, zoned as Planned Development (PD).

4. That the Planning Commission hereby approves Use Permit PLN2019-14081 to allow on-site sale and service of beer, wine and distilled spirits (ABC License Type 47) for the tenant space and outdoor dining area and to allow live entertainment for Eureka! Restaurant located at 2762 Augustine Drive, Suite 120 and 130, 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 REGULAR MEETING THEREOF HELD ON THE 13th DAY OF November 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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