

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO ALLOW THE SALE OF BEER & WINE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD (ABC LICENSE TYPE 20) AT THE EXISTING VALERO GAS STATION CONVENIENCE STORE LOCATED AT 3305 EL CAMINO REAL, SANTA CLARA, CA

PLN2019-14119 (Use Permit)

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

WHEREAS, on September 14, 2019, Alexander Gaviola (“Applicant”) applied for a Use Permit to allow the sale of Beer & Wine for consumption off the premises where sold (ABC License Type 20) in an existing Valero gas station convenience store located at 3305 El Camino Real (“Site Location”);

WHEREAS, the Site Location is currently zoned Thoroughfare Commercial (CT) and has the General Plan land use designation of Community Mixed Use;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow the sale of Beer & Wine for consumption off the premises where sold;

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 action being considered does not constitute a “project” within the meaning of CEQA pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.;

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 27, 2019, the notice of public hearing for the December 11, 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 December 11, 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 the sale of Beer & Wine for consumption off the premises where sold (ABC License Type 20) in the existing Valero gas station convenience store, is consistent with the commercial uses along El Camino Real.
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 additional services at an existing neighborhood convenience store 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 would allow the sale of Beer & Wine for consumption off the premises where sold in an existing convenience store which meets all City of Santa Clara codes and regulations; the convenience store 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 convenience store, 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 additional services 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 sale of Beer and Wine for consumption off the premises where sold, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this Thoroughfare Commercial zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2019-14119 to allow the sale of Beer & Wine for consumption off the premises where sold (ABC License Type 20) in an existing Valero gas station convenience store located at 3305 El Camino Real, 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 11th DAY OF
DECEMBER, 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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