

RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE
PERMIT TO ALLOW A SPA IN AN EXISTING BUILDING
LOCATED AT 2908 EL CAMINO REAL, SANTA CLARA, CA**

PLN2019-14125 (Use Permit)

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

WHEREAS, on September 23, 2019, FCL, Inc., (“Applicant”) applied for a Use Permit to allow a spa within a 15,820 square-foot portion of an existing 22,896 square-foot building, located at 2908 El Camino Real (“Site Location”) on a 1.92 acre parcel;

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

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, 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, in order to implement the proposed activity, the Site Location requires a Use Permit to allow a spa within a 15,820 square-foot portion of an existing 22,896 square-foot building, as shown on the Development Plans;

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;

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 500 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 spa within a 15,820 square-foot portion of an existing 22,896 square-foot building is consistent with the commercial uses contemplated in the Zoning Ordinance.

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, is essential or desirable to the public convenience or welfare in that the proposed spa establishment will provide an additional service in a convenient location on a major thoroughfare central to the City. The use will 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 spa establishment use is limited to the hours of 6 a.m. - 10 p.m. daily; the spa establishment will provide an additional service on the existing commercial corridor and serve surrounding neighborhoods; the spa use is located entirely within an enclosed building oriented away from residential uses; and no

personal spa treatments are provided and massage is not proposed or allowed on the premises.

2) The property or improvements in the neighborhood of such proposed use, in that no exterior improvements are proposed and there is enough parking on site for the existing uses in the retail center.

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 unique service for residents and visitors to the City;

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 amusement and recreational enterprises such as the proposed spa may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2019-14125 to allow a spa within a 15,820 square-foot portion of an existing 22,896 square-foot building, 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 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