



Legislation Details (With Text)

File #: 18-1143 **Version:** 1 **Name:**

Type: Consent Calendar **Status:** Agenda Ready

File created: 8/14/2018 **In control:** Planning Commission

On agenda: 9/26/2018 **Final action:**

Title: Action on Use Permit for ABC License Type 41 at 2047 El Camino Real

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution Approving the Use Permit, 2. Project Data, 3. Conditions of Approval, 4. Applicant Statement of Justification, 5. Development Plans

Date	Ver.	Action By	Action	Result
9/26/2018	1	Planning Commission	Approved	Pass

REPORT TO PLANNING COMMISSION

SUBJECT

Action on Use Permit for ABC License Type 41 at 2047 El Camino Real

BACKGROUND

The applicant is requesting a Use Permit to allow the sale and service of beer and wine in an existing restaurant (Tay Ho). The existing restaurant occupies a 3,463 square foot tenant space with 78 seats in the El Camino Center, a multi-tenant shopping center at the northwest corner of El Camino Real and Scott Boulevard.

Tay Ho is a family-owned full service restaurant specializing in casual Vietnamese cuisine that offers dine in and take-out service. The restaurant is open daily from 10:30 a.m. to 9:00 p.m. and employs four to 10 persons per shift. The proposal does not include a change in the hours of operation nor does it propose live entertainment, amplified music, or alterations to the interior or exterior tenant space. Alcohol sales for on-site consumption are proposed daily during food service hours.

Surrounding Land Uses

The El Camino Center is located on a 6.43 acre parcel that contains a mix of commercial uses (e.g. restaurants, Fed-Ex office, grocery store) within a 59,152 square multi-tenant building, a gas station, expansive surface parking lot and perimeter landscaping. The property is bordered by Bray Avenue and single family homes to the north; Scott Boulevard, commercial uses and townhome residences to the east; El Camino Real and a commercial shopping center (Santa Clara Town Centre) to the south; and retail uses to the west.

DISCUSSION

The primary issues for the project are consistency with the City’s General Plan and Zoning Code.

Consistency with the General Plan

The subject property has a General Plan designation of Regional Commercial. This classification is intended for retail and commercial uses that provide local and regional services. It is intended for commercial developments that serve both Santa Clara residents and the surrounding region. A broad range of retail uses, including regional shopping centers, gas stations and restaurants are allowed. The proposed project is consistent with the following General Plan policies:

- 5.3.3-P1, Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region.
- 5.3.3-P5, Encourage public amenities and active uses in commercial centers and along commercial corridors.

Zoning Conformance

The zoning designation for the subject property is Community Commercial (CC). This designation is intended to encourage organized concentration of a wide variety of retail goods and services for the community. While this designation allows restaurants as a permitted use, it requires approval of a Use Permit to allow the sale and service of alcoholic beverages on-site as specified in Section 18.36.040 of the Santa Clara City Code (SCCC).

Per SCCC Chapter 18.110, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on the health, safety, peace, comfort and general welfare, based upon substantial evidence in the record.

Use Permit Findings

The applicant is requesting a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing restaurant. The applicant has provided a letter of justification to support the Use Permit request and is attached to this staff report. Use Permit findings are prepared and presented in the attached Planning Commission Resolution.

Circulation and Parking

The El Camino Center is accessed from driveways along El Camino Real, Scott Boulevard and Bray Avenue. A large surface parking lot surrounds the multi-tenant building and gas station on the project site that provides a total of 325 unassigned parking spaces that are shared among the commercial tenants and 2 parking spaces assigned to the gas station, for a total of 327 parking spaces on-site. The parking requirement for the Center is 305 parking spaces, including gas station and has a parking surplus of 22 parking spaces.

The existing restaurant has 78 seats and a parking requirement of 26 spaces that is accommodated through the parking allocation for restaurant uses per SCCC 18.74 and the surplus of shared parking spaces on-site.

Conclusion

The proposal is consistent with the General Plan and zoning designations for the subject property. The proposed on-site sale and service of beer and wine is an ancillary activity to the permitted restaurant use that would meet customer needs and convenience, enhance a quality commercial use and dining experience, and draw local and regional patronage to the restaurant.

ENVIRONMENTAL REVIEW

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 inside an existing building involving negligible or no expansion of an existing use.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense which are offset by permit application fees.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public notice was posted within 300 feet of the project site and mailed to property owners within 300 feet of the project site.

RECOMMENDATION

Adopt a Resolution approving a Use Permit for the sale and service of beer and wine (ABC License Type 41) in an existing restaurant (Tay Ho), subject to conditions.

Reviewed by: Reena Brilliot, Planning Manager

Approved by: Andrew Crabtree, Director of Community Development

ATTACHMENTS

1. Resolution Approving the Use Permit
2. Project Data Sheet
3. Conditions of Approval
4. Applicant Statement of Justification
5. Development Plans