



## Legislation Details (With Text)

**File #:** 22-892      **Version:** 1      **Name:**  
**Type:** Consent Calendar      **Status:** Agenda Ready  
**File created:** 6/23/2022      **In control:** Planning Commission  
**On agenda:** 8/3/2022      **Final action:**  
**Title:** Action on Use Permit to allow on-site sale and consumption of alcohol for a new restaurant (Tostada's) at 3149 Mission College Boulevard

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution Approving the Use Permit, 2. Conditions of Approval, 3. Development Plan

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

## REPORT TO PLANNING COMMISSION

### SUBJECT

Action on Use Permit to allow on-site sale and consumption of alcohol for a new restaurant (Tostada's) at 3149 Mission College Boulevard

### REPORT IN BRIEF

Applicant: Tostadas 3 Inc.

Owner: Lakha properties-Santa Clara, LLC

General Plan: Regional Commercial

Zoning: PD - Planned Development

Site Area: 5,314 square-foot tenant space in an existing commercial building

Existing Site Conditions: Vacant tenant space

Surrounding Land Uses:

- North: Mission College
- South: U.S. 101
- East: Mission College
- West: U.S. 101

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt the resolution approving the Use Permit, subject to conditions of approval

### BACKGROUND

The applicant is requesting a Use Permit to allow on-site sale and consumption of alcohol (ABC License Type 47) in a new restaurant at the existing Mercado Shopping Center. The restaurant will occupy a 5,314 square-foot tenant space, with 160 indoor seats and 40 seats in the outdoor patio. The proposed restaurant hours of operation, along with the sale and service of alcohol, are Sunday

to Thursday from 8 a.m. to 10 p.m. and Friday and Saturday 8 a.m. to 11:30 p.m.

Alcohol sale and service would only be available during normal business hours and when food service is available.

## **DISCUSSION**

### *Consistency with the General Plan*

The subject property has a General Plan land use designation of Regional Commercial. This designation is intended for retail and commercial uses that provide local and regional services that serve both Santa Clara residents and the surrounding region. The proposed restaurant use in the existing retail center is consistent with this land use designation, as well as 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.

The proposal is consistent with this policy in that the new restaurant will provide another eatery option within the larger retail development, which is surrounded by employment uses.

5.3.4 P11 Foster active, pedestrian oriented uses at the ground level, such as retail shops, offices, restaurants with outdoor seating, public plazas or residential units with front stoops, in mixed use development. -

The proposal is consistent with this policy in that it provides a restaurant at the ground level of the larger retail development with outdoor seating.

5.3.5-P8 Encourage the provision of services and amenities as part of larger developments in employment areas that cater to lunchtime and service needs, such as dry cleaners, to reduce vehicle miles traveled.

The proposal would allow a full-service restaurant serving alcoholic beverages in close proximity to the City's industrial employment center.

### *Zoning Conformance*

The subject property has a zoning designation of PD - Planned Development. Pursuant to the Santa Clara City Code (SCCC), restaurants that serve alcoholic beverages are subject to Planning Commission review and approval of a Use Permit. SCCC Section 18.110.040 specifies the findings required in order for the Planning Commission to grant a use permit. Included in the Conditions of Approval (P7) is a requirement for the Planning Commission to review the Use Permit within 12 months from the date the applicant obtains an ABC Type 47 License. After six months from obtaining the ABC license, the City shall conduct an administrative review of ABC violations and police service calls and shall report any significant occurrences to the Planning Commission.

### *Conclusion*

The proposal is consistent with the General Plan and Zoning designations for the existing retail center, Mercado Shopping Center. The proposed on-site sale and consumption of alcohol is an ancillary use which would provide convenience to restaurant guests that would further enhance a quality commercial use and meet the needs of local customers.

### **ENVIRONMENTAL REVIEW**

The action being considered is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class I Existing Facilities, in that the activity consists of the permitting of a proposed use that will occur at an existing facility involving negligible or no expansion of use.

### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense that are typically covered by processing fees paid by the applicant.

### **COORDINATION**

This report was coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

On July 22, 2022, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. As of the date of this report, planning staff have not received public comments for this application.

### **RECOMMENDATION**

Adopt a resolution approving a Use Permit to allow the on-site sale and consumption of alcohol (ABC License Type 47) for a new Tostada's restaurant located at 3149 Mission College Boulevard, subject to conditions of approval.

Prepared by: Rebecca Bustos, Senior Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

### **ATTACHMENTS**

1. Resolution Approving a Use Permit
2. Conditions of Approval
3. Development Plan