



## Legislation Details (With Text)

**File #:** 22-1264      **Version:** 1      **Name:**  
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**On agenda:** 10/26/2022      **Final action:**  
**Title:** Action to Approve a Use Permit to Allow On-Site Sale and Consumption of Beer and Wine for an Existing Food-Service Establishment, Swaraj India, at 1855 El Camino Real, Santa Clara, 95050 - continued from the September 21, 2022 Planning Commission meeting

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
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## REPORT TO PLANNING COMMISSION

### SUBJECT

Action to Approve a Use Permit to Allow On-Site Sale and Consumption of Beer and Wine for an Existing Food-Service Establishment, Swaraj India, at 1855 El Camino Real, Santa Clara, 95050 - continued from the September 21, 2022 Planning Commission meeting

### REPORT IN BRIEF

Applicant: Ganesh Gaursar

Owner: Carter Raff

File Number: PLN22-00383

General Plan: Community Mixed Use

Zoning: CT - Thoroughfare Commercial

Site Area: 3,200 square foot tenant space currently operating as Swaraj India near the corner of El Camino Real and Scott Boulevard.; APN: 224-20-095

Existing Site Conditions: Food service tenant space

Surrounding Land Uses:

North: Commercial / Residential

South: Commercial / Residential

East: Commercial

West: Commercial

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 the on-site sale and consumption of beer and wine (ABC License Type 41) in conjunction with an existing food service establishment, Swaraj India, in an existing tenant space located at 1855 El Camino Real. The restaurant is a 3,200 square foot space with approximately 96 indoor seats. The proposed restaurant hours of operation, along with the sale and service of beer and wine, are Monday to Sunday from 10 a.m. to 10 p.m. Alcohol sale and service would only be available during normal business hours and when food service is available. Most revenue will be from the sale of food; alcohol sales are accessory to the main restaurant use.

The action for a public use permit was noticed to be heard by the Planning Commission on September 21, 2022. At the September 21, 2022 meeting, the Commission voted to open and continue the public hearing to October 26<sup>th</sup>, 2022.

## DISCUSSION

After notice of this hearing on this use permit was made, it was determined that the City needed additional time to research and confirm the application. Additional time was granted at the September 21, 2022 Planning Commission hearing, continuing the item to October 26, 2022.

### Consistency with the General Plan

The subject property has a General Plan land use designation of Community Mixed Use. This classification is intended to encourage a mix of residential and commercial uses along major streets. It is intended for commercial developments that serve both Santa Clara residents and the surrounding region. A broad range of uses are allowed, retail, commercial, and neighborhood office, as well as residential. The proposed alcohol permit at an existing restaurant is consistent with this land use designation, as well as the following General Plan policies:

5.3.4 P2 Encourage mixed use development in proximity to employment centers and residential neighborhoods throughout the City.

The proposal is consistent with this policy in that the restaurant will provide another eatery option within the proximity of employment Centers and residential neighborhoods.

5.3.1 P9 Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.

The proposal is consistent with this policy in that it will provide this public amenity to support the employment growth.

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 one of the City's major employment centers.

### *Zoning Conformance*

The subject property has a zoning designation of CT - Thoroughfare Commercial. 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 restaurant use at 1855 El Camino Real. The proposed on-site sale and consumption of beer and wine as 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 for the typically covered by processing fees paid by the applicant.

**COORDINATION**

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

**PUBLIC CONTACT**

On September 8, 2022, a notice of the September 21, 2022 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. At the September 21, 2022 Planning Commission meeting, the Commission voted to open and continue the public hearing to the October 26, 2022 Planning Commission meeting. 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 beer and wine (ABC License Type 41) for a 3200 square foot food-service establishment, Swaraj India, located at 1855 El Camino Real, Santa Clara CA 95050, subject to conditions of approval

Prepared by: Daniel Sobczak, Assistant 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