



# City of Santa Clara

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## Agenda Report

19-1122

Agenda Date: 12/11/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Consent: Action on Use Permit for ABC License Type 20 for the existing Valero gas station convenience store located at 3305 El Camino Real

#### **REPORT IN BRIEF**

Project: Use permit to allow the sale of Beer & Wine for consumption off the premises where sold (ABC License Type 20) for the existing Valero gas station convenience store.

Applicant/Owner: Alexander Gaviola, AMG Petroleum, Inc.

General Plan: Community Mixed Use (CMXU)

Zoning: Commercial Thoroughfare (CT)

Site Area: 12,718 square foot Valero gas station site with approximately 980 square foot of interior space for the convenience store

Existing Site Conditions: Existing Valero gas station with a convenience store

#### Surrounding Land Uses:

North: Commercial uses adjacent to the site along Pomeroy Avenue

South: Commercial uses across El Camino Real

East: Commercial uses across Pomeroy Avenue

West: Commercial uses adjacent to the site along El Camino Real

Staff Recommendation: Approve the Use Permit to allow the sale of beer and wine for consumption off the premises where sold (ABC License Type 20)

#### **BACKGROUND**

The applicant is requesting a Use Permit to allow the sale of Beer & Wine for consumption off the premises where sold (ABC License Type 20) for the existing Valero gas station convenience store located at 3305 El Camino Real. The convenience store occupies approximately 980 square feet. The existing hours of operation, along with the proposed sale of Beer & Wine, are from 6 a.m. to 11 p.m.

#### **DISCUSSION**

##### *Consistency with the General Plan:*

The subject property has a General Plan designation of Community Mixed Use within the El Camino Real Focus Area. This classification is a combination of the Community Commercial and Medium Density Residential designations and is intended to encourage a mix of residential and commercial uses along major streets. Auto oriented uses are not appropriate in this designation, except under certain circumstances within the El Camino Real Focus Area. The gas station is an existing use.

The 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. The proposal is consistent with this policy in that it will provide an ancillary use to an existing gas station convenience store.

5.3.3-P5 - Encourage public amenities and active uses in commercial centers and along commercial corridors. The proposal is consistent with this policy in that it will provide evening hours of operation until 11:00 p.m. that will allow for this public amenity to be available.

*Zoning Conformance:*

The zoning designation is Thoroughfare Commercial (CT). This district is primarily designed to provide for those commercial uses that are appropriate to major commercial thoroughfare or highway locations and are dependent on thoroughfare travel and is intended to encourage the development of auto-oriented uses or other uses that are more suitable for individual auto access than for development within a shopping center. Under the CT zoning designation retail business establishments and shops are allowed by right, while alcohol sales would require a Use Permit approved by the Planning Commission. The applicant has provided a letter of justification to support the Use Permit request.

After six months from obtaining the ABC license, the City will conduct an administrative review of ABC violations and police service calls and report any significant occurrences to the Planning Commission.

*Conclusion:*

The proposal is consistent with the General Plan and Zoning designations for the site. The proposed sale of Beer & Wine for consumption off the premises where sold, is an ancillary use to an existing gas station which would provide convenience to the local customers that would further enhance a quality commercial use and meet the needs of local customers.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("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.

**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**

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. Planning Staff has not received public comments for this application.

**RECOMMENDATION**

Adopt a resolution approving a Use Permit for the sale of Beer & Wine for consumption off the premises where sold (ABC License Type 20) for the existing Valero gas station convenience store located at 3305 El Camino Real, subject to conditions of approval.

Prepared by: Elaheh Kerachian, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Development Plans
2. Resolution Approving a Use Permit
3. Conditions of Approval
4. Letter of Justification