



## Legislation Details (With Text)

**File #:** CUP-21-23    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Individual Consideration

**File created:** 8/25/2021    **In control:** Planning and Zoning Commission

**On agenda:** 9/28/2021    **Final action:**

**Title:** CUP-21-23 (The Vault/Saké) Hold a public hearing and consider a request by Newton Gang Getaway, LLC, on behalf of The Vault/Saké, for renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 100 West Hopkins Street. (A. Brake)

**Sponsors:** Alison Brake

**Indexes:**

**Code sections:**

**Attachments:** 1. CUP-21-23 Staff Report, 2. CUP-21-23 Maps, 3. CUP-21-23 Business Details, 4. CUP-21-23 Application Documents, 5. CUP-21-23 Presentation

Date	Ver.	Action By	Action	Result
9/28/2021	1	Planning and Zoning Commission	amended	Pass

### **AGENDA CAPTION:**

CUP-21-23 (The Vault/Saké) Hold a public hearing and consider a request by Newton Gang Getaway, LLC, on behalf of The Vault/Saké, for renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 100 West Hopkins Street. (A. Brake)

**Meeting date:** September 28, 2021

**Department:** Planning & Development Services

### **Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

### **Fiscal Note:**

**Prior Council Action:** N/A

### **City Council Strategic Initiative:**

N/A

### **Comprehensive Plan Element (s):**

- ☐ Economic Development
- ☐ Environment & Resource Protection

- ☐ Land Use
- ☐ Neighborhoods & Housing
- ☐ Parks, Public Spaces & Facilities
- ☐ Transportation
- ☐ Core Services
- ☒ Not Applicable

**Master Plan:**

N/A

**Background Information:**

The applicant is requesting a renewal of The Vault/Sake CUP for on-premise consumption of mixed beverages. Originally issued a CUP in 2009, the business has been through multiple administrative renewals along with renewals at the Commission level. Both businesses operate under the same TABC license and existing Restaurant CUP.

Restaurant and Bar uses serving alcohol within the downtown CBA are subject to specific Use Standards which include limitations on noise, cleanliness of immediately adjacent areas, serving meals to customers, and 3 year maximum terms of CUP validity. Staff's recommended conditions correspond with the conditions of prior approvals and concerns from staff.

**Council Committee, Board/Commission Action:**

N/A

**Alternatives:**

N/A

**Recommendation:**

Staff has reviewed the application with criteria from Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends **approval** with the following conditions:

1. The permit shall be valid for three (3) years provided standards are met.
2. Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments - Downtown CBA Boundary.
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.