

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING AMENDMENT OF A CONDITIONAL USE PERMIT TO ALLOW BEER AND WINE SERVICE AND AMEND CONDITIONS OF APPROVAL TO AN INDOOR RECREATIONAL USE FACILITY IN AN EXISTING INDUSTRIAL BUILDING AT 2925 MEAD AVENUE, SANTA CLARA, CALIFORNIA

PLN2017-12620 (PLN2011-08641 (Conditional Use Permit))

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on May 2, 2017, David Danglard (“Applicant”) submitted an application for amendments to an existing Conditional Use Permit of an indoor recreational use Kart racing facility on a property zoned Light Industrial (ML) to: 1) allow beer and wine sales (ABC Type 41 License); 2) expand hours of operation from noon to 10:00 p.m. Monday through Thursday, 11:00 a.m. to 11:00 p.m. Friday, 10:00 a.m. to Midnight on Saturday, and 10:00 a.m. to 9:00 p.m. on Sunday; 3) remove the requirement for the maintenance of roof-mounted toxic gas sensors as part of the alert system and the facility’s shelter-in-place plan (the “Project”);

WHEREAS, the property is zoned Light Industrial (ML) and is developed with an existing light industrial warehouse building, and the property’s General Plan designation is Low Intensity Office Research and Development / Exception Area for Places of Assembly and Entertainment Uses (“Project Site”);

WHEREAS, pursuant to Santa Clara City Code (“SCCC”) Section 18.48.040(e)(2), the current ML zoning designation of the Project Site permits other uses not normally permitted but that are appropriate for an industrial area, subject to a conditional use permit;

WHEREAS, the conditional use permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and general locations, could have a detrimental effect on the community in specific instances;

WHEREAS, pursuant to SCCC Section 18.110.040, in order to grant a Use Permit, the Planning Commission must first make specific findings related to the effect of the Project on health, safety, peace, comfort, and general welfare;

WHEREAS, a Mitigated Negative Declaration (MND) and Mitigation Monitoring or Reporting Program (MMRP) was adopted by the City's Planning Commission on August 3, 2011;

WHEREAS, mitigation measures were identified and incorporated into the original Project to reduce potential impacts to less than significant levels under the adopted (MMRP);

WHEREAS, on August 3, 2011, the Planning Commission approved Use Permit to allow an indoor recreation use in an existing industrial building, subject to condition of approval and mitigations in the MMRP;

WHEREAS, the Applicant requests to modify the conditions of approval and mitigations in the MMRP to remove conditions of approval requiring toxic gas sensors and a shelter-in-place plan for this business;

WHEREAS, the City's Fire Department has determined that Mitigation Measures AQ-2 and MM AQ-3 and Conditions of Approval P9, P10, and P12 are no longer needed;

WHEREAS, on March 2, 2018, the notice of public hearing for the March 14, 2018 meeting date for this item was posted, and mailed to all property owners of parcels within 300 feet of the Project Site; and,

WHEREAS, a duly noticed public hearing was held before the Planning Commission on March 14, 2018 to consider the application. At the public hearing, the Planning Commission invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING

COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby finds that approving the requested amendment of a conditional use permit to allow extended business hours, the service of beer and wine within an existing recreational kart racing facility, with modified conditions of approval and mitigation measures removing the requirement for toxic gas sensors in a 67,899 square foot tenant space of an existing 116,096 square industrial building on a property zoned Light Industrial (ML) is compatible with the Project Site's current land use designations (General Plan and Zoning) based on the following findings:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare, in that the proposed expansion of business hours and the addition of beer and wine sales to customers will improve the entertainment experience for customers of the indoor kart racing facility within the General Plan Exception Area for Places of Assembly and Entertainment Uses.

B. The proposed use permit amendment will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposed use will continue to be fully contained within the existing building. The karts will continue to be the fully electric, environmentally friendly, high performance battery-powered karts, which create little noise, no odors or fumes. Further, through implementation of the proposed operational program restricting the potential for drinking and karting, the inclusion of beer and wine to the café menu will not be detrimental to the public health, safety or welfare, and will not be materially injurious to properties in the vicinity.

C. The proposed use will not be detrimental to property or improvements in the neighborhood of such propose use, in that no significant changes to the property or improvements on the subject site or in the neighborhood are proposed with the use permit amendment. The modified conditions of approval and mitigation measures removing the requirement for toxic gas sensors are appropriate in that industrial hazards are in decline,

engineering control regulations have advanced, dedicated Hazmat capabilities of emergency responders have advantage through the availability of technology that did not previous exist, training of emergency response personnel have advanced, and communication advancements among first responders have common platform throughout City.

D. The proposed use would not be detrimental to the general welfare of the City, in that the proposed use expands the business hours and beverage options available to the local and regional population that patron the business.

E. The proposed use will not impair the integrity and character of the zoning district, in that the existing recreational use as enhanced by the expanded hours along with beer and wine service for customers will continue on an existing developed parcel, with adequate on-site parking, and properly designed ingress and egress points provided.

F. The proposed use would be in keeping with the purpose and the intent of Title 18 of the Santa Clara City Code, in that the proposed enhanced indoor recreational use is permitted with Use Permit approval.

4. That the Planning Commission hereby approves this Amendment (PLN2017-12620) of the conditional Use Permit (PLN2011-08641) to allow beer and wine sales, extend hours of operation, and remove of the requirements for toxic gas sensors and a shelter-in-place plan for an existing indoor recreational use in an existing industrial building at the Project Site, subject to the conditions of approval as set forth in the Exhibit "CoA-CUP," attached hereto and incorporated herein by this reference.

5. That pursuant to the California Environmental Quality Act and the regulations implementing the Act, specifically 14 Cal. Code of Regs. § 15301 ("Class 1 - Existing Facilities"), this project is categorically exempt from formal environmental review.

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6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED
AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA,
CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 14th DAY OF MARCH,
2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST:

ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference: None

1. Conditions of Approval
2. Development Plans

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