



City of Santa Clara

Meeting Agenda

Planning Commission

Wednesday, January 9, 2019

6:00 PM

City Hall Council Chambers

6:00 PM REGULAR MEETING

Call to Order

Roll Call

DECLARATION OF COMMISSION PROCEDURES

CONTINUANCES/EXCEPTIONS

CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

1.A 19-1667 [Planning Commission Meeting Minutes of December 12, 2018.](#)

Recommendation: Approve the Planning Commission Minutes of the December 12, 2018 Meeting.

1.B 19-1207 [Consent: Action on Use Permit for ABC License Type 41 for Shake Shack Located at 2855 Stevens Creek Boulevard](#)

Recommendation: Adopt a resolution approving a Use Permit for the sale and consumption of beer and wine (ABC License Type 41) in the new Shake Shack restaurant located at 2855 Stevens Creek Boulevard, subject to conditions of approval.

PUBLIC PRESENTATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

PUBLIC HEARING

Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.

2. **19-1700** [Selection of Planning Commission Vice Chair](#)
3. **19-1661** [Public Hearing: Action on Use Permit to allow the conversion of a service station building into a retail convenience store and potential restaurant at 3725 El Camino Real](#)

Recommendation: Adopt a resolution approving a Use Permit to allow the conversion of an existing service station building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve beer and wine for on-site consumption) on the property located at 3725 El Camino Real.

STUDY SESSION

- 19-1665** [Study Session: Due Process and Housing Legislation](#)

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items
2. Board or Committee Assignments
3. Architectural Committee
4. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Updates
2. Upcoming Agenda Items
3. City Council Actions

ADJOURNMENT:

The next regular scheduled meeting is on February 27, 2019 at 6:00 PM in the City Hall Council Chambers.



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

19-1667

Agenda Date: 1/9/2019

SUBJECT

Planning Commission Meeting Minutes of December 12, 2018.

RECOMMENDATION

Approve the Planning Commission Minutes of the December 12, 2018 Meeting.



City of Santa Clara

Meeting Minutes

Planning Commission

12/12/2018

7:00 PM

City Hall Council Chambers

7:00 PM REGULAR MEETING

Call to Order

Chair Jain called the meeting to order at 7:02 p.m.

Pledge of Allegiance and Statement of Values

Chair Jain initiated the Pledge of Allegiance and **Commissioner Becker** read the Statement of Values.

Roll Call

Present 6 - Commissioner Steve Kelly, Commissioner Yuki Ikezi, Chair Sudhanshu Jain, Commissioner Lance Saleme, Commissioner Anthony Becker, and Commissioner Shawn Williams

DECLARATION OF COMMISSION PROCEDURES

Chair Jain read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

A motion was made by Commissioner Ikezi, seconded by Commissioner Kelly, to approve the balance of the Consent Calendar with the exception of Item 1D.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, Commissioner Saleme, Commissioner Becker, and Commissioner Williams

1.A [18-1624](#) Planning Commission Meeting Minutes of November 28, 2018.

Recommendation: Approve the Planning Commission Minutes of the November 28, 2018 Meeting.

A motion was made by Commissioner Kelly, seconded by Commissioner Kelly, that this item be approved.

Aye: 5 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Abstained: 1 - Commissioner Williams

- 1.B** [18-1524](#) Twelve-month Review of a Use Permit for the one-site sale and consumption of beer and wine for a restaurant within Nob Hill Foods at 3555 Monroe Street

Recommendation: Note and file the twelve-month review of a Use Permit allowing the on-site sale and consumption of alcohol (ABC License Type 41) in the restaurant within Nob Hill Foods located at 3555 Monroe Street.

A motion was make by Commissioner Kelly, seconded by Commissioner Kelly, that this item be approved.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, Commissioner Saleme, Commissioner Becker, and Commissioner Williams

- 1.C** [18-1525](#) Twelve-month Review of a Use Permit for the one-site sale and consumption of beer and wine for a corporate café (West Commons Café) located at 2515 Augustine Drive

Recommendation: Note and file the twelve-month review of a Use Permit allowing the on-site sale and consumption of alcohol (ABC License Type 41) in a corporate cafe located at 2515 Augustine Drive.

A motion was make by Commissioner Kelly, seconded by Commissioner Kelly, that this item be approved.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, Commissioner Saleme, Commissioner Becker, and Commissioner Williams

- 1.E** [18-1555](#) Action on Variance from Parking Requirement for the Property at 417 Maria Street

Recommendation: Adopt a Resolution approving a Variance from the two covered parking spaces requirement for the property located at 417 Maria Street subject to conditions of approval.

A motion was make by Commissioner Kelly, seconded by Commissioner Kelly, that this item be approved.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, Commissioner Saleme, Commissioner Becker, and Commissioner Williams

- 1.D [18-1537](#) Action on Use Permit to allow a second drive-through lane for an existing fast food restaurant at 3509 Homestead Road.

Recommendation: Adopt a Resolution approving amendment of the Use Permit (U.1838) to allow a second drive-through lane and site and building upgrades for an existing fast food restaurant at 3509 Homestead Road, subject to conditions of approval.

This item was pulled by Chair Jain who had questions on the item regarding location of trees. A motion was made by Chair Jain and seconded by Commissioner Kelly that this item be approved with the following condition: Two (2) canopy trees be provided along the frontage of the property.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, Commissioner Saleme, Commissioner Becker, and Commissioner Williams

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

2. [18-1228](#) Public Hearing: Action on a Rezone for the Development of Three Single-family Dwellings Located at 1444 Madison Street and 1411 Lewis Street

Recommendation: 1. Recommend that the City Council approve the Rezone from Medium-density Multiple Dwelling (R3-36D) to Planned Development (PD) for the development of three detached single-family dwellings on the property located at 1444 Madison Street.

Public Speaker(s): Greg Mussallem
Y. Lee
Applicant

A motion was make by Commissioner Ikezi, seconded by Commissioner Kelly, that this item be approved with the following conditions: The Developer shall provide street sweeping on a regular basis to maintain the site in a clean and orderly condition; in the event that there are complaints regarding the site condition Code Enforcement and Applicant contact information will be made available in the Conditions of Approval; and Site will be monitored by city staff and in the event that additional measures are needed to to maintain the property and the surrounding environment staff will work with the Developer to implement additional site control measures.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, Commissioner Saleme, Commissioner Becker, and Commissioner Williams

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Chair Jain noted that voting will take place at the next meeting for Vice Chair.

2. Board or Committee Assignments
3. Architectural Committee
4. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Updates
2. Upcoming Agenda Items

Staff Liaison Gloria Sciara and **Planning Manager Reena Brilliot** provided updates.

3. City Council Actions

Staff Liaison Gloria Sciara and **Planning Manager Reena Brilliot** provided updates.

ADJOURNMENT:

The meeting adjourned at 8:21 p.m. The next regularly scheduled meeting is on Wednesday, January 9, 2019 at 6 p.m.



Agenda Report

19-1207

Agenda Date: 1/9/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Consent: Action on Use Permit for ABC License Type 41 for Shake Shack Located at 2855 Stevens Creek Boulevard

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of beer and wine (ABC Type 41 License)

Applicant: Jared Taylor, Golden Property Development

General Plan: Regional Commercial

Zoning: Community Commercial (CC)

Site Area: 2,769 square foot tenant space

Existing Site Conditions: Existing tenant space within the Westfield Valley Fair Mall

Surrounding Land Uses (adjacent to Westfield Valley Fair Mall)

North: single family residences along Forest Avenue

South: commercial uses along Stevens Creek Boulevard including Santana Row

East: Interstate 280 Freeway

West: commercial uses along Winchester Boulevard

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 beer and wine (ABC License Type 41) in a new Shake Shack restaurant located at the Westfield Valley Fair Mall. The restaurant will occupy a 2,769 square foot tenant space with 60 indoor seats and 43 seats in an interior patio within the Mall directly across from the restaurant. The proposed restaurant hours of operation, along with the sale and service of beer and wine, are from 11:00 a.m. to 11:00 p.m. daily.

DISCUSSION

[Consistency with the General Plan:

The subject property has a General Plan designation of Regional Commercial. This classification is intended for retail and commercial uses that provide local and regional services. It is intended for commercial developments that serve both Santa Clara residents and the surrounding region. A broad range of retail uses are allowed, including regional shopping centers and restaurants. The project is also 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 the new restaurant will provide another eatery option within the larger mall complex.

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 during regular mall hours.

Zoning Conformance:

The zoning designation is Community Commercial (CC). Under the CC zoning designation for the Westfield Valley Fair Mall, restaurant uses are allowed by right, while beer and wine sales are considered conditional uses. Therefore, a Use Permit is required to establish and maintain the proposed beer and wine sales and on-site consumption. The applicant has provided a letter of justification to support the Use Permit request. The leasing space is located within the Westfield Valley Fair Mall, which provides shared parking that are available to all patrons visiting the shopping center. Included in the Conditions of Approval (C8) is a requirement for the Planning Commission to review the Use Permit within 12 months from the date the applicant obtains an ABC Type 41 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 Westfield Valley Fair Mall. The proposed on-site sale and consumption of beer and wine is an ancillary use which would provide convenience to restaurant guests that would further enhance a quality commercial use, meet the needs of local customers, and draw patrons from the greater region.

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 inside an existing building 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

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 and consumption of beer and wine (ABC License Type 41) in the new Shake Shack restaurant located at 2855 Stevens Creek Boulevard,

subject to conditions of approval.

Prepared by: Steve Le, Assistant Planner I

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

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

August 7, 2018

City of Santa Clara Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Conditional Use Permit and Design Review Request
Shake Shack Restaurant
2855 Stevens Creek Blvd.
Santa Clara, CA 95050

Santa Clara Planning Department,

This letter is to formally present a Conditional Use Permit and Design Review request for a proposed Shake Shack family friendly restaurant tenant improvement at the above referenced location.

Shake Shack is a modern day "roadside" burger stand known for its 100% all-natural Angus beef burgers and flat-top Vienna beef dogs (no added hormones and no antibiotics ever), 100% all-natural cage-free chicken (no antibiotics ever), spun-fresh frozen custard, crinkle cut fries, craft beer and wine and more. With its fresh, simple, high-quality food at a great value, Shake Shack is a fun and lively community gathering place with widespread appeal. From its premium ingredients and caring hiring practices to its inspiring designs and deep community investment, Shake Shack's mission is to Stand For Something Good®. Since the original Shack opened in 2004 in NYC's Madison Square Park.

The proposed Shake Shack restaurant at 2855 Stevens Creek Blvd will occupy 2,769 sq. ft. tenant space with adjacent outdoor patio area. Shake Shack is proposed to operate from 11:00AM to 11:00pm seven days per week. Shake Shack proposes to employ 10 to 15 employees per shift. Shake Shack proposes the sale of various burgers, fries, hot dogs, sandwiches and drinks including the sale of beer and wine for onsite consumption. Beer and wine (alcohol) will be stored behind the service counter and in the storage area in the back of the restaurant, locations which are not publicly assessable. Beer and wine is proposed to be sold to patrons within the restaurant and on the outdoor patio areas for onsite consumption. No dancing and no live entertainment are proposed. The restaurant will use a POS system to track all food and beverage sales, the POS system will be able to track sale of alcohol and non-alcoholic items. The kitchen will be open at all times the restaurant is open, and Shake Shack expects that the sale of alcoholic beverages will account for no more than 5% of total gross sales. Shake Shack requires that all management undergo thorough training in the serving of alcoholic beverages to ensure safe and responsible consumption and that alcoholic beverages are not sold to or consumed by minors on the premises. Shake Shack employees conduct regular sweeps and engaged observation of the premises to ensure that alcoholic beverages are not removed from the premises, to include the outdoor patio.

Shake Shack family friendly restaurant proposes to complete tenant improvement of the existing commercial building. Shake Shack proposes the following exterior improvements in association with the tenant improvement; Replacement of existing storefronts and windows with new storefront entry doors. There will be some very limited wall removal or addition at new openings. New outdoor furniture, lighting and patio heaters. New signage elements on the building. Addition of festival lighting at perimeter of roofed canopy and trellis. Complete interior buildout of the restaurant.

The proposed project location, size, design and operational characteristics will not create noise, traffic or other conditions or situations which may be objectionable, detrimental or incompatible with other permitted uses in the vicinity. As a part of the larger development, Shake Shack will be surrounded by retail/restaurant uses and major roadways. All traffic in association with the subject tenant space has been previously calculated and mitigated. Shake Shack will not emit any noise.

The proposed project will not result in conditions or circumstances contrary to the public health, safety and general welfare. In fact Shake Shack family friendly restaurant will add to the public health, safety and general welfare through providing high quality food and drink items in a safe and controlled environment. No live entertainment or dancing is proposed.

The proposed family friendly restaurant use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or the community; and the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; and the proposed use will not adversely affect the present economic stability or future economic development of property in the surrounding area. The proposed use will actually provide public convenience and necessity through providing reasonably priced gourmet foods, sandwiches, hot dogs and drinks in a fast casual dining environment. Patrons of such high quality establishments have come to expect the availability of beer and wine to compliment such food items. Shake Shack operates several locations nationwide, and the sales of alcoholic beverages account for 5% or less of total sales, with the remaining 95% of sales comprised of food and non-alcoholic beverages.

Patrons of Shake Shack will include the following groups who may wish to enjoy breakfast, lunch or dinner together; families, friends, area residents, business men and women, vacationers.

A. The use would be consistent with the intent and purpose stated in the sections of this title which establish the applicable zoning classification.

The subject site is an existing commercial tenant space, previously a restaurant within the Planned Development (PD) zoning area. The proposed Shake Shack family friendly restaurant use with outdoor patio and the sale of beer and wine for onsite consumption will be harmonious with surrounding uses and similar to the previous restaurant use of the existing tenant space. The proposed Shake Shack use will continue to uphold the intent and purpose of the existing Planned Development Zoning.

B. The use would be consistent with the general plan.

The existing commercial restaurant tenant space is located within an existing fully developed shopping center which provides for neighborhood shopping needs. The proposed Shake Shack family friendly restaurant will serve public convenience and necessity by providing high quality and reasonably priced meals within an inviting indoor and outdoor patio atmosphere together with the sale of beer and wine as an accessory to the restaurant use. Many local residents and customers have come to expect the availability of beer and wine for onsite consumption to be served in conjunction with such a quality restaurant environment.

C. The use will not be detrimental to the health, safety, morals, comfort, convenience or general welfare of persons residing or working in the neighborhood of such proposed use, nor be injurious to property or improvements in the neighborhood.

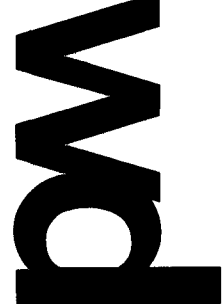
The approval of Shake Shack family friendly restaurant with outdoor patio and the sale of beer and wine for onsite consumption will not detrimentally affect general welfare of persons residing or working in the neighborhood. The proposed restaurant location has been master planned and design to be harmonious with surrounding uses. The site is part of the commercial complex that is currently being upgraded by the property owner. In fact Shake Shack will serve the public convenience can necessity by providing high quality and reasonably priced meals within an inviting indoor and outdoor patio atmosphere together with the sale of beer and wine as an accessory to the restaurant use. Many local residents and customers have come to expect the availability of beer and wine for onsite consumption to be served in conjunction with such a quality restaurant environment. As a tenant improvement of an existing restaurant tenant space the Shake Shack restaurant will not injure property or improvements in the neighborhood. In fact Shake Shack restaurant tenant improvement will add to the property improvements in the neighborhood by providing a high quality restaurant operation surrounded by an attractive new restaurant tenant improvement design.

D. The use will not be detrimental to the general welfare.

The approval of Shake Shack family friendly restaurant with outdoor patio and the on-site consumption of beer and wine will not detrimental to the general welfare of the pertinent community. Rather the Project will positively benefit the economic welfare of the community and Community of Santa Clara. Shake Shack will establish a first-class eating and drinking establishment within an existing tenant space. Such an establishment will support visitors and patrons to the surrounding area, and help create additional economic opportunity for the adjacent neighboring retail facilities.

Sincerely,

Jared Taylor
Golden Property Development



7007 DISCOVERY BLVD
DUBLIN, OH 43017
614.634.7000 T
WDPARTNERS.COM

project no. | SSHCS0018

owner



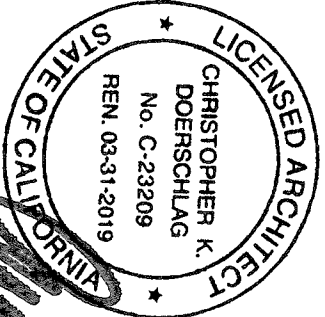
project info

VALLEY FAIR
SAN JOSE, CALIFORNIA

issue dates

submission:	date
owner/LL REVIEW	05-02-2018
PERMIT	08-10-2018
BID SET	...
revisions:	

seal



sheet info
AUG 16 2018

SITE PLAN

T003

← — INDICATES HC TRAVEL PATH

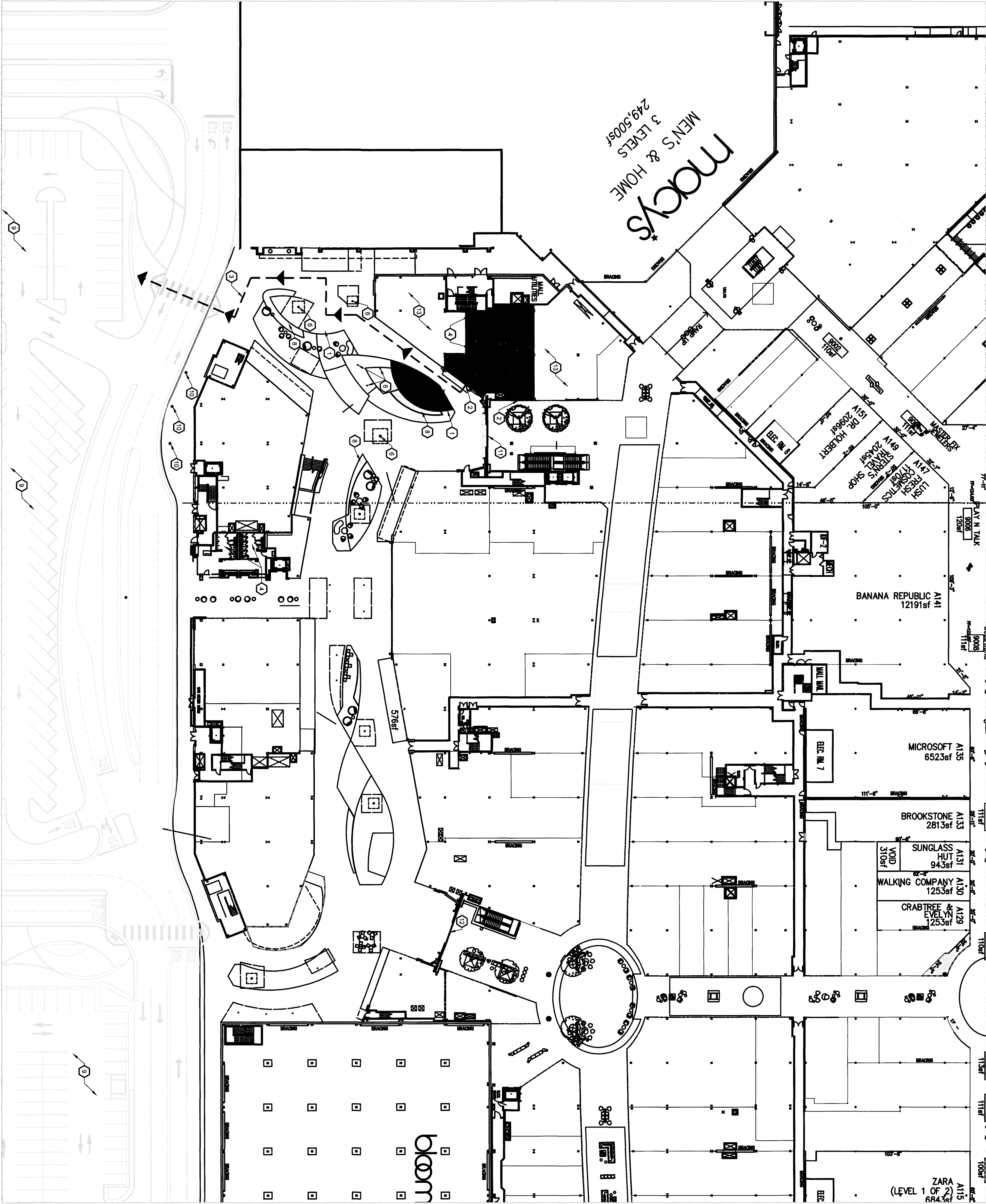
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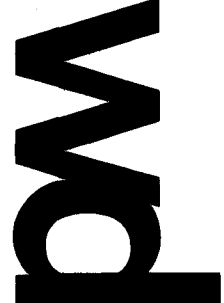
general notes

1. DESIGNATED OUTDOOR SMOKING AREA SHALL BE AT LEAST 25 FEET FROM BUILDING ENTRIES, OUTDOOR AIR INTAKES, OR OPERABLE WINDOWS.

keyed notes

- EXISTING PATIO BY LL.
- ACCESSIBLE PRIMARY TENANT SPACE ENTRANCE.
- ACCESSIBLE PATH OF TRAVEL.
- ACCESSIBLE TOILET FACILITIES FOR MEN AND WOMEN.
- EXISTING HANDICAPPED PARKING SPACE BY LL.
- EXISTING TREE / LANDSCAPE BY LL.
- EXISTING WATER FEATURE BY LL.
- EXISTING PARKING.
- EXISTING BOLLARDS BY LL.
- ACCESSIBLE MALL ENTRANCE - WEST ENTRY.
- ACCESSIBLE MALL ENTRANCE - EAST ENTRY.
- ADJACENT TENANT NOT IN CONTRACT.





7007 DISCOVERY BLVD
DUBLIN, OH 43017
614.634.7000 T

WDPARTNERS.COM

project no. | SSHCS0018

owner



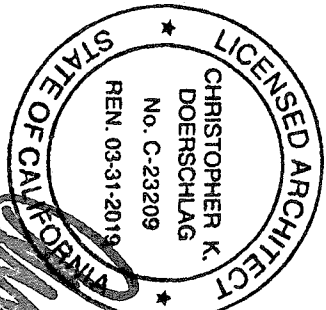
project info

VALLEY FAIR
SAN JOSE, CALIFORNIA

issue dates

submission:	date
owner/owner review/	05-02-2018
permit	08-10-2018
bid set	
revisions:	

seal



sheet info
AUG 16 2018

NOTED FLOOR PLAN

A101

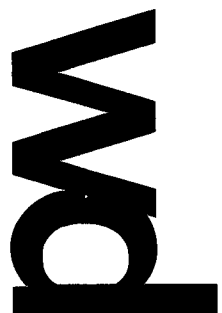
general notes

- ALL ELEVATION DIMENSIONS TO BE LEVEL, TAKEN FROM D-0' DATUM - ACTUAL SLAB ELEVATIONS MAY VARY. SEE SHEET D-101 FOR ADDITIONAL INFORMATION.
- EXISTING SLAB TO BE FLOATED SMOOTH BY LANDLORD. TENANT G.C. TO VERIFY EXISTING CONDITIONS AND INSTALL ANY FINISHES NOT COMPLETED.
- REFER TO KITCHEN DRAWINGS FOR ALL EQUIPMENT AND ROUGH-IN REQUIREMENTS OF KITCHEN EQUIPMENT.
- PROVIDE IN-WALL F.T. WD. BLOCKING FOR MILLWORK, SHELVING, PANELS, T.V.s, ETC. REFER TO KITCHEN DRAWINGS FOR ADDITIONAL INFORMATION.
- ALL PARTITIONS WITH SINKS AND/OR "WET EQUIPMENT", ALL WALLS IN TOILET ROOMS, AND ALL WALLS IN KITCHEN AREAS TO HAVE 5/8" MOISTURE RESISTANT GYPSUM BOARD w/6" CEMENT BOARD BASE TO 12" A.F.F. (J.N.O. (SMOOTH SIDE OUT)).
- ALL WOOD BLOCKING, FRAMING, PLYWOOD, SUB-FLOORS, ETC. TO BE FIRE TREATED (DESIGNATED F.T.).
- MOUNT ALL FIXTURES & ACCESSORIES AT HEIGHTS CONFORMING WITH ALL GOVERNING CODES & A.D.A. REQUIREMENTS.
- ALL CONTRACTORS TO VERIFY EXISTING SITE CONDITIONS BEFORE ANY WORK IS TO BEGIN. NOTIFY ARCHITECT OF DISCREPANCIES, TYPE.
- COORDINATE ELECTRICAL DEVICES AT MILLWORK (PHONE, ETC.) WITH MILLWORKER. OWNERS AUDIO/VIDEO CONTRACTOR & VIEW ELECTRICAL DRAWINGS. PROVIDE SHOP DRAWINGS FOR REVIEW, STATE & LOCAL CODES AND ORDINANCES.
- OWNER & ARCHITECT TO BE NOTIFIED AFTER FLOOR/WALL LAYOUT FOR REVIEW PRIOR TO CONSTRUCTION.
- PLUG & SEAL ALL OPENINGS IN FLOOR SLAB.
- REFER TO KITCHEN DRAWINGS, P. SHEETS & THE FLOOR FINISH LOCATIONS.
- FIRE EXTINGUISHERS SUPPLIED BY G.C., QUANTITY & LOCATIONS TO BE COORDINATED w/ FIRE DEPARTMENT.
- ALL FLOOR, EXTERIOR WALL, FOUNDATION WALL & ROOF PENETRATIONS TO BE SLEEVED & WATERPROOFED.
- G.C. TO PROVIDE VAPOR RETARDER TO UNDERSIDE OF STRUCTURE AT ALL METAL FRAMED EXTERIOR WALLS. G.C. TO PROVIDE FIBERGLASS BATT INSULATION AT FULL WIDTH OF STUD CAVITY.
- ALL FLOOR AND WALL PENETRATIONS THROUGH RATED ASSEMBLIES TO BE FIRE SEALED AS REQUIRED TO ACHIEVE A FIRE RESISTANCE RATING EQUAL TO THE RATED ASSEMBLY, IN WHICH THE PENETRATION OCCURS.
- G.C. TO PATCH REPAIR ALL REMAINING EXISTING WALLS AND PREP THEM TO RECEIVE FINISHES.
- TAPE, SAND & PAINT ONLY AT WALLS BEHIND WALK-IN COOLERS, FREEZERS.
- G.C. TO SUBMIT TO OWNER (1) HARD COPY AND (1) ELECTRONIC COPY OF THE OPERATION & MAINTENANCE MANUAL.
- ALL KITCHEN PREP, FOOD STORAGE MUST BE FULLY ENCLOSED DURING BUSINESS HOURS.

keyed notes

- KIOSK RAIL. SEE SHEET A104.
- MENUBOARD. G.C. TO PROVIDE BLOCKING AND POWER BEHIND MENUBOARD AS REQUIRED. SEE DETAIL 03A514.
- CONDIMENT COUNTER BY K.E.C. SET IN PLACE BY G.C.
- P.O.S. STATION. G.C. TO PROVIDE POWER, DATA & BLOCKING AS REQUIRED. EQUIPMENT SHALL BE SHROUDED. VERIFY FINAL LOCATION w/ OWNER PRIOR TO INSTALLATION.
- PICKUP COUNTERTOP ON TWO LAYERS, 3/4" CDX PLYWOOD - FINISH MATERIAL TO BE STAINLESS STEEL BY K.E.C., LOW WALL & PLYWOOD BY G.C.
- TRASH BINS BY K.E.C.
- 2 BARREL CUSTARD MACHINE BY K.E.C. G.C. TO ENSURE FLOOR SLAB IS LEVEL (NO SLOPE) UNDERNEATH THE CUSTARD MACHINE.
- ICE MAKER W/ BIN BY K.E.C.
- MOP SINK BY G.C. G.C. TO PROVIDE F.T. BLOCKING IN WALL FOR SHELVING BY K.E.C. SEE DETAIL 02A103.
- HAND SINK BY K.E.C. G.C. TO PROVIDE BLOCKING AS REQUIRED. REFER TO KITCHEN DRAWINGS.
- 3-COMPARTMENT SINK BY K.E.C.
- STORAGE UNITS BY K.E.C.
- HAND TOWEL DISPENSER LOCATED @ ALL KITCHEN AND B.O.H. HAND SINKS. U.N.O.
- FIXED SEATING & TABLES (G.C. TO ANCHOR BOLT TO FLOOR).
- WATER HEATER COORDINATE w/ PLUMBING SHEETS.
- BEER / WINE KEGS BY K.E.C.
- SODA BAG & BOX. REFER TO E-SHEETS, & P. SHEETS.
- QUEUING STATION.
- RECESSED MOUNTED ELECTRICAL EQUIPMENT/ PANELS, SOCKETED G.C. TO PROVIDE 1/2" PLYWOOD BACKING.
- OCCUPANCY PLACARD LOCATION. G.C. TO PROVIDE A SIGN NOTING THE MAX OCCUPANCY LOAD (60) IN DINING AREA, COORDINATE w/ OWNER.
- NO SMOKING- SIGNAGE LOCATION PROVIDED & INSTALLED BY G.C., SILENCE.
- GLASS W/ FINISH FINAL LOCATION w/ OWNER, MOUNT w/ CLEAN SILICONE.
- GLOVE BOX HOLDERS PROVIDED & INSTALLED BY G.C.
- NEW FRAMELESS STORERFRONT SYSTEM BY G.C. REFER TO STORERFRONT SCHEDULE AND DETAILS FOR ADDITIONAL INFORMATION.
- FIRE EXTINGUISHER CABINET. SEE SHEET A401 FOR FIRE EXTINGUISHER TYPES, NOTES AND SPECS.
- HIGH SHELF MOUNTED AT 7'-6"
- EXISTING STEEL COLUMNS TO REMAIN. SEE A103 FOR FINISH INFORMATION.
- CAST-IN-PLACE PLASTER/BENCH.
- STEEL POST FOR RAINING LIGHTING CONNECTIONS.
- CANTILEVERED PATIO UMBRELLA.
- NEW RAILING/GATE.
- EXISTING LANDSCAPING TO REMAIN.
- INTERIOR SIGN CHANNEL (SHOWN DASHED) BY G.C. REFER TO INTERIOR ELEVATIONS AND DETAILS.
- G.C. & RTU UNITS TO RUN UNDER SLAB TO RESPECTIVE FTL, BOY TRUMP INSTALLATION & CONNECTION BY RTU, CO2, KENDON, G.C. TO COORDINATE w/ OWNER REPRESENTATIVE ON LOCATION.
- FOOD SERVICE UTILITY WALL BY G.C.
- WALL MOUNTED TV BY TENANT G.C. - PROVIDE IN-WALL BLOCKING.
- SITE SIGNAGE - BURGER LOGO.
- SITE SIGNAGE - SHAKE SHACK LOGO.
- WATER FILTER SYSTEM. G.C. TO PROVIDE BLOCKING AS REQUIRED. REFER TO MECHANICAL SHEETS & KITCHEN DRAWINGS.
- NEON SIGN LOCATION - G.C. TO INSTALL BLACK CLOCK OUTLET (SEE BOY/GIRL NEON SIGN PROVIDED BY OWNER G.C. TO PROVIDE POWER IN BLACK CLOCK OUTLET & BLOCKING AS REQUIRED.
- 1" SIGN BEAM BY G.C.
- EXTERIOR SIGNAGE BY OWNER'S SIGNAGE (UNDER SEPARATE PERMIT). CONTRACTOR (SHOWN DASHED), G.C. TO PROVIDE POWER, J-BOXES & BLOCKING AS REQUIRED. COORDINATE w/ E.C. REFER TO EXTERIOR ELEVATIONS FOR SIGNAGE LOCATIONS.
- NEW (2) HOUR RATED DEMISING WALL.
- WOOD PLANTER BY G.C. - REFER TO INTERIOR ELEVATIONS AND SHEET A212 FOR ADDITIONAL INFORMATION.
- EXISTING MECHANICAL SHAFT BY LL.
- EXISTING PATIO DECKING AND DRAINAGE BELOW BY LL.
- NO ALCOHOL, BEYOND THIS POINT SIGN BY G.C.





7007 DISCOVERY BLVD
DUBLIN, OH 43017
614.634.7000 T

WDPARTNERS.COM

project no. | SSHCS0018

owner



project info

VALLEY FAIR
SAN JOSE, CALIFORNIA

issue dates		date
submission:	06-02-2018	
owner review	06-10-2018	
permit bid set		
revisions:		

SEE SHEET A601 FOR FLOOR AND WALL FINISH SCHEDULE

keyed notes

1. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
2. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
3. PROVIDE A LEVEL FLOOR (NO SLOPE) UNDERNEATH THE CUSTARD MACHINE AREA OF LEVEL FLOOR TO EXTEND 6" BEYOND ALL SIDES OF CUSTARD MACHINE.
4. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
5. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
6. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
7. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
8. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
9. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.
10. PROVIDE TYPICAL FINISH SCHEDULE FOR ALL FLOOR AND WALL FINISHES. REFER TO SHEET A601 FOR FINISH SCHEDULE.

symbols

- FLOOR SINK REFER TO PLUMBING SHEETS FOR MORE INFORMATION
- FLOOR DRAIN REFER TO PLUMBING SHEETS FOR MORE INFORMATION
- DEVOTES FLOOR FINISH / WALL FINISH
- DEVOTES BASE FINISH

sheet info
AUG 16 2018

FLOOR FINISH PLAN

A103

general notes

- ALL FLOOR FINISHES, INCLUDING PATTERNS, TO EXTEND UNDER BOOTH SEATING, TABLES, CHAIRS, KITCHEN EQUIPMENT, AND ALSO EXTEND TO ALL WALLS BELOW COUNTER TOPS.
- REFER TO ROP, INTERIOR ELEVATIONS, & THE FINISH LEGEND LOCATED ON SHEET A102, A210, A211, A601 FOR MORE INFORMATION ON FINISHES.
- AT BACK OF HOUSE PROVIDE CONTINUOUS SEALANT JOINT @ ALL FRP AND STAINLESS STEEL INTERSECTIONS @ TILE BASE, CEILINGS, DOOR FRAMES, PLUMBING / GAS / ELECTRICAL ROUGHINS, AND MISCELLANEOUS PENETRATIONS.
- CAULK ALL JOINTS BETWEEN WALL, TILE AND DOOR FRAMES. COLOR TO MATCH GROUT U.N.O. IN DRAWING SET. INSTALL METAL CLEAR SEALANT JOINTS WHERE WINDOWS ABUT A WOOD METAL FINISH U.N.O. IN DRAWING SET. INSTALL COLORED SEALANT JOINTS WHERE WINDOWS ABUT AN INTERIOR WALL SURFACE. COLOR TO MATCH STONEFRONT U.N.O. IN DRAWING SET.
- PROVIDE F.T. BLOCKING IN KITCHEN WALL AS REQUIRED BY F.S.E.C. FOR EQUIPMENT MILLWORK SHELVES, ETC., VERIFY HEIGHTS & LOCATIONS, REFER TO KITCHEN EQUIPMENT DRAWINGS.
- REFER TO MEP AND KITCHEN DRAWINGS FOR ALL UNDER SLAB WORK.
- REFER TO PLUMBING DRAWINGS FOR EXACT FLOOR DRAIN AND FLOOR SINK LOCATIONS. G.C. TO COORDINATE ALL KITCHEN AND FLOOR DRAWINGS WITH KITCHEN EQUIPMENT PRIOR TO PLACEMENT TO AVOID TABLE LEGS FROM FALLING WITHIN A FLOOR SINK OR ON A FLOOR DRAIN.
- THE CONTRACTOR TO ENSURE THAT FLOOR TILE IS FLUSH WITH COVERED BASE TILE PER HEALTH DEPARTMENT AT KITCHEN AND TOILET ROOMS.
- WALLS AND CEILINGS OF KITCHEN AND PREP AREAS SHALL HAVE A SMOOTH & WASHABLE FINISH.
- G.C. TO ENSURE THAT NEW FLOOR SLAB IS AT AN ACCEPTABLE TOLERANCE LEVEL TO MINIMIZE THE UPPAGE FOR THE REQUIRED FLOOR FINISH INSTALLATION. REFER TO FINISH SPECIFICATIONS FOR MORE INFORMATION. G.C. TO INFORM ARCHITECT OF DISCREPANCIES.
- FLOOR TILES TO BE NON-SLIP WITH A MIN. SLIP COEFFICIENT OF FRICTION OF 0.6 OR BETTER.
- G.C. TO PROVIDE WATERPROOFING 12" UP THE WALL AND 12" ONTO THE FLOOR WHERE INDICATED.
- ALL MATERIAL TRANSITIONS TO MEET A.D.A. GUIDELINES.
- ALL FLOOR PENETRATIONS TO BE SEALED, WATERPROOFED AND FIRE RATED.
- TENANT G.C. TO COORDINATE LOCATION AND QUANTITY OF MOVEMENT JOINTS IN ALL TILE FLOORING.
- MAXIMUM FLOOR SLOPE IN ANY DIRECTION IS 1 IN 20.
- ALL KITCHEN FLOORS TO HAVE NO MORE THAN 1/8" PER FOOT SLOPE TO FLOOR DRAINS.
- PERFORM FLOOD TEST IN ALL B.O.H. FLOOR LOCATIONS AFTER INSTALLATION. G.C. TO PERFORM FLOOD TEST IN ALL WATERPROOFED AREAS AFTER INSTALLATION.
- G.C. TO PROVIDE CRACK ISOLATION / WATERPROOFING AS SPECIFIED FOR THE FOLLOWING CONDITIONS REFER TO FINISHED FLOOR PLAN FOR LOCATIONS.
 - AT B.O.H. AND RESTROOM SLAB ON GRADE CONDITIONS G.C. TO PROVIDE CRACK ISOLATION / WATERPROOFING MEMBRANE 12" UP WALL & FULL COVERAGE ONTO FLOOR.
 - AT F.O.H. SUSPENDED DECK LOCATIONS G.C. TO PROVIDE CONTINUOUS CRACK ISOLATION / WATERPROOFING MEMBRANE AT ALL B.O.H. SUSPENDED DECK LOCATIONS G.C. TO PROVIDE CONTINUOUS CRACK ISOLATION / WATERPROOFING MEMBRANE 12" UP THE WALL IN ADDITION TO A CONTINUOUS MEMBRANE ON THE DECK.

06 transition detail

SCALE 1 1/2" = 1'-0"

NOTES:

1. PROVIDE TILE BACKER SUBSTRATE AT ALL WALLS TO RECEIVE TILE. REFER TO FINISH FLOOR PLAN AND INTERIOR ELEVATIONS.
2. WALL AND 12" ONTO FLOOR IF SLAB ON GRADE.
3. WATERPROOFING TO BE OF A CONTINUOUS APPLICATION WITH A MINIMUM THICKNESS TO MATCH GYP. BD. MAKE A TOTAL WATERPROOF SEAL.
4. FLOOR TILE BASE SEAMS TO ALIGN WITH WALL TILE SEAMS.

- DO NOT CUT THE FIRST TILE LOCATED ABOVE THE COVE BASE.
- MOSA TILE COVE BASE TYP. @ INTERIOR FLOOR TILES TO MATCH INTERIOR ELEVATIONS & FINISH FLOOR PLANS.
- INTERIOR FLOOR TILE AS OCCURS, REFER TO FINISH FLOOR PLAN.
- WATERPROOFING MEMBRANE SHOWN HAS DASHED, DOTTED, AND SOLID LINE FOR EXTENT OF WATERPROOFING MEMBRANE.

- PROVIDE CEMENT BOARD BACKING AT TILE BASE AS SHOWN. THICKNESS TO MATCH GYP. BD. THICKNESS ABOVE TILE PER FINISH SCHEDULE.
- THRESHOLD AT STORE ENTRY ON GROUT INFILL. SEE DOOR SCHEDULE SHEET A601. EPOXY WITH GROUT INFILL.
- 2 (MAX SLOPE)

- A. EXTERIOR TO EPOXY TRANSITION

- EXISTING CONCRETE SLAB

- B. EXTERIOR TO POLISHED CONCRETE

- EXISTING CONCRETE SLAB

- C. TILE TO EPOXY SLURRY TRANSITION

- EXISTING CONCRETE SLAB

- DOOR AND DOOR FRAME PER SHEET A601

- THRESHOLD AT STORE ENTRY ON GROUT INFILL. SEE DOOR SCHEDULE SHEET A601. POLISHED CONCRETE FINISH SEE FINISH SCHEDULE.

- D. RESTROOM TILE TO TILE TRANSITION

- EXISTING CONCRETE SLAB

- DOOR AND DOOR FRAME PER SHEET A601

- THRESHOLD AT STORE ENTRY ON GROUT INFILL. SEE DOOR SCHEDULE SHEET A601. POLISHED CONCRETE FINISH SEE FINISH SCHEDULE.

- RESTROOM SIDE

- ADJ. COMPLAINT THRESHOLD DOOR SCHEDULE SHEET A601. TILE FLOORING ON MASTIC SETTING BED

- DINING SIDE

- ADJ. COMPLAINT THRESHOLD DOOR SCHEDULE SHEET A601. TILE FLOORING ON MASTIC SETTING BED

05 restroom base detail

SCALE 3" = 1'-0"

COOLER/FREEZER UNIT BY K.E.C.

- CONTINUOUS CLEAR SEALANT JOINT AS PER MANUFACTURER'S INSTALLATION REQUIREMENTS & RECOMMENDATIONS

- COOLER SIDE

- WORK ROOM

8" CEMENT BOARD

- PROVIDE 6" HIGH COVE BASE PER MANUFACTURER'S INSTALLATION REQUIREMENTS & RECOMMENDATIONS

- COOLER SIDE

- WORK ROOM

TOPPING SLAB

- PROVIDE 6" HIGH COVE BASE PER MANUFACTURER'S INSTALLATION REQUIREMENTS & RECOMMENDATIONS

- COOLER SIDE

- WORK ROOM

04 base detail @ cooler

SCALE 3" = 1'-0"

NOTE: USE MANUFACTURERS RECOMMENDED INSTALLATION PROCEDURE FOR APPLIED FLOORING

03 base detail

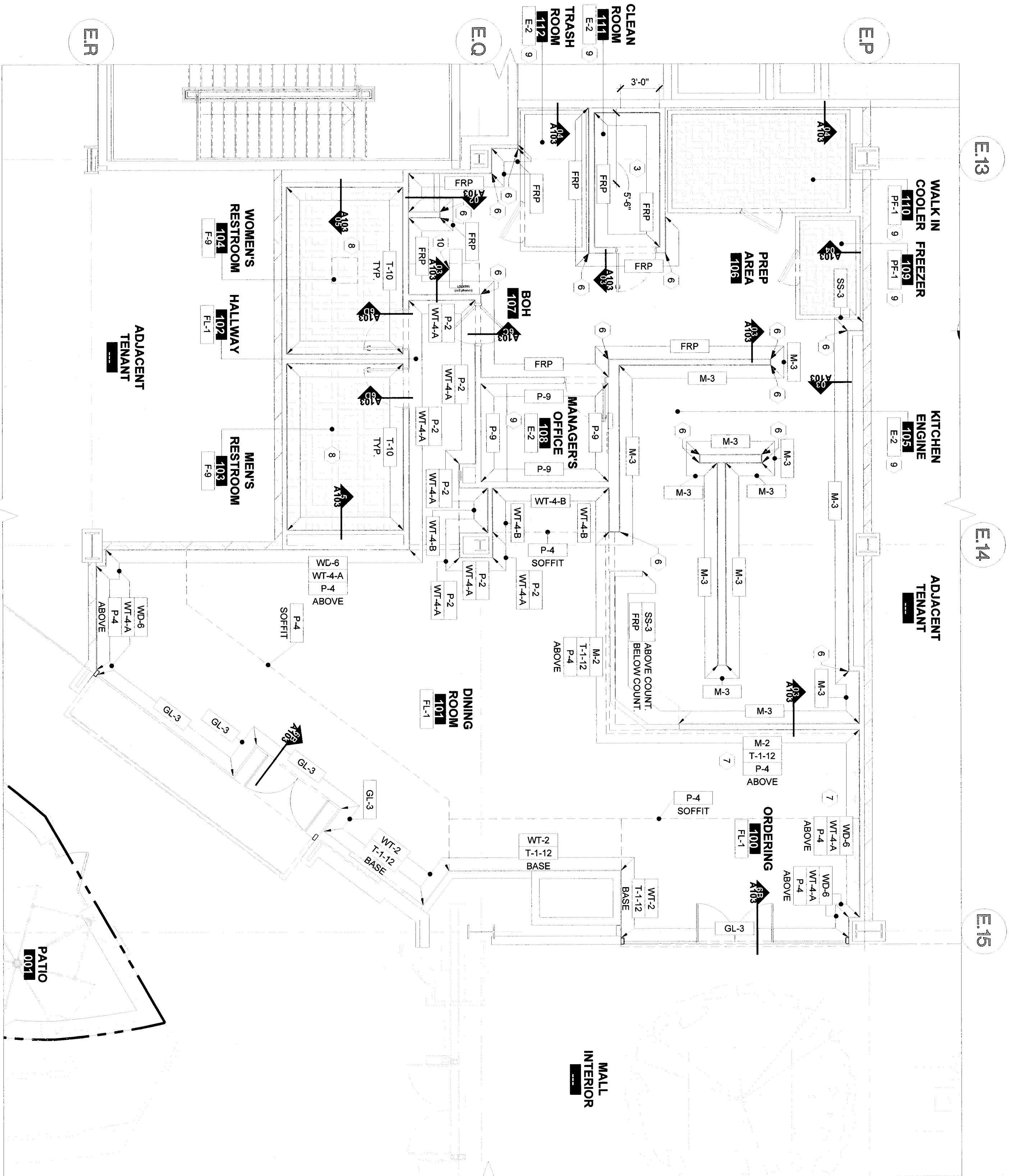
SCALE 3" = 1'-0"

NOTE: USE MANUFACTURERS RECOMMENDED INSTALLATION PROCEDURE FOR APPLIED FLOORING

02 mop sink detail

SCALE 3/8" = 1'-0"

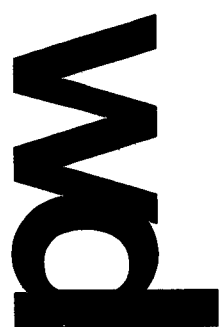
NOTE: USE MANUFACTURERS RECOMMENDED INSTALLATION PROCEDURE FOR APPLIED FLOORING



01 floor finish plan

SCALE 3/8" = 1'-0"

NOTE: USE MANUFACTURERS RECOMMENDED INSTALLATION PROCEDURE FOR APPLIED FLOORING



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DUBLIN, OH 43017
614.634.7000 T
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project no. | SSHCS0018

owner



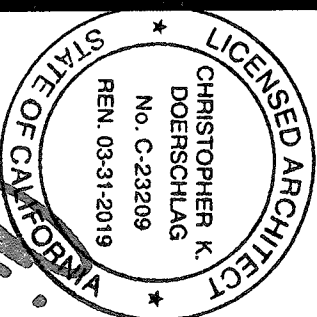
project info

VALLEY FAIR
SAN JOSE, CALIFORNIA

issue dates

submission:	date
OWNER REVIEW	06-03-2018
BID SET	08-16-2018
revisions:	

seal

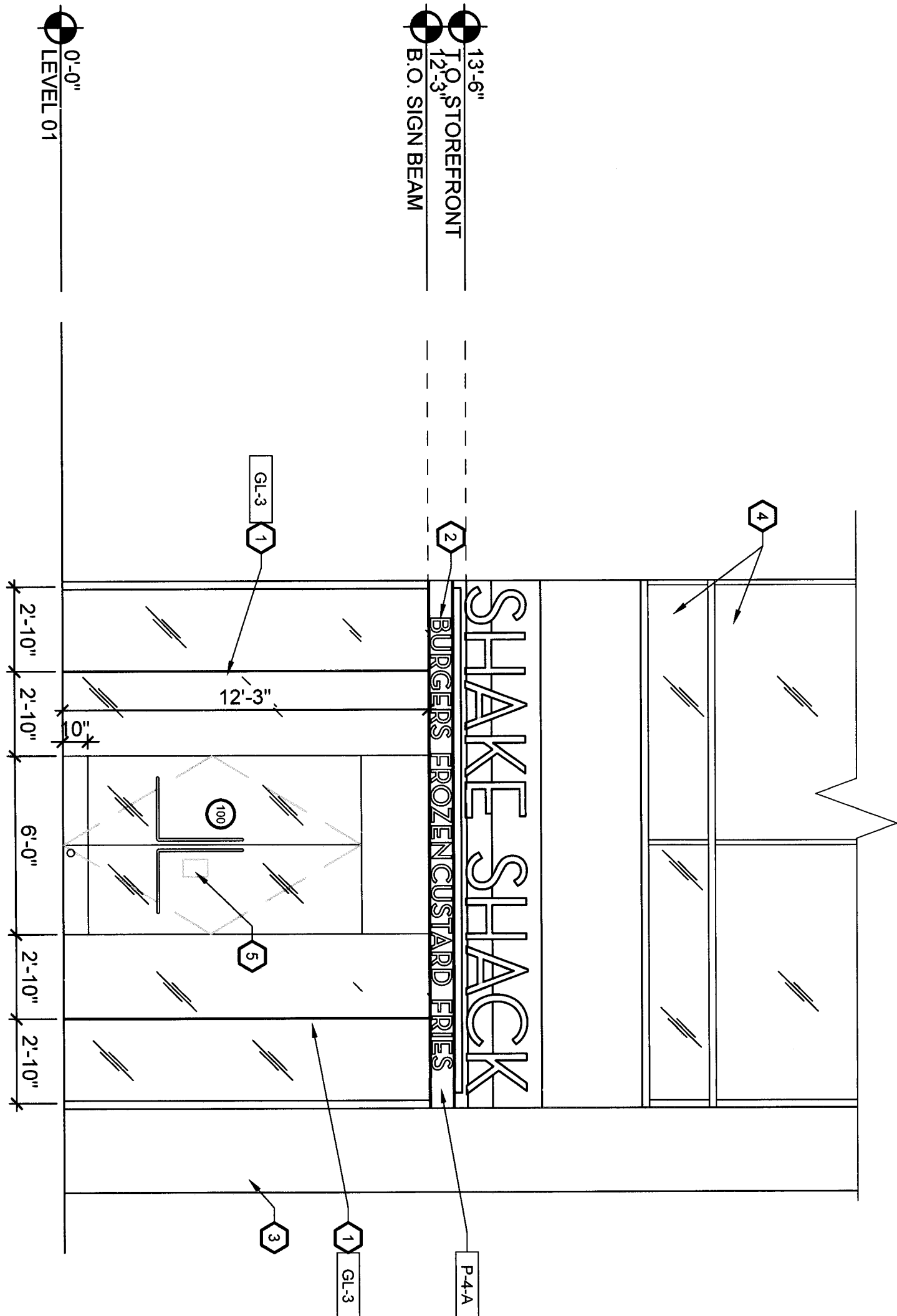


sheet info
AUG 16 2018

EXTERIOR
ELEVATIONS
A201

keyed notes

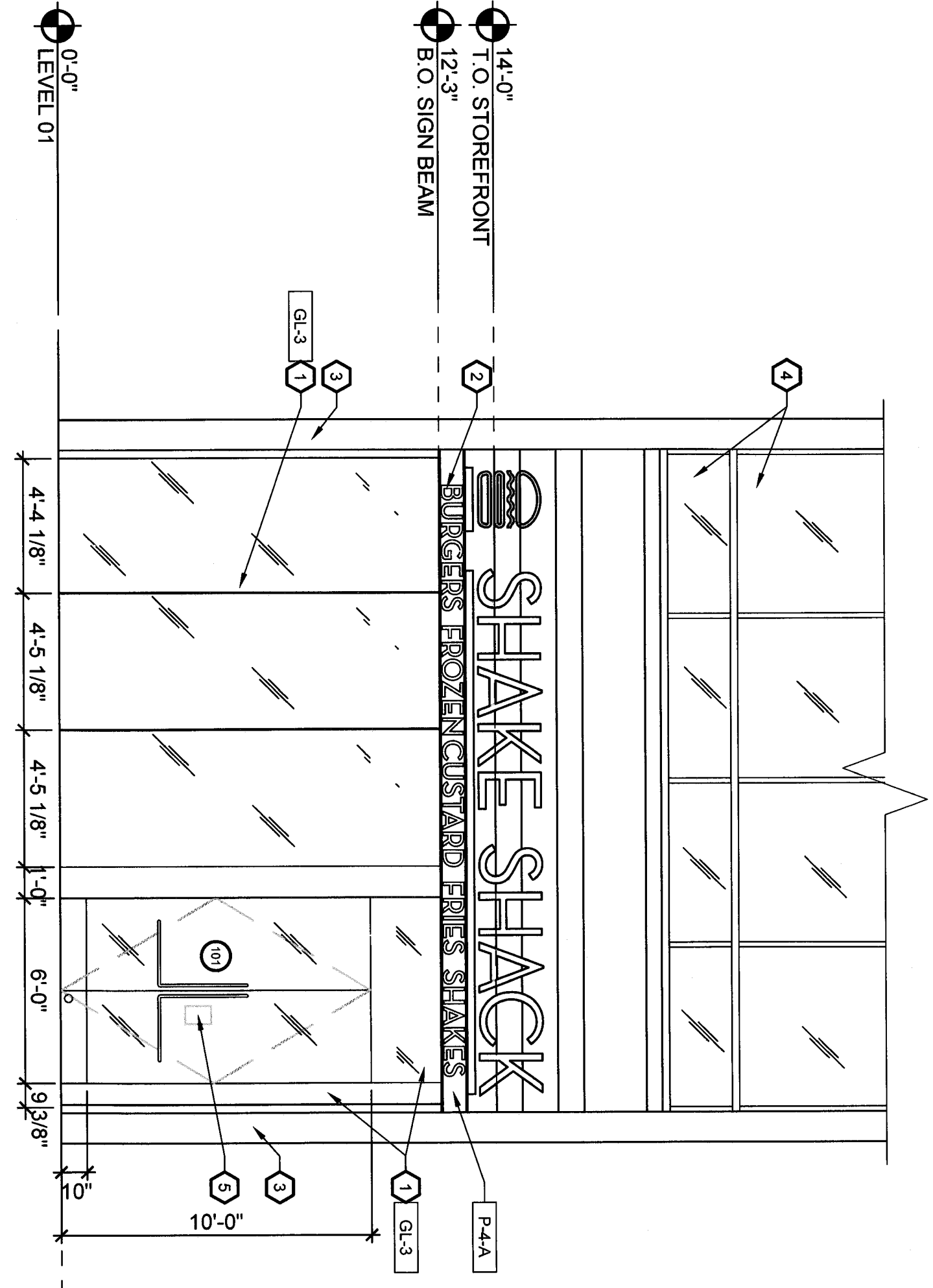
- 1 NEW STOREFRONT AND GLAZING SYSTEM BY G.C. - ALL EXTERIOR WINDOWS ARE FIXED.
- 2 10" SIGN BEAM PAINTED (P-4-A) WITH P-LETTERS. COORDINATE WITH STRUCTURAL & ELECTRICAL SHEETS.
- 3 EXISTING NEUTRAL PIER - FINISHES TO REMAIN AS IS.
- 4 STOREFRONT BY OTHERS - N.I.C.
- 5 INTERNATIONAL SYMBOL OF ACCESSIBILITY 7x10 MOUNTED AT 48" MAX A.F. TO BOTTOM OF LETTERS ADHERED TO INSIDE FACE OF GLASS.
- 6 EXTERIOR ADDRESS - REFER TO JONES SIGN GROUP DIMENSIONS FOR MORE INFORMATION.



NOTE:
ALL EXTERIOR SIGNAGE SHALL BE SUBMITTED UNDER A SEPARATE PERMIT BY SIGNAGE VENDOR.
ALL STOREFRONT GLASS PANELS SHALL BE TEMPERED.

02 elevation - interior

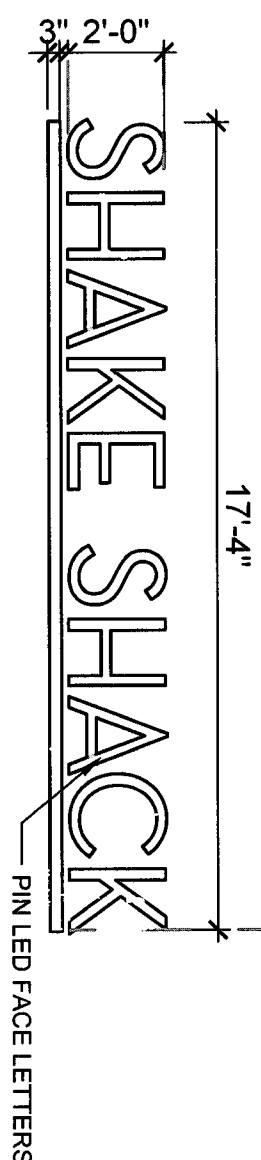
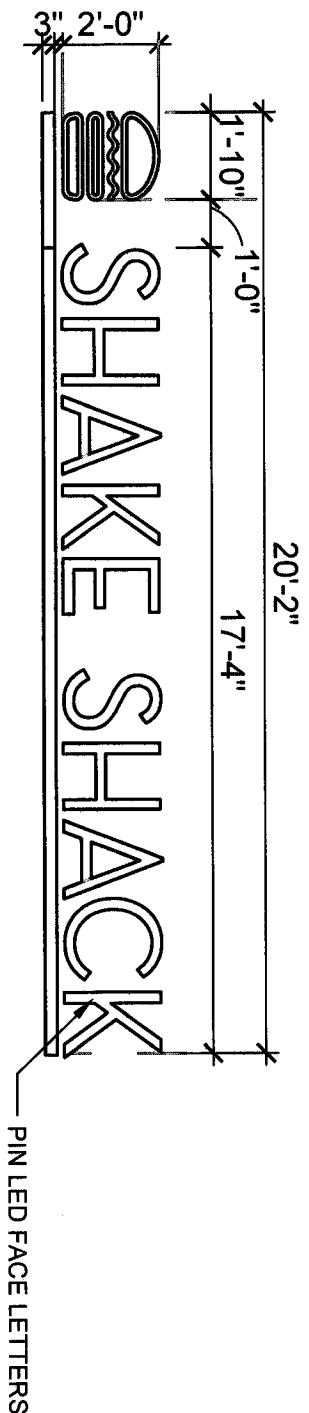
SCALE | 1/4" = 1'-0"



NOTE:
ALL EXTERIOR SIGNAGE SHALL BE SUBMITTED UNDER A SEPARATE PERMIT BY SIGNAGE VENDOR.
ALL STOREFRONT GLASS PANELS SHALL BE TEMPERED.

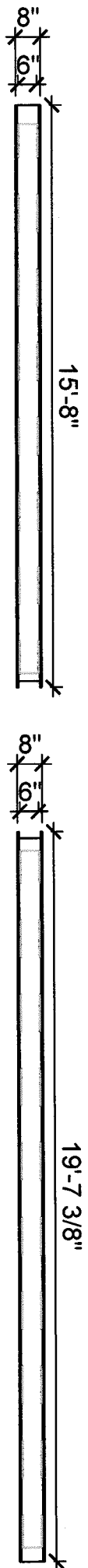
01 elevation - exterior

SCALE | 1/4" = 1'-0"



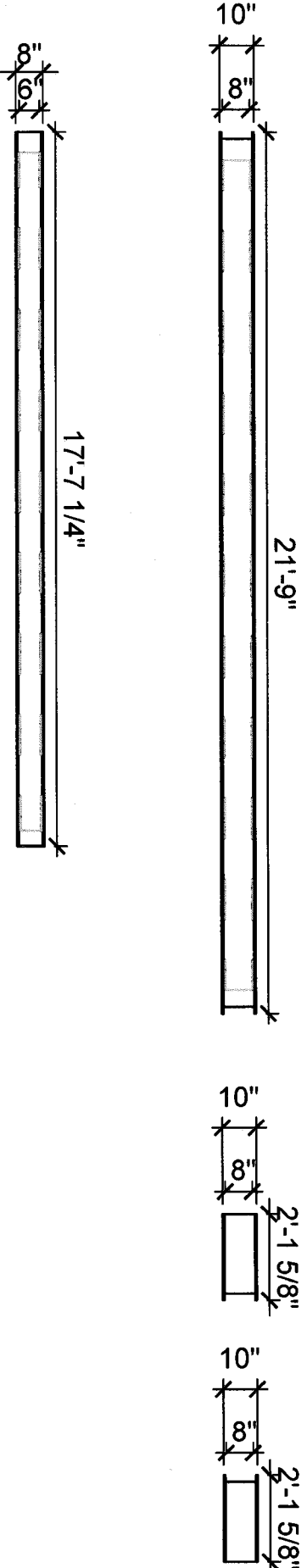
03 shake shack signage, burger logo - front elevation

SCALE | 1/2" = 1'-0"



04 6" band of letters - shack elevation

SCALE | 1/2" = 1'-0"



05 8" band of letters - front elevation

SCALE | 1/2" = 1'-0"

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO ALLOW ON-SITE SALE AND SERVICE OF BEER, WINE (ABC LICENSE TYPE 41) AT THE SHAKE SHACK RESTAURANT LOCATED AT 2855 STEVENS CREEK BOULEVARD, SANTA CLARA, CA

PLN2018-13601 (Use Permit)

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

WHEREAS, on October 31, 2018, Jeremy Layton for Shake Shack restaurant (“Applicant”) applied for a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in a new 2,769 square foot restaurant, located at 2855 Stevens Creek Boulevard, within the Westfield Valley Fair Mall (“Site Location”);

WHEREAS, the Site Location is currently zoned Community Commercial (CC) and has the General Plan land use designation of Regional Commercial;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow beer and wine sales and consumption in conjunction with food service within the 2,769 square foot restaurant occupying a commercial tenant space in the existing Westfield Valley Fair Mall, as shown on the Development Plans;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 existing facilities, in that the proposed use will occur at an existing location involving negligible or no expansion of an existing use;

WHEREAS, commercial uses including restaurants that serve alcoholic beverages are conditionally permitted in the Community Commercial (CC) district, which includes the Westfield Valley Fair Mall, by the Planning Commission with the approval of a Use Permit;

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on December 21, 2018, the notice of public hearing for the January 9, 2019 meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to all property owners located within 300 feet of the Site Location; and,

WHEREAS, on January 9, 2019, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

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 a Use Permit to allow sale and service of beer and wine (ABC License Type 41) in the 2,769 square foot Shake Shack restaurant with 60 indoor seats and 43 outdoor seats is consistent with the commercial uses contemplated in the development of the existing Westfield Valley Fair Mall.

3. That the Planning Commission hereby finds as follows:

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 proposal would serve to expand the options available to local and regional customers by providing a neighborhood restaurant use within an existing shopping mall to meet the interests of local customers and residents from the greater region;

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposal provides a

restaurant that serves beer and wine in conjunction with food in a new commercial tenant space within an existing shopping center which meets all City of Santa Clara codes and regulations; the restaurant will be routinely manned and maintained; and the restaurant will comply with any and all City and state laws regarding the sale of alcoholic beverages;

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use will occur in an existing retail tenant space, and on-site parking is sufficient and available to service the proposed use and the existing businesses;

3) The general welfare of the City, in that the proposed use expands the options available to the local and regional population by providing a restaurant use serving beer and wine to support businesses and residents in the vicinity of the Site Location;

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed and conditioned in a manner to be compatible with adjacent commercial and residential development, on a developed parcel, with adequate parking, and properly designed ingress and egress points; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a restaurant that serves beer and wine in conjunction with food, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this Community Commercial zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2018-13601 to allow on-site sale and service of beer and wine (ABC License Type 41) in a restaurant, located at 2855 Stevens Creek Boulevard, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

5. 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 9th DAY OF JANUARY,
2019, 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:

1. Development Plans
2. Conditions of Approval

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Conditions of Approval

GENERAL

- G1. Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of developer's project.
- G2. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with all building code requirements and conditions thereof.
- C2. The project shall comply with all California Department of Alcoholic Beverage Control licensing requirements.
- C3. The Director of Community Development may refer the Use Permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved project description. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the Use Permit to the Planning Commission within three months for consideration of revocation proceedings.
- C4. Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages (beer and wine) are served.
- C5. The hours of operation shall be limited to the hours of 11:00 a.m. to 11:00 p.m. every day.
- C6. On-site consumption of alcohol shall be limited to within the restaurant and the designated patio seating area.
- C7. No live entertainment or amplified music will be allowed, unless it is wholly incidental to the restaurant use.
- C8. The Planning Commission shall review this Use Permit twelve (12) months from the date that applicant obtains an active Alcoholic Beverage Control (ABC) License Type 41. After six months from obtaining the ABC license, the City shall conduct an administrative review of any ABC violations and police service calls, and shall report any significant occurrences to the Planning Commission.
- C9. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City

Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

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Agenda Report

19-1700

Agenda Date: 1/9/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Selection of Planning Commission Vice Chair

BACKGROUND

At the beginning of each fiscal year, the Planning Commission appoints a Chair to facilitate the Planning Commission meetings and a Vice Chair to serve in the role of meeting facilitator in the event the Chair is unavailable. The role of the Vice Chair is to fulfill the role of the responsibilities of the Chair when the Chair is not available. Raj Chahal, Vice Chair of the Planning Commission was recently elected as a Councilmember and assumed this position on December 11, 2018. The Vice Chair position for the remainder of fiscal year 2018/19 is now vacant. At the December 12, 2018 Planning Commission meeting, Commissioners had an informal discussion regarding nominations.

DISCUSSION

The Planning Commission may nominate individuals for each position. Individuals nominated can either accept or decline. Commissioners shall vote for candidates in the role of Vice Chair. The Commissioner with the most votes will assume the responsibilities for the remainder of the fiscal year. All votes must be cast in an open forum.

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(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

PUBLIC CONTACT

Public contact was made by posting the Planning Commission's agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and/or 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

Reviewed by: Reena Brilliot, Planning Manager, Community Development

Approved by: Gloria Sciara, Development Review Officer, Staff Liaison to the Planning Commission



Agenda Report

19-1661

Agenda Date: 1/9/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on Use Permit to allow the conversion of a service station building into a retail convenience store and potential restaurant at 3725 El Camino Real

REPORT IN BRIEF

Project: Use Permit to allow conversion of the vehicle repair bays within an existing service station building for a retail convenience store with off-site beer and wine sales (ABC Type 20 License), and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) in the current snack shop retail area of the service station.

Applicant: Royal Gas Zone, Inc.

General Plan: Regional Mixed Use

Zoning: Community Commercial (CC)

Site Area: 24,483 square feet (0.56 acres)

Existing Site Conditions: Developed with a one-story vehicle service station facility

Surrounding Land Uses

North and East: Lawrence Expressway Plaza Shopping Center parking lot and retail buildings

South: El Camino Real, and an existing service station and a new mixed use retail and residential development under construction

West: Halford Avenue and a commercial bank building and retail shopping center

Issues: Consistency with the City's General Plan, Zoning Ordinance and Design Guidelines - Regulation of on-site hours of operation and on-site parking to minimize the potential for off-site impacts on nearby commercial businesses, and improvement of on-site landscaping

Staff Recommendation: Alternative 1: Recommend that the Planning Commission approve the Use Permit to allow conversion of an existing service station repair building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve alcoholic beverages for on-site consumption) on the property located at 3725 El Camino Real.

BACKGROUND

On May 29, 2018, the applicant, Royal Gas Zone Inc., applied for a Use Permit to allow conversion of the auto repair bays within an existing one-story service station building at the Mobil Service Station, located at the northeast corner of El Camino Real and Halford Avenue, into a 1,792 square foot convenience store and potential restaurant in two separate tenant spaces, that together with a shared restroom and electrical room would comprise the entire building area (PLN2018-13294). The property is zoned Community Commercial (CC) and is surrounded by office and retail shopping center uses to the north, east and west, and by the El Camino Real with an existing service station

and a new mixed use retail and residential development under construction beyond to the south. Service stations are a conditionally allowed use in the CC zoning district (Santa Clara City Code (SCCC) Section 18.36.040(a), which permits any conditional use permitted in the CN - Neighborhood Commercial zoning district). The use of a service station site for a customer convenience store including the sale of beer and wine for off-premises consumption, concurrent with other related retail uses such as a restaurant, shall only be permitted with a specific use permit granted pursuant to SCCC Sections 18.68.030 (d), 18.68.030 (f) and 18.110.040.

A Use Permit to operate a Service Station at the subject site was approved by the Planning Commission and City Council on July 2, 1968 (U.668).

On August 8, 1990, the Planning Commission approved a Use Permit for the conversion of a full service station to a self-service station, including the conversion of a 419 square foot portion of the 1,792 square foot building for a convenience market/snack shop without the approval to sell beer and wine.

Access to the project site is provided by driveways on El Camino Real and Halford Avenue, along with additional driveway access to El Camino and Halford Avenue provided between the project site and the adjoining Lawrence Plaza Shopping Center (to the north and east) across the adjoining shopping center parking lot by way of a private easement agreement.

DISCUSSION

1) General Plan Conformance

The General Plan land use designation for the subject property is Regional Mixed Use and is located within the El Camino Real Focus Area. The Regional Mixed Use classification is a combination of the Regional Commercial and High Density Residential designations and is intended for high intensity, mixed use development along major transportation corridors in the City. This designation supports all types of retail, local serving offices, hotel and service uses, except for auto-oriented uses; to meet local and regional needs. The project is consistent with this designation in that it would create more pedestrian oriented retail space within the existing building by conversion of the auto repair service bays of the service station, leaving only the self-service auto fueling component of the service station along with related signage on site. The project is also consistent with the following General Plan policies:

- **5.3.1 P10** Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on or off site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect; and,
- **5.3.1 P16** Consolidate curb cuts with new development on arterial roadways to minimize pedestrian/vehicle conflicts at driveway locations and improve traffic flow, in that the applicant is proposing to remove and replace the western-most El Camino Real driveway (closest to the intersection of Halford Avenue) to provide additional street frontage landscaping and street tree plantings per staff's recommendation. This driveway reduction will bring the property into closer conformance with the current El Camino Real Focus Area vision to provide signature streetscape landscaping and to encourage pedestrian oriented retail that provides services for surrounding neighborhoods.

2) Zoning Conformance

The proposed project is generally in compliance with the regulations set forth for service stations in Chapter 18.68, Service Station Standards, of the SCCC. Re-striping of the parking is needed to meet the parking requirement for the proposed retail uses of one space per 200 square feet and would be implemented as part of the project, which would exceed the base requirement of eight parking spaces for service stations pursuant to SCCC 18.68.020 (n). Per Santa Clara City Code Sections 18.36.040 and 18.34.040, the existing Community Commercial (CC) Zoning District lists automobile service stations as a conditionally allowed use. The proposed on-site changes would require an amendment to the existing Use Permit (U.668/U.1863) that was approved by the Planning Commission to operate a Service Station at the subject site. The project, as designed on the proposed project plans and as conditioned in the recommended conditions of approval attached to this report, would meet the setback requirements and the landscape requirements as listed in SCCC Chapter 18.68.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Section 15303, new construction or conversion of small structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

FISCAL IMPACT

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

On December 21, 2018, 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.

Public contact was made by posting the Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

ALTERNATIVES

1. Approve the proposed Use Permit to allow conversion of an existing service station building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve beer and wine for on-site consumption) on the property located at 3725 El Camino Real.
2. Deny the proposed Use Permit to allow conversion of an existing service station building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve beer and wine for on-site consumption) on the property located at 3725 El

Camino Real.

RECOMMENDATION

Adopt a resolution approving a Use Permit to allow the conversion of an existing service station building for a convenience store with off-site beer and wine sales (ABC Type 20 License) and potential restaurant (that would not serve beer and wine for on-site consumption) on the property located at 3725 El Camino Real.

Prepared by: Jeff Schwilk, Associate Planner

Reviewed by: Reena Brilliot, Planning Manager

Reviewed by: Alexander Abbe, Assistant City Attorney

ATTACHMENTS

1. Project Data Summary Sheet
2. Applicant's Statement of Justification
3. Development Plans
4. Resolution Approving Use Permit
5. Conditions of Approval

Project Data

File: PLN2018-13294
Location: 3725 El Camino Real, a 0.56 acre lot, located at the northeast corner of Halford Avenue and El Camino Real, APN: 213-34-008.
Applicant: Royal Gas Zone, Inc.
Owner: Reza Damabeh
CEQA Determination: Categorically exempt per CEQA Section 15303, New Construction or Conversion of Small Structures.
Project Planner: Jeff Schwilk, Associate Planner

	Existing	Proposed
General Plan Designation	Regional Mixed Use	Same
Zoning District	CT (Thoroughfare Commercial)	Same
Lot Size	24,483 (0.56 acres)	Same
Land Use	Service Station including vehicle repair bays	Service Station with retail convenience store and potential restaurant
Commercial Square Footage	1,727 square feet	1,792 square feet
Residential Units	n/a	n/a
Private Open Space	n/a	n/a
Public Open Space	n/a	n/a
Stories / Total Height	One-story / 16 feet in height	Same
Parking	5 on-site vehicle parking spaces and no bicycle parking	12 on-site vehicle parking spaces and 1 bicycle rack and 1 bike locker

Aerial Map



Zoning Map



**Project Site Zoning –
CC – Community Commercial**

General Plan Map



**Project Site General Plan
Designation –
Regional Mixed Use /
El Camino Real Focus Area**



Statement of Justification

RE: 3725 El Camino Real

Tenant Improvement Project
3725 El Camino Real, Santa Clara, CA 95051

12 December, 2018

Planning Commission:

Our client, Royal Gas Zone Inc. is requesting a conditional use permit to operate a convenience store and potential light restaurant commercial tenant space (i.e. Subway or similar) within the existing footprint of the gas station structure at 3725 El Camino Real.

The Community Commercial (CC) zoning notes conditional uses under 18.36.040(a) as being any conditional use permitted in Neighborhood Commercial (CN). CN zones permit "Grocery Stores" and "Stores which sell alcoholic beverages" which this proposal would fall under. The proposed conditional use is not only a typical partner for a gas station but is similar to the configuration at the Chevron Station across the street at 3740 El Camino Real, also Community Commercial zoning.

The proposed use would not be detrimental to the adjacent big box grocery store(s) as a typical convenience store offering is of a just-in-time nature, serving snack needs for drivers getting gas, not wholesale groceries. In addition, the proposed parking configuration would meet zoning standards. As such, it is our belief that the proposed conditional use would offer no substantial change to the way the site and building are currently used and no detrimental effect to its surroundings and meet the standards of 18.68.030(d) and 18.110.

Hours of operation for the existing service station are 6am to 12pm every day. The Owner proposes the same hours of operation for the convenience store and off-site alcoholic beverages sales, license type 20 – "off sale beer and wine". No on-site alcoholic beverage service would occur in the potential restaurant.

Please contact us with any questions.

Regards,
Brandon Marshall

A handwritten signature in black ink, appearing to read 'Brandon Marshall'.

Owner / Partner
FOG Studio

brandon@fogprojects.com

707.297.6185

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1. ALL CONSTRUCTION AND INSTALLATION SHALL CONFORM TO THE FOLLOWING CODES:
2016 TITLE 24 & CALIFORNIA BUILDING CODE (CBC)
2016 CALIFORNIA ELECTRICAL CODE (CEC)
2016 CALIFORNIA MECHANICAL CODE (CMC)
2016 CALIFORNIA PLUMBING CODE (CPC)
2016 CALIFORNIA ENERGY CODE (CEC)
2016 CALIFORNIA GREEN BUILDING STANDARDS
2016 CALIFORNIA FIRE CODE

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01. If installation of an existing public facility becomes necessary due to a conflict with the developer's improvements, then the cost of said relocation shall be borne by the developer.
02. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives harmless from and against any and all claims, losses, damages, expenses, costs, fees, interest, attorney's fees and third party claims, judgments, settlements, judgments or judgments which is filed by a third party against the City by reason of its approval of developer's project.

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applicant shall adhere to, and provide a note indicating at the direction of Water and Sewer Utilities, the following minimum horizontal clearances from water service crossings with other utilities, and all required minimum horizontal clearances from water service crossings with other utilities, 10' from required water utilities, 8' from storm drain utilities, 5' from the edge of the proposed roadway, 3' from abandoned water services, 5' from poles, and 5' from the edge of the proposed roadway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance (legally defined) of 10' from existing and proposed lines. If applicant installs the

PROJECT CONSISTS OF RENOVATION OF EXISTING TENANT SPACE OF APPROXIMATELY 1,240 SF AT GAS STATION, CONVERTING EXISTING REPAIR GARAGE TO COMMERCIAL TENANT SPACE.

PROJECT ADDRESS:	2735 EL CAMINO REAL
APN:	07145-008
ZONING:	COMMUNITY COMMERCIAL
CONSTRUCTION TYPE:	V3
SPRINKLERS:	NONE
FRONT SETBACK:	25 FEET
REAR SETBACK:	20 FEET
SIDE SETBACK:	20 FEET
MAX BUILDING HEIGHT:	50 FEET
AREA OF INTERIOR RADIATION:	1,276 SF
MAX COVERAGE:	1,276 SF
EXISTING BUILDING SF:	7,833 SF
COVERAGE:	NO REQUIREMENT
LANDSCAPE REQ'D:	15% REQUIRED PARKING AREA
LANDSCAPE COMMENTS:	3,292 SF (22% OF 15,000)
PARKING REQ'D:	1,787 SF / 200 CARS * 8.89 = 8 SPACES REQD
PARKING PROVIDED:	10 SPACES

OWNER / BUILDER
BRI PALUKURI
3709 EL CAMINO REAL
SANITA CLARA, CA 95051
408-802-6567

SHEET INDEX	
SHEET NUMBER	SHEET NAME
0101	PROJECT INFORMATION
A1100	SITE PLAN
A201	EXISTING & PROPOSED PLANS
A202	ELEVATIONS - EXTERIOR
A203	ELEVATIONS - EXTERIOR

foot barriers, clearance from the redsides to the edge of free root barrier (see Figure 1).

The applicant shall submit complete utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and shrubbery) so that the WPA Department can determine the location of the proposed root barrier and the location of the existing root barrier. The City recommends installing a new water service for the irrigation system, as it does not have service at this time.

If the service needs to be installed, the applicant shall coordinate with the City Dept. to submit a hydraulic calculation for the new underground fire permit.

SHEET NUMBER	
0/01	PROJECT INFORMATION
1/10	SITE PLAN
2/01	EXISTING & PROPOSED PLANS
3/10	EXPLANATIONS, EXTERIOR

W4. The applicant shall submit composite fully plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and shrubbery) so that the Water Department can verify conditions for proposed water service locations. The applicant must include the correct pipe size and material of existing water and sewer mains on the plans.

W5. The City and the applicant shall coordinate with the Fire Department for the fire hydrant system, as it does not have a separate design. The applicant shall coordinate with the Fire Dept. to submit hydrant design.

W6. If fire service needs to be installed, the applicant shall coordinate with Fire Dept. to submit hydrant calculation for the underground fire main.

FIRE
F1. None.

STREETS

Solid Waste
ST1. Commercial, industrial, and multi-family residential buildings must have enclosures for SOLID WASTE.

ST2. Pre-treatment devices and talow bins shall be installed at all food establishments. Talow bins shall be placed within a trash enclosure when possible. If enclosure is not sized to accommodate the talow rule, the size of the receiving container should be similar to the size of the trash enclosure(s) provided onsite. Recessed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-through, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures must be locked.

PR1. A dwelling unit tax (DUT) is also due based on the number of units and additional bedrooms per City Code Chapter 3.15. The Project mix includes one additional bedroom for a total DUT of \$5.

FOG STUDIO
TERRACE DRIVE, EL CERRITO, CA
947.297.6185 www.fogproject.com

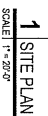
FOG STUDIO
TERRACE DRIVE, EL CERRITO, CA
947.297.6185 www.fogproject.com

FOG STUDIO
8106 TERRACE DRIVE, EL CERRITO, CA 94
707.297.6185 www.fogprojects.com

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FOG STUDIO
8106 TERRACE DRIVE, EL CERRITO, CA 94530
707.257.6185 www.fogproject.com

Owner: Royal Gas Zone, Inc.

**3725 EL CAMINO
REAL TENANT
IMPROVEMENTS**



SITE PLAN

A1.00

2041 $\gamma'' = 20^{\circ} 0'$

**3725 EL CAMINO
REAL TENANT
IMPROVEMENTS**

Owner: Royal Gas Zone, Inc.

FOG STUDIO
8106 TERRACE DRIVE EL CERRITO, CA 94530
707.297.6185 www.fogstudio.com

CONTRACT NO.

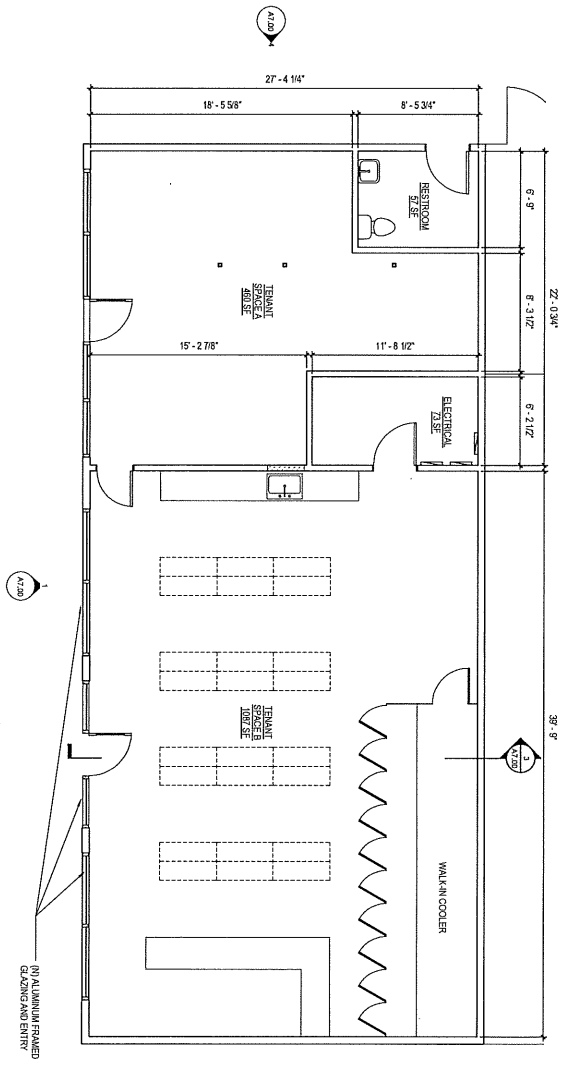
No.	Description	Scale
1	EXISTING FLOOR PLAN	1/4" = 1'-0"
2	PROPOSED FLOOR PLAN	1/4" = 1'-0"



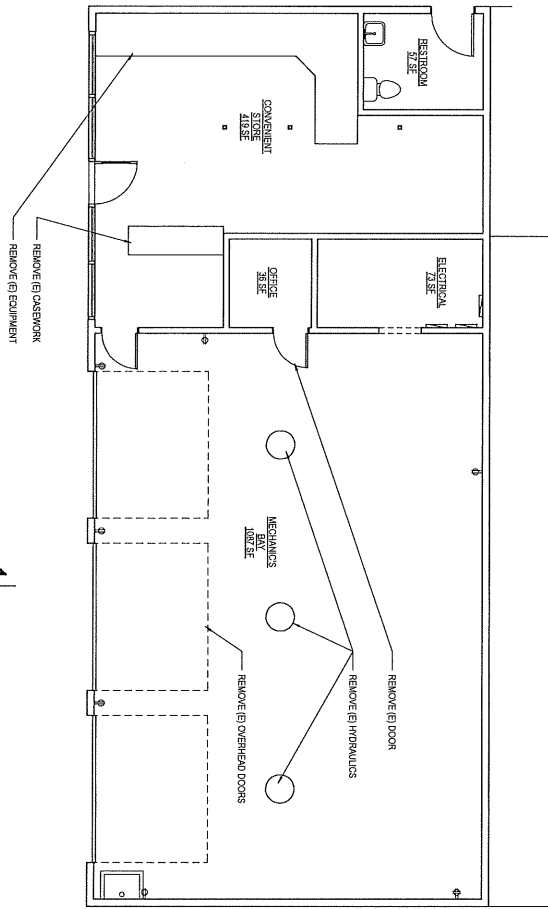
**EXISTING &
PROPOSED PLANS**

A2.01

1/4" = 1'-0"



2 | PROPOSED FLOOR PLAN
SCALE 1/4" = 1'-0"



1 | EXISTING FLOOR PLAN
SCALE 1/4" = 1'-0"

8106 TERRACE DRIVE, EL CERRITO, CA 94530
707.297.6185 www.fogproject.com

No.	Description	Date
	ISSUE FOR CUP	04/09/16

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SCALE	1/4" = 1'-0"
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RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE
PERMIT MODIFYING USE PERMITS U.668 AND U.1863 TO
ALLOW THE CONVERSION OF A SERVICE STATION
BUILDING INTO A RETAIL CONVENIENCE STORE AND
POTENTIAL RESTAURANT, LOCATED AT 3725 EL CAMINO
REAL, SANTA CLARA, CA**

PLN2018-13294 (Use Permit)

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

WHEREAS, on July 2, 1968, the City of Santa Clara approved Use Permit U.668 for the operation of a full-service automobile service station at 3725 El Camino Real, at the northeast corner of Halford Avenue and El Camino Real (“Project Site”);

WHEREAS, On August 8, 1990, the Planning Commission approved Use Permit U.1863 for the Project Site, modifying the prior approval to allow for the conversion of the full-service station into a self-service station, and including the conversion of a 419 square-foot portion of the 1,792 square foot building for a convenience market & snack shop;

WHEREAS, on May 29, 2018, Royal Gas Zone, Incorporated (“Applicant”) applied for a Use Permit to modify the prior two approvals for the Project Site to allow conversion of the vehicle repair bays within the existing service station building for a retail convenience store including off-site beer and wine sales (ABC Type 20 License) and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) within the existing snack shop area of the building;

WHEREAS, the Site Location is currently zoned CC – Community Commercial and has the General Plan land use designation of Regional Mixed Use / El Camino Real Focus Area;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow a retail convenience store and the retail sales of beer and wine for off-site consumption (ABC Type 20 License), and a potential restaurant use (without beer and wine or any other

alcoholic beverage sales) within the existing 1,792 square foot service station building with related site parking and landscaping improvements, as shown on the Development Plans;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Section 15303, new construction or conversion of small structures, in that the proposed use will occur on an existing developed property within an existing building, where only minor modifications are made in the exterior of the structure;

WHEREAS, the on-site parking will be improved to comply with the zoning requirement of one parking space for each two hundred (200) square feet of gross floor area or one space for each three seats, whichever is greater, per Chapter 18.74 of the Santa Clara City Code (SCCC);

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

WHEREAS, commercial uses including retail convenience store uses and the concurrent retail sales of beer and wine for off-site consumption (ABC License Type 20), and restaurants are conditionally permitted in the subject CC zoning district by the Planning Commission with the approval of a Use Permit;

WHEREAS, pursuant to SCCC Sections’ 18.68.030 (d), 18.68.030 (f) and 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on December 21, 2018, notices of the January 9, 2019 public hearing for this project were posted in multiple locations within the City limits, including three locations within 300 feet of the Project Site, and were mailed to all property owners within 300 feet of the Project Site.

**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 a Use Permit to modify prior Use Permits U.668 and U.1863 to allow conversion of the vehicle repair bays within an existing service station building for a retail convenience store including off-site beer and wine sales (ABC Type 20 License) and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) within the existing snack shop space of the building, is consistent with the commercial uses contemplated on this CC zoned property.

3. That the Planning Commission hereby finds as follows:

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 proposal would serve to expand the options available to local and regional customers by providing a retail convenience store and possible restaurant use within an existing service station building to meet the interests of local customers and residents from the greater region;

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposal provides a retail convenience store that will sell beer and wine for off-site consumption, and also a potential restaurant (that would not serve beer and wine or any other alcoholic beverages) within an existing building and will improve the on-site parking and landscaping in a manner which meets all City of Santa Clara codes and regulations; and will comply with any and all City and state laws regarding the sale of beer and wine;

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use will occur in an existing building;

3) The general welfare of the City, in that the proposed use expands the options available to the local and regional population by providing a convenience store and possible restaurant use to support nearby businesses and residents in the vicinity of the project site;

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed and conditioned in a manner to be compatible with adjacent commercial and nearby residential development, on a developed parcel; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a convenience store and potential restaurant within the existing building, may be conditionally permitted in a manner that would not be objectionable or detrimental to adjacent or nearby properties in this Community Commercial zoning district.

4. That the Planning Commission hereby approves a Use Permit PLN2018-13294 to modify prior Use Permits U.668 and U.1863 to allow conversion of the vehicle repair bays within an existing service station building for a retail convenience store including off-site beer and wine sales (ABC Type 20 License) and also to allow a potential restaurant (that would not serve beer and wine for on-site consumption) within the building, on the property located at 3725 El Camino Real, at the northeast corner of Halford Avenue and El Camino Real, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

5. 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 9th DAY OF JANUARY, 2019, 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:

1. Development Plans
2. Conditions of Approval

I:\PLANNING\2018\Project Files Active\PLN2018-13294 3725 El Camino Real\PC\Resolution Approving Use Permit.doc

Conditions of Approval

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
 - C2. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, exterior lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development. Project landscaping shall include larger Sycamore "Columbia" variety street trees along El Camino Real (initial 24-inch box planting size), incorporating root barriers against the City's sidewalk and underground utilities.
 - C3. Developer shall be responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
 - C4. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
 - C5. This Use Permit is primarily intended to allow for conversion of an auto service station building into a general retail convenience store use
 - C6. Hours of permitted operation for the convenience store (including retail beer and wine sales for off-site consumption) and potential restaurant operation(s) shall be limited to the same existing hours of operation for the service station - from 6:00 a.m. until 12:00 midnight every day.
 - C7. Seating shall be limited to no more than 3 seats per 200 square feet of gross floor area for the potential restaurant space within the building consistent with Section 18.74.020 (r)(2) of the City's Zoning Code.
 - C8. The Director of Community Development may refer the use permit to Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved
-

operational statement. In addition, if complaints are received by the City with respect to this use, staff shall schedule a review of the use permit by the Planning Commission within three months for consideration of revocation proceedings.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. All work within State right-of-way requires encroachment permit from Caltrans.
- E4. Encroachment permit required for ADA frontage improvements if building permit valuation is \$200,000 or greater, cumulatively within the past 3 years of building permit submittal. All driveways, curb ramp, and pork chop island shall be updated to current City standards.
- E5. On-street parking shall not be counted toward on-site parking requirements.
- E6. All proposed on-site driveways and paths shall accommodate fire truck/engine turning template.
- E7. Show and comply City's Driveway Triangle of Safety requirement at all existing and proposed driveways
- E8. All traffic striping, messages, and symbols shall be thermoplastic.
- E9. All proposed walkway, sidewalk, driveways and curb ramps shall be ADA compliant.
- E10. Proposed driveways shall be CSC ST-8 and comply with Driveway's Triangle of Safety. Dedicate sidewalk easement as required.
- E11. Close driveway on El Camino Real closest to the intersection and replace with curb, gutter, and sidewalk per ST-12.
- E12. Provide 1 Class I & 1 Class II bicycle parking (VTA Bicycle Technical Guidelines, Table 10-3).

ELECTRICAL

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
 - EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
 - EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
-

- EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
 - EL5. Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
 - EL6. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
 - EL7. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
 - EL8. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
 - EL9. Any relocation of existing electric facilities shall be at Developer's expense
 - EL10. Electric Load Increase fees may be applicable
 - EL11. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
 - EL12. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
 - EL13. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be “Open-Transition-Mode”, unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
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- EL14. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- EL15. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
- EL16. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- EL17. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics)
EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
- EL18. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.
- EL19. SVP does not utilize any sub-surface (below grade) devices in it's system. This includes transformers, switches, etc.
- EL20. All interior meter rooms are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
- EL21. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.

WATER

- W1. If fire flow information is needed, applicant shall coordinate with Water Department at (408) 615-2000.
 - W2. Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as built" drawings to the satisfaction of the Director of Water and Sewer Utilities.
 - W3. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the
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propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance (edge to edge) of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).

- W4. The applicant shall submit composite utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and shrubbery) so that the Water Department can verify conflicts for proposed water service locations. The applicant must indicate the correct pipe material and the size of existing water and sewer main(s) on the plans.
- W5. The City recommends installing a new water service for the irrigation system, as it does not have sewer charge, unlike the domestic water service.
- W6. If fire service needs to be installed, the applicant shall coordinate with Fire Dept. to submit hydraulic calculation for the underground fire permit.
- W7. Existing 1" water service needs to be upgraded with approved above ground backflow prevention device per City standard detail #3.
- W8. If fire sprinkler is required, a dedicated fire service with RPDA backflow preventer must be installed.

POLICE

- PD1. The property should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime. Consider not having any screening material on the fence so passing Police Patrol checks will be able to see into the site.
 - PD2. Landscaping should follow the National Institute of Crime Prevention standards. That standard describes bushes/shrubs not exceeding 2' in height at maturity, or maintained at that height, and the canopies of trees should not be lower than 6' in height. Crime-deterrent vegetation is encouraged along the fence and property lines and under vulnerable windows.
 - PD3. Lighting for the project to be at the IES (Illuminating Engineering Society of North America) standards and include the features listed below:
 - White light source
 - Full cut-off or shoebox design
 - Tamperproof Housings
 - Pedestrian Scale
 - Unbreakable exterior
 - Wall mounted lights/10' highThese features increase natural surveillance, support and/or enhance security camera capabilities, and increase Police Patrol effectiveness.
 - PD4. Any required enclosure fencing (trash area, utility equipment, etc.) would preferably be see-thru. If for aesthetic reasons prohibit that, the fencing should have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked
 - PD5. If the project includes any benches, these benches should not be longer than 5 feet in length, and should have arm rests at both ends. If the benches are longer than 5 feet in length, there should be a divider (arm rest or similar) in the middle of the bench in addition to the arm rests on both ends. This helps prevent unlawful lodging and/or skateboarding.
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- Another option to benches could be cubes, knee walls, or other creative types of seating possibilities.
- PD6. The developer should install skate stoppers on any low clearance wall of 36 inches in height or lower to prevent vandalism/damage to the wall from skateboarding or similar activities.
- PD7. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD8. Other line of sight obstructions (including recessed doorways, alcoves, etc.) should be avoided on building exterior walls and interior hallways.
- PD9. All business or commercial establishments, of whatever nature, should have an electronic intruder alarm system installed. The system should cover the interior and perimeter of structures determined to be a value target. Also, consideration should be given to exterior areas that are or contain value targets, such as a product display lot, company vehicle parking area, etc.
- PD10. The installation and use of interior and exterior security cameras and recording devices is highly encouraged.

STREETS

Solid Waste

- ST1. Commercial, industrial, and multi-family residential buildings must have enclosures for SOLID WASTE and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated SOLID WASTE and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
- ST2. Pre-treatment devices and tallow bins shall be installed at all food establishments. Tallow bins shall be placed within a trash enclosure when possible. If enclosure is not sized to accommodate the tallow bin(s), a separate dedicated enclosure with drainage to the sanitary sewer system shall be provided.

Stormwater

- ST3. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST4. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST5. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.



City of Santa Clara

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Agenda Report

19-1665

Agenda Date: 1/9/2019

SUBJECT

Study Session: Due Process and Housing Legislation

Assistant City Attorney Alexander Abbe will provide an overview on Due Process and Housing Legislation.