



City of Santa Clara

Meeting Agenda

Planning Commission

Wednesday, January 29, 2020

6:00 PM

City Hall Council Chambers

6:00 PM REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

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 20-37 [Planning Commission Meeting Minutes of December 11, 2019](#)

Recommendation: Approve the Planning Commission Minutes of the December 11, 2019 Meeting.

1.B 20-39 [Consent: Action on Use Permit for ABC License Type 21 for the existing warehouse building located at 750 Laurelwood Road](#)

Recommendation: Adopt a resolution approving a Use Permit for the sale of prepackaged alcoholic beverages for consumption off the premises (ABC License Type 21) for the existing warehouse building located at 750 Laurelwood Road, 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. **20-53** [Study Session: Related Santa Clara Development Area Plans](#)
3. **20-48** [Study Session: State Housing Legislation Updates 2020](#)

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items
League of California Cities Planning Commission Academy - March 4-6, 2020
2. Architectural Committee
3. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

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

ADJOURNMENT:

A Special Meeting of the Planning Commission is scheduled for February 20, 2020 at 6:00 PM in the City Hall Council Chambers.

The next regular scheduled meeting is on February 26, 2020 at 6:00 PM in the City Hall Council Chambers.



City of Santa Clara

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Agenda Report

20-37

Agenda Date: 1/29/2020

SUBJECT

Planning Commission Meeting Minutes of December 11, 2019

RECOMMENDATION

Approve the Planning Commission Minutes of the December 11, 2019 Meeting.



City of Santa Clara

Meeting Minutes

Planning Commission

12/11/2019

6:00 PM

City Hall Council Chambers

6:00 PM REGULAR MEETING

Call to Order

Chair Becker called the meeting to order at 6:03 p.m.

Pledge of Allegiance and Statement of Values

Roll Call

Present 7 - Commissioner Steve Kelly, Commissioner Yuki Ikezi, Commissioner Sudhanshu Jain, Vice Chair Lance Saleme, Chair Anthony Becker, Commissioner Nancy A. Biagini, and Commissioner Priya Cherukuru

DECLARATION OF COMMISSION PROCEDURES

Chair Becker read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

A motion was made by Commissioner Biagini, seconded by Commissioner Kelly to approve the Consent Calendar.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

1.A [19-938](#) Planning Commission Meeting Minutes of November 13, 2019

Recommendation: Approve the Planning Commission Minutes of the November 13, 2019 Meeting.

1.B [19-1122](#) Consent: Action on Use Permit for ABC License Type 20 for the existing Valero gas station convenience store located at 3305 El Camino Real

Recommendation: Adopt a resolution approving a Use Permit for the sale of Beer & Wine for consumption off the premises where sold (ABC License Type 20) for the existing Valero gas station convenience store located at 3305 El Camino

Real, subject to conditions of approval.

PUBLIC PRESENTATIONS

Aaron Resendez spoke representing Tim Pacheco regarding Code Enforcement matters at 2625 Maplewood Lane. Staff obtained information from the speaker and stated that follow-up on this matter would take place.

PUBLIC HEARING

2. [19-1179](#) Public Hearing: Action on a Variance to rebuild an existing non-conforming one-car garage at its current location for the single-family residence located at 1366 Lexington Street

Recommendation: Approve the Variance to allow rebuilding a non-conforming one-car garage at its current location with a one-foot rear setback, a zero-foot side setback, and a three-foot separation from the main house.

Commissioner Jain recused himself from this item due to the proximity of his residence to the project.

Associate Planner Elaheh Kerachian provided a presentation.

Applicant Daniel Perez, the property owner's son, spoke. Applicant clarified he would like to rebuild the original garage to keep it in accordance with the historical neighborhood and would like to move forward.

A discussion took place between Commissioners and the Applicant clarifying that the garage should be used for auto use due to the limited parking in the neighborhood. Staff clarified next steps if staff recommendation is approved.

Public Speakers:

Stephanie So, a direct neighbor spoke regarding concerns of where the structure sits and the zero lot line and concerns of the water drainage issues.

Jonathon Evans, a neighbor who lives behind the structure stated the original garage was not rebuilt as the original structure. Wants to make sure all neighbors follow the same process when rebuilding a structure.

In reply to Commissioner questions, staff clarified this is not an historic property. **Assistant City Attorney Alexander Abbe** stated that it is not the city's jurisdiction to address a complaint regarding boundary issues when a property owner has relied upon a licensed surveyor to provide this information.

A motion was made by Commissioner Ikezi, seconded by

Commissioner Kelly to close public hearing.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

Recused: 1 - Commissioner Jain

A motion was made by Commissioner Saleme, seconded by Commissioner Biagini to approve staff recommendation with a friendly amendment by Commissioner Cherukuru to add appropriate drainage as a requirement.

Aye: 6 - Commissioner Kelly, Commissioner Ikezi, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

Recused: 1 - Commissioner Jain

3. [19-1282](#) Public Hearing: Action on a Use Permit for a proposed spa at 2908 El Camino Real

Recommendation: Alternative:

1. Adopt a Resolution approving a Use Permit to allow a spa located at 2908 El Camino Real, subject to conditions of approval.

Development Review Officer Gloria Sciara provided a presentation.

Jimmy Chang, Architect, spoke on behalf of the property owner, FLC, Inc. and provided an overview of the business noting it is a health facility oriented business, not a person to person business. All areas are gender separated such as locker rooms, shower areas, spas including different entrances. This type of business is common in Korea and is a combination of spa/gym. There will be fulltime staff at all times. The ground floor is an open area and will be monitored at all times. Patrons in common area will always be fully clothed. Massage will not be provided at this facility. This is not a membership facility and will have a daily entry fee.

Commissioners asked questions regarding parking spots and facility peak hours. The property owner spoke and stated there are 140 parking spaces for the facility. This is a shared parking situation with Bank of America. It is expected that there would be approximately 80-100 patrons at peak time, and an average of 50 during normal business hours and that parking will not be an issue.

A motion was made by Commissioner Kelly, seconded by Commissioner Cherukuru to close public hearing.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

A motion was made by Commissioner Ikezi, seconded by Commissioner Jain to approve staff recommendation with the following amendment to condition PD6: The installation and use of interior and exterior security cameras and recording devices is highly encouraged. Condition PD6 shall be changed to: The installation and use of interior and exterior security cameras and recording devices is required.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

4. [19-1054](#) STUDY SESSION: Overview and Update on Proposed Changes to the City's Transportation Analysis Methodology and Processes to Comply with State Law

Principal Planner Lesley Xavier and Department of Public Works Associate Consultant Karen Mack, provided a presentation. Staff noted this presentation had been provided to City Council at a Study Session on November 5, 2019 and that additional information has been added to this presentation.

Assistant City Attorney Alexander Abbe noted that after July 2020 all projects must incorporate Vehicle Miles Traveled (VMT) and also that the Planning Commission will weigh in on this before adoption.

Commissioner Saleme requested that in the future that staff focus on information that is different from what was presented to the Commission previously.

Commissioner Cherukuru suggested that it may be good practice to get feedback on land use from other commissions such as the Youth and Senior Commission on this item.

Commissioner Saleme asked if the Planning Commission can meet with other boards and commission as a joint meeting to better understand their objectives or possibly an all hands meeting with all Commissions. Development Review Officer Gloria Sciara noted that staff can reach out to liaisons to look into meetings.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Chair Becker requested Commissioner contact information be

provided to all Commissioners, staff replied this will be done.

Planning Manager Reena Brilliot provided information on rideshare and car sharing at the Catalina II project.

Principal Planner Lesley Xavier spoke on this item.

2. Architectural Committee

Chair Becker announced that the Architectural Committee will be replaced by a Development Review Hearing and thanked all Commissioners for their work and service on the Committee. He stated that Planning Commissioners volunteer their time and their opinions do matter.

Chair Becker thanked the Commission Staff for supporting the Commission.

Commissioners discussed concerns that the focus on design elements and aesthetics may be lost when citizens no longer serve on the Commission. **Planning Manager Reena Brilliot** stated that an Architect will be part of the Development Review process.

Several Commissioners expressed disappointment in the decision to no longer have an Architectural Committee and they believe that the City may revert back to less desirable designs for developments in the city without Commissioners serving on this Committee.

Development Review Officer Gloria Sciara stated that she appreciates all the input Commissioners have provided while participating on the Architectural Committee and their input has affected staff in a positive manner asking for a higher standard and that this will continue in the Development Review Hearing process. She noted that due process concern and conflict of interest was the impetus for restructuring the Committee which was raised by the City Attorney. Staff will continue to push on improved designs.

3. Commissioner Travel and Training Reports, Requests to attend Trainings

Commissioner Kelly announced he attended a meeting in San Jose regarding automated busses for tech business as mass transit. He encouraged others to look this topic up.

Commissioner Chereukuru announced that she and Commissioner Biagini would attend a CEQA conference on December 12, 2019.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Development Review Officer Gloria Sciara provided updates.

Commissioner Jain requested that additional educational study sessions be provided in the future.

Commissioner Saleme requested that an expert on the topic of energy savings, and greenhouse gas speak at an upcoming Planning Commission meeting

2. Upcoming Agenda Items

Planning Manager Reena Brilliot provided updates.

3. City Council Actions

Development Review Officer Gloria Sciara provided updates.

ADJOURNMENT:

Chair Becker wished Happy Holidays to the Commission and staff and thanked everyone for their work this year.

A motion was made by Commissioner Jain, seconded by Commissioner Kelly to adjourn the meeting. The meeting adjourned at 10:18 p.m.



Agenda Report

20-39

Agenda Date: 1/29/2020

REPORT TO PLANNING COMMISSION

SUBJECT

Consent: Action on Use Permit for ABC License Type 21 for the existing warehouse building located at 750 Laurelwood Road

REPORT IN BRIEF

Project: Use permit to allow the sale of prepackaged alcoholic beverages for consumption off the premises (ABC License Type 21) within a 320 square-foot portion of the existing warehouse.

Applicant: Prime Now LLC

Owner: Prologis, L.P.

General Plan: Light Industrial

Zoning: Heavy Industrial (MH)

Site Area: 2.95 acres

Surrounding Land Uses:

North: Industrial uses

South: US 101

East: Industrial uses

West: Lafayette Street

Staff Recommendation: Approve the Use Permit to allow the sale of prepackaged alcoholic beverages for consumption off the premises (ABC License Type 21)

BACKGROUND

The applicant is requesting a Use Permit to allow the sale of a full range of alcoholic beverages for consumption off the premises where sold (ABC License Type 21) in a 320 square-foot portion of the existing 57,077 square-foot warehouse. Hours of operation for the retail component would be 10 a.m. to 7 p.m.

DISCUSSION

Consistency with the General Plan

The subject property has a General Plan designation of Light Industrial. This classification is intended to accommodate a range of light industrial uses, including general service, warehousing, storage, distribution and manufacturing. Retail associated with the primary use may be up to a maximum of ten percent of the building area. As proposed, the retail component will make up 0.5 percent of the total square footage.

Zoning Conformance

The zoning designation is Heavy Industrial (MH). This district is primarily intended to encourage sound heavy industrial development in the City by providing and protecting an environment exclusively for such development.

Under the MH zoning district, warehouse and distribution facilities are allowed by right, while retail sales would require a Use Permit approved by the Planning Commission. The applicant has provided a letter of justification to support the Use Permit request.

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

Conclusion

The proposal is consistent with the General Plan and Zoning designations for the site. The proposed sale of alcohol for consumption off the premises where sold is an ancillary use to an existing warehouse, which would provide convenience to the local customers.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

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

COORDINATION

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

PUBLIC CONTACT

A notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. Planning Staff has not received public comments for this application.

RECOMMENDATION

Adopt a resolution approving a Use Permit for the sale of prepackaged alcoholic beverages for consumption off the premises (ABC License Type 21) for the existing warehouse building located at 750 Laurelwood Road, subject to conditions of approval.

Prepared by: Rebecca Bustos, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

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

CAUTION: IF THIS SHEET IS NOT 30"x42" IT IS A REDUCED PRINT

ABBREVIATIONS

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ACCESSIBILITY NOTES

- ALL ITEMS ARE FOR REFERENCE ONLY. ANY ITEM NOT SHOWN SHALL BE REFERENCED IN THE 2013 CALIFORNIA BUILDING CODE, CHAPTER 11 AND THE SAN FRANCISCO BUILDING CODE.
- ANY REQUIREMENTS CONTAINED HEREIN DO NOT RELIEVE THE CONTRACTOR OR OWNER FROM COMPLYING WITH CURRENT CALIFORNIA ACCESSIBILITY STANDARDS.
- THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE CURRENT CALIFORNIA AND FEDERAL ACCESSIBILITY STANDARDS.
- REFER TO 2013 CALIFORNIA BUILDING CODE, CHAPTER 11, AND SAN FRANCISCO BUILDING CODE FOR CURRENT AND UP-TO-DATE INFORMATION.

WARE MALCOMB
Leading Design for Commercial and Public

WARE MALCOMB
1000 CALIFORNIA STREET, SUITE 100
SAN FRANCISCO, CALIFORNIA 94108
(415) 774-1000

WAREHOUSE TENANT
750 LAURELWOOD ROAD
SANTA CLARA, CALIFORNIA

ACCESSIBILITY DETAILS
DATE: 10/1/2013
BY: J. MALCOMB

PROJECT: WAREHOUSE TENANT
SHEET: 0019-0001-00

A0.3

21

MOUNTING HEIGHTS

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

W00M-AC-Mounting_Height_A01_A01

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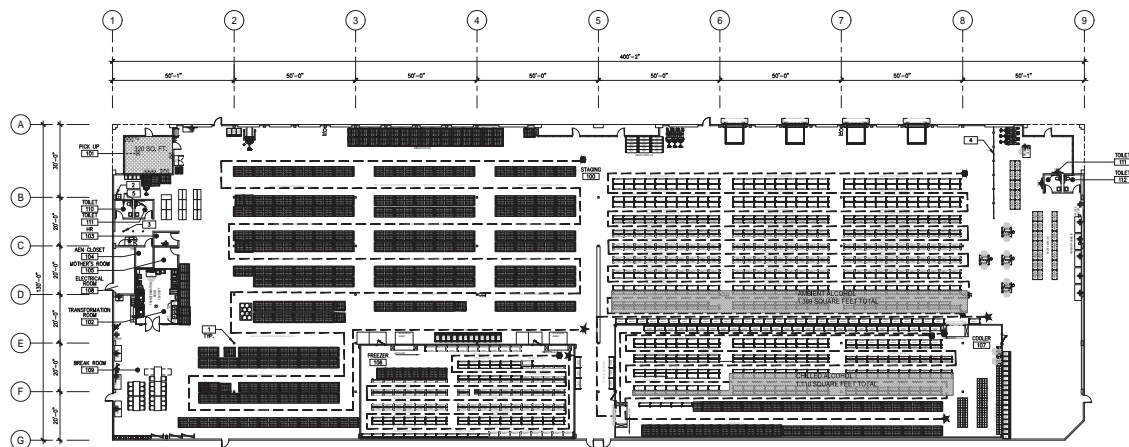
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OVERALL FLOOR PLAN

SCALE: 1/16"=1'-0"






FLOOR PLAN NOTES

SEE SHEET A0.2 FOR GENERAL NOTES

- 1 (X) STRUCTURAL COLUMN
- 2 (X) MOP SINK
- 3 (X) BOLLARD TO REMAIN
- 4 (X) CHAIN LINK FENCE.
- 5 (X) ACCESSIBLE RESTROOMS

WALL LEGEND

-  (X) SHELL WALL
 INDICATES ALCOHOL STORAGE AREA
 INDICATES OFF-SITE SALES/RETAIL AREA & 200 SQ. FT.
 FE (X) WALL-MOUNTED FIRE EXTINGUISHER

GENERAL NOTES

1. SHELVING SHOWN IS FOR REFERENCE ONLY AND NOT INCLUDED IN THIS PERMIT. ALL SHELVING WORK WILL BE UNDER SEPARATE PERMIT.
2. FOR ACCESSIBLE CLEARANCES NOT INDICATED IN THE DRAWINGS REFER TO SHEET A02.3.

WAREHOUSE TENANT
750 LAURELWOOD ROAD

SANTA CLARA, CALIFORNIA

MARK MALCOMB
Executive Director, National Center for Public Policy Research

and a small number of other people, and the

DATE	DATE	
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A3

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE
PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES
FOR CONSUMPTION OFF THE PREMISES (ABC LICENSE
TYPE 21) AT THE EXISTING WAREHOUSE LOCATED AT 750
LAURELWOOD ROAD, SANTA CLARA, CA**

PLN2019-14207 (Use Permit)

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

WHEREAS, on November 20, 2019, Prime Now LLC (“Applicant”) applied for a Use Permit to allow the sale of prepackaged alcoholic beverages for consumption off the premises (ABC License Type 21) in a 320 square-foot portion of the existing 57,077 square-foot warehouse at 750 Laurelwood Road (“Site Location”);

WHEREAS, the Site Location is currently zoned Heavy Industrial (MH) and has the General Plan land use designation of Light Industrial;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow the sale of alcohol for consumption off the premises where sold;

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 action being considered does not constitute a “project” within the meaning of CEQA pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.;

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 January 17, 2020, the notice of public hearing for the January 29, 2020 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 29, 2020, 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 the sale of prepackaged alcoholic beverages for consumption off the premises (ABC License Type 21) in in a 320 square-foot portion of the existing 57,077 square-foot warehouse, is consistent with surrounding industrial uses.

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, is 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 additional retail services at an existing warehouse 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 would allow the sale of alcohol for consumption off the premises where sold in an existing warehouse which meets all City of Santa Clara codes and regulations; the warehouse will be routinely manned

and maintained; and the business will comply with all City and state laws regarding the sale of prepackaged alcoholic beverages;

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

3) The general welfare of the City, in that the proposed use expands the options available to the local and regional population by providing additional services 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 industrial 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 sale of off-sale alcoholic beverages for consumption off the premises, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this Heavy Industrial zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2019-14207 to allow the sale of alcoholic beverages for consumption off the premises (ABC License Type 21) in a 320 square-foot portion of the existing 57,077 square-foot warehouse at 750 Laurelwood Road, subject to the Conditions of Approval and development plans, 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 29TH DAY OF JANUARY 2020 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\2019\Project Files Active\PLN2019-14207 750 Laurelwood Rd\Resolution Approving the Use Permit.doc

Conditions of Approval

750 Laurelwood Road

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.

BUILDING

- BD1. Informational: no California construction code review is being done at this time. The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis, including; proposed use and occupancy of all spaces (16' CBC Ch. 3), all building heights and areas (16' CBC Ch. 5), all proposed types of construction (16' CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (16' CBC Ch. 7), all proposed interior finishes fire resistance (16' CBC Ch. 8), all fire protection systems proposed (16' CBC Ch. 9), and all means of egress proposed (16' CBC Ch. 10).
- BD2. Note: changing the occupancy classification of part of the building from a former "S"/ Storage occupancy to an "M"/ Mercantile occupancy may require life safety and/ or structural improvements per the Cal. Existing building Code Section 407 and/ or Section 407.4.
- BD3. The construction permit application drawings submitted to the Santa Clara Building Division shall include all accessibility requirements of the 16' CBC Ch. 11 as applicable.
- BD4. Note: Temporary Certificates of Occupancy will not be routinely issued, and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO.'s.

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. On-site consumption of alcohol shall be prohibited.
- C5. 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 21. After six months from obtaining the ABC license, the City will conduct an administrative review of any ABC violations and police service calls and report any significant occurrences to the Planning Commission.
- C6. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C7. Hours of operation for alcoholic beverage sales shall be permitted during the business hours of 10 a.m. to 7 p.m.

ENGINEERING

- E1. This project shall have a minimum of 4 Class II bicycle rack spaces at the main entrance and/or high visible areas.

POLICE

- PD1. Applicant shall contact the Santa Clara Police Department 'Intelligence' unit (408-615-4849) for Alcohol Beverage Control (ABC) licensing review.
- PD2. The business shall undergo a 6 month and 1-year review, including a check for ABC violations and police service calls.

Attachment 4

Letter of Justification

This Project is for a conditional use permit to allow for accessory retail sales of alcohol at a warehouse and distribution facility to be located at 750 Laurelwood Road. The primary use of the Project site will be a warehouse and distribution center with delivery service, which are permitted uses in the Heavy Industrial (MH) zone.

As part of the site's primary use as a warehouse, distribution, and delivery service, the Project applicant will obtain a Type 21 license from the state Department of Alcoholic Beverage Control ("ABC") allowing for the sale of alcoholic beverages for off-site consumption. ABC regulations for Type 21 licenses require an on-site retail sale component to accompany delivery sales of off-site alcohol, for which the City requires a conditional use permit. The on-site retail component of the applicant's use of the site will be minimal, comprising only approximately 320 square feet of a 57,077 square foot building. On-site parking and access will be sufficient.

In relation to the findings necessary to grant a conditional use permit, the Project is desirable to public convenience and welfare. The Project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the nearby neighborhood. With this conditional use permit application, the proposed use is consistent with the integrity and character of the zoning district, and is in keeping with the purposes and intent of the City's Zoning Code.



Agenda Report

20-53

Agenda Date: 1/29/2020

REPORT TO PLANNING COMMISSION

SUBJECT

Study Session: Related Santa Clara Development Area Plans

BACKGROUND

The purpose of this study session is to provide the Planning Commission with background information on the zoning and development entitlements previously granted for the 240-acre Related Santa Clara project (formerly City Place) by the City Council on June 28, 2016, and on the subsequent City process for reviewing Development Area Plans (DAP) for each phase..

Entitlements granted by the City Council in 2016 support the construction of a new multi-phased, mixed-use development of up to 9.16 million gross square feet of office buildings, retail and entertainment facilities, residential units, hotel rooms, surface and structured parking facilities, new open space and roads, landscaping and tree replacement, and new/upgraded/expanded infrastructure and utilities (Attachment #1). The approved Planned Development-Master Community (PD-MC) zoning district identified eight potential phases for the project site (Attachment #2). The City has received two DAP applications from the developer, Related, for the first two phases of the project, Phase 1 (DAP 1) and Phase 2 (DAP 2).

The project site is city-owned land, which was utilized as a former landfill until its closure in 1994. The Santa Clara Golf and Tennis Club subsequently opened and was in operation until 2019.

DISCUSSION

Staff will provide the Commission with a presentation on the background on the project entitlements granted to-date including the approved General Plan Amendment, Planned Development - Master Community (PD-MC) zoning for the project area, and the approved Master Community Plan (Attachment #3), the approved Development Agreement, which vests the Project entitlements, and the approved Disposition and Development Agreement, which establishes the terms for ground leasing the project site for the purpose of developing the project. Staff will also share the process for review of the proposed DAP for each project phase as required by the adopted Master Community Plan (Attachment #4), and a brief background on construction already underway in preparation for the development.

A Special Meeting of the Planning Commission is scheduled for February 20, 2020 for the review and consideration of the DAP1. An EIR Addendum analyzing DAP1 will also be included for the Planning Commission's consideration. The City Council is anticipated to conduct a hearing on DAP 1, as well as consideration of the EIR Addendum on March 17, 2020, following the Planning Commission making a recommendation on February 20.

The Planning Commission hearing date for review of the DAP 2 has not yet been scheduled.

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)(45) in that it is an informational report that does not involve any action or recommendation from the Planning Commission or any commitment to any specific project which may result in a potential significant impact on the environment.

It is anticipated that the Related Santa Clara Development Area Plans will be consistent with the Environmental Impact Report prepared for the City Place project and adopted by the City Council on June 28, 2016. An Addendum to the Environmental Impact Report will be prepared to document analysis specific to DAP1, and will be available at the February 20, 2020 Special Meeting.

FISCAL IMPACT

There is no fiscal impact to the City for processing the requested application other than administrative staff time and expense, which is included in the FY2019/20 Adopted Budget.

As was previously considered by the City Council in the decisions to offer development of the project site and subsequent approval of the initial land use entitlements, it was noted there will be social and economic benefits that will accrue to the City and region in terms of new retail and entertainment opportunities not readily found in the south bay area, as well as creation of jobs, property tax and sales tax revenues, and land lease revenues. Development of the project will provide substantial land lease revenues to the City's General Fund. Development fees and other exactions paid for and provided by the project (including up to \$17.4 million for implementation of a multimodal improvement plan and a voluntary contribution to VTA of approximately \$16 million) will also benefit the City.

COORDINATION

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

PUBLIC CONTACT

The developer held a Community Open House Event from 5:30 to 7:00 pm on January 15, 2020 at the Santa Clara Convention Center to provide an update to nearby residents and businesses about the current plans and schedule. Related distributed 1,000 foot notice to residents, businesses and property owners. Announcement of the January 15 Open House and of this Planning Commission Study Session were posted on the City's website under the development project page and on the City's event calendar. Notice was also included on the City's social media accounts including Next Door, Facebook and Twitter.

Public contact was made by posting the Planning 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 or at the public information desk at any City of Santa Clara public library.

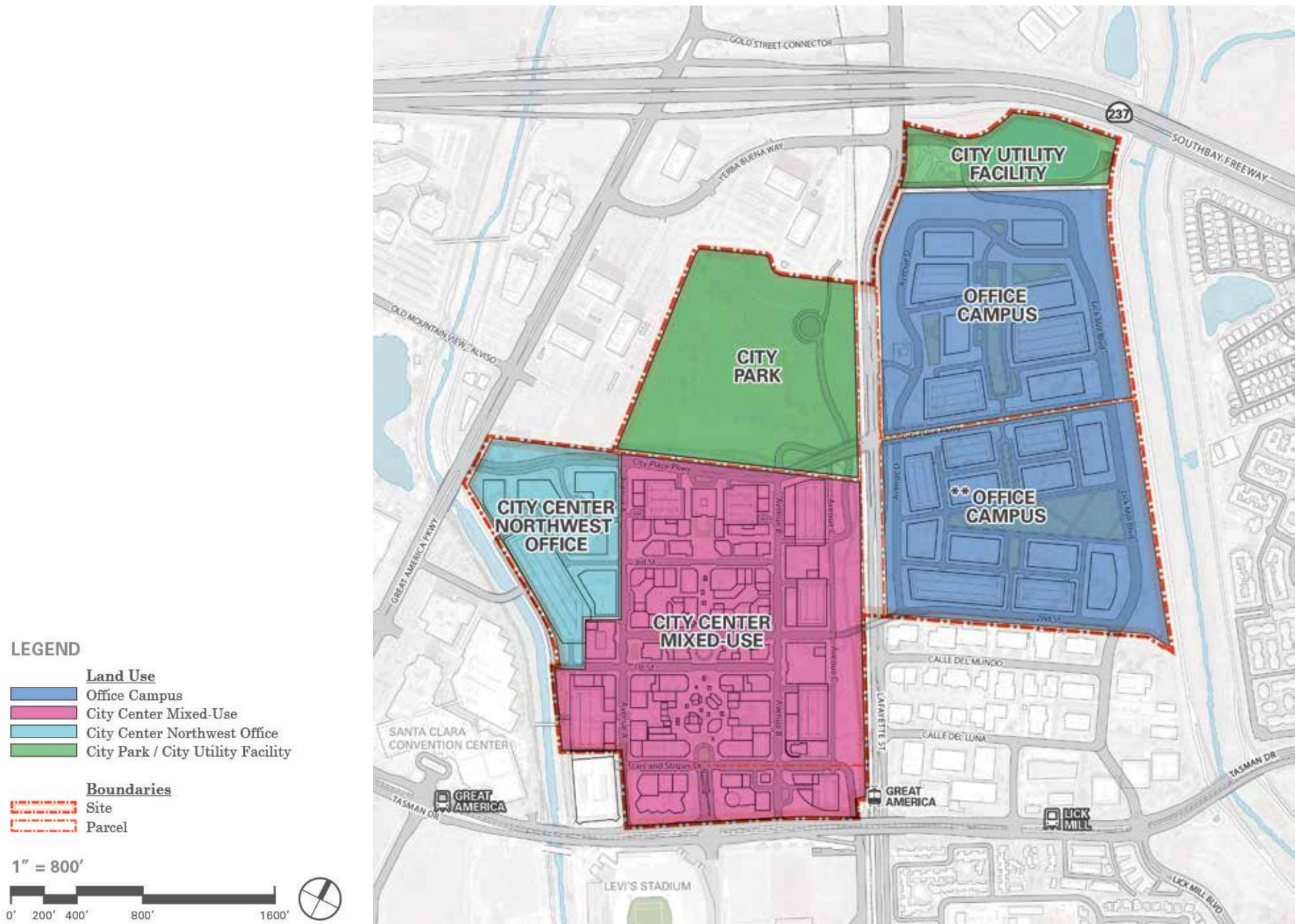
Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Related Santa Clara Use Areas Diagram
2. Related Santa Clara Phases Diagram
3. Related Santa Clara Development Entitlements Process Flow Chart
4. Development Area Plan Review Process

EXHIBIT 3-2: SCHEME A - LAND USE AREAS*



* The retention pond area (while part of the legal parcel) is a City utility facility and not part of the development area or FAR calculations.

** For Scheme A Variant this parcel is designated as a retail center.

EXHIBIT 2-1: SCHEME A - DEVELOPMENT PHASING CONCEPT*

Implementation of all necessary infrastructure improvements will be accomplished concurrent with the project phase where the demands are created.

LEGEND

Phases

- Phase 1
- Phase 2
- Phase 2A
- Phase 3
- Phase 4
- Phase 5
- Phase 6
- Phase 7

Boundaries

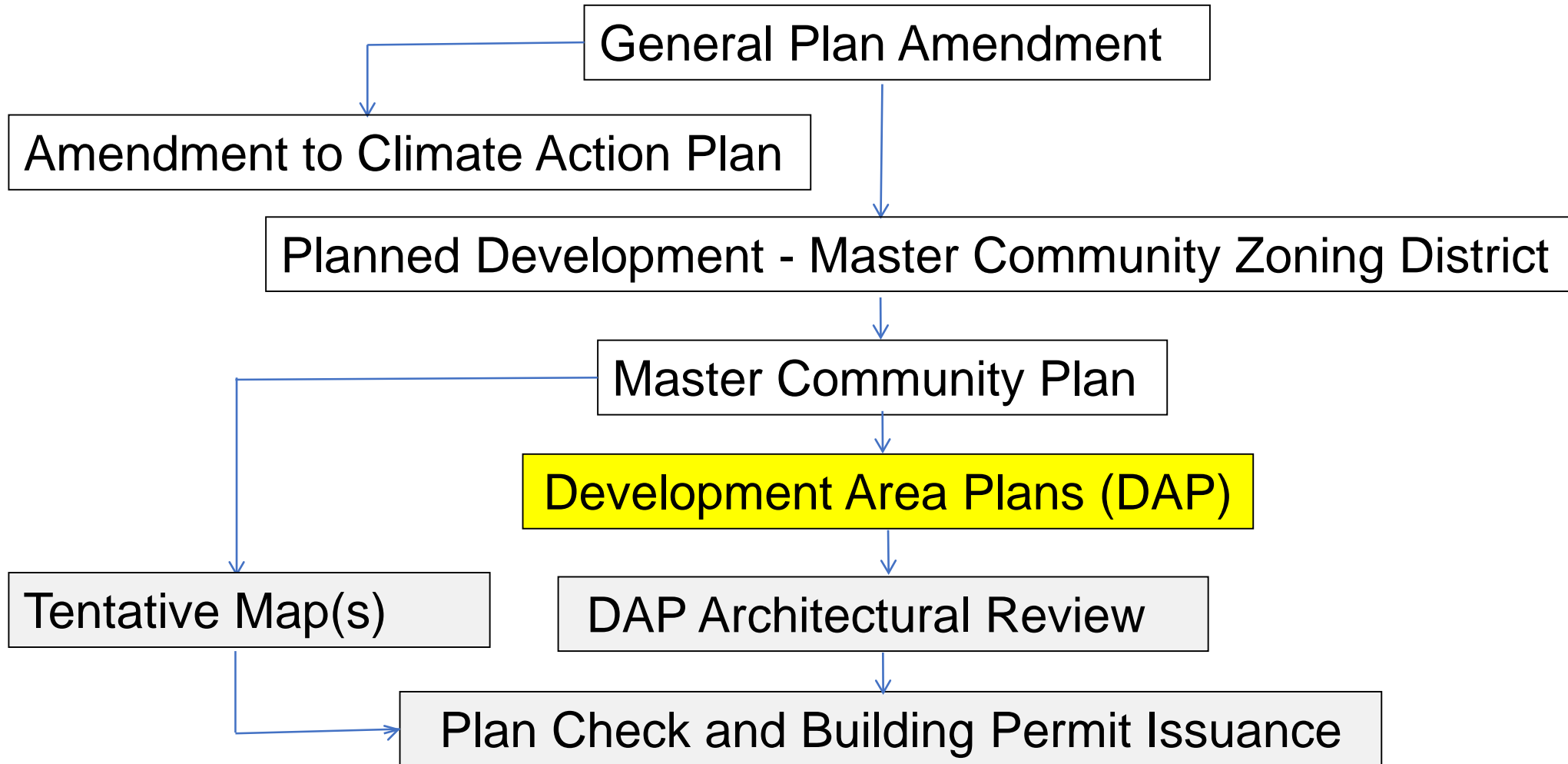
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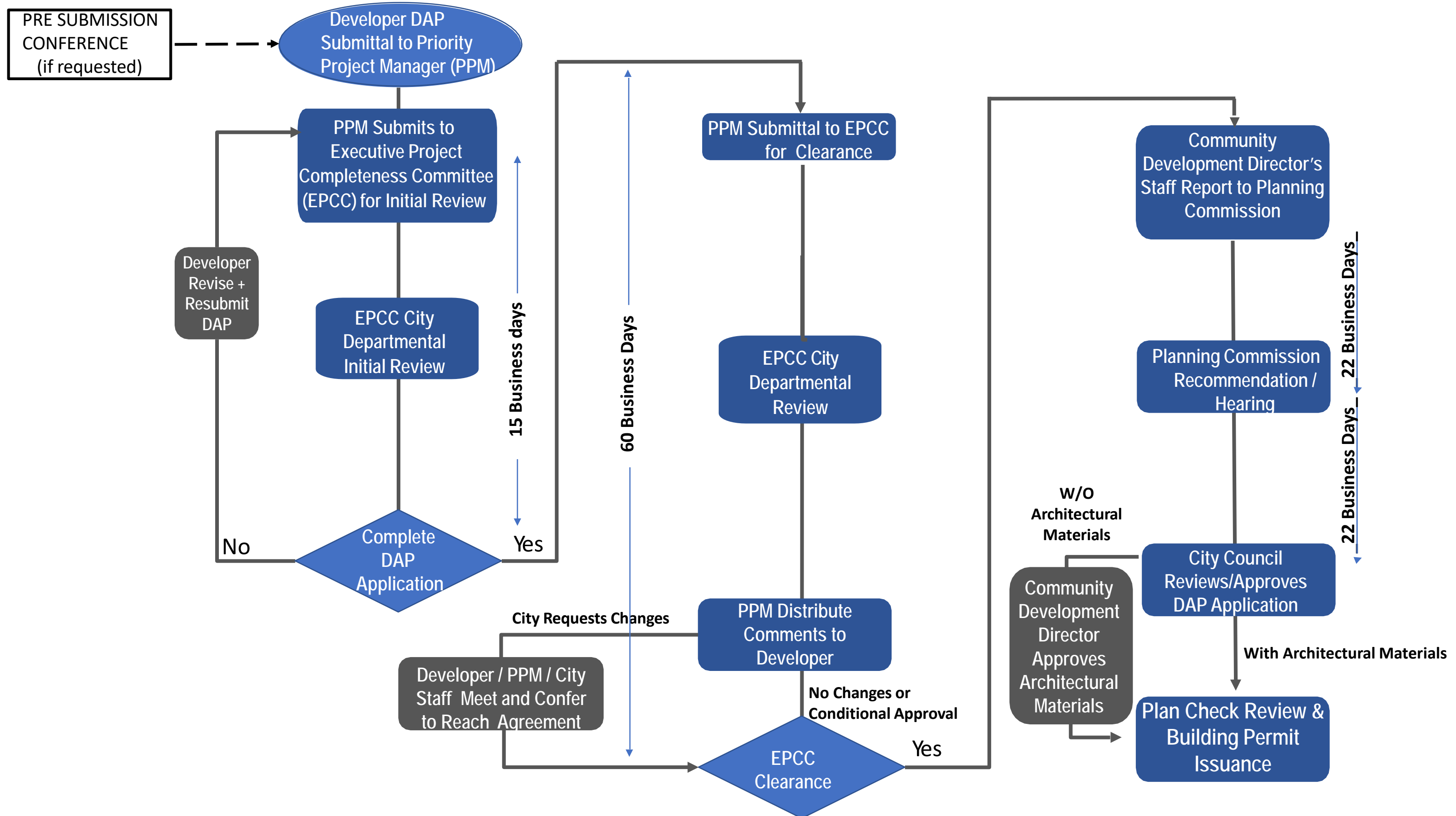


* The retention pond area (while part of the legal parcel) is a City utility facility and not part of the development area or FAR calculations.

Related Santa Clara Development Entitlements Process Flow Chart



DEVELOPMENT AREA PLAN (DAP) REVIEW PROCESS





City of Santa Clara

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

Agenda Report

20-48

Agenda Date: 1/29/2020

REPORT TO PLANNING COMMISSION

SUBJECT

Study Session: State Housing Legislation Updates 2020

DISCUSSION

Assistant City Attorney Alexander Abbe will provide a presentation on State Housing Legislation Updates effective 2020.