



City of Santa Clara

Meeting Agenda

Planning Commission

Wednesday, October 27, 2021

6:00 PM

Virtual Meeting

Pursuant to California Government Code section 54953(e) and City of Santa Clara Resolution 21-9013, the Planning Commission meeting will be held by teleconference only. No physical location will be available for this meeting; however, the City of Santa Clara continues to provide methods for the public to participate remotely:

- Via Zoom:
 - o <https://santaclaraca.zoom.us/j/91729202898>
 - Webinar ID: 917 2920 2898 or
 - o Phone: 1(669) 900-6833
- Via the City's eComment (available during the meeting)

The public may view the meetings on SantaClaraCA.gov, Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

Public Comments prior to meeting may be submitted via email to PlanningPublicComment@SantaClaraCA.gov no later than noon on the day of the meeting; and also before and during the meeting via eComment. Clearly indicate the project address, meeting body, and meeting date in the email.

PUBLIC PARTICIPATION IN ZOOM WEBINAR: Please follow the guidelines below when participating in a Zoom Webinar:

- The meeting will be recorded so you must choose 'continue' to accept and stay in the meeting.
- If there is an option to change the phone number to your name when you enter the meeting, please do so as your name will be visible online and will be used to notify you that it is your turn to speak.
- Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
- Use the raise your hand feature in Zoom when you would like to speak on an item and lower when finished speaking. Press *9 to raise your hand if you are calling in by phone only.
- Identify yourself by name before speaking on an item.
- Unmute when called on to speak and mute when done speaking. If there is background noise coming from a participant, they will be muted by the host. Press *6 if you are participating by phone to unmute.
- If you no longer wish to stay in the meeting once your item has been heard, please exit the meeting.

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 21-1521 [Planning Commission Meeting Minutes of October 13, 2021 Meeting](#)

Attachments: [PC Draft Minutes - October 13, 2021](#)

1.B 21-1418 [Action to amend existing Use Permit \(PLN2017-12796\) for ABC License Type 41 for NVIDIA corporate campus at 2788-2888 San Tomas Expressway](#)

Attachments: [Development Plans](#)
 [Resolution Approving a Use Permit](#)
 [Conditions of Approval](#)
 [Applicant Statement of Justification](#)

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. 21-1530 [Zoning Code Update Orientation](#)

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

2. 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:

The next regular scheduled meeting is on Wednesday, November 17, 2021 at 6:00 PM

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

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Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



City of Santa Clara

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

Agenda Report

21-1521

Agenda Date: 10/27/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Planning Commission Meeting Minutes of October 13, 2021 Meeting

RECOMMENDATION

Approve the Planning Commission Minutes of the October 13, 2021 Meeting



City of Santa Clara

Meeting Minutes

Planning Commission

10/13/2021

6:00 PM

Virtual Meeting

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented methods for the public to participate remotely:

- Via Zoom:
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Webinar ID: 917 2920 2898 or
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6:00 PM REGULAR MEETING**Call to Order**

Chair Biagini called the meeting to order at 6:07 p.m.

Due to technical difficulties, the meeting went into recess at 6:09 p.m. and reconvened at 6:12 p.m.

Pledge of Allegiance and Statement of Values**Roll Call**

Present 7 - Chair Nancy A. Biagini, Vice Chair Priya Cherukuru, Commissioner Ricci Herro, Commissioner Qian Huang, Commissioner Yuki Ikezi, Commissioner Lance Saleme, and Commissioner Yashraj Bhatnagar

DECLARATION OF COMMISSION PROCEDURES

Secretary Herro read the Declaration of Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

Commissioner Herro abstained from voting on this item due to his absence at the September 22, 2021 meeting.

A motion was made by Commissioner Cherukuru, seconded by Commissioner Huang to approve the consent calendar.

Aye: 6 - Chair Biagini, Vice Chair Cherukuru, Commissioner Huang, Commissioner Ikezi, Commissioner Saleme, and Commissioner Bhatnagar

Abstained: 1 - Commissioner Herro

1.A [21-1445](#) Planning Commission Meeting Minutes of September 22, 2021 Meeting

Recommendation: Approve the Planning Commission Minutes of the September 22, 2021 Meeting

1.A 21-1445 Planning Commission Meeting Minutes of September 22, 2021 Meeting

Aye: 6 - Chair Biagini, Vice Chair Cherukuru, Commissioner Huang, Commissioner Ikezi, Commissioner Saleme, and Commissioner Bhatnagar

Abstained: 1 - Commissioner Herro

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

2. [21-1433](#) STUDY SESSION: Presenters from Watry Design, Inc will provide information to the Commission on parking lift technologies and considerations for designing parking garages for future adaptive re-use.

Recommendation: There is no staff recommendation.

Taylor Kim and Mike Moretto, Watry Design, provided two presentations for the study session regarding mechanical parking and adaptive reuse. They also answered questions from the Commission regarding earthquake safety, vehicle thefts, maintenance plan and costs, EV charging, and low adoption rates.

A motion was made by Commissioner Saleme, seconded by Commissioner Herro to close public hearing.

Aye: 7 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, Commissioner Saleme, and Commissioner Bhatnagar

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

None.

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

Commissioner Saleme inquired when there would be a training on the newly passed land use laws.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

OSIV Elizabeth Elliott provided an update on the Planning Commission budget.

2. Upcoming Agenda Items

Staff Liaison Gloria Sciara updated the Commission regarding upcoming agenda items.

3. City Council Actions

Staff Liaison Gloria Sciara provided updates regarding recent City Council actions.

ADJOURNMENT:

A motion was made by Commissioner Saleme, seconded by Commissioner Herro to adjourn the meeting.

The meeting adjourned at 8:26 p.m.

The next regular scheduled meeting is on Wednesday, October 27, 2021.

Aye: 7 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, Commissioner Saleme, and Commissioner Bhatnagar

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Agenda Report

21-1418

Agenda Date: 10/27/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Action to amend existing Use Permit (PLN2017-12796) for ABC License Type 41 for NVIDIA corporate campus at 2788-2888 San Tomas Expressway

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of beer and wine (ABC Type 41 License) for NVIDIA corporate campus at 2788-2888 San Tomas Expressway

Applicant: Steve Rawlings

Property Owner: NVIDIA Corporation

General Plan: High Intensity Office / R&D

Zoning: Planned Development (PD)

Site Area: 24.7 acres

Existing Site Conditions: Existing NVIDIA Campus

Surrounding Land Uses:

North: Industrial uses

South: Residential uses

East: Industrial uses

West: Industrial uses

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt the resolution approving the amendment to the Use Permit, subject to conditions of approval

BACKGROUND

The applicant is requesting to amend the existing Use Permit (PLN2017-12796) to allow on-site sale and consumption of beer and wine (ABC License Type 41) within the two buildings at 2788 and 2888 San Tomas Expressway and the courtyard in between those two buildings. The existing Use Permit (PLN2017-12796) to allow on-site sale and consumption of beer and wine for a 4,072 square foot restaurant within the building at 2788 San Tomas Expressway was approved at the October 11, 2017 Planning Commission meeting. As amended, the use permit would authorize alcohol sale and consumption within the 750,000 square foot building at 2888 San Tomas Expressway and the 481,300 square foot building at 2788 San Tomas Expressway as well as the 97,305 square foot courtyard area between the two buildings. The hours of operation shall be limited to the hours of Monday - Sunday 6:00 am - 8:30 pm and open for special occasions on Sundays: 6:00 am - 8:00 pm.

DISCUSSION

Consistency with the General Plan

The subject property has a General Plan designation of High Intensity Office/R&D. This classification is intended for high rise or campus like developments for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Permitted uses include offices and prototype R&D uses. Accessory, or secondary, small scale supporting retail uses that serve local employees and visitors are also permitted. The proposed project is in conformance with this General Plan designation and is consistent with the following General Plan policies:

- 5.3.5-P8: Encourage the provision of services and amenities as part of larger developments in employment areas that cater to lunchtime and service needs, such as dry cleaners, to reduce vehicle miles traveled.
- 5.3.5 P10: Encourage employee serving amenities, such as restaurants, cafes and supporting commercial uses, to meet the needs of employees in High Intensity Office/Research and Development areas by excluding such uses from the Floor Area Ratio for development.

Zoning Conformance

The zoning designation for the subject property is Planned Development (PD). Pursuant to Santa Clara City Code (SCCC), restaurants that serve alcoholic beverages are subject to Planning Commission review and approval of a Use Permit. SCCC Section 18.110.040 specifies the findings required in order for the Planning Commission to grant a use permit. The attached resolution includes those findings, along with the justification for how those findings are met. The proposed cafe use is an employee-serving amenity and will help to reduce vehicle traffic during lunchtime and service hours. No detrimental effects or adverse impacts of the proposed use are anticipated from the proposed restaurant use or to the nearby area. The proposed use is incidental to an existing permitted use, and the proposed alcohol sales will not substantially or materially alter the existing use. Restaurants are permitted uses, while sales of alcohol are considered conditional uses.

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. The Planning Commission will also conduct a review of the Use Permit 12 months from the date the applicant obtains the ABC Type 41 license.

Circulation and Parking

There is no change to the office development and access ways. The office development meets the one parking space per 300 square feet requirement of the City of Santa Clara's standards as established in the previously approved Planned Development. The numbers of parking spaces provided on site are sufficient to serve parking demands from the office use on the site. The proposed alcohol sale does not trigger additional parking requirements.

Conclusion

The proposal is consistent with General Plan policies and the Zoning designation for the subject property.

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 at an existing facility 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 the amendment to the existing Use Permit for the sale and consumption of beer and wine (ABC License Type 41) on the NVIDIA corporate campus located at 2788-2888 San Tomas Expressway, subject to conditions of approval.

Prepared by: Tiffany Vien, Assistant Planner I

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Assistant Director of Community Development

ATTACHMENTS

1. Development Plans
2. Resolution Approving the Use Permit
3. Conditions of Approval
4. Applicant Statement of Justification

PARK L2 OCCUPANCY CALCS

L2 PARK STRUCTURES EGRESS		
LARGE TREHOUSE (A3)	10100.0	22000.0
SMALL TREHOUSE (A3)	8100.0	10000.0
THEATER (A3)	8100.0	10000.0
ROCK CIRCULATION (B)	11100.0	15000.0
TOTAL	35400.0	67000.0

MAX OCCUPANTS EGRESSING: 400
 TOTAL OCCUPANTS EGRESSING: 400
 TOTAL WIDTH PROVIDED: 48" (STAIRS) 48" (RAMPS)
 TOTAL WIDTH REQUIRED: 48" (STAIRS) 30.5" (RAMPS)

RAMP 1 (M)
 MAX OCCUPANTS: 200
 OCCUPANTS: 200
 RAMP WIDTH PROVIDED: 48"
 RAMP WIDTH REQUIRED: 30.5"

STAIR 1
 MAX OCCUPANTS: 400
 OCCUPANTS: 200
 STAIR WIDTH PROVIDED: 48"
 STAIR WIDTH REQUIRED: 48"



Gensler

ARCHITECT
 Gensler
 7 Hawthorn Street Suite 400
 San Francisco, CA 94103
 United States
 Tel: 415.435.3700

HOOD

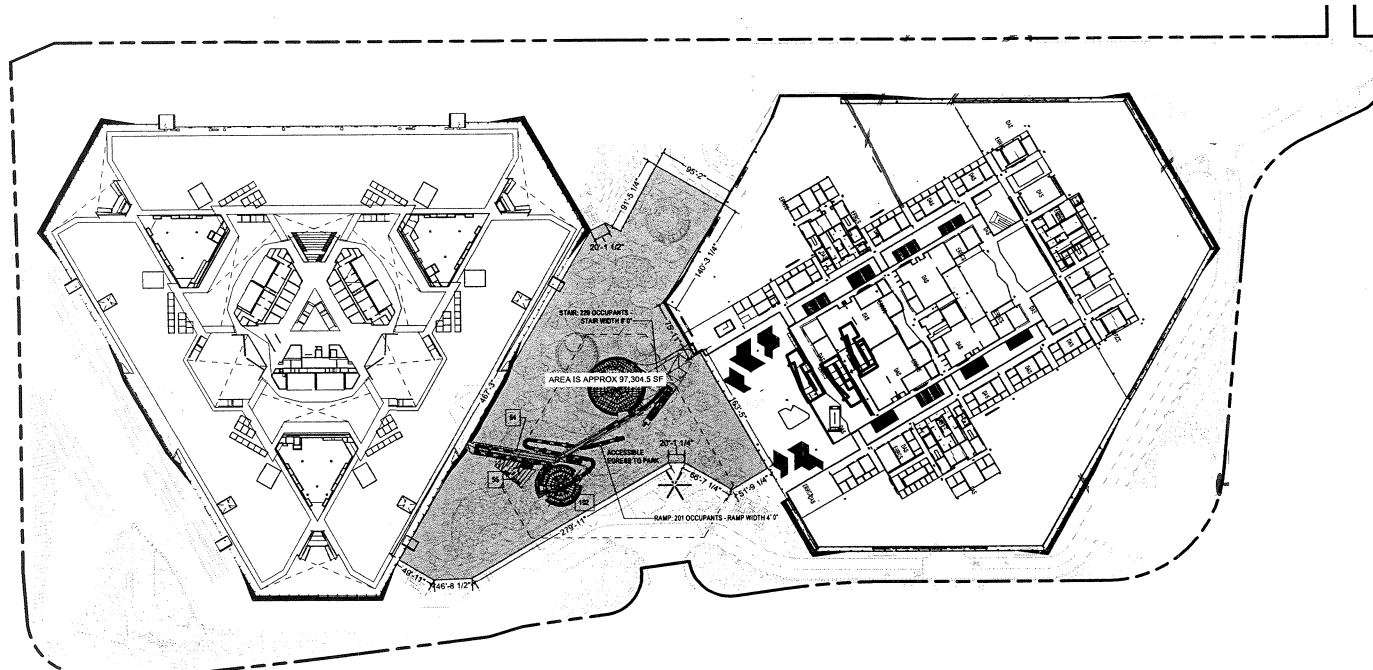
LANDSCAPE ARCHITECT
 Hood Design Studio Inc.
 3018 Forest St #11
 Oakland, CA 94612
 United States
 Tel: 510.566.6669

STRUCTURAL ENGINEER
 WISDOM ENGINEERING
 602 Harrison Street, Suite 110
 San Francisco, CA 94107
 United States
 Tel: 415.541.8877
 Fax: 415.543.5671

CIVIL ENGINEER
 Ker & Wright
 3505 Stock Boulevard Bldg. 22
 San Jose, CA 95126
 United States
 Tel: 408.727.6655

Acco Engineered Systems KDS Plumbing Inc
 MECHANICAL ENGINEER PLUMBING ENGINEER
 Acco Engineered Systems KDS Plumbing Inc
 1133 Middle Avenue 2007 Ringwood Ave, Suite 10
 San Leandro, CA 94587 San Jose, CA 95131
 United States United States

Redwood Electric Group Command Security Services LP
 ELECTRICAL ENGINEER TELECOMMUNICATIONS ENGINEER
 Redwood Electric Group Command Security Services LP
 2775 Northwood Parkway 1000 Commercial Avenue, NW
 San Jose, CA 95131 San Jose, CA 95131
 United States United States



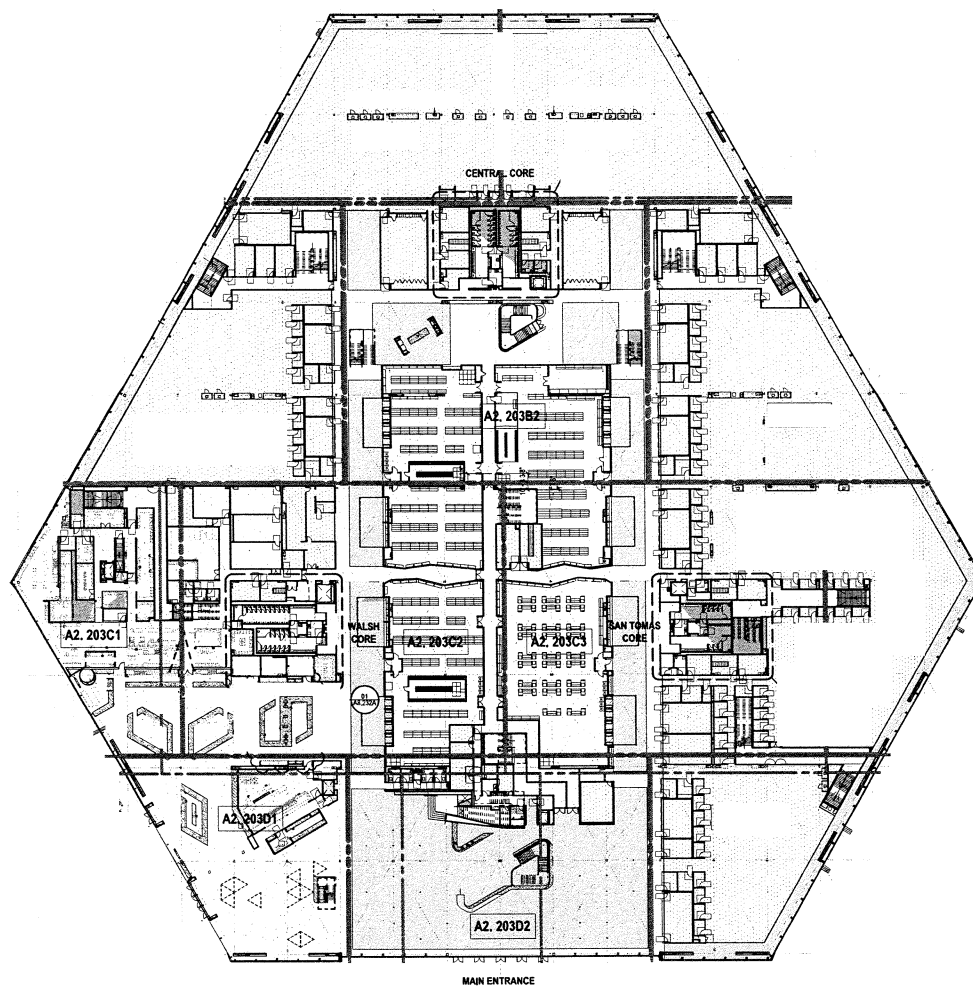
EGRESS LEGEND

- PATH OF EGRESS
- REQUIRED EGRESS WIDTH
- ACCESSIBLE ROUTE
- BUILDING EXIT AT THIS LEVEL (NO ENTRY)
- BUILDING ENTRY
- BUILDING EXIT AT ADJACENT LEVEL
- EXTERIOR PARK EGRESS
- ACCESS TO PUBLIC WAY
- EXTERIOR ASSEMBLY OCCUPANCY - 119
- EXTERIOR BUSINESS OCCUPANCY - 119
- FIRE COMMAND CENTER

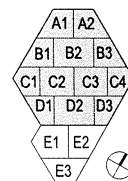
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Project Number	012458.00
Scale	As Indicated
Issue Date	
Description	

LEGEND

- STRUCTURAL SLAB EXPOSED
- RAISED ACCESS FLOOR
- 2" FOAM 2" CONCRETE TOPPING SLAB OF STRUCTURAL SLAB (S.1.0M.1)
- 1" FOAM 4" CONCRETE TOPPING SLAB OF STRUCTURAL SLAB (S.1.1.1)
- 1" FOAM 4" CONCRETE TOPPING SLAB OF STRUCTURAL SLAB (S.1.1.1)
- 4" TOPPING SLAB OF STRUCTURAL SLAB (S.1.1.1M)
- TILE OVER 1" FOAM 2" CONCRETE 2" MODULAR STRUCTURAL SLAB
- TOPPING SLAB PREP FOR LVT FINISH
- CONCRETE PAD
- OPENING / SWIFT / BLOCK OUT
- PARTITION WALL



KEY PLAN - PH II



Project Name
NVIDIA

Project Number
012458.000

Scale
As Indicated

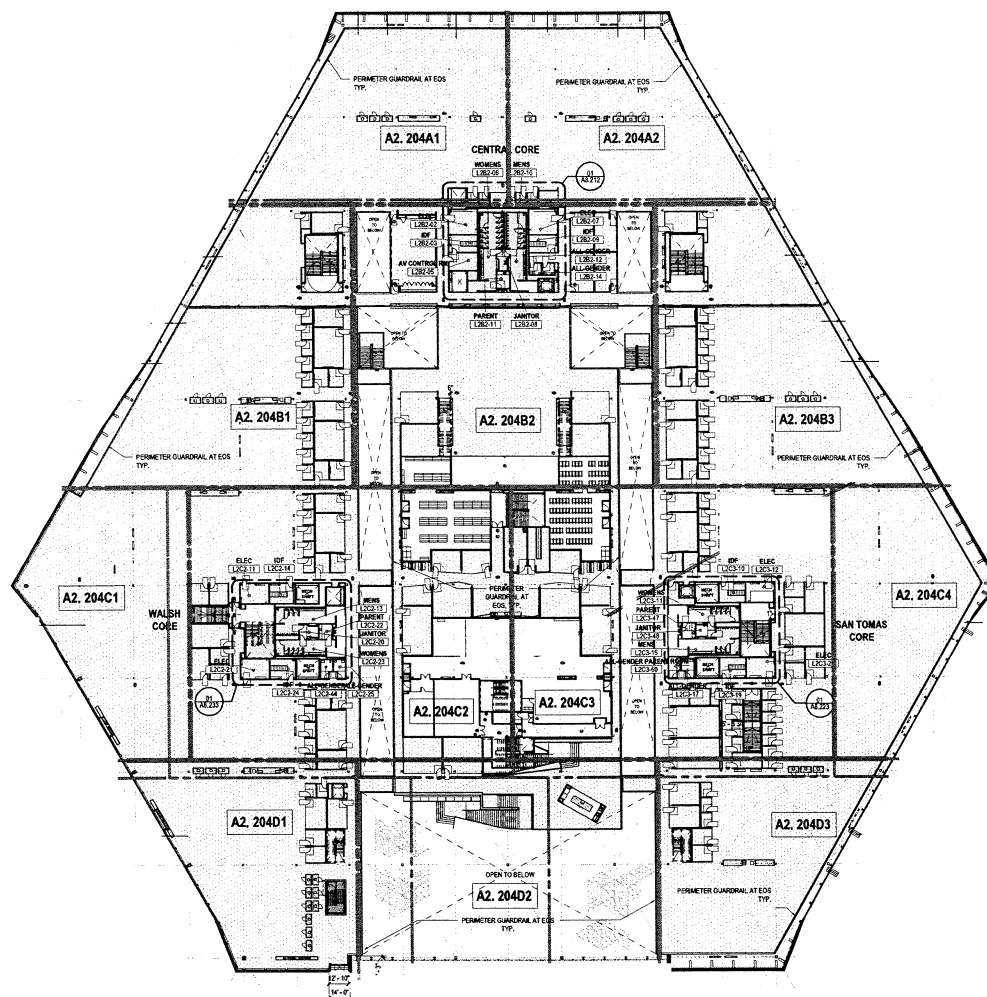
Issue Date

Description

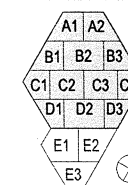
A1.203

LEGEND

- STRUCTURAL SLAB EXPOSED
- RAISED ACCESS FLOOR
- 2" FOAM 1" CONCRETE TOPPING SLAB OF STRUCTURAL SLAB (L1 ONLY)
- 1" FOAM 4" CONCRETE TOPPING SLAB OF STRUCTURAL SLAB (L1, L2)
- 1/4" FOAM 4" CONCRETE TOPPING SLAB OF STRUCTURAL SLAB (L1, L2)
- 4" TOPPING SLAB OF STRUCTURAL SLAB (L1, L2)
- TILE OVER 1" FOAM 2" CONCRETE 2" MORTAR DUCTURAL SLAB
- TOPPING SLAB PREP FOR LIT FINISH
- CONCRETE PAD
- OPENING / SHUT / BLOCK OUT
- PARTITION WALL



KEY PLAN - PH II



Project Name	NVIDIA
Project Number	012498.000
Scale	As Indicated
Issue Date	
Description	

A1.204

RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING AN
AMENDMENT TO A USE PERMIT TO ALLOW ON-SITE SALE
OF ALCOHOL (ABC LICENSE TYPE 41) AT THE NVIDIA
CORPORATE CAMPUS LOCATED AT 2788-2888 SAN TOMAS
EXPRESSWAY, SANTA CLARA, CA**

PLN21-15127 (Use Permit)

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

WHEREAS, ON October 11, 2017, the Planning Commission adopted a resolution approving a use permit (PLN2017-12796) for the on-site sale of alcohol (ABC License Type 41) for a 4,072 square foot restaurant at the NVIDIA corporate campus, located within the building at 2888 San Tomas Expressway;

WHEREAS, on August 5, 2021, Steve Rawlings (“Applicant”) applied to amend the existing Use Permit (PLN2017-12796) to continue the on-site sale and service of alcohol (ABC License Type 41) within the 4,072 square foot restaurant at 2888 San Tomas Expressway, but also to expand the authorized sale areas to also allow consumption within the 750,000 square foot building at 2888 San Tomas Expressway and the 481,300 square foot building at 2788 San Tomas Expressway as well as the 97,305 square foot courtyard area between the two buildings (“Site Location”);

WHEREAS, the Site Location is zoned Planned Development (PD) and has the General Plan land use designation of High Intensity Office/R&D;

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, 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, in order to implement the proposed activity, the Site Location requires a Use Permit to allow alcohol sale and service in conjunction with food service within the restaurant, as shown on the Development Plans;

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;

WHEREAS, on October 14, 2021, the notice of public hearing for the October 27, 2021 Planning Commission 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 October 27, 2021, 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 amendment.

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 an amendment to the existing Use Permit to allow sale and consumption of beer and wine (ABC License Type 41) on the NVIDIA corporate campus is consistent with the uses allowed by the Planned Development zoning district.
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 allowing the sale and service of alcohol with restaurant dining in the area of an existing restaurant 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 alcohol in conjunction with food in an existing commercial space which meets all City of Santa Clara codes and regulations; the restaurant will be managed and maintained, and 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 and proposed expanded 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 full-service dining experience to support 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 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 alcohol in conjunction with food, may be conditionally permitted

when the use would not be objectionable or detrimental to the adjacent properties in this Planned Development zoning district.

4. That the Planning Commission hereby approves Use Permit PLN21-15127 to amend the existing Use Permit (PLN2017-12796) to continue the on-site sale and service of beer and wine (ABC License Type 41) within a 4,072 square foot restaurant at 2888 Tomas Expressway and to also allow on-site sale and service of beer and wine (ABC License Type 41) within the 750,000 square foot building at 2888 San Tomas Expressway and the 481,300 square foot building at 2788 San Tomas Expressway as well as the 97,305 square foot courtyard area between the two buildings, as shown on the attached Development Plans, and 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 27ND DAY OF OCTOBER 2021, 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

CONDITIONS OF APPROVAL

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

GENERAL

- A. 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.
- B. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A. 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

PLANNING DIVISION

- P1. Obtain required permits and inspections from the Building Official and comply with all building code requirements and conditions thereof.
- P2. The project shall comply with all California Department of Alcoholic Beverage Control licensing requirements.
- P3. 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.
- P4. Full menu food service shall be available during all hours that the buildings are open and alcoholic beverages are served.
- P5. The hours of operation shall be limited to the hours of Monday - Sunday 6:00am – 8:30pm and open for special occasions on Sundays: 6:00am – 8:00pm.
- P6. On-site sale and consumption of alcohol shall be limited to beer and wine.
- P7. On-site consumption of alcohol shall be limited to within the two buildings at 2788 and 2888 San Tomas Expressway and the courtyard in between those two said buildings.
- P8. No live entertainment or amplified music will be allowed, unless it is wholly incidental to the restaurant use.
- P9. 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.
- P10. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

PUBLIC WORKS

ENGINEERING

- E1. Obtain site clearance through the Public Works 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 the Public Works 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 Public Works 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. Submit public improvement plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.

Statement of Justification

Bon Appetit at NVIDIA

2888 San Tomas Expressway, Santa Clara, CA

August 4, 2021

- 1) *There is compatibility of the particular use on the site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.***

All the other uses surrounding site are commercial office businesses and the addition of this establishment will complement those uses. The adjacent building owned by the same company currently serves beer and wine in a similar fashion to what is proposed.

- 2) *The proposed use is consistent and compatible with the purpose of the zone in which the site is located.***

The Planned Development encourages mixed uses and having an eatery with alcohol service and other amenities incorporated into a project is consistent.

- 3) *The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.***

All other uses in the NVIDIA Corporate Campus are offices and this establishment will primarily serve those workers. There will be adequate conditions and operational procedures in place to prevent this use from being detrimental to the public or properties around it.

- 4) *Potential impacts could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and compensated for.***

Proposed use is not anticipated to create noise, smoke, dust, fumes, vibrations, odors, traffic, and other hazards.

- 5) *The State Department of Alcohol Beverage Control (ABC) has issued or will issue a license to sell alcohol to the applicant.***

Upon submission of the MUP, the business will submit an application for a Type 41 license to ABC.



City of Santa Clara

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

Agenda Report

21-1530

Agenda Date: 10/27/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Zoning Code Update Orientation

DISCUSSION

Principal Planner John Davidson will provide an orientation to the draft updated Zoning Code.