

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