



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