



City of Santa Clara

Meeting Agenda

Planning Commission

Wednesday, September 26, 2018

6:00 PM

City Hall Council Chambers

6:00 PM STUDY SESSION

Confirmation of a Quorum

18-1045 [Study Session: Tasman East Specific Plan](#)

7:00 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 18-1264 [Planning Commission Minutes of August 8, 2018](#)

1.B 18-1265 [Planning Commission Minutes of August 22, 2018](#)

1.C 18-1143 [Action on Use Permit for ABC License Type 41 at 2047 El Camino Real](#)

Recommendation: Adopt a Resolution approving a Use Permit for the sale and service of beer and wine (ABC License Type 41) in an existing restaurant (Tay Ho), subject to conditions.

1.D 18-1206 [Action on a Variance to Allow an Addition to a Single Family Residence with a Non-Conforming Garage at 741 Enright Avenue](#)

Recommendation: Approve the Variance to allow a 809 square foot front and rear addition to a single-family residence and retain an attached one-car garage, in lieu of two-covered parking spaces as required by the zoning code.

1.E 18-1213 [Action on Use Permit to Allow Outdoor Play Area for a New Child Day Care Facility at 1190 Benton Street](#)

Recommendation: Adopt a Resolution approving the Use Permit to allow outdoor play area for a new child day care facility at 1190 Benton Street.

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. 18-961 [Public Hearing: Action on a Conditional Use Permit for Planet Granite to Allow a Climbing Gym and Outdoor Workout Area Located at 801 Martin Avenue](#)

Recommendation: 1. Adopt a Resolution to Approve a Use Permit to allow a climbing gym and outdoor workout area located at 801 Martin Avenue, subject to conditions of approval.

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 October 10, 2018 at 7:00 PM in the City Hall Council Chambers.



Agenda Report

18-1045

Agenda Date: 9/26/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Study Session: Tasman East Specific Plan

BACKGROUND

The City of Santa Clara 2010-2035 General Plan identifies the Tasman East Focus Area, bounded by Tasman Drive to the south, Lafayette Street to the west, the municipal golf course to the north and the Guadalupe River to the east, as a Focus Area intended to support new higher density residential development during the timeframe of the General Plan. The City began preparation of the Tasman East Specific Plan in 2016 in order to establish land use policies that will guide the implementation of new development consistent with the General Plan vision. The Specific Plan process has provided multiple opportunities for community input including four community meetings and four City Council study sessions.

Preparation of the Specific Plan is scheduled to be completed for Planning Commission consideration in October, and City Council consideration in November of this year. A Draft Environmental Impact Report (EIR) has been prepared and public circulation of the document closed in mid-September.

The purpose of the session is to provide the Planning Commission with a summary of key features of the Specific Plan and to describe the next steps in the Specific Plan process in advance of the public hearing on adoption of the plan.

Vision

The vision set forth in the Tasman East Specific Plan is to create a new high-density five to eight stories residential neighborhood in Santa Clara focused on an inviting streetscape and urban amenities, including retail uses with outdoor seating, urban-scaled parks that complement the built environment, and a network of greenways that allow for additional pedestrian connections through the neighborhood. Streets within the Specific Plan area will include wide sidewalks, park strips with large trees, and ample space for businesses to place tables, chairs and umbrellas. Parks, plazas and other open space amenities will have an urban character and be planned to support a wide variety of “placemaking” activities. The draft plan is available at <http://santaclaraca.gov/government/departments/community-development/planning-division/specific-plans/tasman-east>.

Land Use

Consistent with the envisioned urban character, residential densities in the neighborhood are planned to be a minimum of 100 dwelling units per acre. The City has previously identified a goal for the Plan to support 4,500 dwelling units along with neighborhood serving retail and amenities. The Specific Plan area is approximately 45 acres in area, with 7 of those acres dedicated to road network and an

additional 10 acres planned for useable open space, leaving approximately 28 acres of land available for development and suggesting an average density of 160 dwelling units per acre (DU/AC) in order to achieve 4,500 units.

As a part of the planning process, the staff is considering a recommendation to creating a new General Plan land use designation, Transit Residential, which would allow residential densities from 85-350 dwelling units per acre (DU/AC), along with supportive commercial uses. This General Plan designation could be applied to similar Future Focus Areas.

The Specific Plan Land Use diagram also identifies potential locations for park space, greenways, a mixed-use “main street”, and other public amenities, as shown in Attachment 1. The main street, at the center of the Specific Plan area along Calle del Sol, will be a focal point for the new neighborhood. A new Zoning District would be established along with the Specific Plan to facilitate development of the Specific Plan area consistent with its vision.

DISCUSSION

Roadways and Access

As noted above, a key feature of the Specific Plan will be a new main street along the existing Calle del Sol alignment, which includes an extension of the street north to connect to Calle del Mundo. The Specific Plan also incorporates the extension of Lick Mill Boulevard through the Specific Plan area from Tasman Drive northward to the future CityPlace industrial park. In providing these new roadways, the Plan seeks to balance vehicular circulation needs with placemaking goals, providing a variety of street types that can accommodate regional and local vehicular traffic, bicyclists and pedestrians.

Development of the Calle del Sol extension is contingent on obtaining the land needed for the proposed right-of-way, and on solving a number of infrastructure challenges, including relocation of the Primavera lift station, a major piece of sewer infrastructure, and the re-location of a cellular antenna.

The Specific Plan land uses will leverage adjacency to the Lick Mill Light Rail Station, utilizing a robust Transportation Demand Management (TDM) Plan to minimize vehicle trips. As the Specific Plan is implemented, new projects will incorporate measures responsive to the evolving nature of transportation, including commuter behavior, availability of first and last mile connections to transit, and other advancements such as ride hailing and ride sharing technology.

Park Spaces and Greenways

Consistent with City Council input from February 6, 2018 study session, the Specific Plan establishes an ambitious Park Space and Greenways plan to provide 10 acres of open space area. These open spaces are distributed over smaller districts identified within the Specific Plan, with the open space areas in each district anchored by a publicly dedicated park. These parks will be connected to each other and to the Guadalupe River trail by a series of greenways, as shown in the Open Space and Greenways diagram, Attachment 1. The combination of publicly dedicated parkland, publicly accessible greenways and open spaces, and private amenity spaces (given half credit per the parkland dedication ordinance) will account for the ten acres of outdoor amenity space under the plan.

Greenways will form a pedestrian network between park spaces. Greenways will include landscaping, and will be public in character, meaning that the greenways will be at grade, visually open, and easily understandable by a person on foot. These pathways extend beyond the Plan Area, and offer connections to nearby regional open spaces such as Ulistac, the future CityPlace Central Park, and the City of Santa Clara's Youth Soccer Park.

Multimodal Connectivity

Intentional placement of greenways, active building frontages, retail, and sidewalks enhance and encourage walking within the Specific Plan and to the nearby light rail stations. Bicycle paths will also connect the residents within the Specific Plan to nearby employment and entertainment destinations, such as those planned in the City Place project.

Affordable Housing

The Specific Plan is proposed to include an affordable housing strategy for the Specific Plan area. The City's recently adopted Affordable Housing Ordinance includes a pipeline provision so that residential project applications submitted to the City prior to August 1 of this year are not subject to the new 15% inclusionary requirement provided they complete the entitlement process prior to December 1, 2020. As drafted, the Specific Plan would extend this deadline by one year to August 1, 2019, accounting for the extended timeframe of the Plan preparation coinciding with the preparation of the Specific Plan, but also commit all projects filed prior to that date to meet a 10% inclusionary requirement following the same terms as set in the Citywide ordinance. The City received a total of eight applications within the Tasman East Area prior to August 1, totaling 3,353 units that would fall under the pipeline provision and be expected to produce a minimum of 335 units of affordable housing per the Specific Plan. Other project applications may be submitted in the next year that could take advantage of the additional time proposed for the Tasman East Specific Plan should the Plan be adopted as proposed.

Incentives for High Density

The Specific Plan establishes an ambitious target of 4,500 new residential units. As previously discussed with the City Council, this would likely require some use of more expensive construction types (e.g. Type I or Type III which make use of steel and/or concrete) which may be infeasible under current market conditions. Other cities seeking to promote high-rise development have provided reductions in park impact fees and/or affordable housing requirements to offset higher construction costs. While all projects in the Plan Area are anticipated to be over 100 dwelling units/acre, Council may want to consider incentives for higher densities requiring more expensive construction.

The active developers in the Specific Plan have proposed the following incentive for projects that provide densities greater than 120 dwelling units/acre or 140 dwelling units/acre. The intent of this incentive is to increase both the total number of units and the total number of affordable units produced within the Plan area by better utilizing the available land. The following two phases are proposed based on filing dates:

Phase 1 includes all residential projects with applications filed prior to August 1, 2019 and that receive planning entitlements prior to December 1, 2021

Phase 2 includes all residential projects filed on or after August 1, 2019, and residential projects filed prior to August 1, 2019 that did not receive planning entitlements prior to December 1, 2021.

Table: Proposed Incentive - Progressive Reduction in Affordability Requirements

Density Range	Phase 1: Required % Inclusionary (100% AMI)	Phase 2: Required % Inclusionary (100% AMI)
≤120 DU/AC	10%	15%
>120 DU/AC & ≤ 140DU/AC	8% for portion of project over 120 DU/AC	12% for portion of project over 120 DU/AC
> 140 DU/AC	5% for portion of project over 140 DU/AC	10% for portion of project over 140 DU/AC

All of the affordable units provided in each residential project in both Phases 1 and 2 would need to meet an average 100% Area Median Income affordability level.

As shown in the following table, the overall result of this incentive would be to produce both more market rate and more affordable units by encouraging developers to build at higher densities.

Table: Units and Affordable Units Produced by Example Project at Different Densities

Project Density	Total Units (1 Acre Site)	Total Affordable Units Phase 1 Project*	Total Affordable Units Phase 2 Project*
120 DU/AC	120	12	18
140 DU/AC	140	13	20
160 DU/AC	160	14	22

*Where fractions of a whole unit are part of the required number of units, developers are given the option to either provide a proportional in-lieu fee for the fraction of affordable housing unit required or provide an additional unit.

Community Meeting Spaces

Providing public amenities will be an important part of the Specific Plan placemaking strategy. As presented at the previous City Council study session, the Specific Plan would require that one community room (2,000 sq ft) be made available for use by the general public on weekday evenings (Monday - Thursday) and Saturday mornings and a proposed plaza area would be designed to support library services in the form of a docking station for a book mobile. The Council expressed concern at that study session that one Community room would be insufficient to meet public demand and also that a more substantial facility is needed for library services. In addition to making a room available to the broader community, active developers within Tasman East have provided input that they each intend to provide approximately 2,000 square feet of common area per project which could be used by building residents and their guests to meet this need within the community. Further, one developer has indicated that they could include a library book area within a proposed retail (likely café) space.

Next steps

The Specific Plan and associated EIR will be brought to the Planning Commission for recommendation and to the City Council for adoption in October and November 2018.

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)(4) in that it is an informational report that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

PUBLIC CONTACT

Public contact was made by posting the Council 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.

As mentioned above, four community meetings have been conducted for the Specific Plan, the most recent of which was on June 7, 2018. Approximately fifteen members of the public were in attendance. Comments that the public made included:

- Ensure public access to trails
- Interest in public programming and entertainment in the park spaces
- Interest in bike share
- Need for community amenities (community center and family amenities)
- A desire to have all the upcoming projects in the north side of Santa Clara work together to provide complementary amenities

In addition, some property owner representatives in the plan area expressed concerns about the proposed roadways and the impact of implementing those roadways on the future ability to develop their properties.








Reviewed by: John Davidson, Principal Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Tasman East Specific Plan Area Draft Land Use Framework Diagram

-  Transit Neighborhood
-  Required Ground Floor Retail
-  Dedicated Open Space (acres)*
-  Greenway
-  To Be Implemented as Development Occurs
-  City Easement
-  Site Boundary

* Dedicated Open Space areas will be implemented through the City's Parkland Dedication Ordinance and the terms of the Specific Plan.



Land Use Framework



City of Santa Clara

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

Agenda Report

18-1264

Agenda Date: 9/26/2018

SUBJECT

Planning Commission Minutes of August 8, 2018



City of Santa Clara

Meeting Minutes

Planning Commission

08/08/2018

6:00 PM

City Hall Council Chambers

CALL TO ORDER

Meeting was called to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES

Chair Ikezi initiated the Pledge of Allegiance and read the Statement of Values.

ROLL CALL

Present 4 - Commissioner Yuki Ikezi, Chair Sudhanshu Jain, Commissioner Lance Saleme, and Commissioner Anthony Becker

Absent 2 - Commissioner Steve Kelly, and Vice Chair Raj Chahal

DECLARATION OF COMMISSION PROCEDURES

Chair Ikezi read the Commission Procedures.

STUDY SESSION

[18-1046](#) Study Session on the Climate Action Plan

Recommendation: Recommend the Planning Commission give staff direction on the Climate Action Plan Update.

A presentation was made by Intern Calyn Hart a Civic Spark AmeriCorps Fellow who coordinated the City's Climate Action Plan.

Commissioners suggested the following:

- Work on carpool database for city employees
- City Hall be upgraded to be energy efficient thermostats and furnaces
- Consider offering reduced parking ratios in exchange for additional Transportation Demand measures

CONTINUANCES/EXCEPTIONS

None

CONSENT CALENDAR

- 1.A [18-999](#) Public Hearing: Action on Use Permit for Two Subdivision Signs Located at 2051 and 2151 Mission College Boulevard

Recommendation: Adopt a Resolution approving the Use Permit for the properties at 2051 and 2151 Mission College Boulevard to allow two subdivision signs for the Mission Park campus, subject to conditions of approval.

Item was pulled by Commissioner Jain who had questions on the light pollution from the signs. Planning Manager Reena Brilliot addressed the issue that there would be no lighting pollution and the applicant spoke on the issue also.

A motion was made by Chair Jain, seconded by Commissioner Ikezi, to adopt a resolution approving the Use Permit for the properties at 2051 and 2151 Mission College Boulevard to allow two subdivision signs for the Mission Park Campus, subject to conditions of approval. The motion carried by the following vote:

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly, and Vice Chair Chahal

- 1.B [18-1058](#) Action on Planning Commission Meeting Minutes of June 13, 2018

Recommendation: Approve Planning Commission Meeting Minutes of June 13, 2018

After the Item had been approved, Chair Ikezi stated that she had comments on the minutes and would like them written clearer in the future.

A motion was made by Commissioner Ikezi, seconded by Commissioner Saleme, that this item be Approved with clarification to be made on the minutes. The motion carried by the following vote:

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly, and Vice Chair Chahal

- 1.C [18-1059](#) Action on Planning Commission Meeting Minutes of June 27, 2018

Recommendation: Approve the Planning Commission Meeting Minutes of June 27, 2018.

Item was pulled by Chair Jain and Commissioner Ikezi who asked questions on several items.

A motion was made by Commissioner Ikezi and Seconded by Commissioner Saleme to approve the Planning Commission Meeting Minutes of June 27, 2018

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly, and Vice Chair Chahal

- 1.D [18-1060](#) Public Hearing: Action on Use Permit for ABC License Type 41 for 2855 Stevens Creek Boulevard

Recommendation: Adopt a Resolution approving a Use Permit for sales and consumption of beer and wine (ABC License Type 41) in a new restaurant (Nagi) subject to conditions of approval.

Item was pulled by Commissioner Ikezi and Chair Jain. Commissioner Ikezi requested to know the name of the applicant for the item. Planning Manager Reena Brilliot clarified that the applicant is Nagi Restaurant. Chair Jain spoke regarding one of the conditions of approval was that there would be no live music at the restaurant and commented that he has a problem with this blanket condition on the ban on live music and commented the City has a lack of entertainment.

A motion was made by Chair Jain, seconded by Commissioner Ikezi, to adopt a resolution approve a Use Permit for sales and consumpition of Beer and wine (ABC Licnese Type 41) in a new restaurant (Nagi) subject to conditions of approval. The motion carried by the following vote:

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly, and Vice Chair Chahal

- 1.E [18-1062](#) Selection of Planning Commission Chair, Vice Chair and Secretary

Item was pulled by Chair Ikezi and heard at beginning of consent calendar. Upon approval, newly elected Chair Jain assumed his position as Chair for the remaninder of the meeting.

1.E 18-1062 Selection of Planning Commission Chair, Vice Chair and Secretary

Motion by Chair Ikezi seconded by Commissioner Jain to elect Suds Jain as Chair, Commissioner Chahal as Vice Chair and Commisioner Becker as Secretary. The motion carried by the following vote:

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly, and Vice Chair Chahal

1.F [18-1063](#) Discussion on Planning Commission Meeting Procedures

Recommendation: Review and discuss potential changes and updates to the current Planning Commission Meeting procedures, and, if any changes or updates are desired, direct staff to revise the language accordingly and to return to the Planning Commission at a later meeting for review and approval of the revisions.

The item was pulled by Commissioner Ikezi and Chair Jain. Commissioner Saleme shared concerns that speakers receive their fully allotted speaking time even when time is lost due to questions being asked. Deputy City Attorney Diana Fazely suggested that an informal recommendation take place that the Chair use their discretion to allow a speaker to continue speaking when the clock runs out should the speakers time be lost due to questions being asked. Commissioner Saleme agreed with this and no formal action to take place on this item.

Meeting procedures will be placed on Planning Commission page on City's website.

A motion was made that this item be forwarded without recommendation. The motion carried by the following vote:

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly, and Vice Chair Chahal

PUBLIC HEARING

2. [18-1061](#) Public Hearing: Action on Agrihood Residential Project located at 1834 Worthington Circle (former BAREC site)

Recommendation: Alternatives 1, 2, and 3:

1. Adopt a resolution recommending to the City Council adoption of the Final Environmental Impact Report (FEIR) and Mitigation, Monitoring, and Reporting Program (MMRP), including a Statement of Overriding Considerations.
2. Adopt a resolution recommending to the City Council approval of the rezoning from Planned Development (PD) to Planned Development (PD) to allow the development of 165 affordable senior apartments, 160 multi-family mixed-income apartments, and 36 townhouses.
3. Adopt a resolution recommending to the City Council approval of the Tentative Map.

Commissioner Ikezi and Commissioner Jain disclosed that they had met with the applicant.

Associate Planner Rebecca Bustos presented the project. Commissioners had several questions for the applicant regarding parking. The applicant,

CORE, noted they want to establish preferred parking and noted they will have some type of car sharing service with designated spaces. Planning Manager Reena Brillot noted that Architectural Review is when Americans with Disability Act (ADA) requirements are reviewed. A representative from FARMSCAPE spoke noting that they will manage the farm day-to-day.

Chair Jain discussed that he would like to make a recommendation that Council ask the applicant for a voluntary traffic impact fee. Vince Cantore with CORE, spoke that he would not be comfortable with agreeing to this without speaking to their partners.

Chair Jain asked if there will be a Disturbance Coordinator role and the applicant, Vince Cantore of CORE, replied that he will be the contact person for disturbance issues. Chair Jain had concerns about holiday parking from Westfield Mall that could infringe upon this development. Planning Manager Reena Brillot responded that the issue is resident driven, and the City can be involved in the process should this need to be addressed.

There were 24 speakers on this item. Issues expressed included:

- support of homes located in an area with transportation
- support of mixed used housing including first time homebuyers, seniors and moderate income
- support of open green space with affordable housing serving the greater community
- support of quality of life and housing for immigrant population
- concerns from residents who will have large walls from new construction impacting their homes privacy and natural light
- concerns regarding what types of new jobs will be created for laborers working in the city and in surrounding areas and lack of this information in the Environment Impact Report

Commissioner Saleme requested that the applicant include 3-D renderings when the project is heard by City Council.

A motion was made by Commissioner Becker seconded by Commissioner Ikezi, to adopt a resolution recommending that the City Council adopt of the final Environmental Impact Report (FEIR) and Mitigation Monitoring and Reporting Program (MMRP), including a Statement of Overriding Considerations. The motion carried with the following vote :

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly and Vice Chair Chahal

A motion was made by Commissioner Becker, seconded by Chair Ikezi, to adopt a resolution recommending City Council approval of the rezoning from Planned Development (PD) to Planned Development (PD) to allow the development of 165 affordable senior apartments, 160 multi-family mixed-income apartments and 36 townhouses.

Commissioner Becker added the following recommendations to the motion: that the applicant work with the City on a parking permit program; and that the applicant meet with neighbors on Dorcich Drive on any mitigation for privacy.

The motion carried with the following vote:

Aye: 4 - Commisioner Ikezi, Chair Jain, Commissioner Saleme, and Commisioner Becker

Absent: 2 - Commissioner Kelly and Vice Chair Chahal

Chair Jain expressed concerns regarding traffic mitigation at protected intersections in San Jose.

A motion was made by Commisioner Ikezi and seconded by Commissioner Becker to adopt a resolution recommeding to the City Council approval of the Tentative Map.

The motion carried with the following vote:

Aye: 4 - Commissioner Ikezi, Chair Jain, Commissioner Saleme, and Commissioner Becker

Absent: 2 - Commissioner Kelly, and Vice Chair Chahal

PUBLIC PRESENTATIONS

There were no public presentations.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

Announcements/Other Items

Chair Jain noted that there is a large amount of upcoming Study Sessions and requested that Commissioners respond to staff in a timely manner on their availability for the sessions.

Planning Manager Reena Brilliot provided and reviewed a list of proposed upcoming Study Sessions. Commissioner Saleme suggested that these items be put on a shared calendar.

August 22 will be a Study Sesson of the Zoning Code, at 6 p.m.

It was noted that November 13 will be a joint dinner meeting with City Council.

Chair Jain requested that Public Presentations formally be moved to after Consent Items at future meetings.

Board or Committee Assignments

The next Architectural Committee meeting will take place on August 15.

Commissioner Travel and Training Reports, Requests to attend Trainings

Commissioner Becker will attend the APA Conference in October.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

Planning Commission Budget Updates

Chair Jain requested that budget updates be provided on an ongoing basis.

Upcoming Agenda Items

Planning Manager noted that Agrihood will be heard at the October 19, 2018 council meeting and will be highlighted at the September 18, 2018 Council Meeting.

Approved

City Council Actions

Planning Manager Reena Brilliot provided an update from the August 21 City Council meeting.

ADJOURNMENT:

The meeting adjourned at 10:30 p.m. The next regular scheduled meeting is on August 22, 2018 at 7:00 p.m. 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

18-1265

Agenda Date: 9/26/2018

SUBJECT

Planning Commission Minutes of August 22, 2018



City of Santa Clara

Meeting Minutes

Planning Commission

08/22/2018

6:00 PM

City Hall Council Chambers

6:00 PM STUDY SESSION

Confirmation of a Quorum

Announcement of a Study Session

[18-1056](#)

Study Session on the Zoning Code Comprehensive Update

Principal Planner John Davidson provided a presentation on the Zoning Code Update.

7:00 PM REGULAR MEETING CALL TO ORDER

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, Chair Sudhashu Jain, Commissioner Yuki Ikezi, Commissioner Anthony Becker, Commissioner Lance Saleme, Vice Chair Raj Chahal

DECLARATION OF COMMISSION PROCEDURES

Chair Jain read the Declaration of Commission Procedures

CONTINUANCES/EXCEPTIONS

None

CONSENT CALENDAR

- 1.A [18-960](#) Action on a Variance to Retain a One-car Garage Located at 723 Armanini Avenue

Recommendation: Approve the Variance to allow a 980 square foot rear addition to a single-family residence and retain an attached one-car garage, subject to conditions of approval

- [18-1077](#) Action on Parking Variance for the property located at 2919 Agate Drive

Recommendation: Adopt a Resolution approving a Variance to allow an addition of 295 square feet of residential floor area to an existing house which does not provide the required two covered parking spaces at 2919 Agate Drive, subject to conditions of approval.

A motion was made by Commissioner Becker and seconded by Commissioner Kelly to approve the Consent Calendar. The motion carried by the following vote:

**Aye: 6 - Chair Sudhanshu Jain, Commissioner Becker,
Commissioner Kelly, Vice Chair Chahal, Commissioner Saleme,
Commissioner Ikezi**

PUBLIC PRESENTATIONS

There were no public presentations.

PUBLIC HEARING

2. [18-708](#) Public Hearing: Action on Residential Townhouse Project at 1530-1540 Pomeroy Avenue

Recommendation: Alternatives 1, 2, and 3:

1. Adopt a resolution recommending to the City Council adoption of the Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program for the 1530 - 1540 Pomeroy Avenue Project;
2. Adopt a resolution recommending to the City Council approval of the rezoning from Agriculture (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD);
3. Adopt a resolution recommending to the City Council approval of the Tentative Subdivision Map to allow development of 8 townhouse units.

There were 7 public speakers

A petition was submitted by Lavelle Souza

A motion was made by Commissioner Kelly and seconded by Commissioner Ikezi to adopt a resolution recommending to the the City Council adoption of the Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program for the 1530 - 1540 Pomeroy Avenue Project.

Aye: 3 - Chair Sudhanshu Jain, Commissioner Ikezi, Commissioner Kelly

Nay: 3 - Commission Becker, Vice Chair Chahal, Commissioner Saleme

Motion fails

A motion was made by Commissioner Ikezi and seconded by Commissioner Kelly to Adopt a resolution recommending to the City Council approval of the rezoning from Agriculture (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD).

Aye: 3 - Chair Sudhanshu Jain, Commissioner Ikezi, Commissioner Kelly

Nay: 3 - Commission Becker, Vice Chair Chahal, Commissioner Saleme

Motion fails

A motion was made by Commissioner Ikezi and seconded by Commissioner Kelly to adopt a resolution recommending to the City Council approval of the Tentative Subdivision map to allow development to 8 townhouse units:

Aye: 3 - Chair Sudhanshu Jain, Commissioner Ikezi, Commissioner Kelly

Nay: 3 - Commission Becker, Vice Chair Chahal, Commissioner Saleme

Motion fails

A motion was made by Commissioner Kelly and seconded by Commissioner Ikezi to forward the project to Council with no recommendation.

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

Abstain: 1 - Vice Chair Chahal

Motion passes

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

3.A Announcements/Other Items

3.B Board or Committee Assignments

3.C Architectural Committee

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

Chair Jain attended the Silicon Valley Bike Summit at San Jose State University.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

4.A Planning Commission Budget Updates

A Budget Update was provided to the Commission.

4.B Upcoming Agenda Items

Planning Manager Reena Brilliot provided a list of upcoming Study Sessions.

4.C City Council Actions

Development Review Officer Gloria Sciara provided a summary of items from the City Council meeting of August 21, 2018.

ADJOURNMENT:

The meeting adjourned at 8:40 p.m. The next regular scheduled meeting is Wednesday, September 12, 2018.



Agenda Report

18-1143

Agenda Date: 9/26/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Action on Use Permit for ABC License Type 41 at 2047 El Camino Real

BACKGROUND

The applicant is requesting a Use Permit to allow the sale and service of beer and wine in an existing restaurant (Tay Ho). The existing restaurant occupies a 3,463 square foot tenant space with 78 seats in the El Camino Center, a multi-tenant shopping center at the northwest corner of El Camino Real and Scott Boulevard.

Tay Ho is a family-owned full service restaurant specializing in casual Vietnamese cuisine that offers dine in and take-out service. The restaurant is open daily from 10:30 a.m. to 9:00 p.m. and employs four to 10 persons per shift. The proposal does not include a change in the hours of operation nor does it propose live entertainment, amplified music, or alterations to the interior or exterior tenant space. Alcohol sales for on-site consumption are proposed daily during food service hours.

Surrounding Land Uses

The El Camino Center is located on a 6.43 acre parcel that contains a mix of commercial uses (e.g. restaurants, Fed-Ex office, grocery store) within a 59,152 square multi-tenant building, a gas station, expansive surface parking lot and perimeter landscaping. The property is bordered by Bray Avenue and single family homes to the north; Scott Boulevard, commercial uses and townhome residences to the east; El Camino Real and a commercial shopping center (Santa Clara Town Centre) to the south; and retail uses to the west.

DISCUSSION

The primary issues for the project are consistency with the City's General Plan and Zoning Code.

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, including regional shopping centers, gas stations and restaurants are allowed. The proposed project is 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.
- 5.3.3-P5, Encourage public amenities and active uses in commercial centers and along commercial corridors.

Zoning Conformance

The zoning designation for the subject property is Community Commercial (CC). This designation is intended to encourage organized concentration of a wide variety of retail goods and services for the community. While this designation allows restaurants as a permitted use, it requires approval of a Use Permit to allow the sale and service of alcoholic beverages on-site as specified in Section 18.36.040 of the Santa Clara City Code (SCCC).

Per SCCC Chapter 18.110, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on the health, safety, peace, comfort and general welfare, based upon substantial evidence in the record.

Use Permit Findings

The applicant is requesting a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing restaurant. The applicant has provided a letter of justification to support the Use Permit request and is attached to this staff report. Use Permit findings are prepared and presented in the attached Planning Commission Resolution.

Circulation and Parking

The El Camino Center is accessed from driveways along El Camino Real, Scott Boulevard and Bray Avenue. A large surface parking lot surrounds the multi-tenant building and gas station on the project site that provides a total of 325 unassigned parking spaces that are shared among the commercial tenants and 2 parking spaces assigned to the gas station, for a total of 327 parking spaces on-site. The parking requirement for the Center is 305 parking spaces, including gas station and has a parking surplus of 22 parking spaces.

The existing restaurant has 78 seats and a parking requirement of 26 spaces that is accommodated through the parking allocation for restaurant uses per SCCC 18.74 and the surplus of shared parking spaces on-site.

Conclusion

The proposal is consistent with the General Plan and zoning designations for the subject property. The proposed on-site sale and service of beer and wine is an ancillary activity to the permitted restaurant use that would meet customer needs and convenience, enhance a quality commercial use and dining experience, and draw local and regional patronage to the restaurant.

ENVIRONMENTAL REVIEW

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 inside an existing building involving negligible or no expansion of an existing use.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense which are offset by permit application fees.

COORDINATION

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

PUBLIC CONTACT

Public notice was posted within 300 feet of the project site and mailed to property owners within 300 feet of the project site.

RECOMMENDATION

Adopt a Resolution approving a Use Permit for the sale and service of beer and wine (ABC License Type 41) in an existing restaurant (Tay Ho), subject to conditions.

Reviewed by: Reena Brilliot, Planning Manager

Approved by: Andrew Crabtree, Director of Community Development

ATTACHMENTS

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

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 AND WINE (ABC LICENSE TYPE 41) IN AN EXISTING RESTAURANT LOCATED AT 2047 EL CAMINO REAL, SANTA CLARA, CA

PLN2018-13370 (Use Permit)

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

WHEREAS, on June 29, 2018, David Pham, Tay Ho Restaurant (“Applicant”) applied for a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing 3,463 square foot restaurant, located at 2047 El Camino Real, within the multi-tenant El Camino Center (“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 in conjunction with food service within the 3,463 square foot restaurant occupying a commercial tenant space in the existing El Camino Center, 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, the required parking spaces is 26 spaces based on the 78 seats provided in the Tay Ho Restaurant. The leasing space is located within the El Camino Center Mall which has a surplus of parking spaces to accommodate existing uses on-site.

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 restaurants that serve alcoholic beverages are conditionally permitted in the Community Commercial (CC) 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 September 14, 2018, the notice of public hearing for the September 26, 2018 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 September 26, 2018, 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 an existing 3,463 square foot restaurant with 78 seats is consistent with the commercial uses contemplated in the El Camino Center.
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 beer and wine with restaurant dining in an existing restaurant 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 an existing commercial tenant space within an established shopping center 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 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 commercial 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 PLN2018-13370 to allow on-site sale and service of beer and wine (ABC License Type 41) in an existing restaurant,

located at 2047 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 26TH DAY OF SEPTEMBER, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

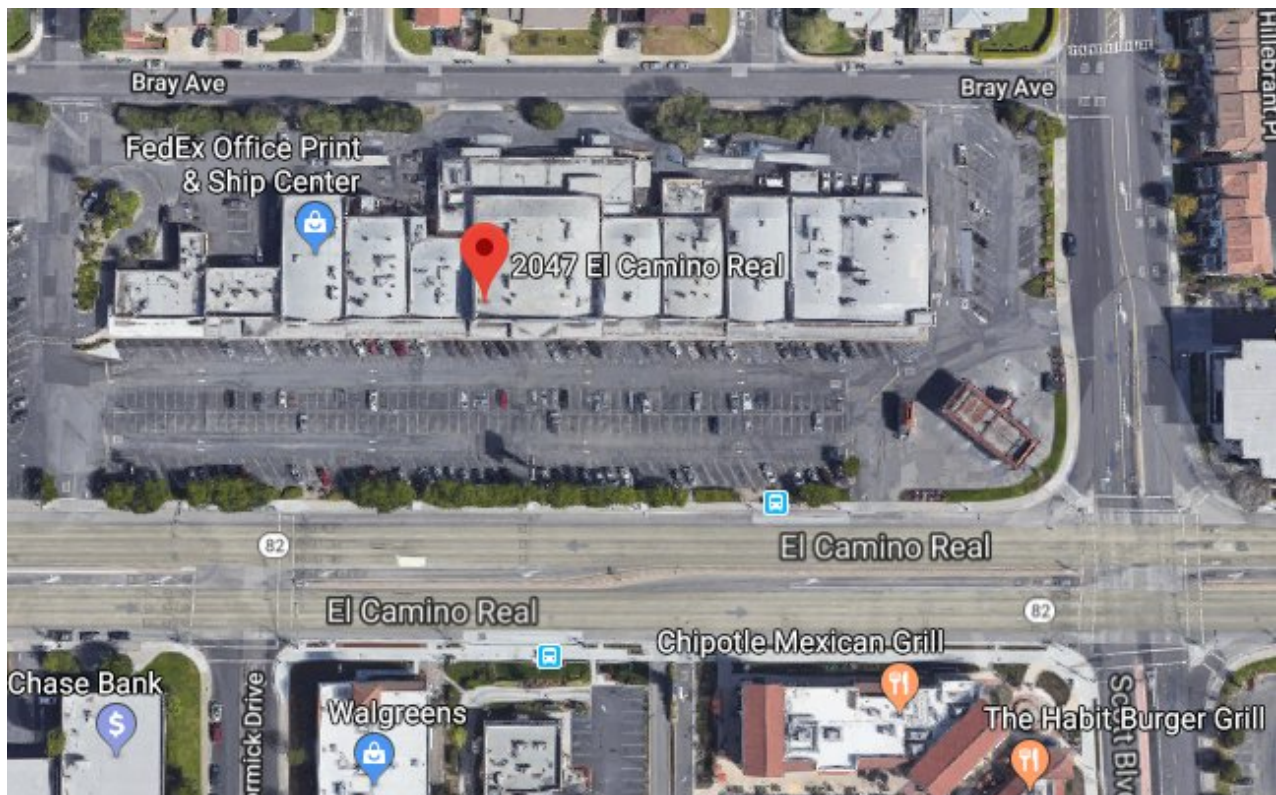
Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval

I:\PLANNING\2018\Project Files Active\PLN2018-13370 2047 El Camino Real\PC\Resolution Approving the Use Permit.doc

Project Data

File: PLN2018-13370
Location: 2047 El Camino Real, a 3,463 square foot tenant space within an existing 59,152 square foot commercial building on a 6.43 acre parcel located at the northwest corner of El Camino Real and Scott Boulevard; APN: 224-15-037, the property is zoned Community Commercial
Applicant: David Pham
Owner: El Camino Shopping Center, LLC
CEQA Determination: Categorical Exemption per Section 15301, Existing Facilities
Project Planner: Debby Fernandez, Associate Planner



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 are served.
- C5. The hours of operation shall be limited to the hours of 10:30 a.m. to 9:00 p.m. every day.
- C6. On-site consumption of alcohol shall be limited to within the restaurant.
- C7. The Planning Commission shall review this Use Permit PLN2018-13227 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.
- C8. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C9. The business shall undergo a 6 month and 1 year review by the City of Santa Clara, including a check for ABC violations and police service calls.

STREETS

- E1. 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.
- E2. Interior floor drains shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.

Project Description

Tay Ho Restaraunt

2047 El Camino Real, Santa Clara, CA 95050

Proposed Use: Serve beer and wine for on-site consumption (ABC Type 41License) within a restaurant specializing in casual Vietnamese cuisine. Our main dining area is centralized and hold a maximum capacity of seventy one(71) guests.

ENTERTAINMENT.

Hours of Operations:

Monday to Sunday: 10:30 am to 9:00pm

Dine-In and Take Out Ratios: 90% Dine-In/10% Take Out

Average Dine-In Time: 45 minutes

Number of Employees: 4 to 10 per shift.

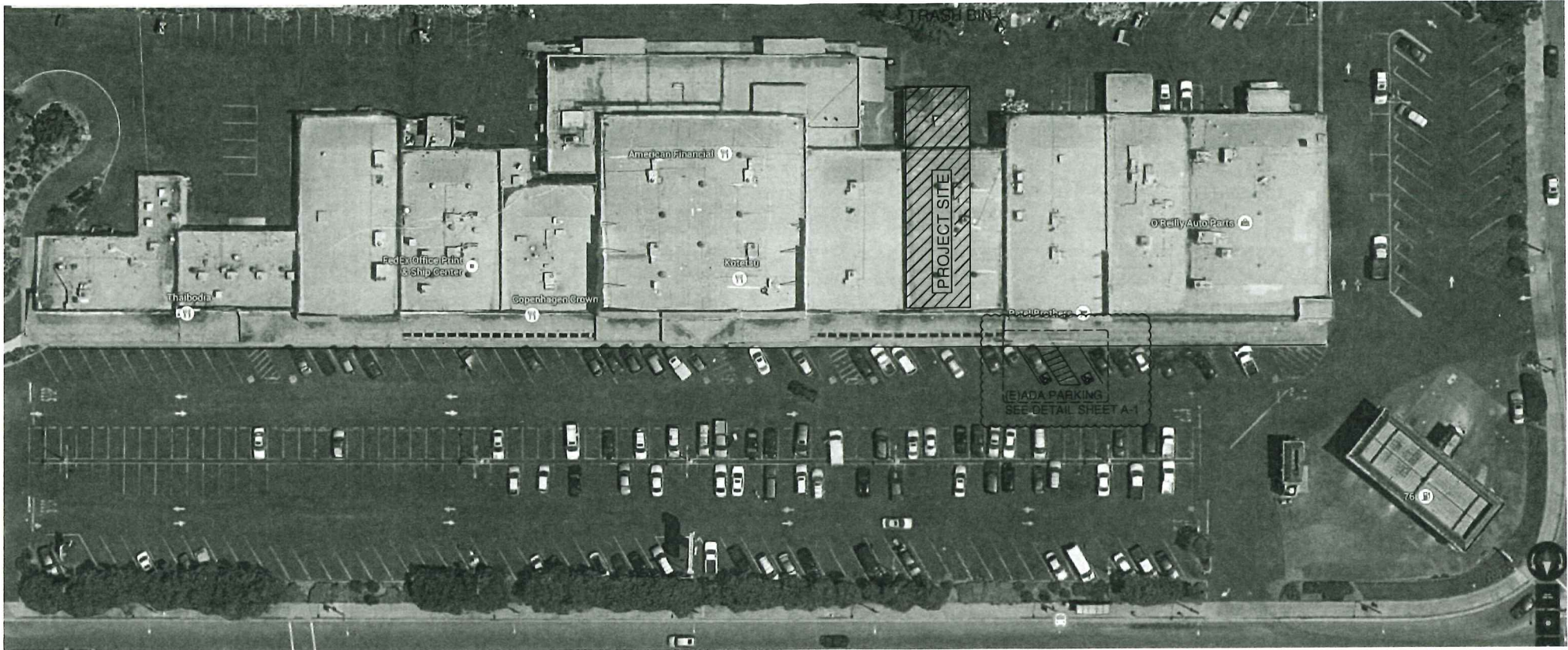
Employee Training: The management and staff will take an ABC approved alcohol service training program within 30 days of their first day of employment.

Beer and Wine Service: Beer and wine are ordered at the dining table upon showing proper identification and is poured into a cup and only handed to the patron that has showed the proper identification. Only one drink is served at a time to a person with valid identification.

About Tay Ho Restaurant

Tay Ho is a full service casual dining of variety Vietnamese cuisine. We offer full dining service in our main dining room only. We currently have three (3) locations statewide, San Jose, Sacramento, and Santa Clara. We are a family owned and operated business operating since 2000, starting with our first location in San Jose, CA. Our goal was to create a unique casual Vietnamese dining establishment serving a variety of affordable, quality, and authentic Vietnamese cuisines. Over the last eighteen (18) years Tay Ho has built a well-known reputation for providing the most variety, while providing an authentic taste of Vietnamese cuisine. All our restaurants have similar menus, recipes, and price points, making all experiences at any Tay Ho unique and amazing.

All Tay Ho locations are managed by family. Our management team also consists of Head Chefs, Lead Supervisors, and front of the house managers. We currently employ a perfect mix of career professional in the food industry along with students (Santa Clara Univ) for part time employment.



YOUNG H. TRAN, P.E.
2047 EL CAMINO REAL
SANTA CLARA, CA 95051
650.518.1168
YOUNG_H_TRAN@YHCO.COM

PER CITY COMMENTS
DATED JUNE 11, 2015



TAY HO RESTAURANT 2047 EL CAMINO REAL SANTA CLARA, CA



VICINITY MAP
SCALE: NTS

PROJECT INFORMATION:

ADDRESS: 2047 EL CAMINO REAL
UNITS AREA: 3,463 S.F.
PREVIOUS USE: RETAIL
PROPOSED USE: RESTAURANT
OCCUPANCY GROUP: A-2
OCCUPANCY LOAD: 79
SPRINKLER SYSTEM: NO
(E) BUILDING CONST. TYPE III-B

SCOPE OF WORK: TENANT IMPROVEMENT INCLUDING: INSTALL PLUMBING FOR NEW SINKS, HOT WATER HEATER, FLOOR DRAIN AND FLOOR SINKS; INSTALL NEW NON-BEARING WALL; NEW ELECTRICAL OUTLETS; NEW LIGHTING AND MECHANICAL DUCT WORK. EXISTING ROOF TOP MECHANICAL UNITS TO REMAIN.

SHEET INDEX:

A-0 COVER SHEET/SITE PLAN
A-0.1 EXIT PLAN
A-1 ADA DETAILS
A-2 FLOOR PLAN
A-3 EQUIPMENT STRUCTURAL PLAN
A-4 STRUCTURAL DETAILS
P-1 PLUMBING PLAN
P-2 PLUMBING DETAILS
E-1 ELECTRICAL PLAN
E-2 ELECTRICAL PLAN
T-24L LIGHTING TITLE 24
M-1 MECHANICAL PLAN
M-2 MECHANICAL PLAN
T-24M MECHANICAL TITLE 24

CAPTIVE AIRE HOOD PLANS

FIRE SPRINKLER SYSTEM FOR TENANT SPACE AND HOOD FIRE EXTINGUISHER TO BE SUBMITTED BY LICENCED C-16 CONTRACTOR.

FIRE EXIT OCCUPANT LOAD:

1. DINING AREA:	FIXED SEATS	=51 PERSONS
2. WAITING AREA:	300/15	=20 PERSONS
3. PREP AREA:	148/100	=2 PERSONS
4. KITCHEN:	1200/200	=6 PERSONS
		=79 PERSONS TOTAL

PLUMBING FIXTURE COUNT OCCUPANT LOAD:

1. DINING AREA:	900S.F./30	=30 PERSONS
2. WAITING AREA:	300S.F./30	=10 PERSON
3. PREP AREA:	148/100	=2 PERSONS
4. KITCHEN:	1200/200	=6 PERSONS
		=48 PERSONS TOTAL

MINIMUM PLUMBING FACILITY REQUIRED:

1 WOMEN W.C. REQUIRED	1 PROVIDED
1 MEN W.C. REQUIRED	1 PROVIDED
1 URINAL REQUIRED	1 PROVIDED

RECEIVED
JUL 12 2018
PLANNING DIVISION

TAY HO RESTAURANT
2047 EL CAMINO REAL
SANTA CLARA, CA 95051

COVER SHEET
SITE PLAN

DESIGN BY: YHT

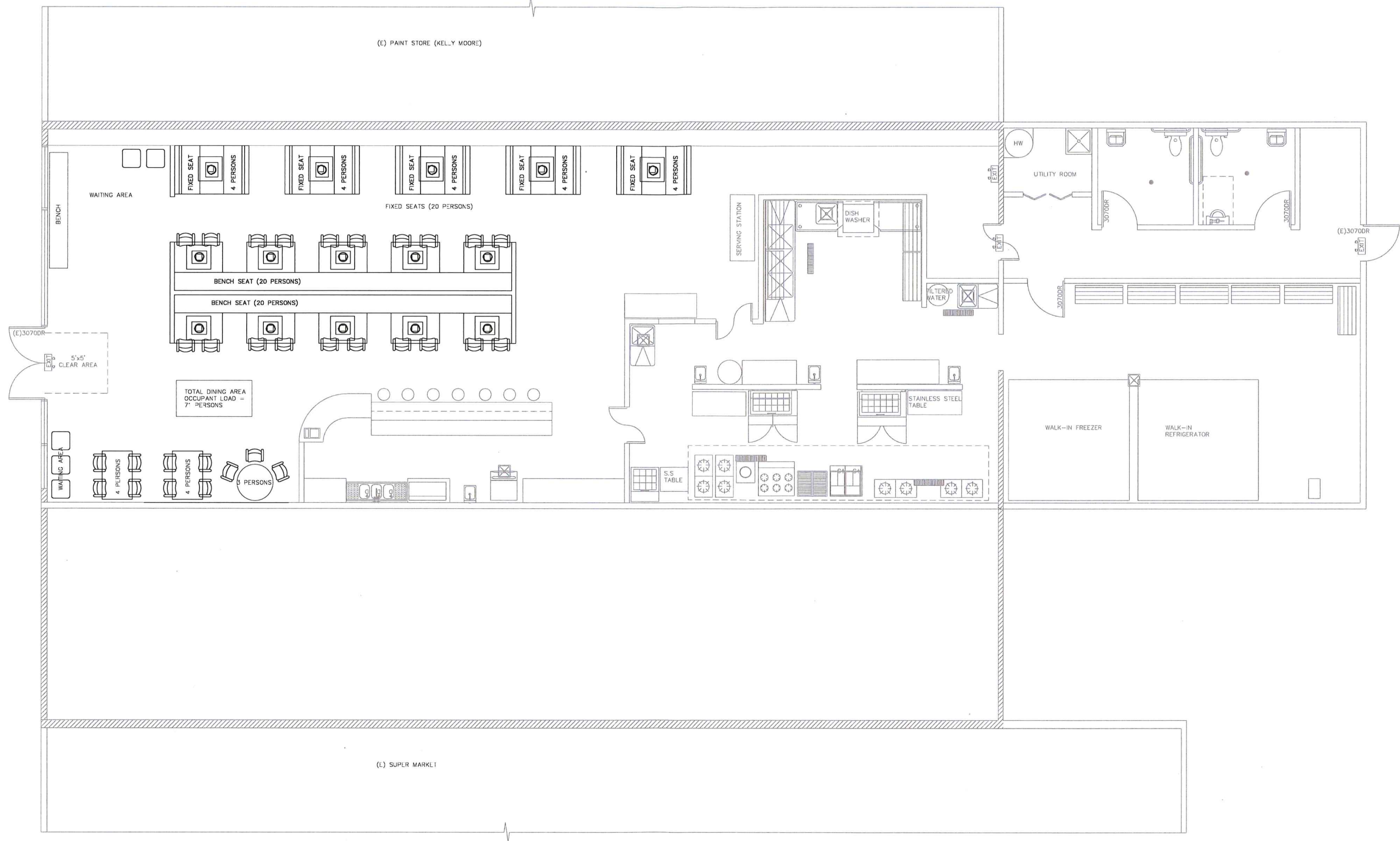
DRWN BY: YHT

CHECKED BY: YHT

DATE: June 22, 2015

SCALE: NTS

A-0



SEATING PLAN
SCALE: $\frac{1}{4}"=1'$

YOUNG H. TRAN, P.E.
2557 ANETHYST DRIVE
SANTA CLARA, CA 95051
TEL: 408.811.1155
YOUNG_H_TRAN@YAHOO.COM



TAY HO RESTAURANT
2047 EL CAMINO REAL
SANTA CLARA, CA 95051

SEATING
PLAN

DESIGN BY: YHT

DRWN BY: YHT

CHECKED BY: YHT

DATE: JULY 12, 2018

SCALE: NTS



Agenda Report

18-1206

Agenda Date: 9/26/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Action on a Variance to Allow an Addition to a Single Family Residence with a Non-Conforming Garage at 741 Enright Avenue

BACKGROUND

On July 12, 2018, Jie Wei filed an application for a variance to construct an 809 square foot front and rear addition to an existing single-family home and retain an attached one-car garage. The project requires a variance to allow the existing non-conforming one-car garage where two covered parking spaces are required for a single-family addition with 500 square feet or more.

The subject site is located in a tract home neighborhood that was originally constructed with one-car garages. Many of the homes in this neighborhood have requested variances to retain a one car garage for house additions of 500 square feet or more.

DISCUSSION

The project proposes an 809 square feet addition to an existing 836 square foot single-story residence with two bedrooms, one bathroom, and a 220 square foot attached one-car garage. The proposal would result in a 1,865 square foot single-story home with three bedrooms, three bathrooms, and an attached one-car garage.

The minimum required driveway access to a garage per SCCC Section 18.74.050(a)(2) is ten feet in width with one foot of landscaping on each side. The required minimum lot width in the R1-6L zone is 60 feet and the subject property has 50 feet with a five foot setback from the existing garage. The substandard 50 foot width of the lot and the existing layout of the home would require a significant demolition of the existing structure to accommodate the required dimension for a covered parking space of 20 feet depth by 20 feet width.

Prior to 2014, the City's General Plan included a policy that additions not exceeding 500 square feet (and less than 4 bedrooms) could be constructed without having to meet the Zoning Code parking requirements. As this Policy is not currently in the General Plan and further because the proposed addition would exceed 500 square feet, the proposal is subject to the parking requirements of the Zoning Code, unless a variance is granted by the Planning Commission.

Zoning:

The proposed project does not comply with the R1-6L parking requirement for the attached garage per SCCC Section 18.12.120(a) and 18.74.010(b)(1). Pursuant to SCCC Section 18.108.010, where practical difficulties, unnecessary hardships, and effects, inconsistent with the general purposes of the Zoning Code may result from the strict application of certain provisions, variances may be granted. The location of the house on the 50 foot wide substandard lot and the existing house

configuration preclude the construction of a detached garage in the rear yard or expansion of the existing garage. For these reasons and the findings in the Resolution attached to this staff report, there is sufficient evidence to support the Variance request.

Conclusion:

The proposed Variance would allow the property owner to reasonably use the property without incurring the substantial burden of reconstructing the house to accommodate a two-car garage. The single-family zoning district requires two covered parking spaces for a single-family dwelling, but the owner's intent is to optimize the use of the property and meet personal family needs. Requiring two-covered parking spaces on this property with the existing 836 square foot house could create practical difficulties, unnecessary hardships, and effects for the applicant, since substantial demolition and renovation would be required. The proposal is consistent with the intent of the Variance ordinance. The design of the garage is consistent with the type and location of covered parking in the surrounding neighborhood. On-site parking is also provided with the paved driveway in front of the garage. Approval of the proposal would allow the property owners to submit the requisite plans to the City to obtain building permits.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301(e)(2), additions to existing facilities. The project would make an addition to an existing structure of less than 10,000 square feet, the project is located in an area where all public services and facilities are available, and the area where the Project is located is not environmentally sensitive.

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 September 14, 2018, a notice of public hearing of this item was posted in at least 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 during the preparation of this report.

RECOMMENDATION

Approve the Variance to allow a 809 square foot front and rear addition to a single-family residence and retain an attached one-car garage, in lieu of two-covered parking spaces as required by the zoning code.

Prepared by: Steve Le, Assistant Planner I

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

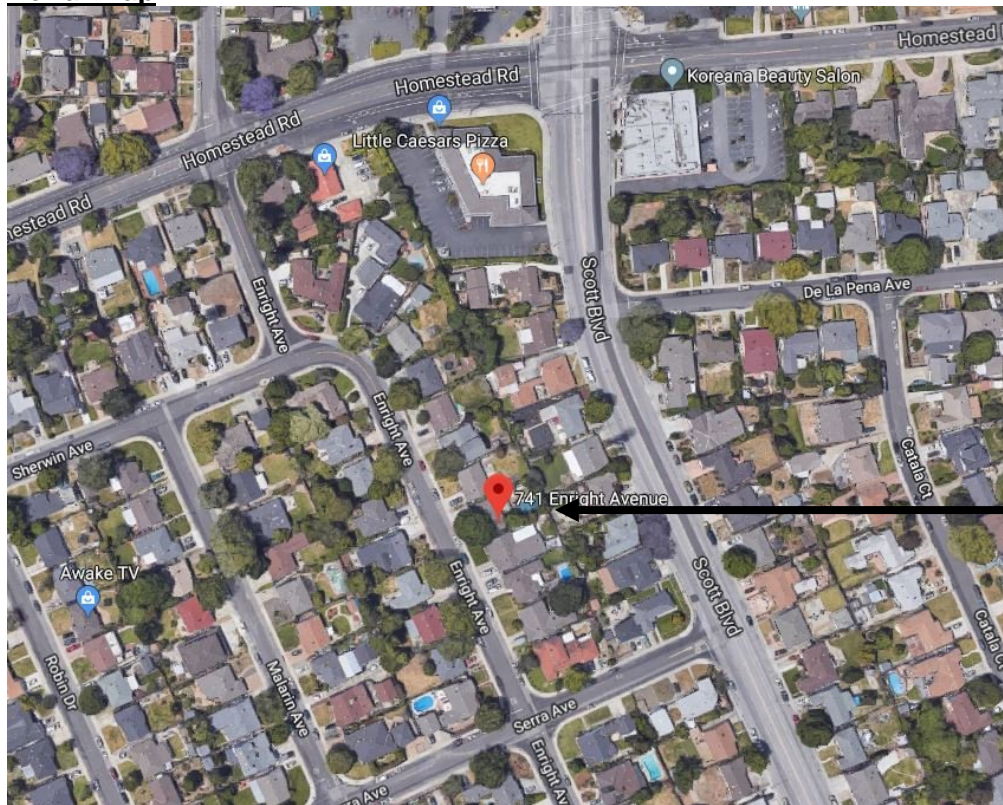
1. Project Data
2. Development Plans
3. Conditions of Approval
4. Resolution Approving a Variance

Project Data

File: PLN2018-13407
Location: 741 Enright Avenue, a 5,500 square foot property located at the east of Enright Avenue, APN: 294-17-043; property is zoned Single Family (R1-6L)
Applicant: Jie Wei
Owner: Jie Wei
Request: Variance to construct an 809 square foot rear addition to an existing single-family home and retain an attached one-car garage
CEQA Determination: Categorically Exempt per CEQA Section 15303, New Construction or Conversion of Small Structures
Project Planner: Steve Le, Assistant Planner I
Recommendation: Approve, subject to conditions.

	Existing	Proposed
General Plan Designation	Very Low Density Residential	Same
Zoning District	Single Family - R1-6L	Same
Lot Size	5,500 sf.	Same
Land Use	Single-family home	Same
Stories / Total Height	One-story	same
Lot Coverage	19.2% (1,056sf)	34% (1,865sf)
Parking	Single-car garage	Same

Aerial Map



Project Site

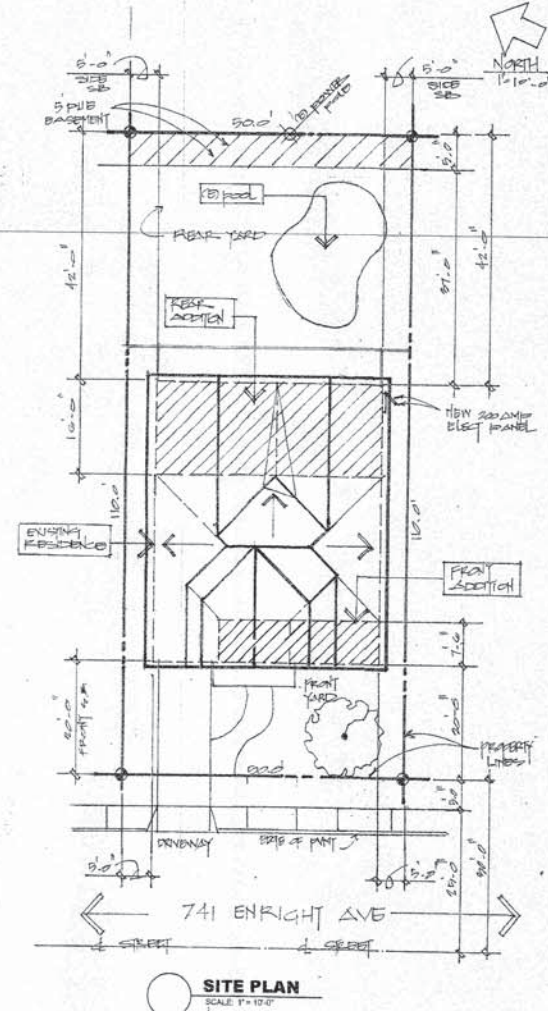


SHEET INDEX		
NO.	DATE	DESCRIPTION
1.	2/28/2015	SITE PLAN
2.	2/28/2015	ELEVATIONS
3.	2/28/2015	EXISTING FLOOR PLAN
4.	2/28/2015	PROPOSED FLOOR PLAN
5.	2/28/2015	CONCEPTUAL FOUNDATION PLAN
6.	2/28/2015	CONCEPTUAL ROOF PLAN
7.	2/28/2015	DETAIL SHEET
GR-1		CALGREEN MANDATORY
T-34		TITLE - 24
T-34		TITLE - 24

GENERAL NOTES	
1. THIS PROJECT SHALL COMPLY WITH THE FOLLOWING BUILDING CODES:	
2015 CALIFORNIA BUILDING CODE	2015 CALIFORNIA PLUMBING CODE
2015 CALIFORNIA ELECTRICAL CODE	2015 CALIFORNIA ENERGY CODE
2015 CALIFORNIA MECHANICAL CODE	2015 CALIFORNIA HISTORICAL BUILDING CODE
2015 CALIFORNIA MECHANICAL CODE	2015 CALIFORNIA HISTORICAL BUILDING CODE
CITY OF SANTA CLARA ALSO ENFORCES THE FOLLOWING CODE AMENDMENTS ADOPTED BY THE CITY COUNCIL:	
1997 UNIFORM ADMINISTRATIVE CODE	
1997 UNIFORM HOUSING CODE	
1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS	
AND ALL STATE OF CALIFORNIA CITY COUNTY AND MUNICIPAL CODES	
2. INTERPRETATION OF DRAWINGS FOR AMBIGUOUSITY OF FLOORS, GENERAL FINISH AND REQUIREMENTS, REFERENCES HEREIN SHALL BE TO THE DRAWINGS. SHOULD ANY DIFFERENCES APPEAR BETWEEN THE SCALE MEASUREMENT AND FIGURES OR BETWEEN FIGURES OF DIMENSIONS AND LETTERING DIMENSIONS, THE DIMENSIONS SHALL IN ALL CASES TAKE PRECEDENCE. IF ANY DISCREPANCY IS NOT ELIMINATED BY REFERENCE TO THE DRAWINGS OR SPECIFICATIONS, THE CONTRACTOR SHALL REPORT THIS TO THE ARCHITECT. DIMENSIONS OF CONSTRUCTION SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.	
3. ERRORS AND OMISSIONS IN THE EVENT THAT AN ALIEN ENGINEER OR ARCHITECT MAY EXIST ON THE PLAN, IT SHALL BE THE RESPONSIBILITY OF THE DESIGNER OR CONTRACTOR TO NOTIFY THE DESIGNER OR ARCHITECT OF THE SAME. THE DESIGNER OR ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT. FAILURE TO DO SO WILL RELIEVE DESIGNER OF RESPONSIBILITY.	

PROJECT INFORMATION	
THIS PROJECT SHALL COMPLY WITH THE FOLLOWING BUILDING CODES:	
2015 CALIFORNIA BUILDING CODE	2015 CALIFORNIA PLUMBING CODE
2015 CALIFORNIA ELECTRICAL CODE	2015 CALIFORNIA ENERGY CODE
2015 CALIFORNIA MECHANICAL CODE	2015 CALIFORNIA HISTORICAL BUILDING CODE
2015 CALIFORNIA MECHANICAL CODE	2015 CALIFORNIA HISTORICAL BUILDING CODE
CITY OF SANTA CLARA ALSO ENFORCES THE FOLLOWING CODE AMENDMENTS ADOPTED BY THE CITY COUNCIL:	
1997 UNIFORM ADMINISTRATIVE CODE	
1997 UNIFORM HOUSING CODE	
1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS	
RESOLUTION 17-1473 (BUILDING PERMIT FEE)	
RESOLUTION 17-1473 AND ORDINANCE 1658 (AMENDMENTS TO UNIFORM ADMINISTRATIVE CODE, UNIFORM HOUSING CODE AND UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS)	
(AND ALL STATE OF CALIFORNIA CITY COUNTY AND MUNICIPAL CODES)	
PROJECT PROPOSAL	
1. PROPOSED REAR BEDROOM, FAMILY ROOM & KITCHEN ADDITION	3. NEW ELECTRICAL THROUGHOUT
2. PROPOSED NEW FRONT BEDROOM & LIVING ROOM EXTENSION AND COVER PORCH	
PROJ. LOC./OWNER	PROPERTY INFORMATION
JIE WEI & JIABIN ZHANG 741 ENRIGHT AVENUE SANTA CLARA, CA 95050 PH: (217) 979-8591	A) PARCEL NUMBER 294 - 17 - 043 B) ZONING DISTRICT R-1-GL (SPR) C) LOT SIZE 5,800 S.F. D) GENERAL PLAN VERY LOW DENSITY RESIDENTIAL
PARKING REQ'D 2 MINIMUM PROVIDED	
CSC 2016 / CONSTRUCTION INFORMATION	
A) CONSTRUCTION TYPE VB	C) YEAR BUILT 1950
B) NUMBER OF STORIES 1	D) OCCUPANCY GROUP R-3/U
BUILDING SQ. FTG./LOT COVERAGE/FLOOR AREA RATIO (FAR)	
1) (E) RESIDENCE 836 S.F.	
2) (E) 1 CAR GARAGE 220 S.F.	
3) FRONT ADDITION 160 S.F.	
4) REAR ADDITION 640 S.F.	
A) MAX. FAR N/A	A) MAX. LOT COVERAGE 40% OR 2,320 S.F.
B) ACT. FAR N/A	B) ACT. LOT COVERAGE 34% OR 1,965 S.F.

SCOPE OF WORK
A) PROPOSED REAR BEDROOM, FAMILY ROOM & KITCHEN ADDITION
B) PROPOSED NEW FRONT BEDROOM & LIVING ROOM EXTENSION AND COVER PORCH
C) NEW ELECTRICAL THROUGHOUT



REVISIONS	
DATE:	
Professional Design Consultants 2025 Professional Seal, Santa Clara, CA 95050 (408) 244-5000	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> ARCHITURE DESIGNS </div>	
OWNER: JIE WEI & JIABIN ZHANG 741 ENRIGHT AVENUE SANTA CLARA, CA 95050 PHONE: (217) 979-8591	
PROPOSED REAR AND FRONT ADDITIONS	
DATE: 4-20-18	
SCALE: 1" = 10'-0"	
DRAWN:	
JOB:	
<div style="font-size: 2em; font-weight: bold;">1</div>	

GENERAL EXTERIOR NOTES

1. ASPHALT SHINGLES SHALL BE INSTALLED OVER ONE LAYER OF 15 POUND FELT OR ROOFING WITH A MIN SLOPE OF 3:12. ASPHALT SHINGLES MAY BE INSTALLED ON ROOFS WITH A MIN SLOPE OF 1:12 PROVIDED THE SHINGLES ARE APPROVED SELF SEALING OR ARE HAND SEALED AND THE UNDER LAYMENT SHALL CONSIST OF 2 LAYERS OF 15 POUND FELT. INSTALLED SHINGLE FASHION MAY VARY ON A SHINGLE ROOF SHALL NOT EXCEED 3
2. ALL NUMBERED VENTS TO BE A MINIMUM 12" FEET AWAY FROM OR AT LEAST 3 FEET ABOVE ANY OPENABLE SIGHTLIGHTS PER UPC B303.
3. SITE ADDRESS NUMBERS... BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS. BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ON ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS OF ALPHABETICAL LETTERS NUMBERS SHALL BE A MINIMUM OF 4" (102 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 1/2" (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING ADDRESS CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT POLE OR OTHER SIGN MEANS SHALL BE USED TO DISPLAY THE STRUCTURE.

EXTERIOR WEATHER PROTECTION NOTES

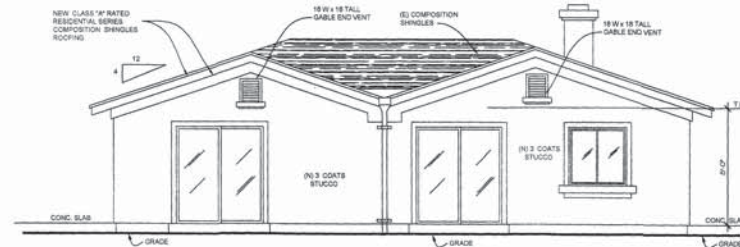
1. STUCCO OR SHEATING OF ALL EXTERIOR WALLS SHALL BE WEATHER PROTECTED WITH 15 POUND ASPHALT SATURATED FELT OR OTHER APPROVED WATERPROOF PAPER. STUCCO PAPER SHALL BE APPLIED IN WEATHER BOARD FASHION, LAPPED NOT LESS THAN 2" AT VERTICAL JOINTS AND NOT LESS THAN 6" AT VERTICAL JOINTS.
2. WHERE STUCCO IS APPLIED OVER EXTERIOR SHEATING THERE SHALL BE TWO LAYERS OF GRADE "C" BUILDING PAPER. BUILDING PAPER MAY BE OMITTED IN THE FOLLOWING...
 - A. WHERE THERE IS NO MAJOR DISCONTINUITY
 - B. WHERE EXTERIOR COVERING IS OF APPROVED W.P. MATERIAL OVER WATER RESISTANT SHEATING
 - C. WHERE EXTERIOR COVERING IS APPROVED W.P. PANELS
3. STUCCO SHALL BE 7/8" THICK AND THREE COATS APPLIED OVER APPROVED W.P. LATH AND TWO LAYERS OF GRADE "C" BUILDING PAPER. PROVIDE VENT CHASES
4. STUCCO SHALL BE APPLIED OVER ONE LAYER OF GRADE "C" BUILDING PAPER
5. PROVIDE A SPARK ARRESTOR FOR ANY NEW OR EXISTING CHIMNEY

GENERAL NOTES

1. PLANS TO COMPLY WITH CONVENTIONAL CONSTRUCTION PROVISIONS AS STATED IN 2018 CALIFORNIA RESIDENTIAL, BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND ENERGY CODES AS AMENDED BY STATE OF CALIFORNIA AND ALL CITY & MUNICIPAL CODES (PROJECT LOCATED TO SPECIFY RESIDENTIAL DESIGN CATEGORY E)
2. INTERPRETATION OF DRAWINGS FOR ARRANGEMENT OF FLOORS, GENERAL FINISH AND MEASUREMENTS. REFERENCE MUST BE MADE TO THE DRAWINGS. SHOULD ANY DISCREPANCY APPEAR BETWEEN SCALE MEASUREMENT AND DIMENSIONS OR BETWEEN DIMENSIONS OF DIMENSIONS AND LETTERING IN DRAWINGS, THE DIMENSIONS SHALL IN ALL CASES TAKE PRECEDENCE. IF ANY ERROR THAT IS NOT EXPLAINED OTHER BY REFERENCE TO THE DRAWINGS CONTRACTOR TO INQUIRE QUANTITIES DESIGNER, FOR CORRECTION BEFORE PROCEEDING WITH THE WORK. CONTRACTOR IS NOT TO SCALE DRAWINGS.
3. FINISHES AND DIMENSIONS. IN THE EVENT THAT AN ALIEN ERROR OR OMISSION MAY EXIST ON THE PLAN IT SHALL BE THE RESPONSIBILITY OF THE OWNER OR CONTRACTOR TO NOTIFY THE DESIGNER. CHARTERMAN PRICE TO THE COMMENCEMENT OF WORK. FAILURE TO DO SO WILL RELIEVE DESIGNER OF RESPONSIBILITY.
4. SITE PLAN LAYOUT: IN THE EVENT THERE MAY BE DISCREPANCIES BETWEEN THE DIMENSIONS ON THE SITE PLAN AND THE ACTUAL DIMENSIONS OF THE LOT AND ITS SUBDIVISION, IT SHALL BE THE OWNER'S RESPONSIBILITY TO PROVIDE A LEGAL SURVEY TO CONFIRM THE ACCURACY OF THE PROPERTY SIZE AND LAYOUT. ALL SITE PLANS AND DRAWINGS ARE FOR REFERENCE AND SHOULD NOT BE LOOKED UPON AS AN OFFICIAL DOCUMENT.

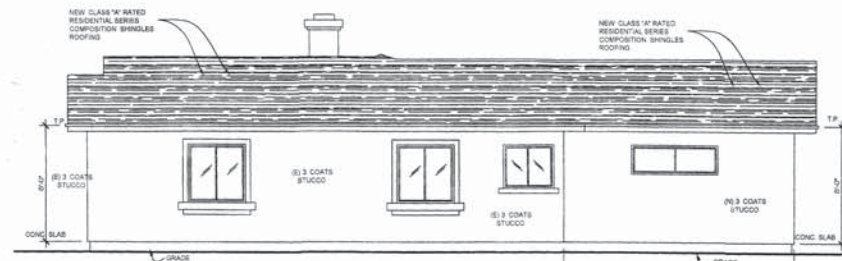
EXTERIOR BUILDING NOTES

1. CLEARANCE BETWEEN WOOD SCANS, FRAMING MEMBERS, INCLUDING SHEATHING, AND GUTTERS ON THE EXTERIOR OF A BUILDING SHALL NOT BE LESS THAN 1/2" OR LESS THAN 2" MEASURED VERTICALLY FROM
2. WHERE ROOF GUTTERS ARE INSTALLED, THE DOWN SPOUTS SHALL BE PROPERLY TERMINATED WITH A SPRAY NOZZLE AND SHALL CARRY WATER AWAY FROM THE FOUNDATIONS PER CITY ORDINANCE. INDICATE CLARIFY IF THERE ARE NEW GUTTERS AT NEW ADDITION



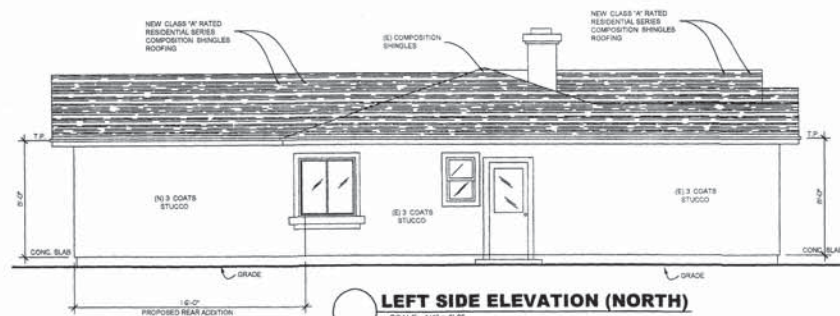
REAR ELEVATION (EAST)

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



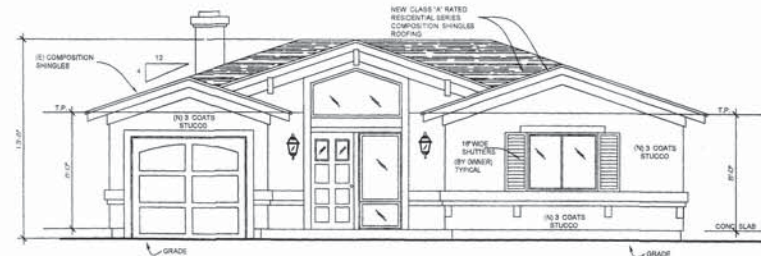
RIGHT SIDE ELEVATION (SOUTH)

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



LEFT SIDE ELEVATION (NORTH)

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



FRONT ELEVATION (WEST)

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

REVISIONS

DATE:

Professional Design Consultants
3333 Montgomery Ave. #1 San Jose, CA 95128
(408) 294-7500



OWNER
JIE WEI & JIABIN ZHANG
741 ENRIGHT AVENUE
SANTA CLARA, CA 95050
PHONE: (317) 970-8591

PROPOSED REAR AND FRONT
ADDITIONS

DATE: 4-27-2018

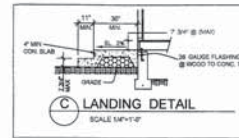
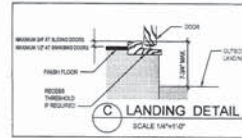
SCALE: 1/4" = 1'-0"

DRAWN:

JOB:

2

OF SHEETS



ELECTRICAL/ MECHANICAL LEGEND	
EXISTING WALLS	CHIME
NEW WALLS	DOORBELL PUSHBUTTON
WALLS TO BE REMOVED	COMB. EXHAUST & LIGHT FAN
CLOSE WALLS	ELECT. FAN
GROUND RECEPTABLE OUTLET	HEAT LAMP
GRAND FAULT INTERRUPT CIRCUIT	HEATER REGIST.
400V AC OUTLET W/REGROUND	CEILING AIR REGISTER
400V AC RECEPTABLE	WATER HEATER
320V RECEPTABLE OUTLET	FURNACE
RECESSED CEILING LIGHT	HOT WATER
HIGH EFFICIENCY LIGHT	CARBON MONOXIDE ALARMS
WALL LIGHT	INTERCOM
WATERPROOF WALL LIGHT FIXTURE	ELECT. METER & MAIN PANEL
FLUORESCENT LIGHT	ELECTRICAL SUB-PANEL
SMALL FLUORESCENT FIXTURE	RECESSED LIGHT
SPOTLIGHT	DISPOSAL
WALL SWITCH	CONCRETE
THREE-WAY SWITCH	STUCCO
FOUR-WAY SWITCH	EXISTING
SMOKE DETECTOR	P.B. HORIZONTAL SLIDER
TELEPHONE OUTLET	B.H. SHIELD HANG
TV CABLE OUTLET	FIX. FIXED GLASS

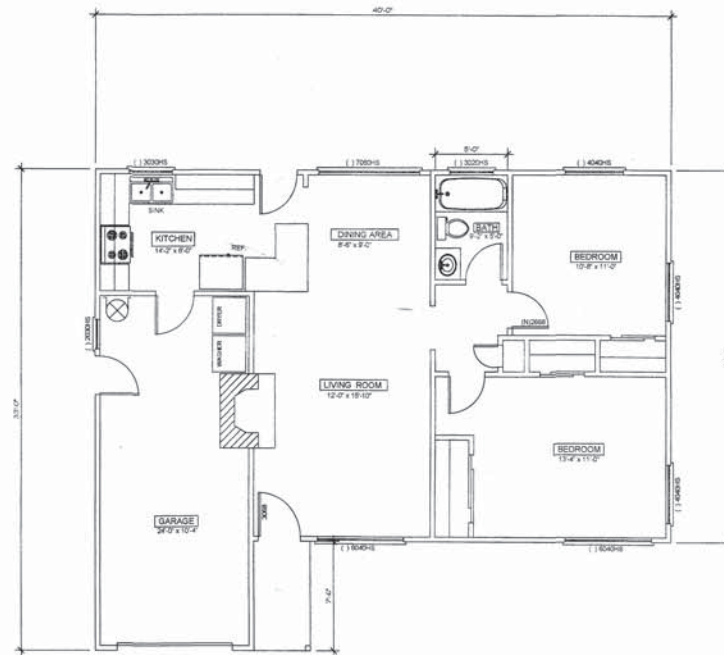
GENERAL INTERIOR NOTES

- ALL PLUMBING VENTS TO BE A MINIMUM 12 FEET AWAY FROM OR AT LEAST 3 FEET ABOVE ANY OPENABLE EXHAUST PER USC 906.2.
- ALL BATHTUBS AND SHOWER FLOORS AND WALLS TO BE FINISHED WITH A NON-SLIP SURFACE UP TO A HEIGHT OF 8 FEET (7'6") ABOVE FLOOR PER USC 907.2.
- PROVIDE EXHAUST FAN KITCHEN AREA FOR LOCAL VENTILATION INSIDE AN AREA QUALITY REQUIREMENTS PER 2019 CALIFORNIA ENERGY CODE SECTION 120.15 AND 120.16.2.2. OTHERWISE, SPECIFY KITCHEN HOOD RANGE TO BE OF THE FOLLOWING:
- ALL EXTERIOR RECEPTABLES TO BE GFCI PROTECTED.
- ALL 120V-15 AMP AND 20 AMP RECEPTABLES SHALL BE LISTED TYPICAL ASSISTANT RECEPTABLES PER USC 408.11.
- PROVIDE SEPARATE SWITCHES FOR ALL EXHAUST FANS IN BATHTUBS PER CALIFORNIA ENERGY CODE 120.16.2.2.2. FANS AND LIGHTS TO BE SEPARATELY SWITCHED.
- ALL NEW WINDOWS SHALL HAVE A MAXIMUM U-FACTOR OF 0.32.

GENERAL NOTES

- PLANS TO COMPLY WITH CONVENTIONAL CONSTRUCTION PROVISIONS AS STATED IN 2019 CALIFORNIA RESIDENTIAL BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND ENERGY CODES AS AMENDED BY STATE OF CALIFORNIA AND ALL CITY & COUNTY CODES (PROJECT LOCATED TO SPECIFY RESIDENTIAL DESIGN CATEGORY &).
- INTERPRETATION OF DRAWINGS: FOR ARRANGEMENT OF FLOORS, GENERAL FINISH AND MEASUREMENTS, REFERENCE MUST BE MADE TO THE DRAWINGS. INDICATE ANY DIFFERENCE APPROPRIATE SCALE MEASUREMENT AND FINISHES OR BETWEEN WORKING OF PROVISIONS & ALL EXISTING WORK SHALL BE REFERENCED TO THE DRAWINGS. CONTRACTOR TO INFORM DRAFTER/DESIGNER FOR CORRECTION BEFORE PROCEEDING WITH THE WORK. CONTRACTOR IS NOT TO SCALE DRAWINGS.
- WINDOWS AND DOORS: IN THE EVENT THAT AN ACUTE ERROR OR OMISSION MAY EXIST ON THE PLAN, IT SHALL BE THE RESPONSIBILITY OF THE OWNER OR CONTRACTOR TO NOTIFY THE DESIGNER. DRAFTER/DESIGNER PRIOR TO THE COMMENCEMENT OF WORK. FAILURE TO DO SUCH, WILL BE THE RESPONSIBILITY OF THE OWNER OR CONTRACTOR.
- SMOKE DETECTORS: PROVIDE 1 SMOKE DETECTOR IN ALL SLEEPING ROOMS AND AT A POINT CENTRALLY LOCATED IN AN AREA DURING ACCESS TO THE SLEEPING ROOMS.
 - POWER SOURCE: IN NEW CONSTRUCTION, REQUIRED SMOKE DETECTOR SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING WHEN SUCH WIRING IS SERVED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP. THE DETECTOR SHALL SHUT OFF A SIGNAL WHEN THE BATTERIES ARE LOW. WIRING SHALL BE "PERMANENT AND RETROFIT A DISCONNECTING SWITCH OTHER THAN THOSE REQUIRED FOR OVER CURRENT PROTECTION. SMOKE DETECTORS MAY BE SOLIDLY BATTERY OPERATED WHEN INSTALLED IN EXISTING BUILDINGS OR A BUILDING WITHOUT COMMERCIAL POWER OR IN BUILDING WIRING UNDER ALTERATION. REPAIRS OR ADDITIONS AS REGULATED BY USC 2019.
 - LOCATION WITHIN DWELLING UNITS: IN DWELLING UNITS, A DETECTOR SHALL BE INSTALLED IN EACH SLEEPING ROOM AND AT A POINT CENTRALLY LOCATED IN THE CORRIDOR OR AREA DURING ACCESS TO EACH SEPARATE SLEEPING AREA WHEN THE DWELLING UNIT HAS MORE THAN ONE STORY AND IN DWELLINGS WITH BASEMENT A DETECTOR SHALL BE INSTALLED ON EACH STORY AND IN THE BASEMENT IN DWELLING UNITS WHERE A STORY OR BASEMENT IS SPLIT INTO TWO OR MORE LEVELS. THE SMOKE DETECTOR SHALL BE INSTALLED IN THE UPPER LEVEL, EXCEPT THAT WHEN THE LOWER LEVEL CONTAINS A SLEEPING AREA A DETECTOR SHALL BE INSTALLED ON EACH LEVEL. WHEN SLEEPING ROOMS ARE ON AN UPPER LEVEL IN CLOSE PROXIMITY TO THE STAIRWAY IN DWELLING UNITS WHERE THE DETECTOR HEIGHT OF A ROOM OPEN TO THE HALLWAY BEYOND THE BEDROOMS EXCEEDS THAT OF THE HALLWAY BY 24 INCHES (610 MM) OR MORE, SMOKE DETECTORS SHALL BE INSTALLED IN THE HALLWAY AND IN THE ADJACENT ROOM. DETECTOR SHALL BE LOCATED AT A MINIMUM 4 INCHES (102 MM) ABOVE THE CEILING OF THE DWELLING UNIT IN WHICH THEY ARE LOCATED.
- INSULATION:

INSULATION: CEILING	— R-19 BATT INSULATION (MINIMUM ONLY)
WALLS	— R-19 BATT INSULATION (MINIMUM ONLY)
FLOOR	— R-19 FLOOR INSULATION
ACCESS: UNDER FLOOR	— 3/4" x 3/4" MIN. SQ. OF WOOD FLOOR
CEILING	— 2" x 2" MIN. VENT CLEAR HEIGHT
WINDOW	— APPROXIMATE DOUBLE GLAZED
- NOTE: ALL OPENING, ALL DOORS, WINDOWS, ETC. TO BE CALKED OR FULLY WEATHER STRIPPED.
- SUPPLEMENT TO TITLE FOR RESIDENTIAL ADDITIONS:
 - ROOF: INSULATING WITH EXISTING BARRIER OR UNDERLAYER OF SHEATH SHALL BE INSTALLED.
 - ALL WINDOWS SHALL HAVE A SOLAR HEAT GAIN COEFFICIENT OF .40 OR BETTER.
 - WALL: INSULATING IS DOUBLE INSULATION CEILING SHALL HAVE RADIANT BARRIER PER MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 - ALL BEARING WALLS OR PARTIAL WALLS SHALL BE 12" MIN. THICK AND LABELED.
 - THE WIRING FOR DETECTORS MUST BE 15 AMPERES AND HAVE 15 LBS. OF BURN RESISTANCE.
- WINDOWS (BATHROOM) NOTES:
 - ALL NEW WINDOWS TO BE APPROVED DOUBLE GLAZED (WITH BEDROOM WINDOWS HAVING A MIN. 24" x 36" SQ. OPENING. REFER TO SPECIFICATIONS WINDOW DAMAGE).
 - ALL WINDOWS USED OVER DOORS, WINDOWS AND ANY NECESSARY OPENINGS TO BE 4 x 12 OR 12 OR BETTER, UNLESS OTHERWISE SPECIFIED.
 - ALL GLAZING IN OR WITHIN 18" OF DOORS, OVER 8 SQUARE FEET AND WITHIN 18" OF FLOOR AND ALL GLAZING IN SHOWERS OR BATHTUBS TO BE SAFETY GLASS.
 - BATHROOM FINISH NOTE: — SURETY A SMOOTH, HARD, NON-ABRASIVE SURFACE OVER A WATER RESISTANT UNDERLAYMENT TO A HEIGHT OF 72" ABOVE THE DRAIN INLET FOR BATHROOM PER USC 1203.3.
 - WATER CLOSETS IN ALL BATHROOMS TO BE MAXIMUM 1.6 GALLONS PER FLUSH.



EXISTING FLOOR PLAN

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

REVISIONS

DATE:

Professional Design Consultants
1033 Rosemead Blvd., Suite 100
Rosemead, CA 91768
(626) 294-7000



OWNER
JIE WEI & JIABIN ZHANG
741 ENRIGHT AVENUE
SANTA CLARA, CA. 95050
PHONE: (415) 979-1891

PROPOSED REAR AND FRONT ADDITIONS

DATE: 2-24-18

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

DRAWN: BBA

JOB:

3

OF SHEETS

ADDITIONAL... BATHROOM FIXTURE / ELECT / PLUMBING, MECH AND INSULATION NOTES

PLUMBING

- ALL SINK FAUCETS, SHOWER HEADS, TUBS AND URINALS SHALL COMPLY WITH CALIFORNIA CIVIL CODE SECTION 1101.4. CROWN FAUCETS SHALL NOT EXCEED 1.8 GPM PER MINUTE. LAUNDRY FAUCETS SHALL NOT EXCEED 1.5 GPM PER MINUTE. SHOWER HEADS SHALL NOT EXCEED 2.5 GPM PER MINUTE. URINALS SHALL NOT EXCEED 2.0 GPM PER MINUTE.
- FOR THE SECTION 401.2.2, DRAIN FLOW-WATER CLOSURE SHALL HAVE AN EFFECTIVE FLOW RATE NOT TO EXCEED 1.28 GALLONS PER MINUTE.
- INDOOR WATER USE SHALL BE REDUCED BY AT LEAST 20% USING WATER SAVING FIXTURES OR FLOW RESTRICTIONS OR CONDENSATE A 20% REDUCTION IN BASELINE WATER PER SECTION 4.3.0.1.
- ALL ADDITIONS ON OR AFTER JANUARY 1, 2014 SHALL REPLACE NON-COMPLIANT PLUMBING FIXTURES WITH WATER CONSERVING PLUMBING FIXTURES.

NON-COMPLIANT PLUMBING FIXTURES SHALL BE REPLACED WITH WATER CONSERVING PLUMBING FIXTURES PER SECTION 401.2.1.1. PLUMBING FIXTURES SHALL BE REPLACED WITH WATER CONSERVING PLUMBING FIXTURES PER SECTION 401.2.1.1. PLUMBING FIXTURES SHALL BE REPLACED WITH WATER CONSERVING PLUMBING FIXTURES PER SECTION 401.2.1.1.

ELECTRICAL

- ALL BRANCH CIRCUITS THAT SUPPLY 120V/1, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1340, 1350, 1360, 1370, 1380, 1390, 1400, 1410, 1420, 1430, 1440, 1450, 1460, 1470, 1480, 1490, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580, 1590, 1600, 1610, 1620, 1630, 1640, 1650, 1660, 1670, 1680, 1690, 1700, 1710, 1720, 1730, 1740, 1750, 1760, 1770, 1780, 1790, 1800, 1810, 1820, 1830, 1840, 1850, 1860, 1870, 1880, 1890, 1900, 1910, 1920, 1930, 1940, 1950, 1960, 1970, 1980, 1990, 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070, 2080, 2090, 2100, 2110, 2120, 2130, 2140, 2150, 2160, 2170, 2180, 2190, 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270, 2280, 2290, 2300, 2310, 2320, 2330, 2340, 2350, 2360, 2370, 2380, 2390, 2400, 2410, 2420, 2430, 2440, 2450, 2460, 2470, 2480, 2490, 2500, 2510, 2520, 2530, 2540, 2550, 2560, 2570, 2580, 2590, 2600, 2610, 2620, 2630, 2640, 2650, 2660, 2670, 2680, 2690, 2700, 2710, 2720, 2730, 2740, 2750, 2760, 2770, 2780, 2790, 2800, 2810, 2820, 2830, 2840, 2850, 2860, 2870, 2880, 2890, 2900, 2910, 2920, 2930, 2940, 2950, 2960, 2970, 2980, 2990, 3000, 3010, 3020, 3030, 3040, 3050, 3060, 3070, 3080, 3090, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3170, 3180, 3190, 3200, 3210, 3220, 3230, 3240, 3250, 3260, 3270, 3280, 3290, 3300, 3310, 3320, 3330, 3340, 3350, 3360, 3370, 3380, 3390, 3400, 3410, 3420, 3430, 3440, 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CONDITIONS OF APPROVAL
741 Enright Avenue
PLN2018-13407

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 to the Planning Department for final architectural review and approval prior to application for building permits.
- C3. Property owner is 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, all in accordance with City Code Chapter 9.10.
- C5. Incorporate Best Management Practices (BMPs) into construction plans and at least one incorporate post construction water runoff measure into project plans in accordance with the City's Urban Runoff Prevention Program standards prior to issuance of building permits.

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. Driveway to be updated to current City standard ST-4.
- E4. Additions 800 square feet or greater will require ADA frontage improvements.

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A
VARIANCE TO REDUCE THE MINIMUM REQUIRED PARKING
SPACES FOR THE PROPERTY LOCATED AT 741 ENRIGHT
AVENUE, SANTA CLARA, CALIFORNIA**

PLN2018-13407 (Variance)

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

WHEREAS, Jie Wei ("Property Owner") filed an application on July 12, 2018 requesting a Variance for the property located at 741 Enright Avenue (APN: 294-17-043) ("Project Site") in the City of Santa Clara;

WHEREAS, the Project Site is a developed property with a single-family residence, as shown on the attached Development Plans;

WHEREAS, the Project Site is zoned Single Family Residential (R1-6L);

WHEREAS, the General Plan land use designation for the Project Site is Very Low Density Residential;

WHEREAS, the Property Owner has submitted an application for a Variance to allow an 809 square foot front and rear addition to a single-family residence and retain an attached one-car garage where two covered parking spaces are required for single-family additions of 500 square feet or more;

WHEREAS, the existing garage backs up to the minimum five foot side yard setback;

WHEREAS, the Project is Categorically Exempt per Section 15301(e)(2) (Additions to Existing Facilities) of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, *because the Project would make an addition to an existing structure of less than 10,000 square feet, the Project is located in an area where all public services and facilities are available, and the area where the Project is located is not environmentally sensitive;*

WHEREAS, on September 14, 2018, the City posted notices of a public hearing before the Planning Commission at three locations within 300 feet of the Project Site, and mailed notices of the public hearing to all property owners located within 300 feet of the Project Site; and,

WHEREAS, on September 26, 2018, the Planning Commission held a duly noticed public hearing to consider the Variance application, during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the proposed Variance application.

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 approves the Variance to allow an 809 square foot rear addition to a single-family residence and retain an attached one-car garage where two covered parking spaces are required for single-family addition with 500 square feet or more at the Project Site.

3. That pursuant to SCCC Section 18.108.040, the Planning Commission determines that the following findings exist for approval of the Variance:

A. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that the location of the house on the substandard lot with 50 foot width and the existing house configuration preclude the construction of a detached garage in the rear yard or expansion of the existing garage.

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner in that the front and rear addition to remodel the kitchen, create a third bedroom, and retaining a one-car garage reasonably meets personal family needs and will optimize the use of the property.

C. That the granting of such Variance, under the circumstances of the particular case, will not materially affect adversely the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the Property Owner's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the proposed Project is compatible in layout and appearance of homes in the surrounding neighborhood. The proposed frontage with one-car garage is in keeping with the pattern of the frontage of the neighborhood.

D. That the granting of the Variance is in keeping with the purpose and intent of the Zoning Ordinance, in that the proposed Project would provide and maintain on-site parking on the driveway and in the existing garage as current conditions.

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 26th DAY OF SEPTEMBER, 2018, 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. Conditions of Approval
2. Development Plans

I:\PLANNING\2018\Project Files Active\PLN2018-13407 741 Enright Ave (Variance)\PC\Attachments\Resolution Approving a Varaince.doc



Agenda Report

18-1213

Agenda Date: 9/26/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Action on Use Permit to Allow Outdoor Play Area for a New Child Day Care Facility at 1190 Benton Street

BACKGROUND

The applicant is requesting a Use Permit to allow outdoor activity for a new child day care facility on two contiguous parcels zoned Downton Commercial (CD). The outdoor activity is proposed to occur at the rear of the combined 0.5 acre project site and would total approximately 3,500 square feet of outdoor recreation area. The project involves conversion of eight parking spaces at the southeast corner of the existing surface parking lot to a padded playground and use of the rear yard building setback to provide outdoor assembly and recreation area for use by children attending the daycare facility.

While child daycare is a permitted use in the CD zoning district, a Use Permit is required to allow outdoor activity as an ancillary use per Santa Clara City Code (SCCC) sections 18.40.040(a) and 18.38.040(c).

The project site is developed with an 8,435 square foot commercial building that was formerly occupied by KM2A Martial Arts and is now leased to Shalom Christian Academy LLC for use as a child daycare facility. The facility proposes to operate Monday through Friday from 8:00 a.m. to 6:00 p.m. with 14 staff members and would provide state-licensed child care for up to 75 toddlers and pre-school aged children.

The proposed project would maintain the classroom layout of the previous martial arts use and does not include changes to the building interior. Other than replacement signage, the project does not include exterior alterations to the building. A wrought iron fence with retractable gate was recently installed to separate and protect the proposed playground area at the rear of the site from the parking field and driveway in the surface lot. The gate entry is required to allow emergency access to the rear of the property if warranted.

Surrounding Land Uses

The project site is a commercial property located at the southeast corner of Benton Street and Jackson Street in the City's Old Quad/Downtown neighborhood. Properties surrounding the project site include one and two-story single family homes across Benton Street to the north; a three-story multi-family apartment complex to the east; a two-story commercial/office development with one-story parking structure to the south; and Franklin Square, a one-story general commercial center to the west across Jackson Street.

DISCUSSION

The primary issues for the project are consistency with the City's General Plan and Zoning Code.

Consistency with the General Plan

The General Plan land use designation for the project is Community Mixed Use. This classification is intended to encourage a mix of residential and commercial streets. The proposed project is consistent with the following General Plan policies:

- P.3.1-P22, Encourage conveniently located child care and other family support services in the community except in areas designated for Light or Heavy Industrial Uses, in that the proposed project is located in the Old Quad/Downtown neighborhood, is designated Community Mixed Use, and is surrounded and accessed from an arterial street.
- 5.3.3P1, Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region, in that the proposed project provides a child daycare service to support residents and commercial business in the local community and region.

Zoning Conformance

The zoning designation for the project site is Downtown Commercial (CD). This designation is intended to encourage the development of a large concentration of commercial and office uses in the central business area of the City. While this designation allows child care facilities that operate within an enclosed building as a permitted use, outdoor activities associated with the permitted use are required to obtain a Use Permit as specified in SCCC Sections 18.40.040(a) and 18.36.040(e). Per SCCC Chapter 18.110, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on the health, safety, peace, comfort and general welfare, based upon substantial evidence in the record.

Use Permit Findings

The applicant is requesting a Use Permit to allow outdoor activity as an ancillary use to a proposed child daycare facility. Use Permit findings are prepared and presented in the attached Planning Commission Resolution.

Circulation and Parking

The project site is accessed from a single two-way driveway on the Benton Street frontage of the property and provides 29 parking spaces in the existing surface parking lot adjacent to the commercial building on the project site. The project would convert eight of the 29 parking spaces to playground use and retain 20 parking spaces on-site for shared use by employees and visitors for pick-up and drop off of children attending the facility. The parking requirement for nurseries and preschools is one space per classroom or office per SCCC 18.74 (n)(1). As illustrated on the attached Development Plans, the daycare facility would have seven classrooms and two offices for a parking requirement of nine spaces.

Conclusion

The proposed project is consistent with the General Plan land use designation for the project site. As the project would develop a full-time day care facility, which necessitates the provision of outdoor playground area for children under State licensing requirements, approval of the requested conditional Use Permit is required by the City to allow the applicant to operate. There is sufficient parking on-site to accommodate both employee and visitor parking.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3 New Construction or Conversion of Small Structures, in that the proposed use consists of construction of new, small structures where only minor modifications are made in the exterior of the structure.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense which are offset by permit application fees.

COORDINATION

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

PUBLIC CONTACT

Public notice was posted within 300 feet of the project site and mailed to property owners within 300 feet of the project site. At the time of this staff report there has been no public input submitted in support or opposition to the proposed project.

RECOMMENDATION

Adopt a Resolution approving the Use Permit to allow outdoor play area for a new child day care facility at 1190 Benton Street.

Prepared by: Debby Fernandez, Associate Planner

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Resolution Approving the Use Permit
2. Project Data Sheet
3. Conditions of Approval
4. Development Plans

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR ACTIVITY ASSOCIATED WITH A NEW CHILD DAYCARE FACILITY IN A DOWNTOWN COMMERCIAL (CD) ZONING DISTRICT AT 1190 BENTON STREET, SANTA CLARA, CALIFORNIA, 95050

PLN2018-13352 (Use Permit)

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

WHEREAS, on June 21, 2018, JPT Construction ("Applicant") submitted an application for a Use Permit to allow outdoor activity associated with a new child daycare facility on two contiguous parcels totaling approximately 0.5 acres at 1190 Benton Street ("Project Site");

WHEREAS, the Project Site is currently zoned Downtown Commercial (CD) and has a General Plan land use designation of Community Mixed Use;

WHEREAS, the Project Site is developed with an 8,435 square foot commercial building, surface parking lot with 29 parking spaces, and perimeter landscaping;

WHEREAS, the proposal involves the conversion of eight of the 29 parking spaces to an outdoor playground and proposes use of the rear building setback for outdoor recreation use and assembly by children attending the new child daycare facility ("Project") as shown on the Development Plans attached to this Resolution;

WHEREAS, in order to implement the proposed activity, a Use Permit is required to allow the outdoor activity involving recreation and assembly use;

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;

WHEREAS, the proposed Project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3 Existing Facilities, in that the proposed use

consists of construction of new, small structures where only minor modifications are made in the exterior of the structure;

WHEREAS, the Project Site proposes a total of 21 on-site parking spaces which is sufficient to support the proposed 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, pursuant to Santa Clara City Code (“SCCC”) Sections 18.40.030(a), 18.38.030(a), 18.36. 030(a), and 18.34.030(a)(5), the proposed child daycare facility is classified as a permitted use under Nurseries and Preschools provided the uses shall be conducted wholly within a completely enclosed building; except as provided in SCCC 18.38.040 (c), where an outdoor playground use may be established only by first securing 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 September 14, 2018, the notice of public hearing for the September 26, 2018 meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to all property owners located within 300 feet of the Project Site; and

WHEREAS, on September 26, 2018, 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 outdoor activity involving recreation and assembly associated with the operations of a new child daycare facility is consistent with the commercial uses contemplated in the for the Community Mixed Use land use designation for the Project Site and CD zoning district with approval of a Use Permit.

3. That the Planning Commission hereby finds as follows:

A. The establishment or operation of the use of building applied for, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare, in that the proposal contributes to the existing diversity of service uses available in the Old Quad/Downtown neighborhood of the City to meet the needs of local neighborhoods and draw patrons 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 child daycare facility on a property that is developed with a commercial building and new outdoor recreation and assembly area to meet all the City of Santa Clara codes and regulations, and the project site provides sufficient parking to service the proposed use.

2. Property or improvements in the neighborhood of such property use, in that the proposed use occurs on an existing property that has been previously developed and used for a martial arts instructional facility.

3. The general welfare of the City, in that the proposal contributes to the variety of service uses in the area in a manner that is compatible with the surrounding retail commercial and residential uses.

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed in a manner to be consistent with adjacent commercial

development on Jackson Street and Monroe Street, with adequate parking, and properly designed point of ingress and egress.

D. That said use is keeping with the purposes and intent of the Zoning Code, in that a child daycare center use with an outdoor recreation and assembly area may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties. The proposal is designed in a manner to occur within both designated indoor classroom and outdoor playground areas, provides sufficient parking, and is designed and conditioned in a manner such that the use is compatible with the surrounding residential and commercial uses.

4. That the Planning Commission hereby approves Use Permit PLN2018-13352 to allow outdoor activity involving recreation and assembly to support a new child day care facility at 1190 Benton Street, 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 26th DAY OF SEPTEMBER, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF PLANNING & INSPECTION
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

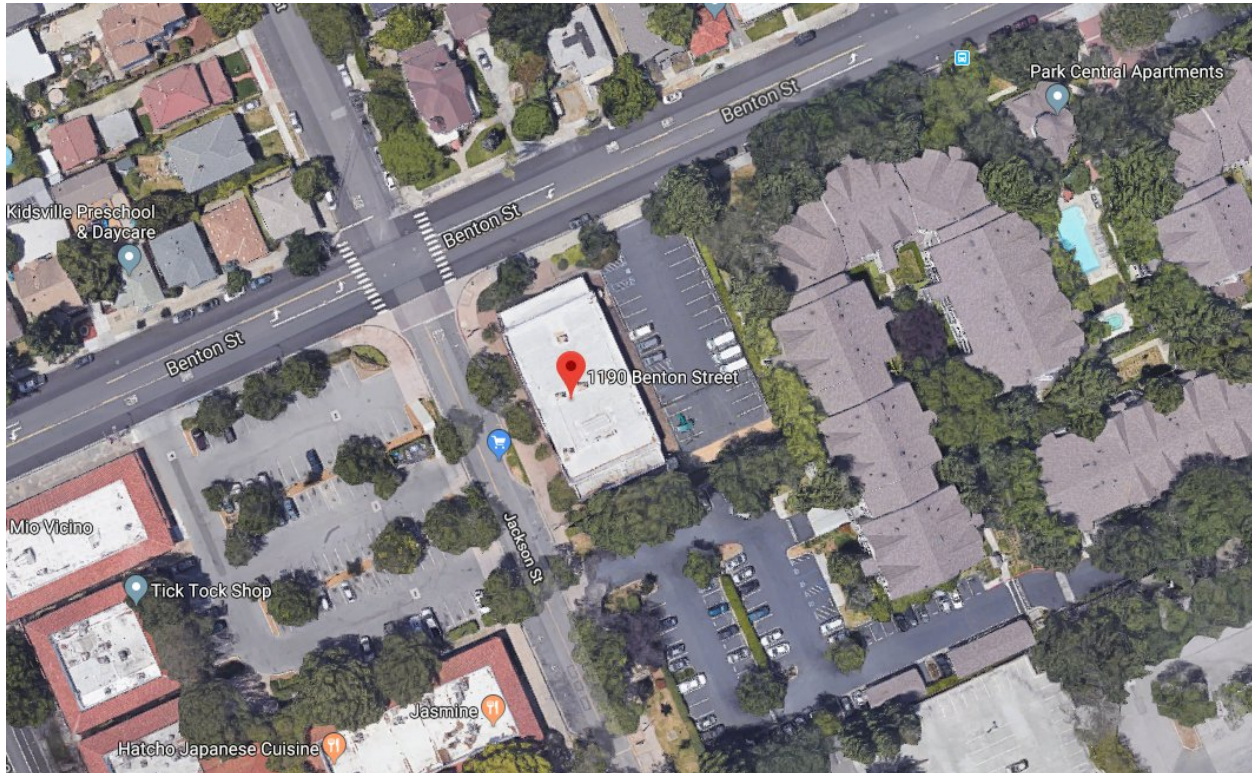
1. Development Plans

2. Conditions of Approval

I:\PLANNING\2018\Project Files Active\PLN2018-13352 1190 Benton St\PC\PC Use Permit
Reso.doc

Project Data

File: PLN2018-13352
Location: 1190 Benton Street, two contiguous lots totaling approximately 0.5 acres at the southeast corner of Benton Street and Jackson Streets; APNs 269-22-079 and 084, the property is zoned Downtown Commercial (CD)
Applicant: JPT Construction on behalf of Shalom Christian Academy LLC
Owner: Will Oswald
CEQA Determination: Categorical Exemption per Section 15301, Existing Facilities
Project Planner: Debby Fernandez, Associate Planner



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.

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 all building code requirements and conditions thereof.
- C2. 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.
- C3. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C4. Use shall operate in a manner such that it does not create a public or private nuisance.
- C5. Outdoor playground use shall only occur during daylight hours between sunrise and sunset.

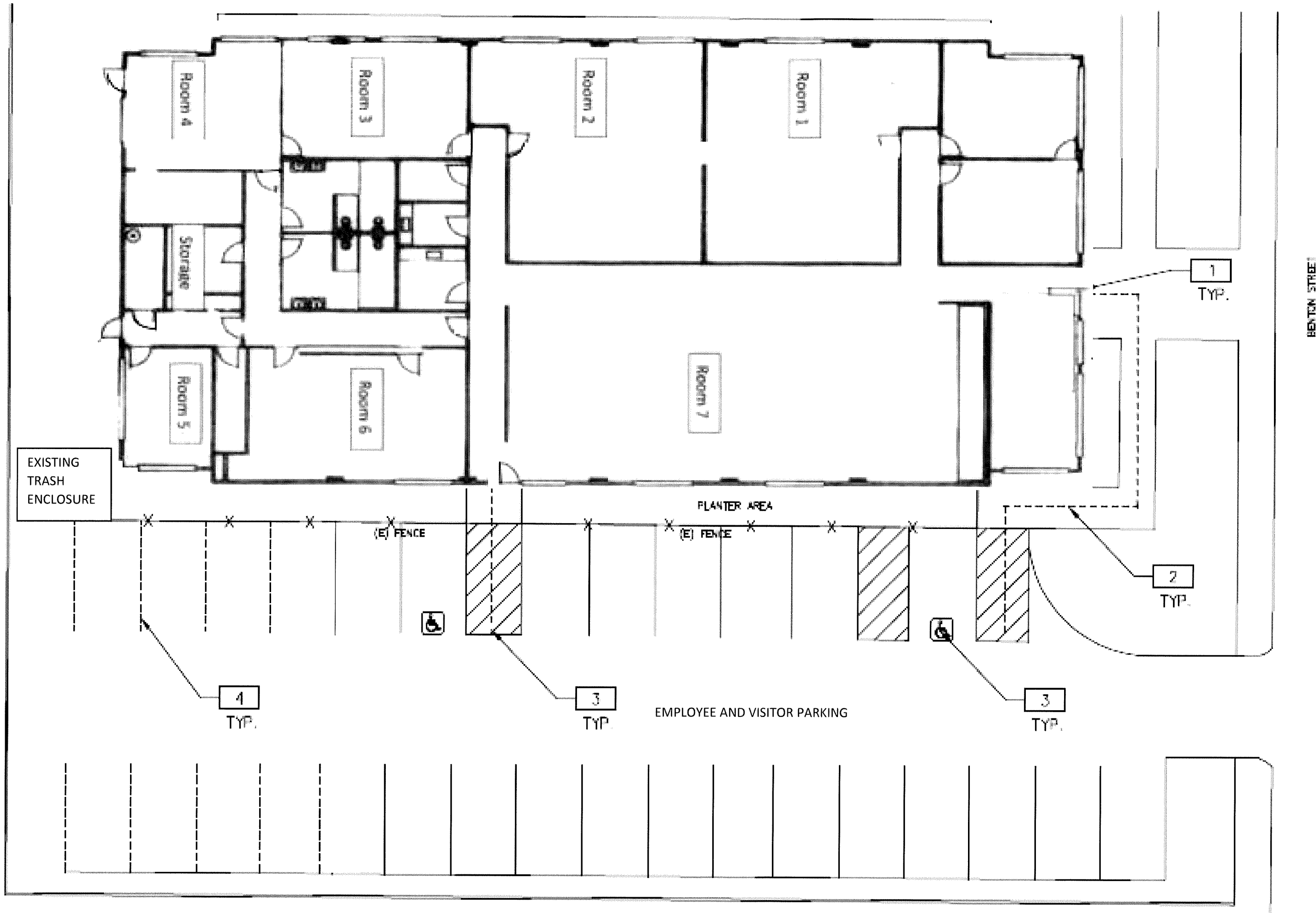
ENGINEERING

- E1. On-street parking shall not be counted toward on-site parking requirements.
- E2. No street loading and unloading of students will be allowed.
- E3. Provide a minimum of 1 Class I bicycle locker and 4 Class II bicycle rack spaces at the main entrance and/or high visible areas.
- E4. If the cumulative building permit valuation for the past three years is equal to or greater than \$200,000, remove existing curb ramp at southeast corner of the Jackson Street/Benton Street intersection and replace with two current City Standard ST-14 ADA compliant curb ramps. 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

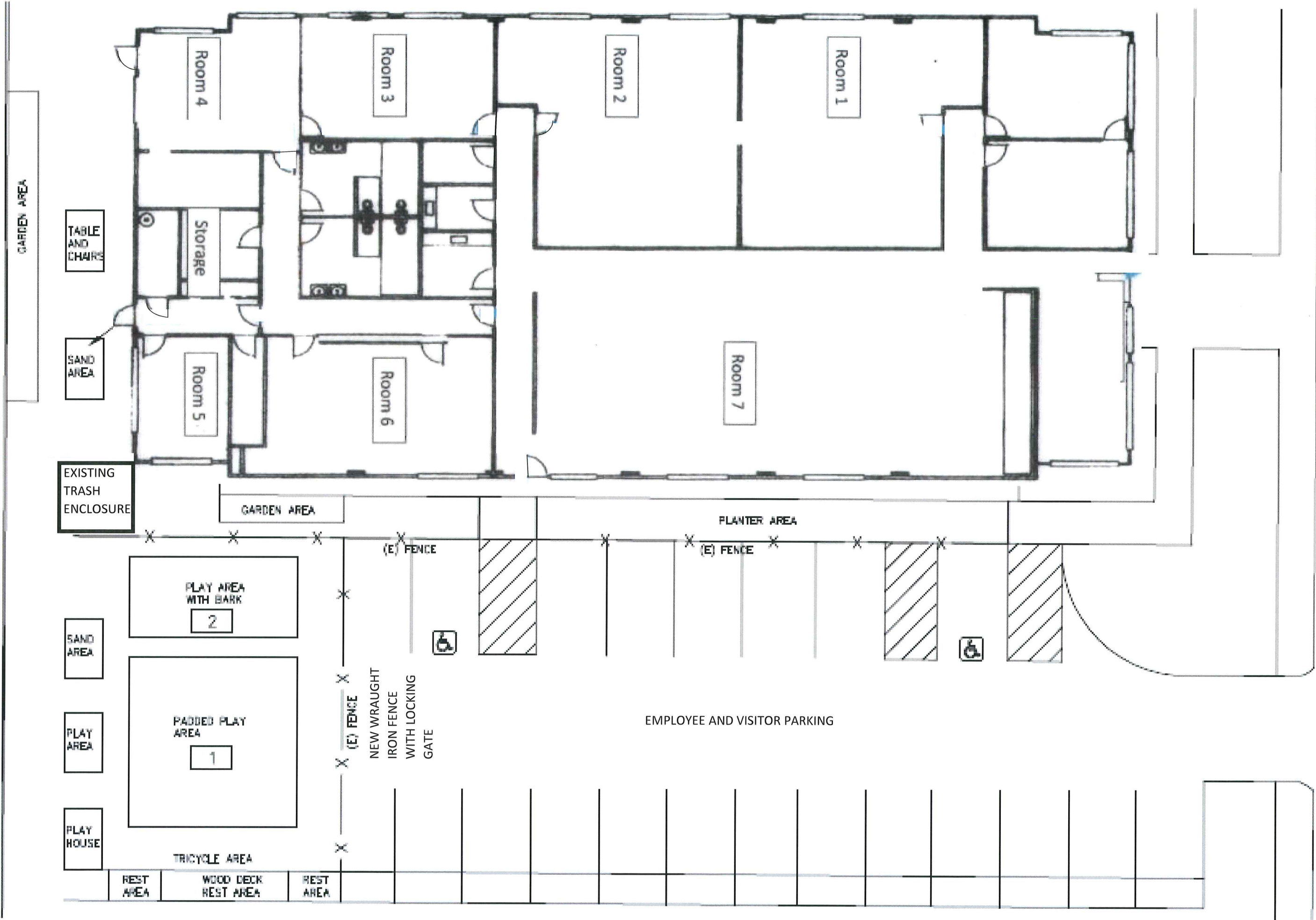
Department at (408) 615-3000 for further information. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. 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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TITLE SHEET/SITE PLAN					
PA/FIR:	K. UER	DATE	REMARKS	REMARKS	
DRAWN BY:	000	A. 08/19/2018	PENDING SUBMITTAL		
JOB NO.:					
SHEET					
A0.1					



1190 Benton St.
EXISTING SITE PLAN



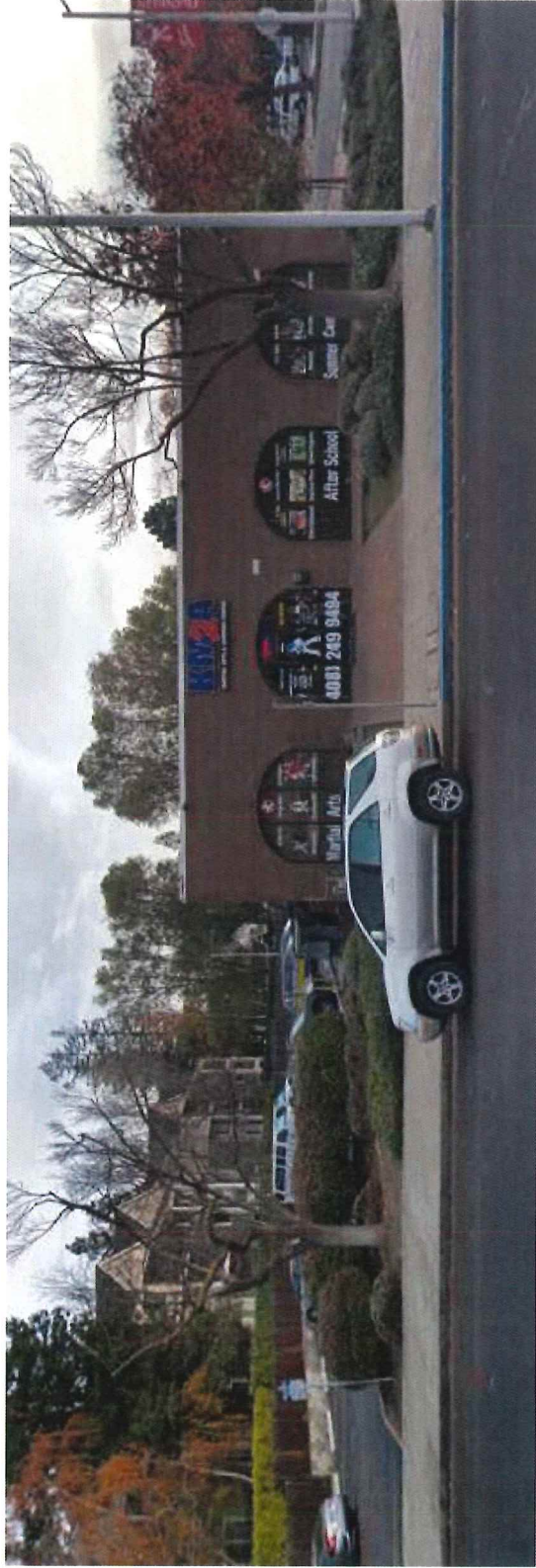
DEMO SITE PLAN SPECIFIC NOTES

- 1. EXISTING FULLY ACCESSIBLE PRIMARY ENTRANCE TO REMAIN. GC TO VERIFY THAT LANDING AT DOOR DOES NOT EXCEED 2% SLOPE IN ANY DIRECTION.
- 2. HEAVY DASHED LINE INDICATES EXISTING FULLY ACCESSIBLE PATH OF TRAVEL TO REMAIN. GC TO VERIFY SLOPE DOES NOT EXCEED 5% IN DIRECTION OF TRAVEL OR A 2% CROSS-SLOPE.
- 3. EXISTING FULLY ACCESSIBLE HANDICAPPED PARKING TO REMAIN. GC TO VERIFY THAT SLOPE DOES NOT EXCEED 2% IN ANY DIRECTION.
- 4. DEMO EXISTING PARKING STALLS FOR NEW PLAY AREA.

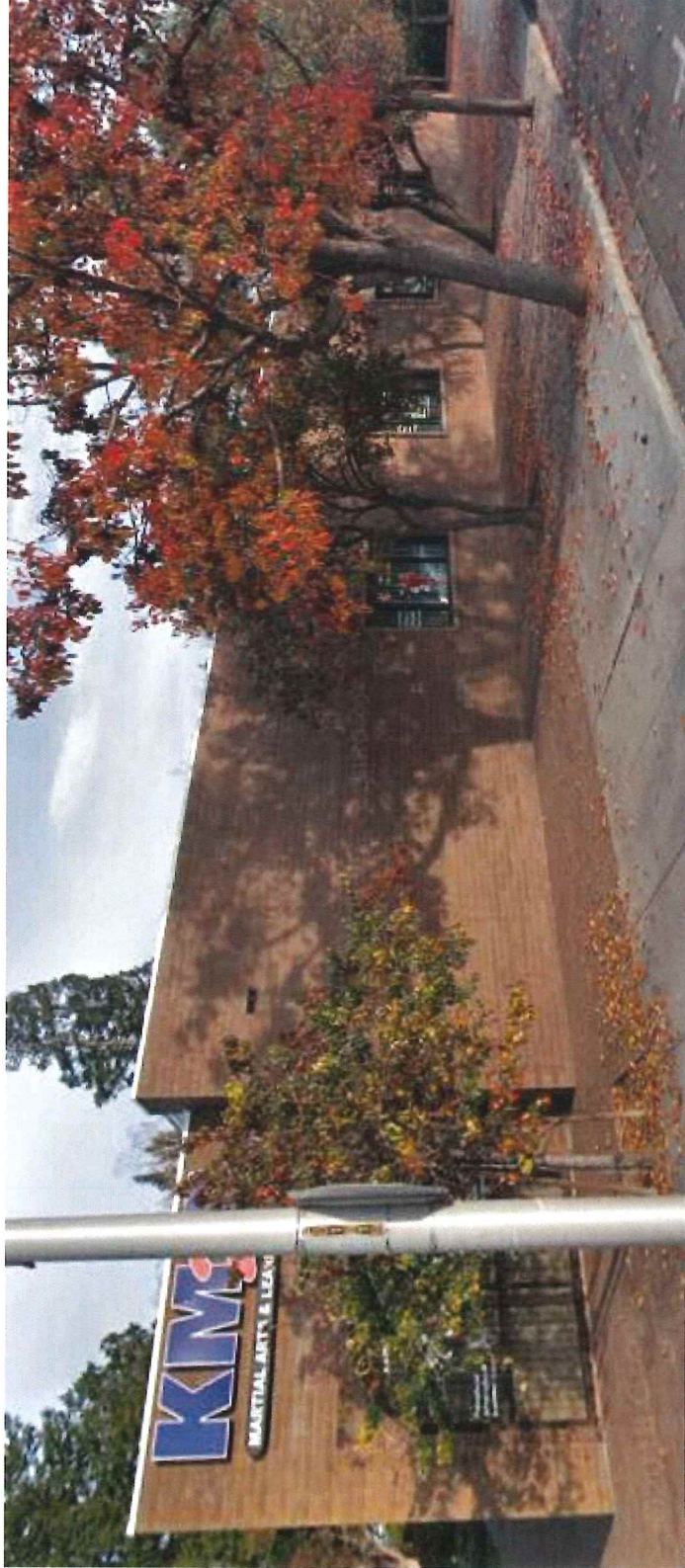
BENTON STREET

1190 Benton St.

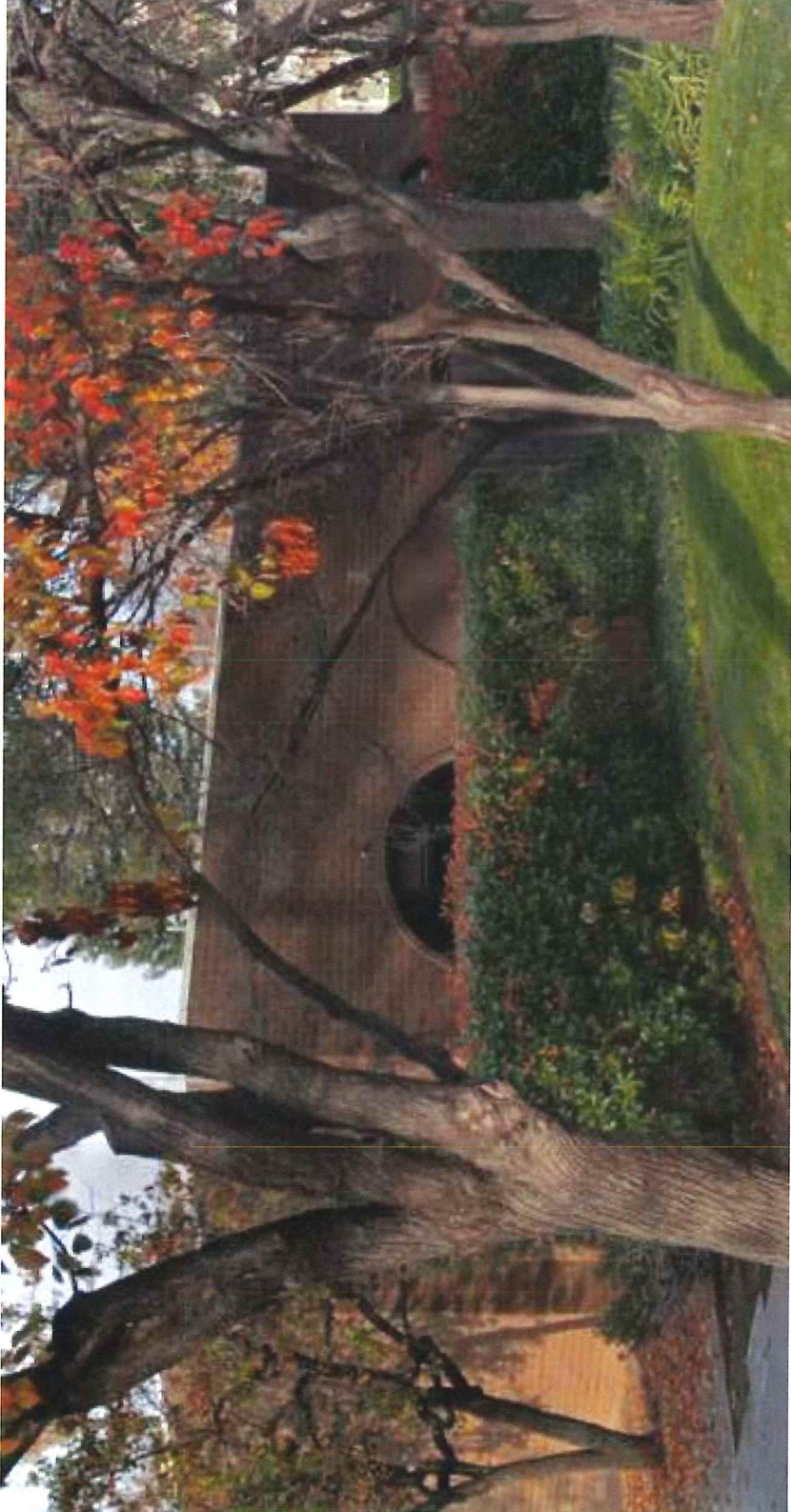
PROPOSED SITE PLAN



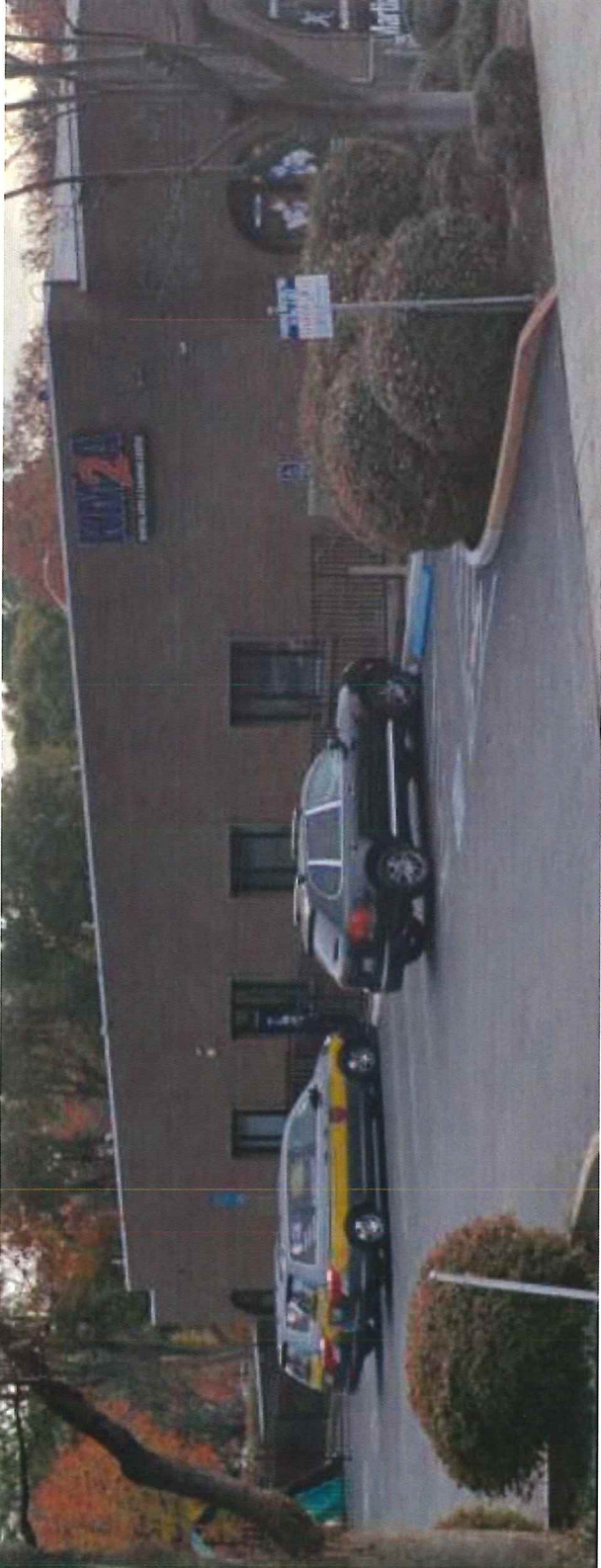
North facing



West facing



South Facing



West Facing



Agenda Report

18-961

Agenda Date: 9/26/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on a Conditional Use Permit for Planet Granite to Allow a Climbing Gym and Outdoor Workout Area Located at 801 Martin Avenue

BACKGROUND

Planet Granite filed an application on June 20, 2018 requesting a Use Permit to allow a climbing gym in a 29,120 square foot tenant space and a 3,736 square foot outdoor workout area at 801 Martin Avenue. The previous tenant, ClubOne Fitness occupied the space from 1999-2013, under a Use Permit case U.2012. This previous Use Permit became null and void after one year following the closure of ClubOne Fitness and the cessation of the conditional use.

The project site is located on the northeast corner of Martin Avenue and Lafayette Street. There are two office buildings on-site with 447 surface parking spaces. The site is north of the Home Depot and is surrounded by industrial warehouse and office uses. The site is zoned MH (Heavy Industrial) and the General Plan land use designation is Heavy Industrial.

DISCUSSION

The project proposes a conversion of 29,120 square foot of tenant space to construct a climbing gym and remove 12 parking spaces immediately adjacent to the east side of the building to provide a 3,736 square foot outdoor workout area. The gym and the outdoor workout area would be in open from 6:00AM to 11:00PM on weekdays and 8:00AM to 8:00PM on weekends. The interior will be remodeled to allow space for bouldering, yoga, and an ancillary retail use for the sale of snacks, outdoor apparel, and climbing equipment. The outdoor area would be enclosed with permeable fencing and include a jungle gym, slack lines, and lounge area. The applicant's statement of justification for the request is attached to this report.

General Plan and Zoning conformance:

The subject property has a General Plan designation of Heavy Industrial and is zoned as Heavy Industrial (MH). The proposal is consistent with the General Plan's Industrial Land Use Policy 5.3.5-P8 which encourages the provision of services and amenities as part of larger developments in employment areas that cater to service needs, thus reducing vehicle miles traveled, and is supported by this proposal as it is designed to target the working population. Pursuant to Chapter 18.110 of Santa Clara City Code, the Planning Commission can approve a conditional use of the property provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs.

Parking:

Section 18.74.020 of the Santa Clara City Code does not specify parking requirements for a climbing gym. Based on the most similar listed use and parking demand, the Zoning Administrator determined that parking shall be provided on the same basis as required for recreational enterprises. Pursuant to this section and in conjunction with the proposed use, the proposed fitness facility will require a minimum of 165 parking spaces and the remaining office use requires 248 spaces for a total of 413 spaces. The proposal would remove 12 parking spaces for the outdoor workout area. The project site provides 435 total parking spaces including the 12 spaces removed, and therefore, provides sufficient parking to service the proposed use.

Conclusion:

The proposed project is created to serve the community in Santa Clara. The proposal contributes to the variety of private service uses available in the industrial area of the city and is designed to be compatible with the industrial offices, with sufficient parking to support the proposed use. A non-industrial use, such as a climbing gym and outdoor workout area, may only be conditionally permitted when the use would not be objectionable or detrimental to the industrial area or adjacent properties. Based on the operational description of the proposed use provided by the applicant, the use would be compatible with the adjacent land uses.

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.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities), in that the primary use is confined within an existing on-site facility. The additional outdoor use is a minor expansion of the existing use of less than 10,000 square feet, is located in an area where all public services are facilities are available, and the area is not environmentally sensitive.

COORDINATION

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

PUBLIC CONTACT

On September 14, 2018, a notice of public hearing of this item was posted in at least three conspicuous locations within 500 feet of the project site and mailed to property owners within 500 feet of the project site. Planning Staff has not received public comments for this application.

RECOMMENDATION

1. Adopt a Resolution to Approve a Use Permit to allow a climbing gym and outdoor workout area located at 801 Martin Avenue, 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. Project Data
3. Development Plans
4. Resolution Approving a Use Permit
5. Conditions of Approval

Statement of Justification:

801 Martin Ave, Santa Clara

The applicant is the largest indoor climbing gym in the US (in 5 states), and has (3) locations in the Bay Area already. It is an industry leading, climbing gym with fitness and yoga that has been in operation over 20 years. The gym will also provide retail snacks and outdoor apparel and climbing equipment. The climbing at the location is limited to bouldering only; a style of climbing that is lower to the ground and does not require a rope system or high walls.

The Martin Avenue location proposes an Assembly Conditional Use in an MH-Heavy Industrial Zone. The Previous tenant, ClubOne Fitness occupied the space from 1999-2013, under Use Permit #U.2012. The property has been vacant for 5 years and is a perfect fit in size and shape, with all of the main interior spaces in place, such as locker rooms, restrooms, and offices, and large open areas. The exterior site parking is more than adequate and meets the Building Code Standards and City of Santa Clara Ordinance.

Martin Avenue is a large, 4 lane, side artery road that can accommodate the traffic that would be generated by Planet Granite. They chose this site due to its ability to accommodate the requirements of parking, the most desirable location on the fringe of industrial and commercial and the residential population is close proximity.

A typical gym of this size has 60-80 employees, mostly part-time. The average check-in is 750 people per day, breakdown as follows:

Hours	# guests	% guests
6-7:59am	65	9%
8-9:59am	72	10%
10-11:59am	92	12%
12-1:59pm	74	10%
2-3:59pm	102	14%
4-5:59pm	162	22%
6-7:59pm	144	19%
8-11pm	40	5%

Planet Granite facilities serve a wide range of customers, including beginner through advanced climbers, with youth and families. Our core demographic is ages 25-40.

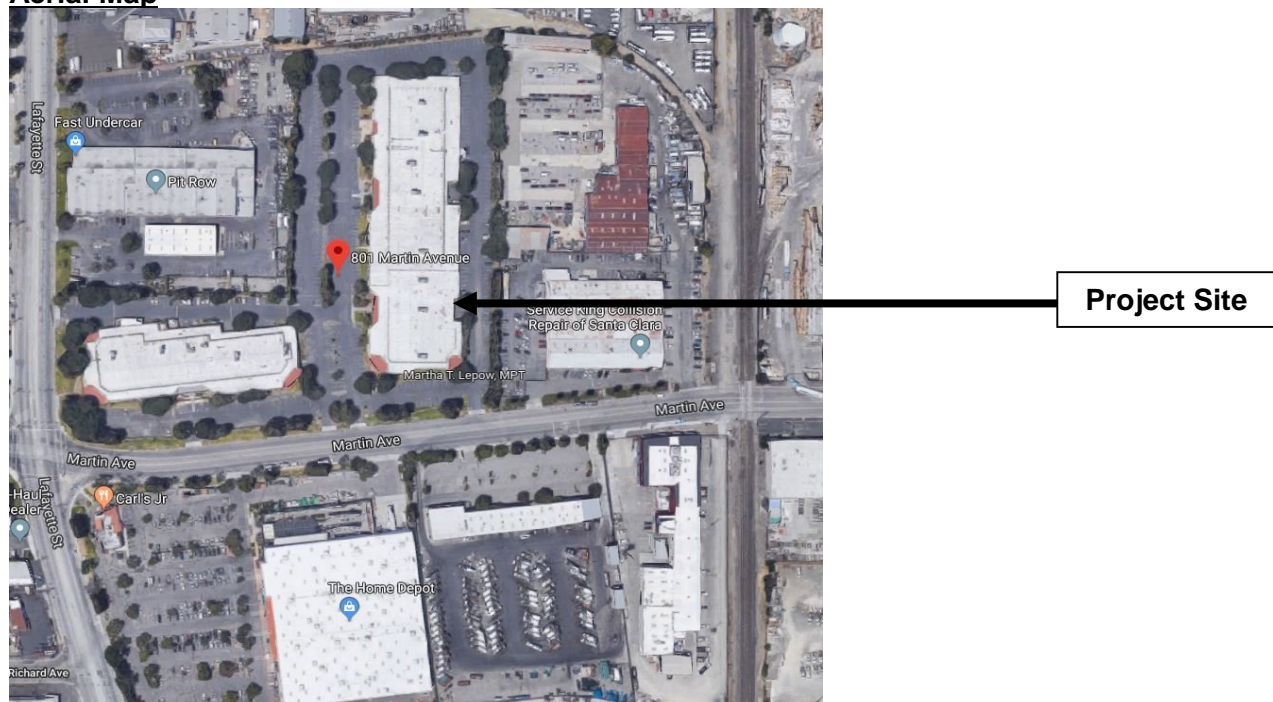
Hours of operation will be 6am to 11pm on weekdays and 8am to 8pm or 6pm on Weekends. Customers may use the facility through classes, entrance fees or a membership. We project this Martin Avenue location to have over 3000 members.

Project Data

File: PLN2018-13347
Location: 801 Martin Avenue, a 9.64 acres property located at the north of Martin Avenue, APN: 224-04-090; property is zoned MH – Heavy Industrial
Applicant: Alex Ross
Owner: Gahrahmat Family Partnership II
Request: **Use Permit** to allow a climbing gym and outdoor training area in the Heavy Industrial zoning district
CEQA Determination: Categorically Exempt per CEQA Section 15301, Existing Facilities
Project Planner: Steve Le, Assistant Planner I
Recommendation: Approve, subject to conditions.

	Existing	Proposed
General Plan Designation	Heavy Industrial	Same
Zoning District	Heavy Industrial	Same
Lot Size	9.64 acres	Same
Land Use	Industrial Office	3,736 sf will be converted into a climbing gym for Planet Granite
Stories / Total Height	One-story	same
Parking	447	435
Clean Air Parking	N/A	16
Bicycle Parking	N/A	21

Aerial Map

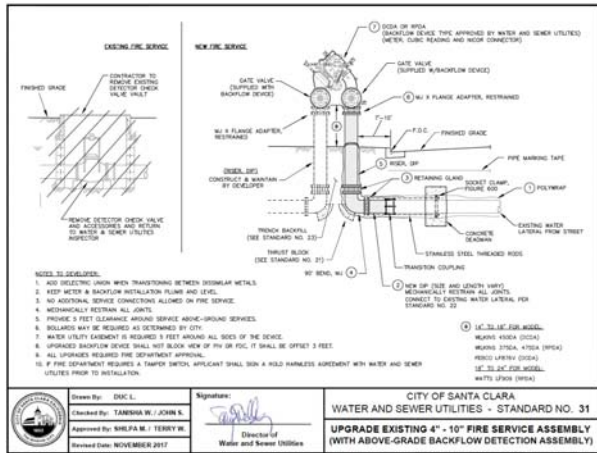


Zoning Map

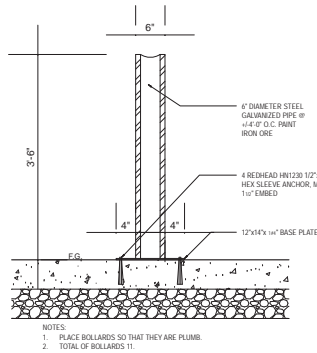


General Plan Map

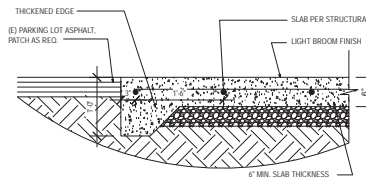




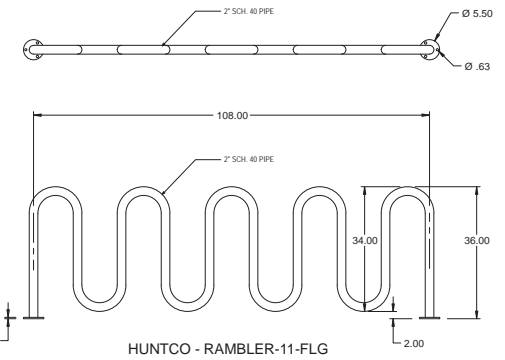
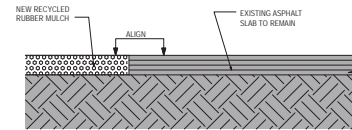
1 BACK-FLOW PREVENTER DETAIL
Scale: 1" = 1'-0"



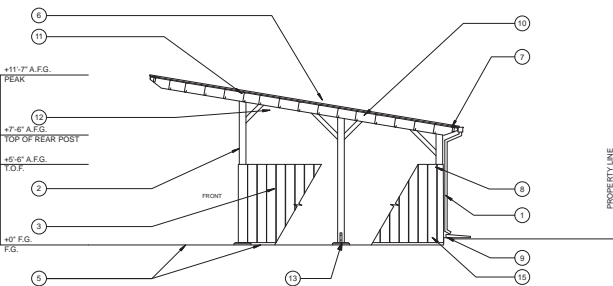
2 TRASH ENCLOSURE BOLLARD DETAIL
Scale: 1" = 1'-0"



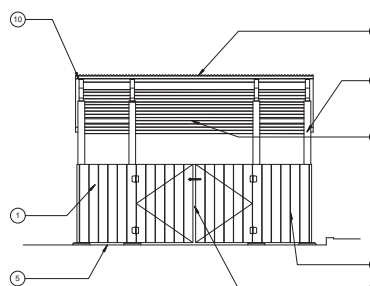
3A TRASH ENCLOSURE SLAB DETAIL
Scale: 1" = 1'-0"



10 BIKE RACK DETAIL
Scale: NTS

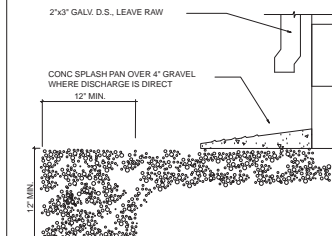


4 TRASH ENCLOSURE ELEVATION - SOUTH(side)
Scale: 1/4" = 1'-0"

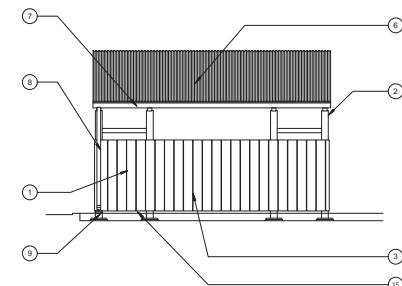


5 TRASH ENCLOSURE ELEVATION - WEST(front)
Scale: 1/4" = 1'-0"

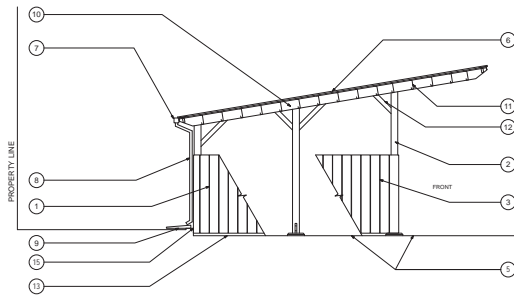
3B TRANSITION DETAIL AT SITE ASSEMBLY AREA
Scale: 1" = 1'-0"



8 TRASH ENCLOSURE DOWNSPOUT DETAIL
Scale: 1" = 1'-0"



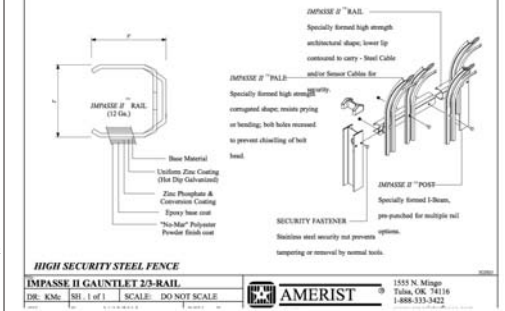
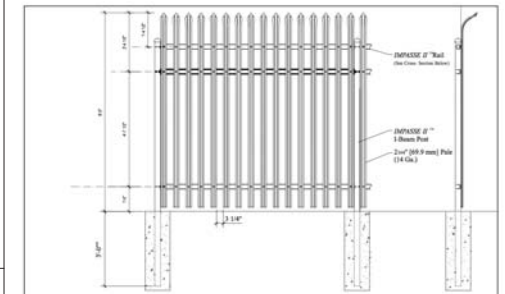
6 TRASH ENCLOSURE ELEVATION - EAST(rear)
Scale: 1/4" = 1'-0"



7 TRASH ENCLOSURE ELEVATION - NORTH(side)
Scale: 1/4" = 1'-0"

CONSTRUCTION NOTES

- 2x WOOD FENCE BOARDS.
- STEEL POST ROOF SUPPORT.
- 5'-11/2" TALL WOOD SCREEN WALL.
- DOUBLE 4'-0" x 5'-11/2" WOOD GATE.
- NEW 6" THICK IMPACT PAD AT FRONT OF ENCLOSURE, SEE 3/A-1.3.
- NEW METAL CORRUGATED METAL ROOF, GALVANIZED RAW FINISH, SLOPE AT 2:12.
- 4" SQUARE GUTTER, GALVANIZED, RAW FINISH.
- 2"x3" SQUARE DOWN SPOUT, RELEASE TO EXISTING LANDSCAPING. SEE DETAIL 8/A-1.3.
- SPLASH BLOCK AT BASE OF NEW DOWN SPOUT. SEE DETAIL 8/A-1.3.
- MAIN BEAM.
- ROOF FRAMING BEYOND. PAINT ALL ROOF FRAMING AND PLYWOOD.
- ANGLE BRACE, AS REQ'D.
- CONCRETE PAD, SEE 3/A-1.3.
- TRASH ENCLOSURE SUFFICIENT FOR TWO 3 YARD BINS, ONE FOR SOLID WASTE AND THE SECOND FOR RECYCLABLES. ALSO ROOM FOR ONE FUTURE 96 GALLON FOOD WASTE BIN.
- HOLD BACK FENCING A MIN. OF 2' ABOVE EXISTING CURB.
- REMOVE EXISTING ASPHALT AND PREP FOR NEW SLAB.



9 SITE ASSEMBLY AREA FENCE DETAIL
Scale: NTS

NOTE: FENCE SHALL BE DARK BRONZE OF MATCH ADJACENT STOREFRONT COLOR.



PILLARS

Alex G. Ross
Architect
License #C-27341

12 S. 1st ST., SUITE 808
San Jose, California 95113
408.295.5867
alex@pillarsarchitecture.com

STANDARD USE PERMIT AND INTERIOR TENANT IMPROVEMENT FOR
PLANET GRANITE
801 MARTIN AVENUE, SANTA CLARA, CALIFORNIA 95050

These drawings are the sole possession of the Architect (Alex G. Ross). They have been prepared for the use of the Client and are not to be used for any other purpose without the written consent of the Architect. The Client agrees to indemnify and hold the Architect harmless from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees, arising out of or from the use of these drawings for any purpose other than that for which they were prepared. The Client agrees to hold the Architect harmless from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees, arising out of or from the use of these drawings for any purpose other than that for which they were prepared.

Date:	09-04-18
Scale:	AS SHOWN
Drawn By:	
Job No.:	
Revisions:	

Sheet Number:

A1.3

1. CLIMBING ACCESSORIES (CLOTHES, SHOES, BACKPACKS, ETC.).
2. YOGA APPAREL (CLOTHES, MATS, BAGS, ETC.).
3. ENERGY FOOD (BOTTLED WATER, SPORT DRINKS, POWER BARS, SNACKS, SOFT DRINKS, ETC.).

NO ALCOHOL OR ADULT BEVERAGES ARE TO BE SOLD AT THE FACILITY



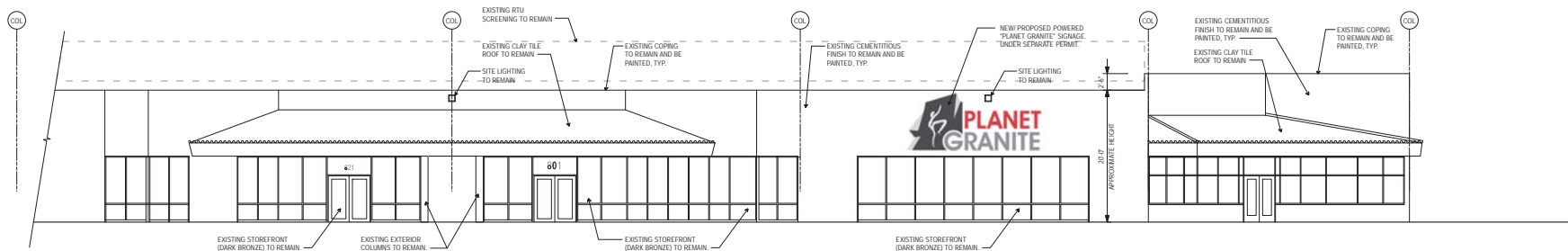
STANDARD USE PERMIT & INTERIOR TENANT IMPROVEMENT FOR
PLANET GRANITE
801 MARTIN AVENUE, SANTA CLARA CALIFORNIA, 95050

These drawings are the sole possession of the Architect (Alex G. Ross). They have been generated to represent the project as described to the Architect by the client. All information to be verified as all persons, companies and project representatives that will share these drawings. Should any error, correction or change be required, the Architect will be responsible for providing such and will contact the Architect for responsibility. The drawings are for informational use only and shall not be used in accordance with the Uniform Building Code (Lease applied edition) and all local codes and ordinances. These drawings shall not be reproduced or copied without the written consent of the Architect. Preliminary drawings labeled "Not For Construction" and for reference purposes only.

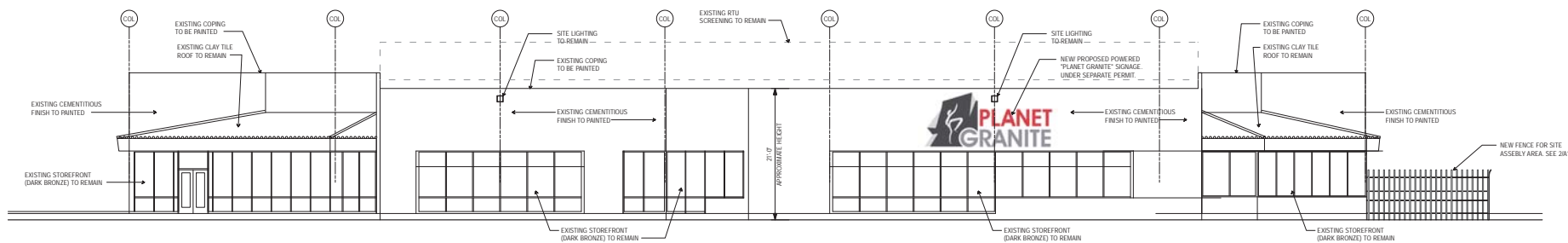
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Sheet Number:

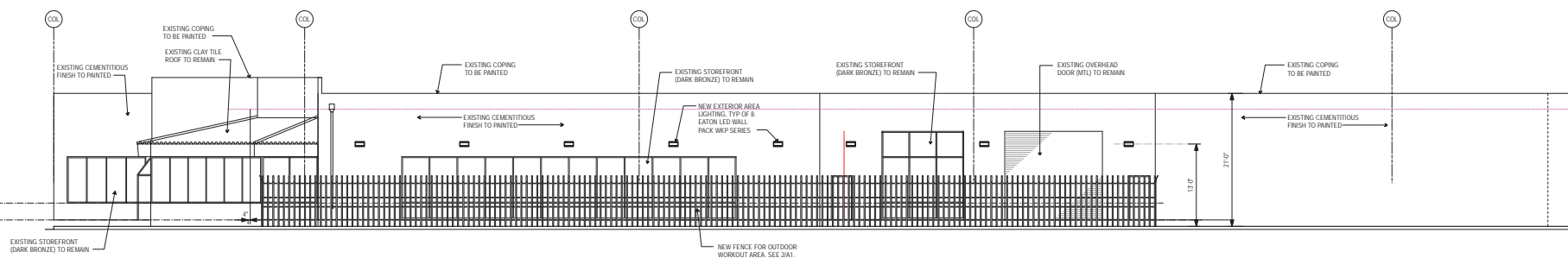
A3



1 WEST ELEVATION
A3 Scale: 1/8" = 1'-0"



2 SOUTH ELEVATION
A3 Scale: 1/8" = 1'-0"



3 EAST ELEVATION
A3 Scale: 1/8" = 1'-0"



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License #C-27341

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INTERIOR TENANT IMPROVEMENT FOR
PLANET GRANITE
801 MARTIN AVENUE, SANTA CLARA, CALIFORNIA 95050

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Date: 06-18-18
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Revisions:
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Sheet Number:

A4



PARKING AISLE/ LEFT SIDE



ENTRY DOOR/ LEFT SIDE



LEFT SIDE ELEVATION



FRONT LEFT CORNER



VIEW OF MARTIN AVE



PARKING AISLE/ MARTIN AVE



FRONT ENTRANCE



FRONT ENTRANCE



MARTIN AVE ELEVATION



MARTIN AVE ELEVATION/



RIGHT SIDE ELEVATION



PARKING AISLE/ SIDE



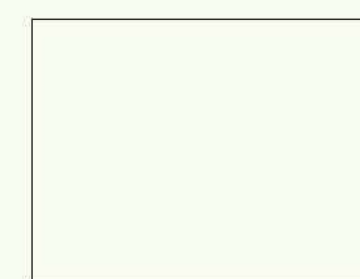
RIGHT SIDE ELEVATION



RIGHT SIDE ELEVATION



RIGHT SIDE LOADING BAY



RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE
PERMIT TO ALLOW A CLIMBING GYM AND OUTDOOR
WORKOUT AREA FOR THE PROPERTY LOCATED AT 801
MARTIN AVENUE, SANTA CLARA, CA**

PLN2018-13347 (Use Permit)

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

WHEREAS, on June 20, 2018, Alex Ross (“Applicant”) applied for a Use Permit to allow a climbing gym and outdoor workout area for the property located at 801 Martin Avenue (“Project Site”);

WHEREAS, the Project Site is currently zoned MH – Heavy Industrial and has the General Plan land use designation of Heavy Industrial;

WHEREAS, pursuant to the Santa Clara City Code (“SCCC”) Section 18.50.040(d), uses that are not permitted by right but that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the MH zoning district, if the Planning Commission approves a Use Permit;

WHEREAS, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301 (Class 1 – Existing Facilities), in that the primary use is confined within an existing on-site facility, and the additional outdoor use is less than 10,000 square feet, in an area where all public services are facilities are available, and the area is not environmentally sensitive;

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 September 14, 2018, the notice of public hearing for the September 26, 2018 meeting date for this item was posted in three conspicuous locations within 500 feet of the Project Site and mailed to all property owners located within 500 feet of the Project Site; and

WHEREAS, on September 26, 2018, 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 approves the Use Permit to allow a 29,120 square foot climbing gym and 3,736 square foot outdoor workout area at the Project Site, as depicted on Exhibit "Development Plans," attached hereto and incorporated herein by this reference.

3. That based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds that:

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 contributes to the variety of private service uses available in the industrial area;

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 primary use is entirely within an existing building that has previously been used as an athletic facility, and the new outdoor recreational area represents a minor expansion of the existing use that is unlikely to adversely impact adjacent industrial uses;

2) The property or improvements in the neighborhood of such proposed use, in that no expansion of the building is proposed, other than the small additional outdoor exercise area, and the proposal provides adequate on-site parking;

3) The general welfare of the City, in that the proposed use contributes to the variety of private service uses available in the industrial area of the City and is designed with sufficient on-site parking to support the proposed use;

C. That said use will not impair the integrity and character of the zoning district, in that the proposed changes to the building exterior are minor and consistent with the previous use, such as a minor modification to the façade that would be compatible with the architectural style of the adjacent building on site and the surrounding industrial area;

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a non-industrial use may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in the heavy Industrial zoning district.

4. 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 26TH DAY OF SEPTEMBER, 2018, 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
801 Martin Avenue
PLN2018-13347

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. This project involves change of occupancy per the Building Code, from industrial use to Assembly Use. There are Building Code requirements that shall be determined by a California licensed architect or civil engineer.
- C2. Obtain Building permit for all work subject to Building Permit per City Administrative code Chapter 15.05. Comply with all requirements current at the time of application for building permit (CBC, Cal Green, California Energy Conservation Code (Title 24), CPC, CMC and CEC).
- C3. Applicant shall finalize all designs with Planning and Public Works for sidewalk improvement and landscaping.
- C4. 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, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- C5. Property owner is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C6. 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, all in accordance with City Code Chapter 9.10.
- C7. The Director of Community Development may refer the Conditional Use Permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval area 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 provide a review of the Conditional Use Permit to the Planning Commission within three months for consideration of revocation proceedings.

ENGINEERING

- E1. ADA frontage improvements required for 3-year cumulative building permit valuation greater than \$200,000.
- E2. 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.
- E3. 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.

- E4. On-street parking shall not be counted toward on-site parking requirements.
- E5. An ADA pedestrian walkway shall be provided connecting the proposed building to public parking stalls.
- E6. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his/her designee.
- E7. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways in order to allow an unobstructed view of oncoming traffic.
- E8. Construct a minimum 5' sidewalk along the Martin frontage, if ADA frontage improvements are required.
- E9. Provide a minimum of 1 Class I bicycle locker space per 30 employees and 19 Class II bicycle rack spaces at the main entrance and/or high visibility area

WATER

- W1. Approved reduced pressure detector assembly device is required for an existing 8" fire service. The applicant shall submit plans showing existing fire service upgrade with reduced pressure detector assembly device, as per city standard 17, to the satisfaction of the Director of Water & Sewer Utilities. Note that the city standard details can be obtained from the City of Santa Clara website under Water and Sewer Utilities Technical Documents.
- W2. If fire flow information is needed, applicant shall coordinate with Water Department at (408) 615-2000.
- W3. Applicant shall coordinate with Fire Department to submit hydraulic calculations for the sprinkler design and obtain an underground fire permit for the proposed fire service.
- W4. 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 propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance 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).
- W5. Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.

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. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. Consider illuminated numbers during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street. Where multiple units or buildings occupy the same property, each unit/building address shall be clearly visible. A monument sign, preferably at all entrances to the property, should be prominently displayed showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.
- PD3. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the address shall be displayed to both the front and rear of the individual buildings. Where an alley, driveway, etc. provided vehicular access, address numbers shall be clearly visible from that access.
- PD4. Businesses with rear alley entrance doors shall be numbered with the same address numbers or suite numbers as the front doors. Numbers that are a minimum height of 4" are recommended.
- PD5. 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.

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 Pedestrian Scale
- Full cut-off or shoebox design Unbreakable exterior
- Tamperproof Housings Wall mounted lights/10' high

These features increase natural surveillance, support and/or enhance security camera capabilities, and increase Police Patrol effectiveness.

- PD6. 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.
- PD7. 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. Another option to benches could be cubes, knee walls, or other creative types of seating possibilities.
- PD8. All exterior doors should be adequately illuminated at all hours with their own light source.
- 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. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management Plan and submit a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.
- 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.