City of Santa Clara

PLANNING COMMISSION MEETING MINUTES
Wednesday, April 11, 2012 – 7:00 P.M.

CITY COUNCIL CHAMBERS
1500 Warburton Avenue
Santa Clara, CA 95050

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda 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:

- **8.C. File No.: CEQ2012-01141-** Fiscal Year 2012-2013 Capital Improvement Program (CIP) Budget Environmental Determinations and General Plan Conformity Finding

1. PLEDGE OF ALLEGIANCE and INVOCATION
Chair Marine initiated the Pledge of Allegiance, and the Invocation was read.

2. ROLL CALL
The following Commissioners responded to roll call: Chair Tony Marine, Commissioners Ian Champeny, Deborah Costa, Robert Mayer, Teresa O'Neill and Keith Stattenfield. Commissioner Fitch was excused.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve lynch, Assistant City Attorney Alexander Abbe, and Office Specialist IV Megan Zimmershead.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS
Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES
Chair Marine reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES
A. Withdrawals – None.
B. Continuances without a hearing – None.
C. Exceptions (requests for agenda items to be taken out of order) – None.

6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS
Members of the public may briefly address the Commission on any item not on the agenda. No comments were received.

7. 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.

7.A. Planning Commission Minutes of March 21, 2012

Motion/Action: The Commission approved the Minutes of March 21, 2012 (5-0-1-1, Fitch absent, Costa abstained).

**********END OF CONSENT CALENDAR**********

8. PUBLIC HEARING ITEMS

8.A.	**File No.(s):**	**PLN2012-09045**
	Address:	3216 El Camino Real, a .47 acre (parcel located west of the intersection of El Camino Real and Calabazas Boulevard; (APN: 290-03-064)
	Applicant:	Jorge Hernandez
	Owner:	Clalen Investment
	Request:	**Use Permit to** allow beer and wine service along with food service at an existing 1,200 square foot restaurant
	CEQA Determination:	Categorical Exemption per Section 15301, Class 1 Existing Facilities
	Project Planner:	Payal Bhagat, Assistant Planner II
	Staff Recommendation:	**Approve, subject to conditions**

Notice: The notice of public hearing for Item 8.A. was posted within 300 feet of the site and mailed to property owners within 300 feet.

Discussion: Kevin Riley gave a brief presentation on the project.

The applicant stated that the Use Permit for beer and wine service is being requested to that the restaurant can increase its customer base and sales.

The Commission expressed concern about the availability of parking for the complex given the intensification of the use and recommended that a 6-month review be added to the conditions of approval.

The Public Hearing was opened and closed with no public comments received.

The Commission clarified that while the restaurant only has space for 28 seats with the current design, the Use Permit allows up to 46 seats. The Applicant and Commission agreed to reduce the seating allowance to 28 seats.

Motion/Action: The Commission motioned to adopt the resolution to approve the Use Permit for the project located at 3216 El Camino Real (6-0-1-0, Fitch absent) subject to the following added or revised conditions:
1) A six and twelve month review of the Use Permit shall be conducted by the Planning Commission upon commencement of the beer and wine service.
2) The restaurant shall be allowed to have up to 28 seats.

8.B.	**File No.(s):**	**PLN2012-09021**
	Address:	2956 Scott Boulevard a 2,000 square foot tenant space in an existing industrial office complex on a 3.43 acre parcel, located on the northwest corner of Scott Boulevard and Central Expressway; (APN: 224-44-013)
	Applicant:	TLA Architects/ Green Healthy Massage
	Owner:	Walton CWCA San Tomas 26 LLC
	Request:	**Use Permit** to allow a massage business within an existing tenant space on a property in the Light Industrial (ML) Zoning District
	CEQA Determination:	Categorical Exemption per Section 15301, Class 1 (a), Existing Facilites
	Project Planner:	Jeff Schwilk, Associate Planner
	Staff Recommendation:	**Approve**, subject to conditions

Notice: The notice of public hearing for Item 8.B. was posted within 300 feet of the site and mailed to property owners within 300 feet.

Discussion: Kevin Riley gave a brief presentation on the project and noted that this application came forward as a result of Code Enforcement action of a violation which will be corrected through approval of the Use Permit.

The Commission inquired about the licensure of the massage therapists. It was confirmed that Condition P5 in the Conditions of Approval requires all massage therapists employed at this address to possess valid State-issued Certified Massage Therapist Certificates. This requirement is monitored by the Police Department.

The Commission inquired about the violation that existed prior to the Public Hearing. Kevin Riley stated that the business had been operating in the industrial zone which is not permitted without a Use Permit.

The applicant, Thomas Liu, stated that his business provides professional massage services to customers in the surrounding industrial business parks.

The Public Hearing was opened and closed with no public comments received.

The Commission asked that a six and twelve month review period be added to the Conditions of Approval.

Motion/Action: The Commission motioned to adopt the resolution to approve the Use Permit for the project located at 2956 Scott Boulevard unanimously (6-0-1-0, Fitch absent) with the following added condition:
1) 1) A six and twelve month review of the Use Permit shall be conducted by the Planning Commission.

8.C.	**File No.:**	**CEQ2012-01141**
	Location:	City-wide
	Applicant/Owner:	City of Santa Clara
	Request:	**Fiscal Year 2012-2013 Capital Improvement Program (CIP) Budget** Environmental Determinations and General Plan Conformity Findings
	CEQA Determination:	Varies by CIP Project
	Project Planner:	Yen Chen, Associate Planner

Staff Recommendation: **Approve** Environmental Determinations and **make findings** for General Plan Conformance.

Notice: Noticing for this item is not required under CEQA.

Discussion: Kevin Riley gave a brief presentation of the Capital Improvement Budget (CIP) and findings of conformity with the General Plan.

The Commission discussed the overall CIP budget, including the timing, execution, and priority of projects identified in the budget.

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission motioned to adopt the resolution to make findings that the draft Fiscal Year 2012-13 Capital Improvement Budget is in conformance with the General Plan unanimously (6-0-1-0, Fitch absent).

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

ii. Report of the Director of Planning and Inspection

- City Council Action

iii. Commission/Board Liaison and Committee Reports

- Architectural Committee: Commissioners Stattenfield and Mayer
- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and O'Neill

iv. Commission Activities

- Commissioner Travel and Training Reports

v. Upcoming agenda items

- Planning Commission Procedures

10. ADJOURNMENT

The meeting adjourned at 8:10 p.m. The next regular Planning Commission meeting will be held on Wednesday, May 2, 2012, at 7:00 p.m.

Prepared by: Gloria Saiara
Megan Zimmershead
Office Specialist IV

Approved by: Kevin L. Riley
Kevin L. Riley
Director of Planning & Inspection

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