City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, August 29, 2012 – 7:00 P.M.

STUDY SESSION 6:00 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.

The Planning Commission held a Study Session on Findings prior to the regular meeting. Discussion included differentiating between legislative and judicial acts and focused on the findings used to approve Planned Development rezonings. Suggested revision of the findings were reviewed and will be addressed at a future 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:

- **Item #8.A.** File No.: PLN2012-0927, Location: 1043 Alviso - PD Rezoning

1. PLEDGE OF ALLEGIANCE and INVOCATION

Chair Costa initiated the Pledge of Allegiance, and the Invocation was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chair Deborah Costa, Vice-Chair Ian Champeny, Commissioners Steve Kelly, Teresa O'Neill, Keith Stattenfield, and Joe Sweeney.

It was announced that Commissioner Todd Fitch has resigned from the Planning Commission effective August 27, 2012.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Alexander Abbe, Associate Planner Debby Fernandez, 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 Costa 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.

None.

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 August 1, 2012

7.B. Planning Commission Calendar of Meetings for 2013

7.C.	**File No.(s)**:	**PLN2011-08837**
	Location:	2725 El Camino Real, Suite #107, APN: 216-01-040, a 3,962 square foot tenant space within an existing retail commercial shopping center located 550 feet east of the intersection of Bowers Avenue and Kiely Blvd., zoned Thoroughfare Commercial (CT)
	Applicant:	Kimberly Kim
	Owner:	James L. Samnet
	Request:	**Six Month Review of Approved Use Permit Amendment** allowing full service alcoholic beverages in conjunction with a previously approved music and karaoke studio and full service restaurant.
	CEQA Determination:	Exempt, Section 15301, Class 1
	Project Planner:	Payal Bhagat, Assistant Planner II
	Staff Recommendation:	**Note and File Status Report**
7.D.	**File No.(s)**:	**PLN2011-08973**
	Location:	3438 El Camino Real, APN: 290-01-136 et al, a 7.38 acre site at the southeast corner of El Camino Real and Lawrence Expressway, zoned Thoroughfare Commercial (CT)
	Applicant:	Big Panda, Inc./Daniel Hwang
	Owner:	Rancho Retail Associates
	Request:	**Use Permit Amendment** allowing for a restaurant with beer and wine service, to include full liquor service in conjunction with food service (Change from Type 41 ABC License to Type 47 ABC License)
	CEQA Determination:	Exempt, Section 15301, Class 1
	Project Planner:	Debby Fernandez, Associate Planner
	Staff Recommendation:	**Approve**, subject to conditions

7.E.	**File No.(s)**:	**PLN2012-09316**
	Location:	2961 El Camino Real, APN: 220-31-075 & 220-32-056, a 2,710 square foot tenant space within an existing auto retail commercial use located on the north side of El Camino Real, approximately 710 feet west of Bowers Avenue, zoned Thoroughfare Commercial (CT)
	Applicant:	Subbu Gundapaneni
	Owner:	NN Investors LLC
	Request:	**Use Permit** to allow beer and wine service at an existing restaurant
	CEQA Determination:	Categorically exempt per CEQA Guideline 15301
	Project Planner:	Marge Sung, Associate Planner, and Greg Qwan, Planning Intern
	Staff Recommendation:	**Approve**, subject to conditions
7.F.	**File No.(s)**:	**PLN2012-09320**
	Location:	3548 Homestead Road, APN: 293-02-034, 028, 029, 030, 031, 032, 033, and 021, a 1,340square foot tenant space within an existing retail shopping center located on the southeast corner of Homestead Road and Lawrence Expressway, zoned Community Commercial (CC)
	Applicant:	Masahiko Oshima
	Owner:	Marchese Family Properties
	Request:	**Use Permit** to allow beer and wine service at a new restaurant and increase in seating from 21 seats to 43 indoor seats
	CEQA Determination:	Categorically exempt per CEQA Guideline15301
	Project Planner:	Marge Sung, Associate Planner, and Greg Qwan, Planning Intern
	Staff Recommendation:	**Approve**, subject to conditions

Motion/Action: The Commission motioned to approve the Consent Calendar unanimously (6-0-0-0).

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

8. PUBLIC HEARING ITEMS

8.A.	**File No.(s)**:	**PLN2011-08955 / CEQ2011-01129 (Santa Clara University Art / Art History Building Project)**
	Location:	1043 Alviso Street, APN: 269-23-046 and 083, a 2.21 acre project site comprised of two parcels that make up the majority of the city block defined by Benton Street to the north, The Alameda to the east, Franklin Street to the south, and Alviso Street to the west and that include building site addresses: 1043, 1045, 1065, 1071 and 1073 Alviso Street; 724, 734 and 770 Benton Street; and 735, 741, 743, 755 and 773 Franklin Street; Properties zoned Downtown Commercial (CD) and Public (B)
	Applicant:	Steve Brodie, Master Program Management
	Owner:	Santa Clara University
	Request:	**Review of the Environmental Impact Report;**

	Rezone from Downtown Commercial and Public (B) to Planned Development (PD) to construct a three-story, 44,111 square foot Art and Art History Building and four level parking garage containing 383 parking spaces as part of the expansion of the Santa Clara University campus; in conjunction with the demolition of 11 existing buildings, including up to three historic structures
CEQA Determination:	Environmental Impact Report (EIR)
Project Planner:	Debby Fernandez, Associate Planner
Staff Recommendation:	**Recommend City Council Certification of EIR and Approval of Modified Project Design**

Notice: The notice of public hearing for Item 8.A. was posted within 500 feet of the site and mailed to property owners within 500 feet.

Discussion: Debby Fernandez gave a brief presentation on the project and noted that a revised proposal had been submitted and will be presented by the applicant.

Joe Sugg, representative for the applicant, presented visual representations of the revised proposal. Mr. Sugg reviewed the design alternatives presented in the EIR and explained the differences between those alternatives and this newly revised proposal. Mr. Sugg requested removal of the bicycle storage locker requirement and amendments to conditions related to the parking structure.

The Public Hearing was opened.

Lorie Garcia, Honorary City Historian, stated that she did not originally support the project because of it's impact on historical resources. She then stated that the revised proposal addressed many of her concerns and was pleased to see plans to relocate the Larder House to a street-fronted corner on the block. Ms. Garcia further emphasized the importance of relocating the two Victorian homes within the City of Santa Clara.

The Commission confirmed that the project revisions being discussed at this meeting had not been reviewed by the Historical Landmarks Commission (HLC). The Commission inquired if the project should be remanded to the HLC and Ms. Garcia indicated that she has spoken with three of the HLC Commissioners and the general feedback was supportive of the revised proposal.

The Public Hearing was closed.

The Commission agreed that the removal of the requirement for bicycle lockers was reasonable. The Commission discussed concerns related to the height of the first floor of the parking structure and the architecture of the stairwells. The Police Department recommended changes of the design to increase visibility and safety.

The Commission discussed the Resolution to certify the EIR and Alexander Abbe read revisions into the record reflective of the redesigned project presented at the meeting.

Motion/Action: The Commission motioned to adopt the resolution, as amended for the revised project, to certify the EIR for the Santa Clara University Art/Art History project unanimously (6-0-0-0).

Motion/Action: The Commission motioned to adopt the resolution, as amended for the revised project, to recommend that the City Council approve the rezoning of the property from Downtown Commercial, Public/Historic Combining (B/HT), and Public (B) to Planned

Development (PD) unanimously (6-0-0-0), subject to the following revisions:
1) Modify Condition P6 to require Architectural Committee review and approval of the project design;
2) Modify Conditions E10 and E11 to remove the requirements for Class I bike lockers and increase the number of Class II bike racks by the number of bike lockers eliminated.
3) Retain Condition PD4 to provide a minimum height clearance of 10 feet on the first floor parking garage; and
4) Strike-out requirement to design open-style exterior stairs in the parking garage as sited in PD 8.

8.B.	**File No.(s):**	**PLN2012-09137**
	Location:	3740 El Camino Real, APN: 313-06-003; a 66 acre site at the southwest corner of El Camino Real and Halford Avenue, zoned Community Commercial (CC)
	Applicant:	Ron Jacobs
	Owner:	Salkhi Family Trust
	Request:	**Use Permit Amendment** to allow off-sale beer and wine sales and a new self service car wash facility at an existing gasoline station and convenience store
	CEQA Determination:	Exempt, Section 15301, Class 1
	Project Planner:	Payal Bhagat, Assistant Planner II
	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: Keith Stattenfield abstained from this agenda item. Gloria Sciara gave a brief presentation on the project.

Ron Jacobs, applicant, was present to answer any questions and briefly spoke about the water efficiency of the car wash.

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

Motion/Action: The Commission motioned to adopt the resolution to approve the Use Permit Amendment for the property located at 3740 El Camino Real unanimously (6-0-0-0).

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 Costa
- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and O'Neill

iv. Commission Activities
- Commissioner Travel and Training Reports
- Recognition Dinner for Commissioners Marine and Mayer
- Webinar for Commissioner Kelly

v. Upcoming agenda items
- Planning Commission Procedures

10. ADJOURNMENT

The meeting adjourned at 8:55. The next meeting of the Planning Commission will be held on September 26, 2012 at 7:00 pm.

Prepared by: _____
Megan Zimmershead
Office Specialist IV

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

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