# City of Santa Clara



# PLANNING COMMISSION MEETING MINUTES

Wednesday, October 17, 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:

Item 8.A. PLN2012-09064/CEQ2012-01137; Address: 3175 El Camino Real (Rezoning)

#### 1. PLEDGE OF ALLEGIANCE and INVOCATION

Vice-Chair Champeny initiated the Pledge of Allegiance, and the Invocation was read.

#### 2. ROLL CALL

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

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, 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

Vice-Chair Champeny 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 September 26, 2012

7.B. File No.(s): PLN2012-09362

Address: 2211 Tasman Drive a 1,104 square foot tenant space

in an existing commercial center on a .98 acre parcel, located between Lafayette Street and Lick Mill

Boulevard (APN: 097-46-030)

Applicant: Benjamas Junyarungraun

Owner: Pelio and Associates

Request: Use Permit allowing beer and wine service (ABC type

41 license), live entertainment (karaoke), and outdoor seating on a property in the Light Industrial (ML)

**Zoning District** 

CEQA Determination: Categorical Exemption per Section 15301, Class 1

**Existing Facilities** 

Project Planner: Marge Sung, Associate Planner and

Kelly Mumper, Planning Intern

Staff Recommendation: Approve, subject to conditions

7.C. File No.(s): PLN2012-09039

Address: 3145 El Camino a 2,900 square foot tenant within one

of four commercial buildings on a 1.9 acre parcel located on the north side of El Camino Real, approximately 150 feet east of Calabazas Boulevard (APN: 220-32-057); Property is zoned Thoroughfare

Commercial (CT)

Applicant: Jin Ho Park

Owner: Herbert and Hazel Bowers Trusts #2

Request: Use Permit Amendment to allow the addition of live

entertainment (karaoke) in individual rooms in an

existing bar with restaurant

CEQA Determination: Categorical Exemption per Section 15301, Class 1

**Existing Facilities** 

Project Planner: Debby Fernandez, Associate Planner

**Staff Recommendation:** Approve, subject to conditions

**Motion/Action:** The Commission motioned to approve the Consent Calendar unanimously (5-0-1-0, Costa absent), with the following added condition to Item 7.C., PLN2012-09039:

1) Full menu food service shall be available during all hours that the regulated establishment is open and alcoholic beverages are served.

#### 8. PUBLIC HEARING ITEMS

8.A. File No.(s): PLN2012-09064/CEQ2012-01137

Address:

3175 El Camino Real, a 3.4 acre parcel located on the north side of El Camino Real approximately 140 feet west of Calabazas Boulevard (APN: 220-01-056)

Property is zoned Thoroughfare Commercial (CT)

Applicant:

Citation Homes Central

Owner:

Frank Bowers Car Town Santa Clara, LLC

Rezoning from Thoroughfare Commercial (CT) to Request:

Planned Development (PD) to allow development of a 133-unit multi-family housing project. The project involves the demolition of seven existing one-story buildings and surface parking to construct a single four-story residential structure along with proposed site

improvements and landscaping

CEQA Determination:

**Environmental Impact Report** 

Project Planner:

Debby Fernandez, Associate Planner

Staff Recommendation:

Recommend City Council certification of the

Environmental Impact Report and approval of the

rezoning, subject to conditions

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. Commissioner Kelly recused himself from the Public Hearing due to a conflict of interest. Commissioner O'Neill disclosed a meeting with the applicant.

**Discussion:** Debby Fernandez gave a brief presentation on the project.

The Commission inquired about the parking ratio, to which Staff responded that the parking ratio of 1.7 is standard for this type of development and that the developer will also be providing transit passes to encourage use of public transportation systems. Staff also discussed condition P18 which requires the applicant to prepare a parking management plan.

The applicant, Mike Sullivan, gave a brief presentation on the project highlighting the connection to El Camino Real and public transportation, the proposed 10-foot sound wall between the development and the abutting single-family neighborhood, and that the development will both build and professionally manage the property.

Vince Chupka, project architect, highlighted the building's small footprint, outdoor space, landscaping, modern mission design, and mixture of one-to-two bedroom units between 700-1,000 square feet.

The Commission inquired about the availability of transit passes for the residents. indicated that the details of the transit pass program have not yet been finalized but that the applicant and staff will work cooperatively to develop a successful program.

The Commission noted concern about privacy for neighboring homes and discussed privacy measures already taken by the applicant and possible improvements.

The Public Hearing was opened.

Gaylord Modin, Santa Clara resident, stated that the effects that large developments have on single family neighborhoods is significant. He indicated that he had attended the public outreach meetings and feels that 133 units is too many and that he'd rather have no development at all than this development.

James Jones, Santa Clara resident, expressed concern for the privacy obstruction from a four-story building and passed out a self-made depiction of what the four-story building looks like in comparison to single story homes. Mr. Jones then handed out a list of his concerns noting his privacy concerns as the most prevalent issue.

Curtis Fisher, resident, stated that the development does not meet current General Plan Goals and Policies and that the development is a visual Intrusion. Mr. Fisher added that the EIR had 19 pages of neighborhood concerns which were responded to in one sentence in the Final EIR and that he would like to see a reduction of the building height to three-stories.

Shiloh Ballard, Vice President of Housing and Community Development for the Silicon Valley Leadership Group (SVLG), stated that SVLG endorses this project as housing availability and affordability is a major impeding factor for businesses in the area and this project addresses that problem. Ms. Ballard added that the SVLG supports the General Plan and Grand Boulevard Initiative and this project fulfils those visions by providing a transportation choice for residents, which reduces greenhouse emissions, and supports the future Bust Rapid Transit (BRT) project.

In a rebuttal statement the applicant confirmed that the line of sight from the top of the proposed building and the existing neighborhood has been thoroughly evaluated and the measures in the proposed plans adequately address the issue.

The Commission confirmed that the landscape plans, including trees, of the proposed development would need to be maintained as part of the project approval.

Public Hearing was closed.

The Commission readdressed the privacy concerns presented by neighbors, emphasized the importance of the transit passes, and noted the accommodations made by the applicant in the current proposal to minimize impacts to the existing neighborhood.

**Motion/Action:** The Commission motioned to adopt a resolution recommending that the City Council approve and certify the Environmental Impact Report for the project located at 3175 El Camino Real (4-0-1-1, Costa absent, Kelly abstaining).

**Motion/Action:** The Commission motioned to adopt a resolution recommending that the City Council approve the rezoning request from Thoroughfare Commercial (CT) to Planned Development (PD) for the project located at 3175 El Camino Real (4-0-1-1, Costa absent, Kelly abstaining) with the following added recommendations:

- 1) Pending City Council Approval, the project shall be reviewed by the Architectural Review Committee for final design review to address privacy concerns.
- 2) Condition P19 shall be reworded to read: The developer shall provide ongoing transit passes (i.e. annual Eco Pass and/or Clipper Card) for all interested tenants of the rental units at no additional cost to the residents for transit use.

### 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

# v. Upcoming agenda items

Planning Commission Procedures

## 10. ADJOURNMENT

The meeting adjourned at 8:59. The next meeting of the Planning Commission will be held on

November 7, 2012 at 7:00 pm.

Megan Zimmershead

Office Specialist IV

Approved:

Kevin L. Riley

Director of Planning & Inspection

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