



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, May 29, 2013 – 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.F.: 555 Saratoga Avenue, PLN2012-09587/PLN2013-09627, Rezoning Application**

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

The following Commissioners responded to roll call: Vice-Chair Ian Champeny, Raj Chahal, Yuki Ikezi, Steve Kelly, Keith Stattenfield, and Joe Sweeney. Commissioner Costa was excused.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, Assistant Planner II Payal Bhagat, 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.

Sudhanshu Jain gave a brief presentation on the importance of the Climate Action Plan.
(Presentation continued from May 1, 2013, meeting.)

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 May 1, 2013

7.B. File No.(s): **PLN2011-08944**
Location: 2783 El Camino Real, located at the northeast corner of El Camino Real and Bowers Avenue, APN(s): 216-01-058, 059
Applicant: Paul Lee
Owner: Christopher S. Yi
Request: **One-year review** of Use Permit to allow beer and wine service in a new full service restaurant with 26 indoor seats
CEQA Determination: 1-year review is not a project under CEQA
Project Planner: Yen Chen, Associate Planner
Staff Recommendation: **Note and File report**

7.C. File No.(s): **PLN2011-08943**
Location: 3378 El Camino Real, a 2,000 square foot tenant space within an existing 8,400 square foot commercial building on a 0.90 acre site approximately 500 feet west of Pomeroy Avenue, APN: 290-02-102
Applicant: Jung Joo Lee
Owner: An Shin
Request: **Six-month review** of Camino Noraebang Music Studio Use Permit to allow the sale and service of beer on-site
CEQA Determination: Six-month review is not a project under CEQA
Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Note and File report**

The applicant spoke to the Commission about the difficulty in retaining security personnel at a reasonable cost. It was noted that amending any part of a Use Permit requires a public hearing process through a Use Permit Amendment application.

7.D. File No.(s): **PLN2013-09775**
Location: 5025 Stevens Creek Boulevard, APN: 296-17-036
Applicant/Owner: Benjamin Richards / Ettare Family Trust
Request: **Use Permit** to allow the service of beer and wine at a proposed restaurant (ABC License Type 41) within an existing commercial building

CEQA Determination: Categorical Exemption per section 15301, Class 1
Existing Facilities
Project Planner: Gregory Qwan, Planning Intern
Staff Recommendation: Approve, subject to conditions

The Consent Calendar was approved unanimously (6-0-1-0, Costa absent).

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): PLN2012-09365
Location: City-wide
Applicant/Owner: City of Santa Clara
Request: Review of Draft **Climate Action Plan GHG Reduction Measures**
Project Planner: Payal Bhagat, Assistant Planner II
CEQA Determination: Negative Declaration
Staff Recommendation: Review and Comment

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

Discussion: Payal Bhagat gave a brief presentation on the project. Jeff Henderson of Pacific Municipal Consultants (PMC) added to staff's presentation.

The Commission inquired about the current percent of coal used today and confirmed that the Climate Action Plan's (CAP) goal is to be coal-free by 2020, with a replacement power source of natural gas. A member of the public indicated that he believed the current coal usage to be 10 percent.

The Commission noted that most of the requirements, including electrical vehicle parking, are only for non-residential development and inquired if the requirement could be expanded to include residential uses.

The Commission inquired about the available incentives for solar installation. It was noted that there are local incentives through SVP, federal tax credits, and other programs; however, a more detailed listing was not available at the meeting.

The Commission discussed Table 3 of PMC's handout and requested that the consultant look into, and correct if needed, how coal reduction predictions increase in 2035 when the City has a goal to be coal-free in 2020.

The Commission inquired if natural gas would be available in the quantity needed to meet coal-free goals, and if the natural gas would be affordable to the average consumer. The consultant noted that there will be enough natural gas, but current cost estimates were not available.

The Public Hearing was opened.

Sudhanshu Jain stated that coal is carbon and that natural gas is hydrogen and carbon and is therefore unlimited; natural gas prices will likely increase to the price of coal. Mr. Jain added that the City can institute programs such as a bag or styrofoam ban, additional bike racks, Bus Rapid Transit (BRT), fast track permitting for LEED buildings, LED street lights, and pay-for-parking to help in the GHG reduction effort.

Bill Kirkpatrick inquired if the CAP was already completed and stated that he did not receive any outreach, nor see outreach made to major environmental groups. Mr. Kirkpatrick added that he would like more responsibility put on residential condominiums to use solar power.

The Public Hearing was closed.

The Commission discussed the GHG reduction measures included in the staff report and added the following list of suggestions and feedback:

- The GHG reductions measures have a large focus on coal reduction, considerations for replacement (natural gas) should be articulated;
- Require more of residential projects, including solar installation and Transportation Demand Management (TDM) programs;
- Consider making the liquid cooled servers a requirement as opposed to an option, leaving room in the policy for advances in technology;
- Expand electrical vehicle parking requirements beyond commercial developments;
- Support mixed use developments and enforce current general plan land use designations for mixed-use;
- Look into the use of nuclear power;
- Plastic bag ban;
- Mandatory TDM programs as opposed to voluntary; and,
- Look into energy production efficiency.

The Commission requested that when the draft CAP comes to the Commission for review that there be a more thorough explanation of natural gas availability and cost, confirmation of rebate rates, and more information on the environmental impacts of liquid cooled servers.

The Commission inquired what outreach measures have been taken for the CAP. Staff indicated that the City has hosted two public workshops, created a CAP webpage, held a business stakeholders outreach meeting, held an open house, notified the general population on a utility bill mailing, and that there will be an additional business outreach effort in the near future.

Motion/Action: The Commission motioned to direct Staff to note and file the feedback provided in consideration of drafting of the Climate Action Plan (6-0-1-0, Costa absent).

8.B. File No.(s):	PLN2013-09661
Location:	3465 Homestead Road, an approximately 0.40 acre site located at the northeast corner of Homestead Road and Bing Drive, APN: 290-23-065
Applicant:	Shang Chun Hsia, Jack-in-the-Box Restaurant
Owner:	George Ogino
Request:	Use Permit Amendment to allow existing drive-thru restaurant to operate from 6:00 a.m. to 3:00 a.m. daily
CEQA Determination:	Categorical Exemption per section 15301, Existing Facilities
Project Planner:	Yen Chen, Associate Planner
Staff Recommendation:	Approve Revised Resolution for project, 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: Steve Lynch gave a brief presentation on the project

The Commission acknowledged a letter received in opposition to the extended hours. The

Commission noted that no incidents have been reported and that the project will be reviewed again in six month's time to ensure no problems result from the hours of operation extension.

Motion/Action: The Commission motioned to adopt a resolution approving the Use Permit amendment with 6, 12, 18, and 24 month reviews along with automatic expiration unless action to continue the Use Permit amendment is made by the Applicant for the property located at 3465 Homestead Road (6-0-1-0, Costa absent).

8.C. File No.(s): **PLN2012-09562**
Location: 1793 Lafayette Street, a 1,880 square foot tenant space within an industrial office building located on the east side of Lafayette Street at Warburton Avenue
APN: 224-29-021
Applicant: Paco and Lindsay Dietz, Graven Image Tattoo
Owner: Scott Cooley
Request: **Use Permit** to allow a tattoo studio in conjunction with an art gallery on a property zoned Light Industrial (ML)
CEQA Determination: Categorical Exemption per Section 15301, Existing Facilities
Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

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

Discussion: Gloria Sciara gave a brief presentation on the project.

The Commission inquired about the proximity of other tattoo studios and it was noted that the closest facility was over 1,500 feet away. Staff added that while there are residential properties within 500 feet of the project site, the main focus of the business is the art gallery use, and the tattoo studio is a small portion of the business. As such, the application meets all City requirements.

The applicant, Paco Deitz, stated that he has an established clientele and therefore operates on an appointment only basis. Mr. Deitz added that this is not the stereotypical tattoo shop and that the facility provides a safe place for people to get a high quality tattoo. Mr. Deitz also noted that the word "tattoo" does not appear on the outside of the building and that the art gallery is the primary focus.

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

Motion/Action: The Commission motioned to adopt a resolution approving the Use Permit for the property located at 1793 Lafayette street (6-0-1-0, Costa absent).

8.D. File No.(s): **PLN2012-09684**
Location: 3250, 3260 and 3270 Jay Street, a 7.97 acre site located at the southeast corner of San Tomas Expressway and Highway 101, APN: 224-09-172
Applicant: Marc Filosa
Owner: Kristin Myhre for Jay Ridge LLC
Request: **Use Permit** to allow a double-faced digital pole sign with changeable messages
CEQA Determination: Categorical Exemption per section 15311, Accessory Structures
Project Planner: Steve Le, Planning Intern
Staff Recommendation: **Continue Public Hearing to June 26, 2013**

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

Discussion: Steve Lynch noted that the applicant had requested a continuance of this hearing after public hearing notices had been issued.

Motion/Action: The Commission motioned to continue the Public Hearing for the project located at 3250, 3260 and 3270 Jay Street to June 26, 2013 (6-0-1-0, Costa absent).

8.E. File No.(s):	PLN2013-09785
Location:	1755 Catherine Street, APN 269-02-037
Applicant/Owner:	Muslim Community Association
Request:	Use Permit to allow mortuary services at the Muslim Community Association
CEQA Determination:	Categorical Exemption per section 15301, Existing Facilities
Project Planner:	Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation:	Approve , subject to conditions

(Note: Item 8.E. was heard prior to all other Public Hearing Items on the Agenda)

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

Discussion: Steve Lynch gave a brief presentation on the project.

The Commission clarified that the applicant had initially come in to the Permit Center to install a refrigeration unit. At that time it was discovered that the property did not have a Use Permit to allow the mortuary services that had been taking place for the past 10 years.

Abdul Aziz Zilanawala, representative of applicant, stated that he manages both MCA facilities, and that the MCA was not aware a Use Permit was required for the mortuary services and indicated that they have had problem-free operation for several years.

It was clarified that the larger MCA facility on Scott Boulevard is used only for funeral services and that the smaller chapel on Catherine Street is used for cleansing and preparing the body for the funeral services.

The Public Hearing was opened.

Joseph Saib, neighboring homeowner, stated that he was aware of the mortuary services taking place and that from his experience the services are not impacting the neighborhood. Mr. Saib stated that he feels even more comfortable with the operations knowing that a refrigeration unit will be installed.

Ali Ahmed, resident of Santa Clara, stated that he also works in the mortuary services industry and that there is often time difficulty getting a permit from the County in a 24 hour time period. Mr. Ahmed stated that he would like to see the Use Permit approved so that the MCA can continue to offer these services.

The Public Hearing was closed.

Motion/Action: The Commission motioned to adopt a resolution approving the Use Permit for the property located at 1755 Catherine Street (6-0-1-0, Costa absent).

8.F. File No.(s): **PLN2012-09587/PLN2013-09627**
Location: 555 Saratoga Avenue, APN 269-39-101
Applicant/Owner: Silicon Sage Builders
Request: **Rezone** from Neighborhood Commercial (CN) to Planned Development (PD) and **Tentative Map** to construct 13 condominium units
CEQA Determination: Mitigated Negative Declaration
Project Planner: Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation: **Recommend City Council approval**, subject to conditions

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

Gloria Sciara gave a brief presentation on the project.

The Commission inquired about the bike lockers, staff indicated that the lockers were considered communal to the project residents.

Sanjeev Acharya, applicant, introduced Eric Schoennauer who gave a presentation on the project highlighting the location, design, parking, and community outreach of the proposal.

The Commission discussed the balconies on the back of the proposed building and expressed concern for the privacy of the existing homes on Stanley Avenue. The Applicant indicated that the balconies have gone through a design change from see-through to solid railing and added planter boxes (42" high) plus shrubbery to help minimize impacts. The Commission confirmed that the parking is at-grade, that there will be a metal roof, and that the back of the property will be lined with trees.

The Commission inquired about the height of the highest window. The applicant responded that the highest window is approximately 21 feet high and that the trees are of roughly equal height to minimize privacy impacts. The Applicant confirmed that the trees will be planted at six to eight feet tall.

The Commission inquired about parking, to which the applicant stated the parking will be assigned, with electric vehicle parking assigned to those with qualified vehicles. The Commission also confirmed that the Conditions of Approval require LEED certification of silver or higher. The Commission expressed concern for the design of the building and its fit in the existing neighborhood. The applicant indicated that the design is modern and helps set the tone for new development and utilization of new design concepts. It was confirmed that the roof slope allows solar panel installation; however, solar panels are not part of the current proposal.

The Commission expressed additional concern about both the privacy concerns from the balconies on the back of the project, and the proposed remedy of planting a large massing of trees that may block light from the existing single family homes' back yards.

The Public Hearing was opened.

Ernie Moyano, neighboring resident of 558 Saratoga Avenue, stated that his main concerns are parking, the building not fitting into neighborhood, the shadow impacts, and the safety of making turns in and out of the new development.

Pooya Emami, neighboring resident of 2005 Stanley Avenue, stated that it is a family neighborhood, and that the main issues are privacy and the density of the project. Mr. Emami further stated that he would like a residential development at this location, but not at this

density.

The applicant in a rebuttal statement noted that the project design has incorporated screening to address privacy concerns, that the General Plan calls for increased density projects, and that he has worked with the neighbors to try and address their main concerns.

The Commission inquired if a shadow study had been completed, to which the applicant replied yes. Staff noted that the shadow study was not included in the environmental review. The Commission asked that the shadow study be shared with the neighborhood.

The Public Hearing was closed.

The Commission inquired what would be allowed on this project site under the current zoning. Staff indicated that a retail shopping development would be allowed, at a height of up to 35 feet. It was noted that said commercial development would be allowed by right without going thru this public hearing process. It was confirmed that there is street parking in this neighborhood.

The Commission discussed the ingress and egress from the parking area and expressed concern about the safety of making turns onto or from a busy street. The Commission requested that further study be done on the traffic flow for this site and that a restricted turn be considered.

Motion/Action: The Commission motioned to recommend that the City Council adopt the Mitigated Negative Declaration for the project located at 555 Saratoga Avenue (6-0-1-0, Costa absent).

The Commission discussed a motion to recommend approval of the rezoning. The Commission then expressed concern about the impacts created by the balconies and discussed removal of the balconies. The applicant requested that the balconies remain as there is strong market demand for having some available private outdoor space and that removal of the balconies would affect the salability of the units.

The Commission also inquired if the trees in the front of the building could be a taller variety. The applicant stated that he would be willing to plant 36 inch box trees instead of the currently proposed 24 inch box trees.

Motion/Action: The Commission motioned to recommend that the City Council approve the rezoning from Neighborhood Commercial (CN) to Planned Development (PD) for the project located at 555 Saratoga Avenue (6-0-1-0, Costa absent), with the following added conditions:

1. The Architectural Review Committee shall review the final design concept at a future meeting;
2. The 24-inch box trees shall be replaced with 36-inch box specimens along the easterly property boundary; and,
3. Recommend that the Department of Public Works consider limiting vehicular egress onto Newhall Street to a right-hand turn only.

Motion/Action: The Commission motioned to recommend that the City Council approve the Tentative Map for the project located at 555 Saratoga Avenue (6-0-1-0, Costa absent).

8.G. File No.(s):	PLN2013-09774
Location:	1030 Duane Avenue, APN: 224-08-122
Applicant/Owner:	Jeff Brown / Caputo Family Properties
Request:	Use Permit to allow a fitness and training facility in an existing 11,850 sq. ft. industrial building
CEQA Determination:	Categorical Exemption per section 15301, Class 1 Existing Facilities

Project Planner: Gregory Qwan, Planning Intern
Staff Recommendation: **Approve**, subject to conditions

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

Discussion: Steve Lynch gave a brief presentation on the project.

The Commission inquired about parking and staff noted that the required number of parking spaces will be acquired through shared parking agreements.

Jeff Brown, applicant, gave a brief presentation on the project.

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

Motion/Action: The Commission motioned to approve the Use Permit for the property located at 1030 Duane Avenue (6-0-1-0, Costa absent).

9. OTHER BUSINESS

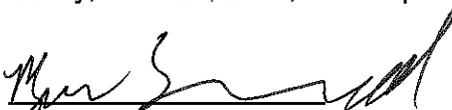
9.A. Commission Procedures and Staff Communications

- 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 Costa
 - Station Area Plan: Commissioner Champeny
 - General Plan sub-Committee: Commissioners Champeny and Ikezi
- iv. Commission Activities
 - Commissioner Travel and Training Reports
- v. Upcoming agenda items

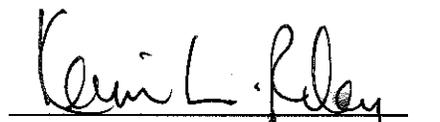
10. ADJOURNMENT

The meeting adjourned at 10:45 p.m. The next regular Planning Commission meeting will be held on Wednesday, June 26, 2013, at 7:00 p.m.

Prepared by:


Megan Zimmershead
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection