



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, November 20, 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.A.:** File Nos. PLN2013-09744, PLN2013-09752, PLN2013-09753, PLN2013-09754, and CEQ2013-0115, Location: 2611, 2621, 2631, 2635, 2645, and 2655 El Camino Real, Application: General Plan Amendment, Rezoning, Vesting Tentative Parcel Map, and MND
- **Item 8.B.:** File Nos. PLN2013-09799 / CEQ2013-01157, Location: 45 Buckingham Drive and 66 Saratoga Avenue, Application: General Plan Amendment, Rezoning, and MND
- **Item 8.C.:** File No. PLN2012-09365, Climate Action Plan, Location: City-wide

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

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

Staff present were City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Alexander Abbe, Associate Planner Yen Chen, Associate Planner Debby Fernandez, 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

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.

Kevin Park, Santa Clara resident, noted Planning Commission meetings are an opportunity for the public to get involved and provide input on projects. Mr. Parks added that all projects should come before the Planning Commission so that the public can have an opportunity to give input.

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 25, 2013

7.B. File No.(s):	PLN2012-09327
Location:	2821 El Camino Real, a 1,360 square foot tenant space located on a 0.98 acre commercial parcel, located on the northwest corner of El Camino Real and Bowers Avenue; APN: 220-31-114
Applicant:	Majid Bhariny
Owner:	Bowers Family LLC
Request:	One-Year review of Use Permit allowing beer and wine service and outdoor seating in conjunction with a new restaurant (Wing Stop)
CEQA Determination:	Not a project under CEQA
Project Planner:	Greg Qwan, Planning Intern
Staff Recommendation:	Note and File Report

Motion/Action: The Commission motioned to approve the Consent Calendar unanimously (6-0-1-0, Chahal absent) with a minor correction to the Minutes of September 25, 2013.

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s):	PLN2013-09744, PLN2013-09752, PLN2013-09753, PLN2013-09754, and CEQ2013-0115
Location:	2611, 2621, 2631, 2635, 2645, and 2655 El Camino Real, 6 parcels totaling of 3.57 acre consisting of 3.23 acre with 0.33 acre of the rear alley on the north side of El Camino Real, immediately adjacent to Saratoga Creek, approximately 685 feet east of Bowers Avenue, APNs: 216-01-012, -019, -025, -033, -036, and -048
Applicant:	Elaine Breeze, SummerHill Apartment Communities
Owners:	Laroue Kirwan, Robert Jakob Trustee & et al.

Eleanor Rusnak-Trimble Business Park, William Geoffroy, Cong Khanh Nguyen Trustee & et al, and Bowers & et al

Request: **General Plan Amendment # 78** from Regional Mixed Use to High Density Residential, **Rezoning** from Commercial Thoroughfare (CT) to Planned Development (PD), Vesting Tentative Parcel Map to allow development of 186 units on 3.57 acres, and Adoption of **Mitigated Negative Declaration**

CEQA Determination: Mitigated Negative Declaration

Project Planner: Yen Chen, Associate Planner

Staff Recommendation: **Recommend City Council Approval, subject to conditions**

Notice: The notice of public hearing for Item 8.A. was published in the Santa Clara Weekly, posted within 500 feet of the site, and mailed to property owners within 500 feet. Commissioners Kelly and Sweeney disclosed that they met with the applicant on the project site.

Discussion: Yen Chen gave a brief presentation on the project.

The Commissioners noted that they had not received the Mitigated Negative Declaration (MND) in print, but noted the document's availability on the City's webpage.

The applicant, Elaine Breeze of SummerHill Apartment Communities, gave a presentation on the project highlighting the projects compliance with General Plan goals and policies, architectural features, garage parking, and neighborhood outreach and collaboration process. Ms. Breeze clarified that the main height of the building is 54 feet, with only one stairwell of the building reaching 65 feet.

The Commission discussed the transportation demand management (TDM) program details, parking studies, and shade studies provided in the MND. It was clarified that parking studies were used from other cities as Santa Clara currently does not have any comparable project parking sites.

The Commission inquired about the license agreements between the project site owner and the individual homeowners located directly behind the project site. It was explained that the license agreement would allow the homeowners access to the alleyway by appointment; said agreement would run with the land and be recorded with the County.

The Commission expressed concern for privacy impacts the project could have on existing residences. The applicant stated that through community meetings, the project received input and subsequent redesign to address privacy concerns.

The Commission discussed the lack of retail on the project and the required General Plan Amendment to allow a residential-only project to be developed. It was noted that there have been residential projects approved along the El Camino Real that also lacked retail components and the Commission expressed concern about losing potential retail locations along this major thoroughfare.

The Public Hearing was opened.

Louis Rubalcava, neighboring resident, stated that he opposed the project and that the Bowers family donated the alley to the City in 1954. Mr. Rubalcava inquired why the City states it does not have ownership of the alley.

Staff indicated that the Bowers family only gave municipality rights to an easement in their dedication and that a deed of ownership was never granted to the City; therefore, the City does not own the alley. It was noted that new easement requirements are stated in the Conditions of Approval for the project.

Kevin Park, Santa Clara resident, stated that the project is too dense, lacks sufficient parking, and does not have the supporting commercial component to support the additional residents in this area of Santa Clara. Mr. Park also noted that a more formal shade study should be conducted and that using parking studies from other cities is an inadequate basis for parking standards in Santa Clara.

Shiloh Ballard, Silicon Valley Leadership Group (SLVG), voiced support for the project. Ms. Ballard stated that SLVG is supportive of higher density on El Camino Real as the residents can help rejuvenate existing retail centers and are in great proximity to public transit.

The applicant indicated that SummerHill is purchasing the alley from the Bowers family and will be the owner of the property.

The Public Hearing was closed.

The Commission expressed concern for the lack of retail in the project and the need to amend the General Plan to approve the project. The Commission discussed the existing retail and housing along El Camino Real and how this project effects the City's vision for El Camino Real. It was noted that the project site will benefit from redevelopment and that the General Plan, as written, does not have flexibility to allow projects such as this without a General Plan amendment. The Commission deliberated on the viability of a retail component for this project location.

The Commission discussed the parking ratio for the project site and expressed concern that the parking is deficient for the size of the development. It was noted that the project location's proximity to public transit and the creek trail may aid in reducing the demand for parking.

The Commission brought forward three separate motions for the Mitigated Negative Declaration, General Plan Amendment, and Rezoning for the project. All three motions failed with a split vote (3-3-1-0, Champeny, Ikezi, and Stattenfield dissenting, Chahal absent). The Commission deliberated on how to proceed, noting options to continue the project or send the project forward to Council without recommendation. The applicant stated a preference to be forwarded to a Council hearing.

Motion/Action: The Commission motioned to send the project forward to City Council with no recommendation unanimously (6-0-1-0, Chahal absent).

8.B. File No.(s):

Location:

Applicant:

Owner:

Request

PLN2013-09799 / CEQ2013-01157

45 Buckingham Drive and 66 Saratoga Avenue, two parcels located approximately 130 feet north of Stevens Creek Boulevard between Buckingham Drive and Saratoga Avenue; APNs: 294-39-007, -008

Nathan Tuttle, Prometheus

Cefalu Partners, LP

General Plan Amendment #76 from Community Mixed Use to High Density Residential; **Rezone** from Thoroughfare Commercial (CT) to Planned Development (PD) to construct a 222 unit multi-family apartment project with wrap parking structure and total of 372 on-site parking spaces, site improvements and

	landscaping, in conjunction with demolition of an existing commercial building and surface parking lot; and Adoption of Mitigated Negative Declaration
CEQA Determination:	Mitigated Negative Declaration
Project Planner:	Debby Fernandez, Associate Planner
Staff Recommendation:	Recommend City Council Approval, subject to conditions

Notice: The notice of public hearing for Item 8.B. was published in the Santa Clara Weekly, posted within 500 feet of the site, and mailed to property owners within 500 feet. Commissioner Sweeney disclosed that he met with the applicant on the project site.

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

The Commission clarified that the scope of the project and the required environmental review only required preparation of a Mitigated Negative Declaration (MND) as opposed to an Environmental Impact Report (EIR).

The applicant, Nathan Tuttle, highlighted the City and community participation in the development process, the project's eligibility for LEED gold certification, and the site location having easy access to shopping, colleges, transit, and freeways. Mr. Tuttle added that the project would be a positive change for the neighborhood. The applicant's architect highlighted the architectural features of the proposal and noted that while Saratoga Avenue has more retail properties, Buckingham Drive is smaller with more residential properties.

The Commission inquired about the ingress and egress to the site and expressed concern for safety related to the flow of traffic generated from the project site.

The Public Hearing was opened.

Ellen Trescott, attorney with Adams Broadwell Joseph & Cardozo, stated that there were substantial changes made to the mitigation measures, analysis, and underlying data in the MND. Ms. Trescott added that there was not enough time to review the changes and new information on the soil report showing toxins. Ms. Trescott requested that the project be continued to allow additional time to review the environmental documents and suggested that an EIR should be drafted rather than an MND.

Kevin Park, Santa Clara resident, stated that the project should have required the preparation of an EIR and that the responses to comments on the MND were not thorough enough. Mr. Park added that the project is too dense for the existing neighborhood and goes against the vision of the General Plan by not having a retail component.

In a rebuttal statement, the applicant stated that the residential properties abutting the project site are single-owner apartment buildings and not single-family homes.

The Public Hearing was closed.

The Commission inquired about the impact the local schools would have from the the proposed project. Shannon George of David J. Powers and Associates noted that the data to analyze school impacts was provided by the school district. The school district wrote a comment letter to the MND to which the City responded; a response from the School District has not been received.

The Commission inquired about the possibility of a Bus Rapid Transit system on Stevens Creek Boulevard. Staff responded that VTA is commencing its environmental review for that potential project.

project.

The Commission verified that the LEED certification process involves inspections and cross-checks when building permits are pulled.

The Commission and Staff discussed the Conditions of Approval. Condition P17 was clarified to mean that the applicant is to institute a five-percent (5%) TDM reduction. Staff noted that a standard indemnification condition was mistakenly omitted from the Conditions of Approval and will be added.

In response to the concerns raised about the MND, Assistant City Attorney Alexander Abbe noted that there is no requirement to recirculate an MND if revisions made to the mitigation measures will strengthen the mitigation. Mr. Abbe noted that the City and Environmental Consultant are in agreement that there is not a fair argument for significant impact made by the proposed project and therefore the MND is sufficient. The Commission inquired about the findings from the soil testing. It was noted that Mitigation Measure 1.4 addresses this through a site mitigation plan (SMP) in accordance with California hazardous waste regulations.

The Commission discussed the General Plan Amendment proposed for the project and expressed concern for the lack of retail. The Commission also expressed concern for the parking and traffic generated from the project in conjunction with the ingress and egress proposed. The Commission deliberated on the traffic patterns on Saratoga Avenue and Stevens Creek Boulevard and the possible safety risks for both vehicular and pedestrian traffic.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council adopt the Mitigated Negative Declaration (MND) prepared for the project at 45 Buckingham Drive and 66 Saratoga Avenue (4-2-1-0, Champeny and Stattenfield dissenting, Chahal absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the General Plan Amendment from Community Mixed Use to High Density Residential for the project at 45 Buckingham Drive and 66 Saratoga Avenue (4-2-1-0, Champeny and Stattenfield dissenting, Chahal absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the Rezone from Thoroughfare Commercial (CT) to Planned Development (PD) for the project at 45 Buckingham Drive and 66 Saratoga Avenue unanimously (6-0-1-0, Chahal absent) with the following recommendations:

- Add Attorney's Office Condition 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.
- Modify Planning and Building Inspection Division Condition 17: The developer is required to prepare, institute and monitor a Transportation Demand Management Plan to reduce resident vehicle trips by five percent, to that include, but is not limited to providing 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.

8.C. File No.(s):	PLN2012-09365
Location:	City-wide
Applicant/Owner:	City of Santa Clara

Request:	Amendment to the 2010-2035 City of Santa Clara General Plan to include the Climate Action Plan as part of Appendix 8.13
CEQA Determination:	Negative Declaration
Project Planner:	Payal Bhagat, Assistant Planner II
Staff Recommendation:	Recommend City Council Adoption

Notice: The notice of public hearing for Item 8.C. was published in the Santa Clara Weekly.

Discussion: Payal Bhagat introduced Jeff Henderson of PMC who gave a brief presentation on the project.

The Commission motioned to extend the Planning Commission meeting at 11:30 to allow the final item on the agenda to be fully heard (6-0-1-0, Chahal absent).

The Public Hearing was opened.

Sudhanshu Jain, Santa Clara resident, stated that the Climate Action Plan is missing information and that the preparation process did not include enough public input. Mr. Jain added that the final document did not include significant input from the public and that the document is not strong enough. Mr. Jain stated that Santa Clara needs to hire a sustainability manager to implement and monitor the Climate Action Plan policies and that other cities such as Mountain View and Santa Cruz have done so. He added that the greenhouse gas reduction plans should be more aggressive and that the City should modernize parking requirements.

The Public Hearing was closed.

The Commission noted that other cities may have more comprehensive Climate Action Plans, and those cities may also have more staff to address sustainability issues, but that different cities have different needs and the decision to hire additional personnel is at the discretion of the City Manager and Council.

It was noted that the Climate Action Plan went through a full public input process and that the City staff will work diligently to implement the Climate Action Plan.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council adopt the Negative Declaration (ND) prepared for the Climate Action Plan unanimously (6-0-1-0, Chahal absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve an Amendment to the 2010-2035 City of Santa Clara General Plan to include the Climate Action Plan as part of Appendix 8.13 unanimously (6-0-1-0, Chahal absent).

Motion/Action: The Commission motioned to recommend that the City Council consider hire of a sustainability manager or equivalent personnel resources to implement and monitor policies of the Climate Action Plan unanimously (6-0-1-0, Chahal 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 Kelly

- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and Ikezi
- Historic Preservation Ordinance Committee: Commissioners Chahal and Ikezi

iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training

v. Follow-ups to Planning Commission Action/Requests

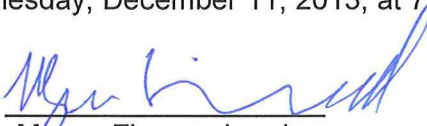
- 1575 Pomeroy- Traffic study
- Miscellaneous

vi. Upcoming agenda items

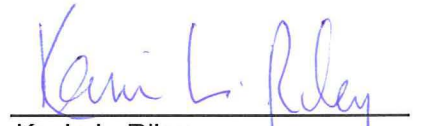
10. ADJOURNMENT

The meeting adjourned at 11:52 p.m. The next regular Planning Commission meeting will be held on Wednesday, December 11, 2013, at 7:00 p.m.

Prepared by:


Megan Zimmershead
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection

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