



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, June 18, 2014 – 7:00 P.M.

HOUSING ELEMENT UPDATE OPEN HOUSE 6:00 P.M. to 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.

OPEN HOUSE – 6:00 P.M. TO 7:00 P.M.

The open house provided an introduction to the City of Santa Clara Housing Element update. Staff and representatives from Environmental Science Associates (ESA) were present to give information and answer questions related to the Housing Element update, process and timelines for completion.

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.B.** File No.(s):PLN2007-06715/CEQ2007-01051 Location: 4301 Great America Parkway
- **Item 8.C.** City of Santa Clara Park Impact Fee Nexus Study and Ordinance Enactment

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, Raj Chahal, Deborah Costa, Yuki Ikezi, Steve Kelly, Keith Stattenfield, and Joe Sweeney.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Associate Planner Debby Fernandez, and Assistant Planner II Shaun Lacey, Assistant City Attorney Alexander Abbe, and Office Specialist IV Megan Valenzuela.

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.

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 May 28, 2014

7.B. File No.(s): **PLN2014-10352**
Location: 2002 El Camino Real, a 2,332 square foot commercial tenant space located in the new Santa Clara Towne Centre (formerly Mervyn’s Plaza) at the southwest corner of Scott Boulevard and El Camino Real, (APN: 290-10-066); property is zoned Community Commercial (CC)
Applicant/Owner: Margaret Taylor for Chipotle Mexican Grill, Inc. / Byer Properties
Request: **Use Permit** to allow full alcohol sales and service (Type 47 ABC License) in a new full service restaurant
CEQA Determination: Not subject to CEQA review – does not qualify as a “project” under PRC § 21065
Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Approve, subject to conditions**

Motion/Action: The Commission motioned to approve the Consent Calendar with Commissioner Sweeney abstaining from Item 7.A., Planning Commission Minutes of May 28, 2014.

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **Housing Element Update**
Address/APN: City-wide
Applicant: City of Santa Clara
Request: Introduction for the City of Santa Clara Housing and

General Plan Land Use Update for the 2015-2022 planning period. The City's consultant ESA will give an overview of the update process and review the existing Housing and Land Use Element and how it will reflect current conditions, City policies, and methods to meet the housing requirements mandated by the State of California Department of Housing and Community Development.

CEQA Determination: Reuse of the previously adopted Environmental Impact Report for the 2010-2035 General Plan and Addendum
Project Planner: Shaun Lacey, Assistant Planner II
Staff Recommendation: Information only

Notice: Informational item, noticing not required.

Discussion: Shaun Lacey introduced Eloiza Murrillo-Garcia and Sarah Walker of Environmental Science Associates (ESA) who gave a presentation on the Housing Element Update project.

The Commission clarified that the Bay Area is comprised of eight counties, including the County of Santa Clara. It was noted that the City of Santa Clara has a higher rental population than surrounding communities, which could correlate to the high number of jobs in Santa Clara. The Commission inquired if it was better to build rental or ownership housing, to which Ms. Walker indicated the Housing Element housing requirements do not differentiate between rental and owned units.

The Commission confirmed that the Housing Element follows the goals implemented by the State Regional Housing Needs Assessment (RHNA) and includes projects that are expected to be entitled by year-end. The Commission expressed concern that not everything will develop as projected and confirmed that since RHNA numbers are goals, there is no penalty if the goals are not met.

The Public Hearing was opened.

Kitty Winer, Liberty Towers resident, urged the Commission to make sure that affordable and senior housing continue to be developed along with regular housing developments.

The Public Hearing was closed.

Motion/Action: The Commission provided general feedback to the consultants preparing the Housing Element for inclusion in the Draft Housing Element.

8.B. File No.(s): **PLN2007-06715/CEQ2007-01051**
Location: 4301 Great America Parkway and 2441 Mission College Boulevard, APNs 104-42-09 & 104-41-030)
Applicant/Owner: The Sobrato Organization
Request: **Rezone** from Planned Industrial (MP) and Planned Development/Planned Industrial (PD/MP) to Planned Development (PD) to construct up to 718,000 square feet of new office space in up to 1,018,000 square feet of office development; up to two, five-level parking structures with up to 3,360 total parking spaces;
Adoption of an Environmental Impact Report (EIR) and Statement of Overriding Considerations; and a **Development Agreement** between the City of Santa Clara and SI 34

CEQA Determination: Environmental Impact Report
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 posted within 500 feet of the site and mailed to property owners within 500 feet; notice was also published in the Santa Clara Weekly.

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

The Commission discussed the project and expressed concern that the project only includes maximum development standards, not minimum development standards.

The Commission inquired about the need for Planned Development (PD) zoning to which staff indicated the project includes a minor parking deficiency and exceeds building height standards.

The Commission clarified with staff that the final development plans would conform to the standards approved by City Council through the PD zoning and would go through a public review process at the Architectural Review Committee.

The applicant, Tim Steele with the Sobrato Organization, stated that the proposal allows flexibility to work with existing and future tenants to secure leases and avoid vacant buildings. Mr. Steele elaborated that due to the amount of time it takes to secure entitlements, this proposal will reduce processing time when a tenant is acquired. It was also explained that the proposal does not include minimum development standards because it is reasonable to assume it would not be economically feasible or beneficial to develop much below what is included with the current proposal.

The Commission confirmed with the applicant that the property is in close proximity to the Great America amusement park and that impact mitigation measures have been considered.

The Commission inquired why the Development Agreement was coming forward at this time. It was explained that the PD entitlements are only vested for two years and that the Development Agreement extends the timeframe.

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

The Commission requested that the Conditions of Approval be modified to more clearly define the requirement that the project be reviewed by the Architectural Review Committee at such time as final development plans are available.

Motion/Action: The Commission motioned to recommend that the City Council adopt a resolution to certify the Environmental Impact Report and adopt the Statement of Overriding Considerations for the project located at 4301 Great America Parkway and 2441 Mission College Boulevard unanimously (7-0-0-0).

A motion to recommend approval of the rezoning was discussed.

The Commission discussed Condition P3 and adding stronger language to require the Architectural Review Committee process. The Commission deliberated if there would be benefit from adding minimum development standards.

Motion/Action: The Commission motioned to recommend that the City Council adopt a resolution to approve the rezone from Planned Industrial (MP) and Planned Development/Planned Industrial (PD/MP) to Planned Development (PD) for the project located

at 4301 Great America Parkway and 2441 Mission College Boulevard unanimously (7-0-0-0) with the following modified Condition of Approval:

- P3 Submit plans for final architectural review and conceptual landscape plan to the Planning Department consistent with the development standards approved as part of the project for Architectural Committee review and approval of site layout, building design and materials, circulation, landscaping, and lighting prior to issuance of building permits. Include color palette and materials board

Motion/Action: The Commission motioned to recommend that the City Council adopt an ordinance to approve the Development Agreement for the project located at 4301 Great America Parkway and 2441 Mission College Boulevard unanimously (7-0-0-0), including the revision to Condition P3 outlined in the motion above.

8.C. File No.(s):	City of Santa Clara Park Impact Fee Nexus Study and Ordinance Enactment
Address/APN:	City-wide
Applicant/Owner:	City of Santa Clara / Parks and Recreation Department
Request:	Adoption of Impact Fee Nexus Study
Project Planner:	James Teixeira, Director of Parks and Recreation
CEQA Determination:	Not applicable
Staff Recommendation:	Recommendation City Council Adoption

Notice: Not applicable.

Discussion: James Teixeira gave a presentation on the Nexus Study.

The Commission inquired if the City would be responsible for maintenance costs when a developer builds a park. It was clarified that the City would be responsible for maintenance costs if the land was dedicated to the City. The Commission confirmed that there is land available for acquisition for this purpose.

The Commission confirmed that the fees will apply to all projects deemed complete by the Project Clearance Committee (PCC) after a scheduled initiation date for said fees, likely in January of 2015. The Commission clarified that these fees will apply to both major and small projects.

The Public Hearing was opened.

Carlene Matchniff, The Irvine Company, stated that she recognized the need to create park mitigation fees, but felt the fee structure was overly complicated. Ms. Matchniff stated that the household per-person count is too high at 2.24, which increases the overall dedication acreage, and that the City should be encouraging highly amenitized open space rather than dedication to the City.

The Public Hearing was closed.

The Commission deliberated on the fee structure. Concern was expressed that the fees would be nearly double the average for cities in the County and that fees of this significance would discourage housing development that is needed to meet RHNA goals. Concern was also expressed that if the City does not begin collecting these fees, the City will not be able to maintain a livable and enjoyable environment for its residents.

A motion to recommend that that Council adopt the fee schedule as proposed was discussed. With deep concern for the dollar amount of the fees, an amendment to the motion to reduce the fees by roughly half to align with the fees collected by the City of Campbell was requested. The request to amend the motion was called to a vote and failed (3-4-0-0, Costa, Kelly, and

Sweeney in support, Chahal, Champeny, Ikezi, and Stattenfield dissenting)

Motion/Action: The Commission motioned to recommend that the City Council adopt the City of Santa Clara Impact Fee Nexus Study and Ordinance Enactment (4-3-0-0, Costa, Kelly, and Sweeney dissenting).

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 Actions

iii. Commission/Board Liaison and Committee Reports

- Architectural Committee: Commissioners Stattenfield and Chahal
- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and Ikezi
- Historic Preservation Ordinance Committee: Commissioner Chahal, Ikezi
- Neighborhood Protection Ordinance Committee: Costa and Stattenfield

iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training

v. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 9:55 p.m. The next regular Planning Commission meeting will be held on Wednesday, August 6, 2014, at 7:00 p.m.

Prepared by:


Megan Valenzuela
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection