



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, April 30, 2014 – 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 7.D.** Planning Commission Budget for Fiscal Year 2014-2015
- **Item 8.B.** File No.(s):PLN2013-11129 Location:1075 Pomeroy Avenue(Rezone)
- **Item 8.C.** File No.(s):PLN2007-06715/CEQ2007-01051 Location: 4301 Great America Parkway
- **Item 8.D.** Fiscal Year 2014-2015 Capital Improvement Program (CIP) Budget

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

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

Staff present were City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, 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 Stattenfield reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

A. Withdrawals - None

B. Continuances without a hearing: Item 8.B. was continued to a later date and will be re-noticed. Item 8.C. was continued date-certain to June 18, 2014, and will not be re-noticed.

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 March 12, 2014

7.B. **File No.(s):** **PLN2014-10226**
Location: 3275 Stevens Creek Boulevard, a 0.61 acre parcel on the north side of Stevens Creek Boulevard approximately 75 feet east of Henry Avenue, APN: 303-18-022; property is zoned Thoroughfare Commercial (CT)
Applicant/Owner: Yeganeh Amirrazi / Abe Novin
Request: **Use Permit** to allow restaurant beer and wine service (Type 41 ABC License) in an existing restaurant and live entertainment (acoustic)
CEQA Determination: Categorically Exempt per CEQA Guidelines 15301 (Class 1-Existing Facilities)
Project Planner: Steve Le, Planning Assistant
Staff Recommendation: **Approve, subject to conditions**

Item 7.B. was pulled for discussion. The applicant explained that the desire is to expand current services to include the sale of beer and wine. The applicant also described efforts to improve and monitor the parking on site. Dave Steely, neighboring resident, expressed concern about the parking in the neighborhood because of existing businesses. Steve Lynch stated that he would forward the concerns to the City Traffic Engineer and Code Enforcement to make sure the businesses are compliant with their parking requirements and to see if a time-limit parking program could be implemented.

7.C. **File No.(s):** **PLN2014-10241**
Location: 2314 Talia Avenue, APN 303-05-009 a single parcel totaling 5,525 square feet.
Applicant/Owner: Joe Head / John & Kate Cunningham
Request: **Variance** to allow a rear yard setback of 14 feet, three inches for a 448 square-foot addition to an existing single-story house
CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner: Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation: **Approve, subject to conditions**

7.D. Planning Commission Budget for Fiscal Year 2014-2015

Motion/Action: The Commission motioned to approve the Consent Calendar unanimously, (5-0-2-0, Chahal and Champeny absent).

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2014-10221**
Location: 1912 Bowers Avenue, a 38,768 square foot lot, located on the west side of Bowers Avenue, approximately 200 feet north of Barkley Avenue, APN: 220-30-012; property is zoned B (Public, Quasi Public, and Public Park or Recreation)
Applicant/Owner: Sean Snyder for AT&T / City of Santa Clara
Request: **Appeal of an Architectural Review** decision approving the replacement of an existing cellular antenna tower with a new 90 foot "monopine" for multi-carrier wireless service.
CEQA Determination: Categorical Exemption per Section 15311, Accessory Structures
Project Planner: Steve Le, Planning Intern
Staff Recommendation: **Deny Appeal and uphold the Architectural Committee decision**

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

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

Julia Hill, Assistant City Attorney, clarified that the Planning Commission can only make findings on the placement and aesthetics of the cellular antenna tower.

The Commission summarized the Architectural Review Committee's meeting and motion.

The appellant stated strong opposition to installation, noting concerns about health, property values and general aesthetics. The appellant requested relocation of the tower to a less residential area.

It was noted that the original proposal had been revised to include a 75 foot tower rather than the originally approved 90 foot tower.

The applicant stated that the cellular tower that currently exists has been operating at a height for 70 feet for over 10 years and that the proposal is merely a modification to existing conditions. The applicant noted that the current tower is out of date and in poor condition, and the new tower would have a more sleek design as a faux-tree at a height only five feet taller than the existing tower.

The Commission confirmed that the City receives lease revenue from ATT for the cellular antenna tower. It was noted that the tower has been in place since 2002.

The Commission discussed the possibility of finding an alternate site for the tower to which the applicant noted that the antenna placement was integral to a larger scale plan that would require major reorganization to move a single tower location.

Bill Hammock, applicant engineer, explained that the emissions standards for cellular antenna

towers are set by the FCC, which worked with the EPA to evaluate health and safety concerns.

Fire Chief William Kelly stated that the City needs a robust cellular network for both citizens and municipal safety and that the proposed location would maximize fire operation capability. Chief Kelly added that the Fire Station would likely undergo renovations in the future, though specific plans and funding have not been identified at this time.

The Public Hearing was opened.

A member of the public stated that he understood that the public hearing could not include concerns about health and safety, but that the existing tower was installed without informing the neighborhood. It was further noted that the new location is closer to residential backyards and that the current location would not prohibit future expansion of the Fire Department.

Albert Gaxiola, neighboring resident, asked if the new tower could be placed at the nearby park rather than the proposed location. Mr. Gaxiola added that he had assumed the cellular tower was a Fire Department operational tower; however, knowing that it is commercial and that the tower is in need of an upgrade, the opportunity for a better location is available.

The appellant, applicant and Commission discussed the possibilities of moving the tower to a different site and the pros and cons related to relocation.

The Public Hearing was closed.

The Commission discussed the possibility of finding middle ground for the new cellular tower between the existing location of the current tower and the new location approved at the Architectural Review Committee. The Commission also noted the importance of the new tower design being a faux-tree to improve the aesthetic appearance.

Motion/Action: The Commission motioned to adopt a resolution denying the appeal of the Architectural Review Committee's approval to demolish an existing lattice tower and install a new monopole for multi-carrier wireless service at 1912 Bowers Avenue (5-0-2-0, Chahal and Champeny absent) with the following revisions:

- 1) The new monopole shall be installed at a location along the Bowers Avenue fence line, 10 to 40 feet between the existing site location and the site location approved at the March 19, 2014, Architectural Review Committee meeting.
- 2) The monopole design shall be a 75 foot stealth monopine.

8.B. File No.(s):	PLN2013-10129
Location:	1075 Pomeroy Avenue, a single parcel totaling .17 acre located near the intersection of Benton Avenue and Pomeroy Avenue, (APN: 290-69-079)
Applicant/Owner:	Dory Marhamat / Martha Polanco
Request:	Rezone from R3-18D (Low Density Multiple Dwelling) to PD (Planned Development) to construct five dwelling units and Tentative Map creating five lots
CEQA Determination:	Categorically Exempt per Section 15332, Infill Development
Project Planner:	Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation:	Continue Public Hearing

Motion/Action: The Commission motioned to continue the Public Hearing (5-0-2-0, Chahal and Champeny absent).

8.C. File No.(s):	PLN2007-06715/CEQ2007-01051
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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

Motion/Action: The Commission motioned to continue the Public Hearing to June 18, 2014 (5-0-2-0, Chahal and Champeny absent).

8.D. File No.(s): **CEQ2014-01175**
Address/APN: City-wide
Applicant/Owner: City of Santa Clara
Request: **Fiscal Year 2014-2015 Capital Improvement Program (CIP) Budget** Environmental Determinations and General Plan Conformity Findings
CEQA Determination: Varies by CIP Project
Project Planner: Yen Chen, Associate Planner
Staff Recommendation: **Approve** Environmental Determinations and **make findings** for General Plan Conformance

Notice: Not applicable.

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

The Commission inquired about various subjects in the budget including the Stadium Authority, affordable housing, and the ulistac natural area. It was noted that the details of the budget would be covered in the Council study session on the budget, which is scheduled for May 20, 2014.

Motion/Action: The Commission motioned to adopt a resolution to approve the Environmental Determinations and make findings for General Plan Conformance for the Fiscal Year 2014-2015 Capital Improvement Program (CIP) Budget (5-0-2-0, Chahal and Champeny 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 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

iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training
- Commissioner Kelly gave a brief presentation on his attendance at the Planning Commissioner's Academy

v. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 8:28 p.m. The next regular Planning Commission meeting will be held on Wednesday, May 28, 2014, at 7:00 p.m.

Prepared by:


Megan Zimmershead
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection

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