



City of Santa Clara  
**PLANNING COMMISSION  
MEETING MINUTES**  
Wednesday, August 20, 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.C.: File No. PLN2013-10111**, Address 166 Saratoga (General Plan Amendment, Rezone, and Vesting Subdivision Map)
- **Item 8.A.: File No. PLN2012-09472**, Address: 930 Bellomy Street (Rezoning)
- **Item 8.B.: File No. PLN2012-09318**, Address: 1075 Pomeroy Avenue (Rezoning)

#### **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: Vice-Chair Keith Stattenfield, Raj Chahal, Deborah Costa, Yuki Ikezi, Steve Kelly, and Joe Sweeney. Commissioner Champeny was excused.

Staff present were City Planner Steve Lynch, 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**

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 - 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 "Suds" Jain stated that the City Place Santa Clara project, as currently proposed, does not include enough housing. Mr. Jain added that the City has a housing shortage and therefore should be requesting more housing for that project. Mr. Jain also commented on the Bus Rapid Transit (BRT) project, noting that Santa Clara is the only City currently planning for dedicated lanes for BRT and that the City is a leader to other cities in that regard.

## 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 August 6, 2014

**Motion/Action:** The Commission motioned to approve the Minutes from the August 6, 2014, Planning Commission meeting (5-0-1-1, Champeny absent, Sweeney abstained).

<b>7.B. File No.(s):</b>	<b>PLN2013-09823</b>
Location:	3080 El Camino Real, APN: 290-04-006, a 1,608 square foot restaurant, located within an existing 1.17 acre multi-tenant commercial shopping center
Applicant/Owner:	Jeomsuk Lee / J & H Camino Center, LLC
Request:	<b>Six-month Review</b> of approved Use Permit allowing the sale of beer and wine in conjunction with food (ABC License Type 41) at Cheers Café
CEQA Determination:	Not a project under CEQA
Project Planner:	Gregory Qwan, Planning Intern
<b>Staff Recommendation:</b>	<b>Note and File</b>

**Motion/Action:** The Commission motioned to note and file the six-month Use Permit review for the property located at 3080 El Camino Real (6-0-1-0, Champeny absent) with the following change:

- 1) Removal of Condition P8 as it is duplicative of Condition P4.

<b>7.C. File No.(s):</b>	<b>PLN2013-10111/CEQ2014-01169</b>
Location:	166 Saratoga Avenue, a 74,052 square foot parcel located near the southwest corner of Saratoga Avenue and San Tomas Expressway (APN: 294-38-001)
Applicant/Owner:	Charles McKeag/Jack Bayto Family Trust
Subject:	<b>Continuation of Closed Public Hearing for the purpose of adopting Resolutions per action taken by Planning Commission on August 6, 2014</b>
Prior Request:	<b>General Plan Amendment</b> from Community Mixed Use to Medium Density Residential, <b>Rezone</b> from R1-6L (Single-Family Residential) to PD (Planned

Development) **Vesting Subdivision Map** creating 33 lots, Architectural Approval for 33, three-story townhomes at a proposed density of 19 dwelling units per acre;  
 CEQA Determination: Mitigated Negative Declaration  
 Project Planner: Shaun Lacey, AICP, Assistant Planner II  
 Staff Recommendation: **Adopt Resolutions Recommending Denial to the City Council**

Assistant City Attorney Abbe gave a brief explanation of the resolutions presented to the Planning Commission.

**Motion/Action:** The Commission motioned to approve the resolutions for the project located at 166 Saratoga recommending denial to the City Council (5-0-1-1, Champeny absent, Sweeney abstained).

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

**8. PUBLIC HEARING ITEMS**

**8.A. File No.(s):** **PLN2014-10474**  
**Address/APN:** 930 Bellomy Street, a 13,872 square foot lot on the southwest corner of Lafayette Street and Bellomy Street, APN: 269-43-054; property is zoned Single-Family Residential (R1-6L)  
**Applicant/Owner:** Stuart Fiedelman, 930 Bellomy Properties, LLC  
**Request:** **Rezone** from Single-Family Residential (R1-6L) to Planned Development (PD) to allow a student dormitory use of a residential property and expansion of the existing structure by five bedrooms for a total of 14 bedrooms  
**CEQA Determination:** Categorical Exemption per Section 15301, Existing Facilities involving negligible or no expansion of use  
**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.A. was posted within 300 feet of the site and mailed to property owners within 300 feet. Commissioners Chahal, Kelly, Stattenfield, and Sweeney disclosed meeting with the applicant.

**Discussion:** Shaun Lacey gave a brief presentation on the project.

The Commission discussed the parking and questioned the practicality of the proposed 17 spaces, noting that there were likely only 14 functional parking spaces.

Stu Fiedelman, applicant, introduced Michelle Miner and Myron Von Raesfeld who highlighted the changes to the parking plan from the previous application and noted that only roughly forty-percent of students have vehicles. Mr. Von Raesfeld added that the neighborhood is mostly students and that the property is well managed. It was noted that the property is a high-end rental with significant investment in the upgrades. Ms. Miner added that they have gone through several iterations of the development plans to maintain the integrity of the existing house.

The Commission confirmed that 28-30 students would live on the property. The applicant verified that they will monitor the parking and that if there are more than 14 vehicles; students will be required to purchase parking passes from Santa Clara University (SCU) and park in \_\_\_\_\_

SCU parking lots.

The Commission deliberated on the number of parking spaces on the property and expressed concern that there may not be enough spaces, or enforcement for use of available spaces.

The Public Hearing was opened.

Robert Fitch, neighboring resident, stated that he supports the proposal as SCU is a major asset that lacks sufficient on-campus housing. Mr. Fitch added that the project location is a great site to provide housing as it has a minimal impact on adjacent properties.

Sarah Doty, neighboring resident, stated that she was opposed to PD zoning and would prefer multi-family zoning. Ms. Doty added that she would like a maintenance agreement for the property and that the project should not be approved while an ordinance to address boarding houses is being considered. Ms. Doty also stated that the visibility from the driveway creates a dangerous situation when backing out of the property in a vehicle.

Lea Carlson, former resident of property, stated that the sorority imposes many regulations on the student tenants such as no alcohol, no members of the opposite sex, no parties, imposed quiet hours, random room checks, and meetings are held for any infractions. Ms. Carlson added that residents are usually sophomores and it's a good transition from on-campus housing.

Mark Kelsey, Hilmar resident, stated that he opposes the proposal as it increases the number of residents on property and should be zoned for multi-family, not single-family of PD. Mr. Kelsey added that the entire area is student housing and should be rezoned to reflect the actual use of the properties as a whole.

Kevin Moore, Santa Clara resident, stated that SCU is a fixture of the community and that students need housing. Mr. Moore added that there are pros and cons to any location, but locating student housing closer to the University makes sense.

Adam Thompson, Santa Clara resident, stated that the project site is a prime location for this project; however, it should not be considered prior to the boarding house ordinance discussion is finished. Mr. Thompson noted that the parking is insufficient and that backing out of the driveway is very dangerous..

A resident of Santa Clara stated that he was against the PD zoning and noted that if the property owner sells the property, the new owner may not maintain the property with such high standards.

Ed McGovern, representative for property owner, stated that there is no way of knowing what will happen as a result of the Neighborhood Protection Ordinance Committee (NPOC) and that this project proposal has been waiting for a final decision for two years and it is time to have the project settled.

Clyde LeBarron, neighboring resident, stated that the entire neighborhood is student rentals and that this particular property has always been well maintained. Mr. LeBarron added that students should be condensed into the University area so as to reduce residential impacts.

A Santa Clara resident, stated that there are safety concerns for backing out of the driveway and that the curb cut removes street parking. It was added that SCU should take responsibility for adding more housing if they keep adding students.

A Santa Clara University student clarified that the driveway does not have tenants backing onto Lafayette Street, but rather Bellomy Street. He noted that he lived next-door to the property

and felt the driveway was very safe.

A Santa Clara university student stated that the house does not allow alcohol or partying and that most of the tenants will not have vehicles so parking will not be an issue.

In a rebuttal statement the applicant stated that the house is not a boarding house; it is communal living. Mr. Fiedelman noted that the property will have a 15-year lease and is being looked at as a very long-term investment.

The Commission clarified that the insurance carried by the sorority institutes the rules about alcohol, partying, and other restrictions. It was noted that a "Den Mother" is part of both the lease agreement sorority charter.

The Public Hearing was closed.

The Commission deliberated on the applicability of the PD zoning versus multi-family zoning, and discussed the difference between the parking allocations on the previous and current proposal. It was noted that the PD zoning will lock-in entitlements for setbacks, parking, as well as the land-use that the multi-family zoning might not otherwise address

The Commission inquired about the Historical and Landmarks Commission's recommendation on the project. Shaun Lacey indicated that the HLC expressed concern that the use could negatively impact nearby historic structures.

The Commission discussed the covenant prepared for the project and noted that the covenant should be a recorded document.

The Commission further deliberated on the parking included in the current proposal. It was noted that there should be a minimum of 14 parking spaces as part of the PD approval.

**Motion/Action:** The Commission motioned to adopt a resolution to recommend that the City Council approve the rezone from Single-Family Residential (R1-6L) to Planned Development (PD) for the project located at 930 Bellomy Street (6-0-1-0, Champeny absent) with the following added recommendations:

- 1) Add Condition P6: Property owner shall record the Memorandum and Notice of Lease Agreement with the Santa Clara County Clerk Recorder and shall provide a copy of the recorded document to the City.
- 2) Condition P4 shall stipulate a minimum of 14 parking spaces.
- 3) A "Den Mother" shall be encouraged to the full extent permitted by law.

<b>8.B. File No.(s):</b>	<b>PLN2013-10129</b>
Location:	1075 Pomeroy Avenue, a 12,383 square foot lot located on the east side of Pomeroy Avenue APN: 290-69-079; property is zoned R3-18D (Low-Density Multiple- Dwelling)
Applicant:	Dory Marhamat
Owner:	Martha Polanco
Request:	<b>Rezone</b> from R3-18D (Low-Density Multiple- Dwelling) to PD (Planned Development/R3-18D) to construct five single family homes
CEQA Determination:	Categorical Exemption per Section 15332 (Infill Development)
Project Planner:	Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation:	<b>Recommend City Council Approval</b> , 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:** Shaun Lacey gave a brief presentation on the project.

The Commission discussed the density of the proposal and expressed concern that five units may be overly dense for the project site.

The applicant stated that five units was the preferred density and that Staff had advised that PD zoning was the best approach to proceed with the proposal. Mr. Hensen stated that the original design for the project was heritage architecture (mission revival); however, after presenting the plans to the neighbors, it was rejected on account of the architectural style. Mr. Hensen stated that the project was redesigned with flat roofs to fit in with the neighborhood and that the setbacks were also increased.

The Commission confirmed that the units are for-sale units and the common driveway will be managed by a homeowners association.

The Public Hearing was opened.

Ken Kratz, neighboring resident, stated that 130 residents signed a petition to encourage denial of the project. Mr. Kratz added that the project is too big and will negatively impact existing properties with regard to shadows, traffic, and applicant zoning standards. Mr. Kratz stated that the project does not comply with the General Plan, should not be exempt under CEQA, and needs an EIR.

Sain Chow, neighboring resident, stated that he opposed project as the PD zoning increases density and decreases setbacks. Mr. Chow urged the Commission to deny the project and instruct the applicant to redesign the project to fit within the restraints of the zoning standards.

Peggy Parkins, neighboring resident, stated that she opposes the project as the units would be out of scale with the existing homes. Ms. Parkins added that the natural light will be reduced and the current open space will become unpleasant with huge buildings next to it.

A neighboring resident stated that the open space in their community is used frequently, and the reduction of light and ventilation will reduce the ability to enjoy said open space.

Lara Ruffalo, neighboring resident, stated that the project does not provide benefit to the City aside from providing additional housing.

Nick Rossi, neighboring resident, stated that the project does not increase the quality of the neighborhood and detracts from the existing composition. Mr. Rossi added that there is no pressing reason to allow this type of density at this project site with all the housing being constructed along the El Camino Real and Kiely Boulevard.

A neighboring resident stated that more housing was not needed in the neighborhood and that the School District is already overly impacted by the recently approved and constructed housing developments.

John Solera, neighboring resident, stated that the proposal would change the enjoyment of his home that he has owned for 20 years. Mr. Solera noted that the proposed buildings would block the sunlight and negatively impact the privacy of neighbors.

Michael Onso, neighboring resident, stated that he frequently uses and enjoys the community

open space and does not want to see it ruined by the proposal.

Julie Lee, neighboring resident, stated that the open spaces is a great amenity that the proposal would diminish. Ms. Lee added that the Eichler buildings are critical in Silicon Valley and that the architecture should be respected.

In a rebuttal statement the applicant stated that only eight homes are directly affected by the proposal and that they have been trying to work with the neighborhood to develop an agreeable proposal. Ms. Hensen added that the City needs housing, specifically ownership housing, and that the proposal is optimized site for maximum parking so as not to disturb the street scape.

The Public Hearing was closed.

The Commission deliberated on the proposed density of the project, noting that the City is in need of additional housing and expressing concern that this project site might not be the appropriate place for the proposed level of density. The Commission also deliberated on the number of parking spaces included with the proposal, noting that a lack of parking is the most common received complaint for new developments.

The Commission inquired about historical context to which staff noted that mid-century modern architecture is controversial in a historical context and that the project site is not listed as protected at this time.

The Commission expressed additional concern about the reduced setbacks, loss of mature trees, lack of parking, and high density associated with the proposal. The Commission also noted difficulty in making the findings required to approve a PD zoning.

**Motion/Action:** The Commission motioned to recommend that the City Council deny the rezone from R3-18D (Low-Density Multiple- Dwelling) to PD (Planned Development/R3-18D) for the project located at 1075 Pomeroy Avenue (4-2-1-0, Kelly and Sweeney dissenting, Champeny absent).

**Motion/Action:** The Commission motioned to recommend that the City Council deny the Tentative Map for the project located at 1075 Pomeroy Avenue (4-2-1-0, Kelly and Sweeney dissenting, Champeny absent).

It was noted that resolutions representing the Commission's actions would be brought forward for adoption at the next Planning Commission meeting and that the Public Hearing would not be reopened.

## 9. OTHER BUSINESS

### 9.A. Commission Procedures and Staff Communications

#### i. Announcements/Other Items

ii. Election of Officers: the Commission elected the following slate of officers: Keith Stattenfield, Chair; Steve Kelly, Vice Chair; and Yuki Ikezi, Secretary.

#### iii. Report of the Director of Planning and Inspection

- City Council Actions

#### iv. 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

v. **Commission Activities**

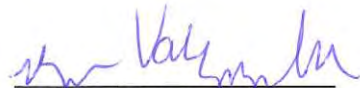
- Commissioner Travel and Training Reports; Requests to Attend Training

vi. **Upcoming agenda items**

**10. ADJOURNMENT**

The meeting adjourned at 10:29 p.m. The next regular Planning Commission meeting will be held on Wednesday, September 24, 2014, at 7:00 p.m.

Prepared by:



Megan Valenzuela  
Office Specialist IV

Approved:



Kevin L. Riley  
Director of Planning & Inspection