



City of Santa Clara
**PLANNING COMMISSION
MEETING MINUTES**

ZONING CODE UPDATE OPEN HOUSE 6:00 P.M. to 7:00 P.M.

Wednesday, December 10, 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.

OPEN HOUSE – 6:00 P.M. TO 7:00 P.M.

The open house provided an introduction to the City of Santa Clara Zoning Code update. Staff and representatives from PMC were present to give information and answer questions related to the Zoning Code 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. PLN2012-09540, PLN2012-09542, and CEQ2012-01149:** 3610-3700 El Camino Real - Rezone
- **Item 8.C. PLN2014-10456:** 297 Bel Ayre Drive- Rezone
- **Item 8.D. PLN2014-10320:** 1701 Lawrence Road - Rezone

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

The following Commissioners responded to roll call: Chair Keith Stattenfield, Raj Chahal, Ian Champeny, Deborah Costa, Yuki Ikezi, Steve Kelly, and Joe Sweeney. (Commissioner Champeny left the meeting at 9:06)

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, Associate Planner Jeff Schwilk, Assistant Planner II Shaun Lacey, Assistant Planner II Payal Bhagat, 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 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) – A request to hear Item 8.C., 297 Bel Ayre Rezone, prior to Item 8.A. was discussed and granted.

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 November 12, 2014

Motion/Action: The Commission motioned to approve the Minutes from the November 12, 2014, Planning Commission meeting (6-0-0-1, Costa abstained).

7.B. File: **PLN2014-10226**
Location: 2333 El Camino Real, a 14,800 square-foot lot on the north side of El Camino Real, approximately 240 feet from the intersection of El Camino Real and Los Padres Boulevard. APN: 224-14-090; property is zoned Thoroughfare Commercial (CT)
Applicant/Owner: Jonghun Jeong / Chuck Hammers
Request: **Six-month review of Use Permit** allow an expansion to an existing restaurant allowing seating from 25 seats to 40 seats and approval to allow beer and wine service (Type 41 ABC License)
CEQA Determination: Categorically Exempt per CEQA Guidelines 15301 (Class 1–Existing Facilities)
Project Planner: Shaun Lacey, Assistant Planner II
Staff Recommendation: **Note and File Report**

After the consent calendar had been approved, a resident later expressed concern about the additional seating at the restaurant and its impact on the neighborhood. Staff agreed to look into the issue and report back to the Commission at the next meeting.

7.C. File: **PLN2014-10682**
Location: 3597 Homestead Road, a 2,642 square foot tenant space within a 5.5 acre parcel, located at the northeast corner of Lawrence Expressway and Homestead Road (APN: 290-23-053).
Applicant/Owner: SBH Homestead Properties

Request: **Conditional Use Permit** to allow on-site beer and wine sales in conjunction with a proposed new Asian cuisine restaurant
CEQA Determination: Categorical Exemption per Section 15301, Existing Facilities
Project Planner: Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation: Approval, subject to conditions

7.D. File: PLN2014-10717
Location: 1349 Coleman Avenue, a 2.96 acre site, located at the southwest corner of Coleman Avenue and Brokaw Road. The property is zoned Heavy Industrial (MH) (APN: 230-06-049)
Applicant/Owner: Tadayoshi Nakamura for Men-Bei Ramen/Thomas Biagini
Request: **Use Permit** to allow beer and wine service (Type 41 ABC License) in an existing restaurant
CEQA Determination: Categorically Exempt per CEQA Guidelines 15301 (Class 1-Existing Facilities)
Project Planner: Steve Le, Planning Intern
Staff Recommendation: Approve, subject to conditions

Motion/Action: The Commission motioned to approve the remainder of the consent calendar unanimously (7-0-0-0).

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

8.A. File: Zoning Code Update
Location: City-wide
Applicant: City of Santa Clara
Request: Introduction to the City of Santa Clara's Zoning Code Update. The City's consultant PMC will give an overview of the update process and will review the existing Code.
CEQA Determination: Reuse of the previously adopted Environmental Impact Report for the 2010-2035 General Plan
Project Planner: Jeff Schwilk, Associate Planner
Staff Recommendation: Information only

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 introduced the representatives from the City's consultant, PMC, who gave a brief presentation on the Zoning Code Update. Highlights of the presentative included an overview of zoning, the project timeline, general plan directives, and key elements of the update.

The Commission inquired about electric vehicle charging and car-share programs being represented in the zoning code update. The Commission also encouraged the new zoning code to minimize the use of Planned Development (PD) zoning through more modern zoning regulations. It was also clarified that the zoning code would not address historic preservation districts.

Motion/Action: The Commission noted and filed the report.

8.B. File: **PLN2012-09540, PLN2012-09542, and CEQ2012-01149**
Location: 3610 and 3700 El Camino Real, two lots totaling 12.59 acres at the southwest corner of El Camino Real and Lawrence Expressway, (APNs: 313-06-002 & 004); property is zoned CC (Community Commercial)
Applicant/Owner: Essex Property Trust/Santa Clara Square, LLC
Request: **Rezone** from Community Commercial (CC) to PD (Planned Development) for Mixed Use development with 476 residential apartment units, and up 86,000 square feet of retail and office space; **Tentative Subdivision Map and Certify an Environmental Impact Report (EIR)** for the project
CEQA Determination: Environmental Impact Report (EIR)
Project Planners: Gloria Sciara, AICP, Development Review Officer
Payal Bhagat, Assistant Planner II
Staff Recommendation: **Recommend City Council Approval, subject to conditions**

Notice: The notice of public hearing for Item 8.B. was posted and mailed to property owners within 500 feet of the project site. Commissioner Stattenfield abstained and recused himself for this item.

Discussion: Gloria Sciara gave a brief presentation on the project and introduced the City's environmental consultant for the project who discussed the scope and content of the Environmental Impact Report (EIR).

The Commission inquired about the traffic calming measures. It was clarified that the measures are required as a condition of approval and are designed to address the realized impacts and allow for improvements and/or corrections to the original traffic plan if needed.

The Commission inquired about the Tentative Subdivision Map and it was explained that the map is being requested by the applicant for financial and functional purposes in the actual development of the project.

The Commission confirmed that there is a construction management plan to reduce construction activity impacts on the existing neighbors.

John Eudy, applicant, introduced his architect, Russ Mayler. Mr. Eudy gave an overview of development projects from Essex Property Trust and highlighted the project schedule, history, and collaborative efforts with the City and public to come up with the project being presented tonight. Mr. Mayler noted the design changes to the project since the original proposal, including amenities, parking garages, open space, landscaping, roof line, and site circulation.

The Commission inquired if there was a plan to be able to add additional parking if the need were to arise. The applicant indicated that a lift parking system could be considered to add more parking spaces.

The Commission expressed concern for the privacy impacts on existing neighbors at the rear of the property due to the height of the building and potential lack of sufficient landscape screening.

The Public Hearing was opened.

Doug Hosking, neighboring resident, stated that the developer has tried to address concerns and improved plans; however, he still had major concerns about the impact on traffic and pedestrian safety.

A neighboring resident stated that he was concerned with the height of the building and felt the tree shading would not provide enough privacy.

Judy Crates, neighboring resident, stated that the project is stunning and will be an improvement to neighborhood; however, improvements to address privacy concerns, such as larger tree replacements, are still needed.

Keith Stattenfield, neighboring resident, stated that the redesigned project was a great improvement over the last proposal; however, the project still has major issues with two traffic intersections that will have a lower Level of Service (LOS) grade and no Fair Share contributions from the applicant for roadway improvements. Mr. Stattenfield added that the traffic and pedestrian flow needs to be improved and that the residential component of the project will have a lot of impacts on parking, safety, and schools.

Carlos Rosas, neighboring resident, stated that public safety includes pedestrian and bicyclist safety, as we all have to share the road, and this project doesn't promote that concept.

Myron Von Raesfeld, local resident, stated that the project is a great mixture of commercial and residential that helps the jobs housing imbalance in the City. Mr. Von Raesfeld added that the project location is ideal for this type of density and that the layout of the combined retail and residential is well thought-out and beneficial for both the residents and City.

Ed Goacka, neighboring resident, stated that the traffic and parking impacts will also affect the City of Sunnyvale residents.

In a rebuttal statement the applicant stated that the shadow study showed that the sun was never blocked as a result of the four-story building. The traffic consultant noted that some of the traffic improvements that can be done are in the City of Sunnyvale, which limits the ability to implement and/or require them through the City of Santa Clara approval process.

The Commission discussed various possibilities to address traffic concerns including adding lanes to Lawrence Expressway, a pedestrian overpass, and signalized crosswalks. It was noted that many options were considered in the preparation of the EIR and traffic analysis and that most measures were considered either infeasible or non-beneficial. The Commission noted that a signalized crosswalk would help pedestrian safety and benefit the project. The Commission expressed additional concern for the implications the Bus Rapid Transit (BRT) system would have on the area's traffic when compounded with this project.

At 11:00pm a motion was carried to extend the Planning Commission meeting to complete the Public Hearing for this item (5-0-1-1, Champeny absent, Stattenfield abstaining).

The Public Hearing was closed.

The Commission requested that the applicant utilize larger trees to enhance the privacy screening and that the parking structure be designed in such a way that could accommodate additional parking in the future.

The Commission confirmed that the project was exempt from the new Park Impact fees as the project was deemed complete by the Project Clearance Committee prior to adoption of those fees. It was also noted that this project is exempt from the Below Market Rate (BMR) program as it is rental units and not for-sale units. The Commission further discussed the concerns about the traffic impacts from the project. It was suggested that adding a right-turn-only on Halford Avenue would help the traffic flow. Staff agreed the request would be beneficial and reviewed additional elements of the Transportation Demand Management (TDM) program.

The Commission expressed overall appreciation for the project and felt it would be an improvement to the area and City. It was noted that most schools in Santa Clara are at capacity and that impacts from this project and other residential projects are significant and need to be addressed.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council certify the Environmental Impact Report for the project located at 3610 and 3700 El Camino Real (5-0-1-1, Champeny absent, Stattenfield abstaining).

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council approve the rezone from Community Commercial (CC) to Planned Development (PD) for the project located at 3610 and 3700 El Camino Real (5-0-1-1, Champeny absent, Stattenfield abstaining) with the following added conditions:

- 1) Implement a right-turn-only restriction from the project site onto Halford Avenue,
- 2) Install a signalized crosswalk at Halford Avenue and Burnley Way,
- 3) Plant larger, mature specimen trees at the back of the property to enhance privacy screening between the project and existing neighborhood, and
- 4) Conduct a six-month review of traffic and parking after the project is completed and occupied.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council approve the Tentative Subdivision Map for the project located at 3610 and 3700 El Camino Real (5-0-1-1, Champeny absent, Stattenfield abstaining).

8.C. File:	PLN2014-10456
Location:	297 Bel Ayre Drive, a 20,131 square foot parcel located mid-block along Bel Ayre Drive, (APN: 303-21-040); property is zoned R1-6L (Single-Family Residential).
Applicant/Owner:	John Faylor
Request:	Rezone from Single-Family Residential (R1-6L) to Planned Development (PD) and Tentative Parcel Map to allow the construction of two single-family residential homes on two lots and a second living unit
CEQA Determination:	Categorically exempt per Section 15303, New Construction, of the California Environmental Quality Act (CEQA)
Project Planner:	Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation:	Recommend City Council Denial

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

Discussion: Shaun Lacey gave a brief presentation on the project. Commissioners Champeny, Costa, Kelly, Chahal, and Sweeney disclosed meeting with the applicant.

The Commission inquired about design standards specific to flag lots, to which staff confirmed there are none. Staff clarified that a PD rezone was necessary for the subdivision due to the shape of the lot not allowing the divided properties to meet the minimum dimensions of the single-family zoning standards. The Commission confirmed the project, if approved, would go through the Architectural Review process as part of the Conditions of Approval.

John Faylor, applicant, introduced Michelle Miner, project architect, who gave a brief overview of the project, highlighting the orientation of the lots, project design, and comparison of the proposed homes to nearby existing homes.

The Commission confirmed that there are eight dedicated parking spaces for the two houses and that the driveway may be used as additional parking as well.

The Public Hearing was opened.

Marcella Miranda, neighboring resident, urged the Commission to protect the neighborhood, and opposed the rezone to Planned Development (PD). Ms. Miranda expressed concern that the property would be flipped and not utilized as promised.

Brian Gregory read a letter from the neighbor of the property stating that they support the proposal and would enjoy having two beautiful homes next door.

Darrel Von Raesfeld, local resident, stated that the design is great for such a unique parcel and utilizes the available space. Mr. Von Raesfeld added that it would be nice if the zoning could be kept as R1-6L, but that PD zoning is not bad.

Kevin Moore, local resident, stated that many residents from Santa Clara have moved away and that the neighborhood has been through some tough times. Mr. Moore noted that adding two nice homes to the neighborhood would be a great benefit to the neighborhood.

Tino Gallo, local resident, stated that the property is currently full of weeds and the proposal would provide two beautiful homes. Mr. Gallo added that the applicant is a trust-worthy person who will be great neighbor.

Craig Runway, neighboring resident, stated that while the plans are well thought-out, the neighborhood is meant to be single family and the proposal overdevelops the lot.

Jerry Smith, local resident, stated that the lot type does not work and that is why it has been vacant all these years. Mr. Smith added that the proposal utilizes the parcel and enhances the beauty of neighborhood.

Pat Miller, local resident, stated that the applicant's projects have all been thoughtfully designed, professional, on time, on budget, and successful and urged the Commission to approve the proposal.

Mike O'Halloran, neighboring resident, stated that is in favor of approval of the project because the lot size is abnormally large and can support the two homes while providing ample parking.

Jane Madelitch, neighboring resident, stated that she is opposed to splitting the lot as it would be out of character with the neighborhood. Ms. Madelitch added that the home will stick out farther than neighboring homes and that old, mature trees will be lost with this proposal.

Amy Morminister, local resident, commended the design of the proposal and noted that the lot shape and size makes it difficult to come up with such a quality proposal.

Tracey Johnson, neighboring resident, stated that the original home on the lot was completely in line with the neighbors and fit in with the neighborhood's General Plan and Zoning designations. Approval of the project would be bad for the neighborhood.

Robert Almasetti, local resident, stated that the project site is in a neighborhood that used to be great but died away. Mr. Almasetti noted that proposals like this can revitalize the neighborhood and that the direct neighbors to the project site are in favor of the proposal.

Myron Von Raesfeld, local resident, stated that the City has a housing-to-jobs imbalance and that the lot size would be underutilized as a single-family home. Mr. Von Raesfeld noted that if a modest proposal like this isn't developed, it's possible that a larger development may come in

its place some years down the road and that the current proposal takes an eyesore and turns it into something beautiful.

Michael Kohl, local resident, stated that Michelle Miner is a great designer and did a great job with the architecture on the current proposal.

Bob Lin, neighboring resident, stated that Santa Clara has many large lots and that allowing this density will encourage everyone to submit similar proposals which will destroy the integrity of our neighborhoods.

Joe Goshey, neighboring resident, stated that he has concerns about the parking and that the applicant could always sell the property to a less desirable neighbor.

Randy Wong, neighboring resident, stated that he is opposed to the project because he bought his home assuming the neighborhood would stay single-family and this proposal would set an unfavorable precedent.

Pete Williamson, neighboring resident, stated that he opposes the proposal and does not want to see the lot subdivided. Mr. Williamson added that he would be in favor of a large home, but the current proposal has two fairly large homes with not enough parking.

David LeBarron, local resident, stated that the proposal is a thoughtful plan that is in keeping with the single-family design spirit. Mr. LeBarron added that the proposal offers a reasonable design with ample parking and will be a vast improvement to the vacant lot and neighborhood.

Stu Fiedelman, local resident, stated that he supports the project as it is a great use of a large lot.

Randy Strong, local resident, stated that this is a great project and Santa Clara needs more projects like it.

Maria Coughlin, neighboring resident, stated that the majority of people speaking on this item are real estate developers, not residents of the neighborhood, and therefore do not have a sense of what is best for the neighborhood. Ms. Coughlin emphasized that the neighborhood is full of single family homes and this proposal would put three structures on the parcel and would take away from the character of the neighborhood.

Todd Tomlitz, local resident, stated that the demographics of Santa Clara are changing and that this proposal represents a good change.

Dave Albertalliet, neighboring resident, stated that he bought his home in the neighborhood for the large lots; however, everything changes and the proposal looks okay. Mr. Albertalliet added that he is not in favor of the mother in law unit or the setbacks of the design and confirmed that the project will be reviewed at the Architectural Committee.

In a rebuttal statement, Ms. Miner clarified that the front home is generally in-line with the neighboring homes on either side with a less than 10-foot difference. Ms. Miner added that the driveway is wide enough to accommodate turn-around space so that vehicles do not have to back-out the complete length of the driveway. It was further noted that this lot is more than double the size of the average lot size in the neighborhood, and as such, a subdivision is a reasonable request.

The Public Hearing was closed.

The Commission clarified that the proposal consists of two single-family homes and one accessory unit and that the entire project will be subsequently reviewed by the Architectural

Committee. The Commission noted that one of the direct neighbors who had previously opposed the project submitted a letter that rescinded the opposition and instead supported the project. It was also noted that the landscape plan, including both old and new landscape, would be part of the Architectural Review process.

The Commission deliberated on the project, noting that the lot size is unique in both size and shape and could support a higher density proposal than what has been presented. The Commission sympathized with concern that placing two homes on the property would compromise the neighborhood integrity; however, expressed appreciation for the design's ability to maintain the single-family neighborhood look-and-feel.

Motion/Action: The Commission motioned to direct staff to prepare a resolution to recommend that the Council approve the rezone from R1-6L (Single Family Residential) to PD (Planned Development) unanimously (7-0-0-0). *[Note: This resolution will be brought forward for adoption at the January 14, 2015 Planning Commission meeting]*

8.D. File:	PLN2014-10320
Location:	1701 Lawrence Road, a .52 acre parcel at the northeast corner of Lawrence Road and Warburton Avenue, (APN: 220-040040); property is zoned Agriculture (A)
Applicant/Owner:	Antomy Joma, Joma Studio Architects/Ali Mozaffari
Request:	General Plan Amendment (#82) from Medium Density Residential to Low Density Residential; Rezoning from A-Agriculture to PD-Planned Development, and a Tentative Subdivision Map ; to allow the development of a nine unit attached townhome project and related site improvements. The proposal includes demolition of two existing commercial structures and one residential structure onsite.
CEQA Determination:	Categorical Exemption per Section 15322, Infill Development
Project Planner:	Debby Fernandez, Associate Planner
Staff Recommendation:	Recommend City Council Approval, subject to conditions

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

Discussion: As the meeting had reached 11:00pm prior to hearing this Agenda item, the Public Hearing was opened and continued to the next Planning Commission meeting.

Motion/Action: The Commission motioned to continue the Public Hearing to January 14, 2015 (6-0-1-0, Champeny absent).

9. OTHER BUSINESS

9.A. Commission Comment for the Committee's Report back to Council on Draft Neighborhood Protection Ordinance (30-minute maximum)

As the meeting had reached 11:00pm prior to hearing this Agenda item, the item was continued to the next Planning Commission meeting.

9.B. 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

iv. Commission Activities

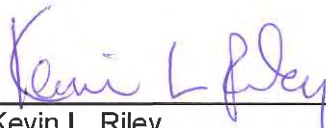
- Commissioner Travel and Training Reports; Requests to Attend Training

v. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 11:51 p.m. The next regular Planning Commission meeting will be held on Wednesday, January 14, 2015, at 7:00 p.m.

Prepared by: 
Megan Valenzuela
Office Specialist IV

Approved: 
Kevin L. Riley
Director of Planning & Inspection