



MINUTES
Wednesday, July 8, 2015 – 7:00 P.M.

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.** PLN2015-10898: Location: 2855 Stevens Creek Boulevard, Tentative Subdivision Map
- **Item 8.B.** PLN2015-11206, CEQ2015-01192: Location: 5301 Stevens Creek Boulevard, Amendment to Development Agreement

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

The following Commissioners responded to roll call: Vice-Chair Steve Kelly, Raj Chahal, Yuki Ikezi, Sudhanshu Jain, Steve Kelly, Michael O'Halloran, and Joe Sweeney. Commissioner Costa was excused.

Staff present were Director of Planning and Inspection Kevin Riley, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, 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 Kelly 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 June 10, 2015

Motion/Action: The Planning Commission Minutes of June 10, 2015, were continued to the next Planning Commission meeting of August 12, 2015.

7.B. File No.(s): **PLN2015-11164**
Location: 3915 Rivermark Plaza, APN: 097-08-106
Applicant/Owner: Steve Rawlings / RLJ HYH Santa Clara, LP
Request: **Use Permit** to sell beer and wine and spirits for on-site consumption (ABC Type 47 License) within an existing hotel that currently serves alcoholic beverages (ABC Type 70 and Type 20 Licenses)
CEQA Determination: Categorical Exemption per section 15301, Class 1 - Existing Facilities
Project Planner: Greg Qwan, Planning Assistant
Staff Recommendation: **Approve**, subject to conditions

Motion/Action: The Commission motioned to continue the public hearing for the project located at 3915 Rivermark Plaza to the next Planning Commission meeting of August 12, 2015, unanimously (6-0-1-0, Costa absent).

7.C. File No.(s): **PLN2015-11091**
Location: 1171 Homestead Road #110, APN: 269-22-095; property is zoned Planned Development (PD)
Applicant/Owner: Taplands LLC / Homestead LLC
Request: **Use Permit** to allow the sale of beer and wine service (ABC Type 23 - Small Beer Manufacturer License), non-amplified live entertainment, 44 indoor seats and 23 outdoor seats for a new neighborhood brewery
CEQA Determination: Categorically Exempt per section 15301, Class 1 - Existing Facilities
Project Planner: Jeff Schwilk, AICP, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

Motion/Action: The Commission motioned to adopt a resolution to approve the Use Permit for 1171 Homestead Road, #110, unanimously (6-0-1-0, Costa absent).

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; property is zoned Heavy Industrial (MH), APN: 230-06-049
Applicant/Owner: Tadayoshi Nakamura for Men-Bei Ramen/Thomas Biagini
Request: **Six-month review** of a Use Permit allowing 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 Assistant
Staff Recommendation: **Note and File report**

Motion/Action: The Commission motioned to note and file the report unanimously (6-0-1-0, Costa absent).

7.E. File No.(s): **PLN2014-10552**
Location: 1086 Madison Street, a 5,542 square foot parcel located at the southwest intersection of Madison Street and Benton Street, property is zoned HT-PD-Historic Combining Planned Development, APN: 269-20-103

Applicant: Robert Fitch
Owner: Don Soukup
Request: **Rezoning** from Historic Combining-Planned Development (HT-PD) to Planned Development (PD) to allow legalization of the conversion of the existing structure into two dwelling units (*Continued from June 10, 2015 meeting*)

CEQA Determination: Categorically Exempt per CEQA Section 15301, Existing Facilities
Project Planner: Payal Bhagat, Assistant Planner II
Recommendation: **Continue** (Item being reviewed by the Historical Landmarks Commission prior to Planning Commission Public Hearing)

Motion/Action: The Commission motioned to continue the public hearing for the project located at 1086 Madison Street unanimously (6-0-1-0, Costa absent).

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

8.A. File No.(s): **PLN2015-10898**
Location: 2855 Stevens Creek Boulevard, a 17 acre property located at the northeast quadrant of Stevens Creek Boulevard and Winchester Boulevard; property is zoned Community Commercial (CC), APN: 247-43-035

Applicant: Scot Vallee
Owner: Westfield LLC
Request: **Vesting Tentative Map** to further subdivide one parcel into two lots and reconfigure adjoining parcels at Westfield Valley Fair Mall

CEQA Determination: Categorically Exempt per CEQA Section 15301, Existing Facilities
Project Planner: Payal Bhagat, Assistant Planner II
Recommendation: **Recommend City Council approval**, subject to conditions

Notice: Notice for Item 8.A. was posted and mailed to residents within 300 feet of the project site. Notice was also published in the Santa Clara Weekly.

Discussion: Gloria Sciara gave a brief presentation on the item.

Scot Vallee, applicant, noted that the Valley Fair mall is undergoing a major renovation project and the map is the first step in the process.

The Commission confirmed which parcels were owned by Westfield and which were independently owned by other entities. It was clarified that the application for the Vesting Tentative Map solely dealt with the division of parcels and did not approve other elements of the Valley Fair Mall expansion project. The Map must be approved prior to any other approvals for entitlements or permits.

The Commission inquired about intentions for the expansion project, including sidewalk widths, environmental review, bicycle parking, electric vehicle parking, and the overall parking plan for the mall. The applicant confirmed that these issues will all be studied and addressed when the project moves forward.

The Public Hearing was opened.

Jennifer Griffin, Cupertino resident, stated that she is a frequent customer of one of the property tenants because it offers a prime location and convenient parking. Ms. Griffin expressed concern that the parking

would be impacted by the development and requested that a security guard be present for the bank.

The applicant confirmed that the bank will have reserved parking during business hours.

The Public Hearing was closed.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council approve the Vesting Tentative Map for 2855 Stevens Creek Boulevard (6-0-1-0, Costa absent).

8.B. File No.(s):	PLN2015-11206, CEQ2015-01192
Location:	5301 Stevens Creek Boulevard, single parcel totaling 55.1 acres located on the north side of the roadway between Lawrence Expressway and Interstate 280; property is zoned Planned Development (PD), APN: 316-18-017
Applicant/Owner:	Agilent Technologies
Request:	Development Agreement Amendment with Agilent Technologies to allow the construction of approximately 1,385,000 square feet of Office / R&D, and Adopt EIR Addendum to the Certified EIR, SCH# 2004061152
CEQA Determination:	Addendum to Certified Environmental Impact Report
Project Planner:	Yen Chen, Associate Planner
Recommendation:	Recommend City Council approval , subject to conditions

Notice: Notice for Item 8.B. was posted and mailed to residents within 500 feet of the project site. Notice was also published in the Santa Clara Weekly.

Discussion: Gloria Sciara gave a brief presentation on the item.

Steve Mattas, representative for applicant, noted that the current application represents no changes to the approved 2005 Master Plan. Mr. Mattas added that the Master Plan anticipates retention of the existing 800,000 square feet of office space as well as the new development of an additional 500,000 square feet of office space. It was noted that closest building on the Agilent campus is roughly 400 feet away from the residential neighborhood and is roughly only two stories tall. Mr. Mattas clarified that environmental review was completed for the project in 1994 and 2005, and the project was included in the City's General Plan EIR in 2010. It was noted that Agilent does not plan to immediately commence construction after the proposed entitlement extension; however, the request is being made to retain the existing entitlements to develop should growth opportunities arrive.

The Commission expressed concern for the changes in the area since the project was initially proposed in 1994. There was additional concern that Agilent's proposal has been active for many years and the extension is being requested again with no firm plans to build. It was explained that the current entitlements allow greater flexibility and faster processing when the time comes that Agilent is ready to build.

The Commission noted that a lot of changes have happened in the last 10 years specific to the general project location and questioned the applicability of previous EIRs to current-day situations. Shannon George, applicant's Environmental Consultant, explained that existing, background, and cumulative traffic conditions are analyzed as part of the environmental review. Ms. George noted that because the entitlements were issued to Agilent prior to recent developments, all new projects, including the Apple campus, included the expanded Agilent campus in their environmental review and traffic studies.

The Commission inquired if the current drought was taken into consideration. It was noted that the Urban Water Management Plan assumes up to five years of extreme drought, and that the expanded Agilent campus was accounted for in that plan. The Commission inquired about recycled water. It was noted that the infrastructure to provide recycled water in this area of the City does not exist. The City's recycled water infrastructure will be improved through CIP projects; however, there are no current plans for expansion in the Stevens Creek Boulevard area.

The Public Hearing was opened.

Jennifer Griffin, Cupertino resident, stated that there has been a tremendous amount of change in the area with new developments. Ms. Griffin expressed concern about the traffic in the area with so many projects happening at the same time that will add more vehicles to existing conditions.

David Kalecheck, neighboring resident, stated that there have been many changes to traffic patterns over the last 10 years and that the existing traffic mitigation measures for Agilent employees are sparsely used. Mr. Kalecheck inquired if the original easement in the Development Agreement is still included.

Rujuta Phadke, neighboring resident, stated that the 2005 EIR is out of date and that the addendum does not fully address the changes of the last 10 years. Ms. Phadke stated that the traffic in the area is terrible and requested that a new EIR be completed.

Pedro Hernandez Ramos, neighboring resident, inquired about the additional number of employees and vehicles that would result from the expansion. Mr. Ramos also inquired about the amount of manufacturing that would occur on site and if air quality studies would be necessary.

Craig Erb, neighboring resident, inquired if the original entitlements investigated the chemicals used in manufacturing. Mr. Erb expressed concern for the building height of building number 59 and inquired if the Keysight tenant would be leasing any of the expanded Agilent campus.

Albert McQueen, neighboring resident, noted that he lives directly behind the Agilent campus and wanted to confirm that the building nearest his home would be only two-stories in height. Mr. McQueen requested that there be no employee parking on La Herran Drive and that the City substation be equipped with sufficient safety measures to protect the neighborhood.

Terry Gorman, neighboring resident, stated that Agilent has been a good neighbor. Mr. Gorman requested that La Herran Drive never be opened to through traffic and that the gates could be locked at dusk instead of 9:00 daily.

The Public Hearing was closed.

The Commission discussed the recent actions of the City Council in reference to the Perry-Arriaga development of two towers on Stevens Creek Boulevard, noting that the initial proposal for six-stories was approved and the requested amendment to allow nine-stories was denied. It was noted that the building heights in the Agilent campus expansion would be slightly taller than the aforementioned development, but not as tall as the denied proposal.

The Commission expressed concern for the current status of traffic seen in this area of the City, noting that major developments are still in the process of being designed or built. The Commission confirmed that the proposal does not seek to amend any of the existing entitlements aside from the time extension of the Development Agreement.

The Commission confirmed with staff that the cities of Santa Clara and Cupertino have open communication about current developments and that the Agilent campus expansion has been assumed and considered in all other project proposals since the initial Agilent entitlements were granted. Staff confirmed that La Herran Drive will not be opened to through traffic from the Agilent campus and that should a request to do so ever arise, it would go through a public hearing process for an official amendment to the Master Plan.

The applicant confirmed that manufacturing is a very small component of what is done at the Agilent campus, and that the manufacturing that is done is very low-tech and non-chemically based.

The Commission expressed additional concern about the traffic in the area, noting that mitigations from all the different developments may not sufficiently reduce impacts. The Commission also expressed concern for the building height of building numbers 58 and 59 in the Master Plan and requested that the applicant consider

reducing those building heights.

The Commission confirmed with staff that the impact fees will be collected at the current rates of when building permits are pulled. The Commission expressed concern of the length of time that Agilent has had entitlements, combined with the current request for a five year extension with an optional additional five year extension, with no commitment from Agilent to build the project in the near future.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council adopt the Addendum to the certified Environmental Impact Report for the project located at 5301 Stevens Creek Boulevard (6-0-1-0, Costa absent).

The Commission discussed a motion to approve the Development Agreement amendment with a reduction to the maximum building height and elimination of the second five year extension, limiting the Development Agreement to a single five-year term. The Commission requested that the applicant reach out to the neighbors that border the Agilent campus and discuss if a new or different fence material is needed.

Motion/Action: The Commission motioned to adopt a resolution to recommend that the City Council approve the First Amendment to the Development Agreement with Agilent Technologies, Inc. for the project located at 5301 Stevens Creek Boulevard (5-1-1-0, Sweeney dissenting, Costa absent) with the following additional recommendations:

1. Amend the PD Master Plan to restrict building heights of the two future office buildings on the Stevens Creek Boulevard frontage to 96 feet (reducing one from 124 feet), and
2. Extend the term of the Development Agreement for only five years with no additional extension options.

9. OTHER BUSINESS

9.A. Nomination of Officers

The Commission nominated Deborah Costa as Chair and Joe Sweeney as Secretary. The Commission was unable to reach a majority vote for the Vice-Chair position and continued the nomination to August 12, 2015.

9.B. Commission Procedures and Staff Communications

i. Announcements/Other Items

ii. Report of the Director of Planning and Inspection

- City Council Actions
- Code Enforcement Summary for the 1494 Halford Avenue Shopping Center

iii. Commission/Board Liaison and Committee Reports

- Appointment of Board or Committee assignments
- Architectural Committee: The Commission deferred making new appointments to the Architectural Committee to the meeting of August 12, 2015. Commissioner O'Halloran volunteered to serve as an alternate for the July 22, 2015, Architectural Committee meeting.

iv. Commission Activities


- Commissioner Travel and Training Reports; Requests to Attend Training

v. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 9:10 p.m. The next regular Planning Commission meeting will be held on Wednesday, August 12, 2015, at 7:00 p.m.

Prepared by:


Megan Valenzuela
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection