



**City of Santa Clara**  
**PLANNING COMMISSION**  
**MEETING MINUTES**  
**Wednesday, April 8, 2015 – 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.B.** Planning Commission Budget for FY 2015-2016
- **Item 8.A. File No.:** PLN2014-10765, Location: 1480 Main Street (Rezone)
- **Item 8.B. File No.(s):** PLN2014-10384, PLN2014-10385, CEQ2014-01177, Location: 990 Wren Avenue (Rezone)
- **Item 8.C. File No.(s):** PLN2015-11051/CEQ2015-01190, CIP Budget for FY 2015-2016

**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, Yuki Ikezi, Steve Kelly and Joe Sweeney. Commissioners Champeny and Costa were excused.

Staff present were Director of Planning & Inspection Kevin Riley, Associate Planner Jeff Schwilk, 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 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.

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 4, 2015

**Motion/Action:** The Commission motioned to approve the Minutes from March 4, 2015 (4-0-2-1, Champeny and Costa absent, Sweeney abstaining)

### 7.B. Planning Commission Budget for Fiscal Year 2015-2016

- 7.C. File No.(s):** **PLN2015-10923**  
**Location:** 3240 El Camino Real, an approximately 13,300 square foot lot, located on the south side of El Camino Real, approximately 150 feet east of Pomeroy Avenue, APN: 290-03-084  
**Applicant/Owner:** Tong Soon Gardens  
**Request:** **Amendment of existing Use Permit** allowing the sale of beer, wine and distilled spirits (ABC License Type 47) in conjunction with full food service at Tong Soon Gardens Restaurant  
**CEQA Determination:** Categorical Exemption per section 15301, Existing Facilities  
**Project Planner:** Steve Le, Planning Intern II  
**Staff Recommendation:** **Approve**, subject to conditions
- 7.D. File No.(s):** **PLN2015-10949**  
**Location:** 2000 El Camino Real, Suite 15, a 1,983 square foot commercial tenant space in a 12,039 square foot building at the northeast corner of the 20.89 acre Santa Clara Town Centre site, located at the southwest corner of Scott Boulevard and El Camino Real, APN: 290-10-096  
**Applicant/Owner:** Steve Rawlings / Byer Properties, L.P.  
**Request:** **Use Permit** to allow on-site sale and service of beer and wine (ABC License Type 41) in a full-service restaurant with indoor and outdoor seating  
**CEQA Determination:** Categorical Exemption per section 15301, Existing Facilities  
**Project Planner:** Gregory Qwan, Planning Intern II  
**Staff Recommendation:** **Approve**, subject to conditions
- 7.E. File:** **PLN2013-10183**  
**Location:** 4300 Great America Parkway, 1.59 acre site, located at the northwest corner of Great America Parkway and Mission College Boulevard; APN: 104-16-092, property is zoned Thoroughfare Commercial  
**Applicant:** Iguanas Restaurant  
**Owner:** Landmark Equities LP  
**Subject:** **Six-month review of Use Permit** allowing beer and wine

CEQA Determination: service (Type 41 ABC License) in an existing restaurant  
Review is not a project under CEQA  
Project Planner: Jeff Schwilk, AICP, Associate Planner  
Staff Recommendation: **Note and file report**

**7.F. File:** **PLN2015-10990**  
Location: 2981 Mead Ave, 1.95 acre site, located at the northeast corner of Mead Avenue and Uranium Drive. The Property is zoned (ML) Light Industrial (APN: 216-28-091).  
Applicant: Nan Li for World Champions Table Tennis Academy  
Owner: Mead Associates  
Subject: **Use Permit** to allow private training center.  
CEQA Determination: Review is not a project under CEQA  
Project Planner: Steve Le, Planning Intern  
Staff Recommendation: **Note and file report**

**Motion/Action:** The Commission motioned to approve the remainder of the Consent Calendar (5-0-2-0, Champeny and Costa absent) with the following change to Item 7.D., Use Permit for 2000 El Camino Real:

- Condition P8 is amended to read as follows: Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages are served.

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

**8.A. File No.:** **PLN2014-10765**  
Location: 1480 Main Street, a 0.34 acre parcel, located at the southwest corner of Main Street and El Camino Real. APN: 269-05-107; property is zoned CT (Thoroughfare Commercial)  
Applicant/Owner: Mehdi Shahmirza  
Request: **Rezone** from CT (Thoroughfare Commercial) to PD (Planned Development) to allow the construction of a three-story mixed use development consisting of twelve residential apartment units and approximately 1,000 square feet of ground-floor commercial retail space  
CEQA Determination: Categorically Exempt per CEQA Section 15332 – In-Fill Development Projects  
Project Planner: Jeff Schwilk, AICP, Associate Planner  
Staff Recommendation: **Recommend Approval, subject to conditions**

**Notice:** Notice for Item 8.A. was posted and mailed to residents within 500 feet of the project site.

**Discussion:** Jeff Schwilk gave a brief presentation on the item.

Cherine Bassal, Project Architect and representative for applicant, highlighted the history of the proposal and the revisions made to the project to address concerns raised by the City Council as well as neighboring residents including a reduction in unit count, additional parking spaces, reduction in allowed retail hours, access to parking, and general design.

The Commission inquired if electric vehicle charging spaces were included in the project. The applicant indicated they were not included, but could be added.

The Commission confirmed that the residential units would be for-rent and one parking space would be assigned per unit, with the remaining parking spaces serving both the residential and retail components.

The Commission expressed concern for the zero-setback proposed as part of the project and discussed the window placement related to that portion of the proposal.

The Public Hearing was opened.

Eric Leonard, neighboring resident, read a letter into record that requested installation of a masonry wall to mitigate safety concerns of a multi-unit project abutting a single-family home.

Kevin Walton, neighboring resident, spoke for the property owner of the lot that would neighbor the zero-setback portion of the project. He expressed concern that the lack of setback would cause serious privacy impacts, and as such the customary five-foot setback should be applied to this project.

In a rebuttal statement, Mehdi Shahmirza, applicant, explained that due to various easement and line-of-sight requirements, the project design was constrained in many ways making it difficult to conform to regular zoning standards. Mr. Shahmirza proposed a 16-inch concrete reinforcement for the proposed wooden fence in lieu of the requested masonry wall and requested staff-level review of the project design rather than going through the Architectural Committee review process after project approval.

The Commission confirmed with the applicant that the corridor was necessary to provide access to one of the second-floor units.

The Public Hearing was closed.

Staff clarified that the zoning of the abutting properties did not match the current residential use, resulting in a minimal requirement of a wooden fence rather than a masonry wall as requested by the neighboring property owner.

The Commission expressed deep concern for the zero-setback element of the project design. It was confirmed that the density of this proposal neared the maximum allowed for the site. The Commission suggested that the applicant consider redesigning the project in such a way that would eliminate or revise the location of the unit above the retail component that necessitated the corridor causing the zero-setback. It was noted that the zero-setback concern was voiced at the Historical and Landmarks Commission (HLC) meeting and that the HLC recommended Architectural Committee review for that reason.

A motion to approve the rezone with added conditions for a masonry fence and electric vehicle charging stations was discussed. The Commission agreed that the project was in need of a redesign to address the zero-setback, and that the added conditions were a necessary component of the redesign. The motion to approve the rezone was called to a vote and failed.

The Commission members communicated to the applicant that they would be unable to recommend approval of the project as presented. The applicant indicated a preference to get a final decision from the City Council rather than present a revised plan to the Planning Commission in an effort to not delay the project.

**Motion/Action:** The Commission motioned to recommend that the City council deny the project located at 1480 Main Street (4-1-2-0, Kelly dissenting, Champeny and Costa absent).

<b>8.B. File No.:</b>	<b>PLN2014-10384, PLN2014-10385, CEQ2014-01177</b>
Location:	990 Wren Avenue, a 31,305 square-foot project site to the north of the intersection of Wren Avenue and Vireo Avenue, (APN: 313-31-003); property is zoned R1-6L (Single-Family Residential)
Applicant/Owner:	Ben Engelman

Request: **Rezone** from R1-6L (Single-Family Residential) to PD (Planned Development) and a **Tentative Subdivision Map** to create five lots  
CEQA Determination: Initial Study/Mitigated Negative Declaration  
Project Planner: Shaun Lacey, AICP, Assistant Planner II  
**Staff Recommendation:** **Recommend Approval, subject to conditions**

**Notice:** Notice for Item 8.B. was posted and mailed to residents within 300 feet of the project site.

**Discussion:** Shaun Lacey gave a brief presentation on the project and clarified that the staff recommendation was for approval, not continue for redesign.

The Commission inquired about the setbacks that were revised from the previous proposal and confirmed that the revised proposal included two new guest parking spaces.

Ben Engelman, applicant, gave a brief presentation on the revised proposal, highlighting the redesign to lots two and three that increased setbacks, added guest parking spaces, overhead garage storage, addition of pervious pavers, and revised tree removal plan per the water district's request.

The Commission verified the private street would be managed by a Home Owners Association.

The Public Hearing was opened.

Prafulkumar Bhatt, neighboring resident, stated that he appreciates the Commission's effort to enhance the project and is in favor of the revised plan.

Aleeah Nino, neighboring resident, inquired if fire and garbage services would have adequate access to provide services given the road's smaller size. It was confirmed that the Fire Department had reviewed the road and found no issue with serviceability and that the HOA for the property would work out the details of garbage service with Mission Trails.

Mike Sherman, neighboring resident, indicated that the grade between the project site and the existing homes has a two foot differential that adds additional privacy benefit to the six-foot fence as proposed.

The Public Hearing was closed.

The Commission noted that a majority of the concerns presented at the previous Planning Commission meeting had been addressed and that the project had been sufficiently improved as a result.

**Motion/Action:** The Commission motioned to adopt a resolution to recommend that the City Council adopt the Mitigated Negative Declaration for the project located at 990 Wren Avenue (5-0-2-0, Champeny and Costa absent).

**Motion/Action:** The Commission motioned to adopt a resolution to recommend that the City Council approve a rezone from R1-6L (Single-Family Residential) to PD (Planned Development) for the project located at 990 Wren Avenue (5-0-2-0, Champeny and Costa absent).

**Motion/Action:** The Commission motioned to adopt a resolution to recommend that the City Council approve a Tentative Subdivision Map for the project located at 990 Wren Avenue (5-0-2-0, Champeny and Costa absent).

8.C. **File No.(s):** PLN2015-11051/CEQ2015-01190  
**Address/APN:** City-wide  
**Applicant/Owner:** City of Santa Clara  
**Request:** **Fiscal Year 2015-2016 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:** Notice for this item is not required.

**Discussion:** Kevin Riley gave a presentation on the project and update on the General Plan.

**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 2015-2016 Capital Improvement Program (CIP) Budget, excluding Project ID 1355 (5-0-2-0, Champeny and Costa absent).

**Motion/Action:** The Commission motioned to approve the environmental determination and make findings for General Plan conformance for Project ID1355 of the Fiscal Year 2015-16 Capital Improvement Program (CIP) Budget (4-0-2-1, Champeny and Costa absent, Chahal abstaining).

## 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

#### iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training
- Commissioner Sweeney gave a report on his attendance at the Planning Commissioners Academy that took place March 4-6, 2015.
- National APA Conference: April 18-21 (Commissioners Champeny, Ikezi, and Kelly attending)
- The Commission motioned to approve a \$75 expenditure for Commissioner Kelly Steve to attend "The Business of Commercial Real Estate" seminar on April 30, 2015.

#### v. Upcoming agenda items

## 10. ADJOURNMENT

The meeting adjourned at 9:14 p.m. The next regular Planning Commission meeting will be held on Wednesday, May 6, 2015, at 7:00 p.m.

Prepared by:

  
 Megan Valenzuela  
 Office Specialist IV

Approved:

  
 Kevin L. Riley  
 Director of Planning & Inspection