



MINUTES
Thursday, December 10, 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:

- None

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

The following Commissioners responded to roll call: Chair Deborah Costa, Raj Chahal, Steve Kelly, Michael O'Halloran, and Joe Sweeney. Commissioners Ikezi and Jain were excused.

Staff present were Development Review Officer Gloria Sciara, Associate Planner Yen Chen, Planning Intern II Steve Le, Assistant City Attorney Alexander Abbe, Office Specialist IV Megan Valenzuela, and Office Specialist II Rosa Avalos.

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 Costa 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.

- None

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

8. PUBLIC HEARING ITEMS

8.A. File No(s): **PLN2015-11377**
Location: 2277, 2265 El Camino Real and 1625 Los Padres Boulevard. Three parcels totaling an approximately 0.74 acre project site. The project site is located at the northeast corner of El Camino Real and Los Padres Boulevard and extends eastward along El Camino north along Los Padres approximately 130 feet in each direction. APN(s): 224-15-034, 031, 017; the properties are zoned CT (Thoroughfare Commercial).
Applicant: Paul Bosman
Owner: Oakland Realty Loan Service, Inc.
Subject: **Use Permit** to allow a drive-thru proposed for a new 4,629 square foot multi-tenant commercial building (*Continued from December 9, 2015 Planning Commission Meeting*)
CEQA Determination: Categorical Exemption per section 15332, In-Fill Development Projects
Project Planner: Steve Le, Planning Intern II
Staff Recommendation: **Approve**, subject to conditions

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

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

The applicant, Paul Bosman, gave a presentation noting the changes that have been made due to public concern, including adding larger trees and shrubbery along the property line and in front of the dividing wall and adding wall-mounted, non-glare lights on the masonry wall. Mr. Bosman mentioned that the menu boards were moved to the side closer to El Camino Real and will be 100 feet away from residences. Mr. Bosman stated that the hours of operation for the drive-thru were changed from 4am – 11pm to 5am – 10pm, with the patio closing at 9:00pm. Mr. Bosman also added that the hours of operation for Five Guys will be 11am to 10pm. Mr. Bosman stated that bike racks will be added to the left of Space #2. Mr. Bosman explained that the HVAC units will be mounted on the tower elements on both sides of the building and this should retain the noise level away from the residents. Mr. Bosman emphasized that drivers will be forced to turn right onto El Camino when exiting the building, rather than circulate around the building onto Los Padres.

The Commission inquired about the grease cleanouts. Mr. Bosman assured them that the cleanouts will be done inside the restaurant at all times.

The Commission asked about the delivery hours for the UPS Store. Mr. Bosman stated that the pick-up time would be at 8:00am and between 5:00pm and 6:00pm.

The Public Hearing was opened.

Vern Goettsch, neighboring resident, expressed concerned about the drive-thru increasing traffic congestion on Los Padres Boulevard in the evenings. Mr. Goettsch added that traffic backs up on El Camino Real and Los Padres Boulevard starting at around 5:30pm and the addition of the drive-thru will potentially increase the problem.

Kim Flores, neighboring resident, stated that neighbors do not want the drive-thru and reminded the Commission that a petition was signed by neighboring residents. Ms. Flores stated that the Commission's decisive factor should be the concerns of the residents and not necessarily whether the requirements were met or not. Ms. Flores also expressed concern about traffic congestion and potential increase in noise due to the drive-thru.

Michael Osterello, neighboring resident, expressed concern about traffic congestion and about rodents and pests that might derive from having a restaurant nearby.

Evan Cheng, neighboring resident, expressed concern about traffic congestion. He made a suggestion that the entrance be moved forward, closer to El Camino Real.

Ben Tamone, neighboring resident, expressed concern about traffic and lack of traffic enforcement in the area.

Dawn Tamone, neighboring resident, expressed concern about traffic on Los Padres Boulevard. Mr. Tamone added that drivers often show lack of respect for the surrounding streets and that he is concerned about the decrease in quality of life in the area.

Kristin Haney, neighboring resident, expressed disagreement with the attachments which state that the environment will not be affected. Ms. Haney believes that the addition of the drive-thru, specifically the idling of cars, will be detrimental to the neighbors' health. Ms. Haney reminded the Commission that about 50 signatures were gathered from neighboring residents petitioning against the addition of the drive-thru.

Jason Fung, a neighboring resident, stated that he can hear the noise very clearly coming from nearby businesses. Mr. Fung believes that the drive-thru will add to the noise and traffic problem.

David Haney, a neighboring resident, reminded the Commission about the signatures gathered in opposition of the drive-thru. Mr. Haney stated that no answers were given to the critical issues and concerns.

Junaid Shaikh, a neighboring resident, expressed concern about traffic on Los Padres Boulevard during peak hours. Mr. Shaikh suggested that the building be turned around so it faces El Camino Real.

Kiran Kamity, a neighboring resident, expressed concern about the potential noise increase, increased pollution, and potential increase in thefts in the area. Mr. Kamity also suggested that the restaurant be turned around to face El Camino Real. Mr. Kamity disapproves of the drive-thru.

Avi Avanindra, a neighboring resident, stated that in the past the drive-thru was only located at the smaller parcel at 2277 El Camino Real. Mr. Avanindra expressed concern about idling cars increasing pollution. Mr. Abe believes that the noise coming from the patio will be too loud and he believes that the proposed changes will reduce noise but not enough. Mr. Avanindra believes that any smoking coming from the patio will be detrimental to everyone's health.

Juan Moller, a neighboring resident, expressed concerned about the increase in traffic. Mr. Moller also urged the Commission to consider the petition of the residents.

Chen Kingsley, a neighboring resident, expressed support for the development of the restaurant but not for the drive-thru. Mr. Kingsley made a comment that the addition of the drive-thru will degrade the area. He also expressed concern about the traffic. Mr. Kingsley believes that the drive-thru will be detrimental to the UPS store and the Five Guys restaurant.

Vivian Schultz, a neighboring resident, believes that the 10 foot front and 20 foot rear yard requirements, as stated in Chapter 18.30 of the City Code, are not met and are not shown in the plans. Ms. Schultz suggested that an independent traffic study be conducted. Ms. Schultz also suggested that the Commission postpone voting until the independent traffic study is completed. Ms. Schultz referred to page 12, item 3 of the Resolution and stated that the drive-thru should not be permitted due to opposition from the public. Ms.

Schultz added that the location is objectionable and detrimental.

Tom Schultz, a neighboring resident, expressed concern about traffic congestion. Mr. Schultz added that although a drive-thru was previously allowed in that location, it was long ago when times were very different.

Denise Casey, a neighboring resident, made a comment that she agrees with everything stated by the previous speakers. Ms. Casey stated that these issues need more attention. Ms. Casey added that she applauds the development but not the drive-thru.

The Commission allowed the applicant time to give a rebuttal statement. Mr. Bosman mentioned that the mailboxes in the store will only open during business hours, with pick-up deliveries between 8:00am to 5:00pm. Mr. Bosman stated that the noise coming from the patio will not be too excessive as there are only 20 seats and the separation from the wall should help keep the noise on the restaurant's side. Mr. Bosman added that whatever business is added to that location will attract traffic and there isn't much that can be done to alleviate the issue. Tracy, the owner's project manager, mentioned that the Starbucks delivery hours will take place during off peak times but will be when the store is open for business; this will avoid deliveries during the evening and into the middle of the night.

The Public Hearing was closed.

The Commission clarified that the Health Department will monitor any restaurant to ensure that issues regarding rodents or pest are under control.

Gloria Sciara, Development Review Officer from the Planning Department, explained that the Engineering Department may be consulted to look into the traffic signal on Los Padres Boulevard and El Camino to see if it's possible to change the timing to allow longer lights to improve traffic flow on that corner. Gloria Sciara added that this option and adding a "Stop" sign or "Right Turn Only" signs may be explored during the Architectural Commission Review process.

The Commission made the following several motions and all failed in a 3-2 vote, with Ikezi and Jain absent. The Commission motioned to deny the Use Permit. Next, the Commission motioned to approve the Use Permit, subject to the following conditions: 6 month review, independent traffic study, right turn only with exiting onto El Camino Real and no exit onto Los Padres Boulevard. The Commission motioned to continue with closed public hearing to allow absent Commissioners to vote.

Motion/Action: The Commission motioned to deny the Use Permit for the property located at 2277, 2265 El Camino Real and 1625 Los Padres Boulevard (5-0-2-0, Ikezi and Jain absent).

8.B. File No.(s):	PLN2015-11204
Location:	2950 Lakeside Drive, a 1.70-acre site located on the west side of Lakeside Drive approximately 270 feet north of Tannery Way; APN: 216-30-047; property is zoned Light Industrial (ML)
Applicant:	Rashik Patel, VP Development
Owner:	M9 Dev, LLC
Request:	Use Permit to allow a 7-story hotel with 188 rooms
CEQA Determination:	Categorically Exempt per Sec 15332, In-Fill Development Project
Project Planner:	Yen Han Chen, Associate Planner
Staff Recommendation:	Approve , subject to conditions

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

Discussion: Yen Chen gave a brief presentation on the project.

The applicant Rashik Patel and principal architect Jeremy Grant gave a brief presentation. Mr. Patel and Mr. Grant spoke about the AC Hotels brand (new to the Marriott Hotels) which is designed for business travelers and executives and explained that the hotel will have a modern architectural design with a European style. The

presenters stated that the restaurant in the hotel will have alcohol available. The presenters stated that there is no direct connection with the Stadium.

The Commission clarified that all hotels enter a financial agreement to pay a Transient Occupancy Tax as stated on Chapter 3.25 of the City of Santa Clara Code.

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission motioned to adopt a Resolution to approve the Use Permit for the project located at 2950 Lakeside Drive (5-0-2-0, Ikezi and Jain absent).

8.C. File No.(s):	PLN2015-11231 and CEQ2015-01197
Location:	100 N. Winchester Boulevard, a 1.86-acre project site on the west side of N. Winchester Boulevard approximately 350 feet south of Pruneridge Avenue; APN: 303-16-073; property is zoned General Office (OG)
Applicant:	USA Properties Fund, Inc.
Owner:	Santana Atrium Prof Center LLC/ Rubicon Investments
Request:	General Plan Amendment from Regional Commercial to High Density Residential, and Rezone from OG-General Office to PD-Planned Development to allow the development of 92 unit senior apartment; Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
CEQA Determination:	Mitigated negative Declaration
Project Planner:	Yen Han Chen, Associate Planner
Staff Recommendation:	Approve , subject to conditions

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

Discussion: Yen Chen gave a brief presentation on the project.

The Commission asked for clarification regarding the age restriction for the senior rental units. Yen Chen clarified that the age restriction for living in the complex is 55 years old, as defined by state law.

Art May of USA Properties, applicant, gave a brief presentation. The presentation included information about USA Properties and how the company specializes in affordable and marketable living for senior citizens and families. The senior complex will be located very close to a senior center and will have close access to amenities. Mr. May added that the development will be energy efficient and that the landscaping and setbacks around the premises will ensure privacy. It was noted that the applicant spent a great amount of time conducting outreach and one-on-one meetings with nearby residents in January, June, and August.

The Commission asked if shuttle service would be provided for residents. Mr. May stated that on-site shuttle service will be based on community needs and will be established once the residents move in. Parking studies were conducted and as a result of the findings, the parking ratio was set to a 1.14 to 1 ratio.

The Commission asked for clarification about the market rates. Mr. May stated that the rental rate for the apartments is 20 to 30 percent lower than typical market rates, with monthly rates at about \$2,400 to \$3,000.

The Commission expressed concern about the elevators being in the center of the complex, possibly too far away from some of the entrances. Mr. May mentioned that there are multiple stairways on each side of the buildings and based on experience with other developments, one elevator on each side is sufficient and keeping the elevators closer to the amenities has been effective.

The Public Hearing was opened and closed with no public comments received.

The Commission asked for clarification regarding the student projection figures. The applicant clarified that they used the numbers given by the Campbell Union School District student generation formula calculation.

addition, the ratio was gathered using multi-family standards considering that some residents might be guardians of school-aged children.

Motion/Action: The Commission motioned to adopt a Resolution recommending that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project located at 100 N. Winchester Boulevard (5-0-2-0, Ikezi and Jain absent).

Motion/Action: The Commission motioned to adopt a Resolution recommending that the City Council approve the General Plan Amendment from Regional Commercial to High Density Residential for the project located at 100 N. Winchester Boulevard (5-0-2-0, Ikezi and Jain absent).

Motion/Action: The Commission motioned to adopt a Resolution recommending that the City Council approve the rezone from OG-General Office to PD-Planned Development for the project located at 100 N. Winchester Boulevard (5-0-2-0, Ikezi and Jain 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**
 - Appointment of Board or Committee assignments
 - Architectural Committee
- iv. **Commission Activities**
 - Commissioner Travel and Training Reports; Requests to Attend Training
- v. **Upcoming agenda items**

10. ADJOURNMENT

The meeting adjourned at 9:42 p.m. The next regular Planning Commission meeting will be held on Wednesday, January 27, 2015, at 7:00 p.m.

Prepared by: 
Rosa Avalos
Office Specialist II

Approved: 
Sharon Goei
Acting Director of Planning & Inspection

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