



**MINUTES**  
**Wednesday, April 27, 2016 – 7:00 P.M.**

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.

**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.

**8.B. File No.(s): PLN2016-11817/CEQ2016-01008 - Fiscal Year 2015-2016 Capital Improvement Program (CIP) Budget**

**1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES**

Commissioner Sweeney initiated the Pledge of Allegiance and read the Statement of Values.

**2. ROLL CALL**

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

Staff present were: Acting Director of Planning and Inspection Sharon Goei, Planning Manager Lee Butler, Principal Planner John Davidson, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, and Acting Office Specialist IV Rosa Avalos.

**3. DISTRIBUTION OF AGENDA AND STAFF REPORTS**

Chairwoman Costa stated that 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**

Chairwoman 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.

**7.A.** Planning Commission Minutes of April 13, 2016.

**Motion/Action:** The Commission motioned to approve the Planning Commission Minutes of April 13, 2016, unanimously (4-0-0-3, Chahal, Costa, and Ikezi abstained since they were absent on that meeting).

**7.B. File No.(s):** **PLN2015-10898**

**Location:** 2855 Stevens Creek Boulevard, on a 7.5 acre portion of a 70.5 gross acre site, located at the northeast corner of Stevens Creek and Winchester Boulevards; APNs: 274-43-062, -071, -080; property is zoned CC (Community Commercial)

**Applicant/Owner:** Scot Vallee / Westfield, LLC

**Request:** **Approval of a revised resolution for a Use Permit** for the construction of a ten-screen movie theater, **including on site alcoholic beverage sales (ABC type 47 license)**, in conjunction with the construction of 98,200 square feet of new building area and the proposed demolition of a 52,000 sq. ft. portion of the existing Westfield Valley Fair Shopping Mall.

**CEQA Determination:** Addendum to the Valley Fair Shopping Center Expansion EIR (SCH#200652162 and to the Final Program Environmental Impact Report for the City of Santa Clara 2010-2035 General Plan (SCH# 2008092005)

**Project Planner:** John Davidson, Principal Planner

**Staff Recommendation:** **Approve, subject to conditions**

**Discussion:** The Commission inquired about the electric vehicles chargers and bicycle racks and whether the Conditions of Approval should reflect the addition of those two items. The applicant, Scot Vallee, and the Planning Manager, Lee Butler, stated that this was not required to be included in the Conditions of Approval. Scot Vallee stated that the electric vehicles chargers and bicycle racks will be added regardless. Lee Butler stated that the condition can be added, if requested.

The Commission asked whether there will be a review period for the Alcohol Beverage Sales license. Mr. Butler stated that it is at the discretion of the Commission. The Commission also inquired about restrictions on the hours allowed to serve alcohol. Mr. Butler explained that the Department of Alcohol Beverage Control places restrictions on the hours but that the Commission can also place limitations.

Scot Vallee stated that electric vehicles chargers will be placed in all three garages, whether it is a requirement or not. Mr. Vallee also mentioned that Valley Fair Shopping Mall currently holds 12 alcohol sales licenses and that there are no sales past 12:30 a.m. Mr. Vallee stated that alcoholic beverages can only be consumed on-site and that the late sales of up to 12:30 a.m. are intended for late night movie showings.

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

**Motion/Action:** The Commission motioned to approve the revised resolution for a Use Permit for the property located at 2855 Stevens Creek Boulevard, unanimously (7-0-0-0).

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

## 8. PUBLIC HEARING ITEMS

<b>8.A. File No.(s):</b>	<b>PLN2015-11480</b>
Location:	1871 Bellomy Street, a 8,100 square foot lot located approximately 315 feet from the intersection of Winchester Boulevard and Bellomy Street; APN: 269-33-021
Applicant/Owner:	Jason and Linda Chen
Request:	<b>Variance</b> to allow for lot less than 70 feet in width and area less than 8,500 square feet to allow for a second dwelling unit and located in an R3-25D Multi-family Zoning District.
CEQA Determination:	Categorically Exempt per CEQA Categorically Exempt per Section 15303, New Construction
Project Planner:	Steve Le, Assistant Planner I
<b>Staff Recommendation:</b>	<b>Approve, subject to conditions</b>

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

**Discussion:** Gloria Sciara gave a brief presentation on the project and stated that code violations from previous owners will be remedied by the current owners. Ms. Sciara explained that the violations started before the owners purchased the home but they were interested in developing the residence. The Planning and the Building departments agreed to allow the current owners to fix the violations during the proposed development. Ms. Sciara explained that the Building department follows up until the residence is in compliance. Ms. Sciara clarified that each house will meet construction requirements individually and stated that the width of the lot will remain the same and the addition is for a second story.

Roger Chen, owner Linda Chen's husband, stated that the house was purchased on March 2015 as is. Mr. Chen stated that neighbors are pleased with the proposed development and believe that it will improve the property.

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

**Motion/Action:** The Commission motioned to adopt a Resolution to approve the Variance to allow an addition, remodel of an existing single family dwelling, and construction of an additional unit, unanimously (7-0-0-0).

<b>8.B. File No.(s):</b>	<b>PLN2016-11817/CEQ2016-01008</b>
Address/APN:	City-wide
Applicant/Owner:	City of Santa Clara
Request:	<b>Fiscal Year 2015-2016 Capital Improvement Program (CIP) Budget Environmental Determinations and General Plan Conformity Findings</b>
CEQA Determination:	Varies by CIP Project
Project Planner:	John Davidson, Principal Planner
<b>Staff Recommendation:</b>	<b>Approve Environmental Determinations and make findings for General Plan Conformance</b>

**Notice:** Noticing was not required for this project.

**Discussion:** John Davidson gave a brief presentation and explained that the report was brought forward to request that the Commission find the Capital Improvement Program Budget consistent with the General Plan.

Commissioner Jain expressed concern and felt that not enough information was being given to them. Commissioner Jain's concerns included: that the proposed projects do not support focus areas and do not promote quality of life in Santa Clara; that more studies should be conducted for affordable housing and comprehensive traffic issues; that specific area plans are not complete, and there are multiple projects on the list that appear to be completed; that the projects are not prioritized; that adding jobs next to housing only

alleviates a small percentage of the traffic issues; and that a Senior Center should be considered on the north side of the city to improve quality of life.

Further concerns and items of discussion by the Commission included: the money budgeted for each item; the overall lack of trees throughout Santa Clara; the lack of charging stations for electric vehicles; the lack of penalties for applicants who do not meet TDM requirements; whether anything is being done to mitigate traffic impacts; which traffic calming measures are included; the lack of traffic engineers in the city; and whether or not speed bumps are needed in the city. Staff explained that traffic engineers in the City have found that speed bumps may not promote traffic calming.

Mr. Davidson explained that the Planning Commission is only required to review whether or not the CIP Budget conforms with the General Plan and CEQA determinations and that the cost of each individual project is out of the scope of this meeting. Staff explained that the Traffic Department needs to be consulted for the questions and concerns regarding traffic studies and that traffic impacts on the Tasman East plan will be analyzed. Mr. Butler explained that the County analyzes some City-wide traffic. Mr. Davidson explained that housing plans should be addressed when the Housing Element update report is discussed later this year and that the suggestion about adding a Senior Center on the north side will be forwarded to the City Council. Mr. Davidson stated that staff works with the applicants and consultants to monitor TDM targets and that with new projects, a one-percent reduction of traffic should be accomplished City-wide. Staff also explained that traffic on El Camino Real is considered on a project by project basis and will be studied with the El Camino Real Specific Area Plan. Staff indicated that electric vehicle charging stations will be tracked as part of the Climate Action Plan. Staff explained that projects believed to be completed may be listed because funds are still available to complete minor modifications still pending.

The Commission inquired about El Camino Real traffic signals and asked who has jurisdiction and control over them. Staff stated that they need to check with the Traffic staff but they believe that the City controls the signals.

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

Commissioner Jain stated that he could not support the project until the Commission is provided with more information and all questions are answered. Commissioner Jain stated that the projects do not necessarily improve quality of life and will not conform to the General Plan and that prioritization needs to be clear. Assistant City Attorney Julia Hill explained that the City Council will determine prioritization.

The Commission discussed whether they could approve the budget without having the answers to their questions and whether the budget conforms to the General Plan and enhance the quality of life. The Commission agreed that they would like the City Council to consider prioritizing the capital projects.

The Commission agreed that traffic mitigation should be top priority, along with the Housing Element update and growth following as the next priorities; and that TDM monitoring polices and fines be the third highest priority.

**Motion/Action:** The Commission motioned to adopt a Resolution making findings on the conformity of the Fiscal Year 2015-2016 Capital Improvement Program Budget with the 2010-2035 General Plan, with the added priority suggestions (6-1-0-0, Jain dissenting):

- That the Council consider traffic issues to be the top priority; that housing, including Housing Element and growth, following as the next priority; and that TDM monitoring policies and fines be the third highest priority.

## 9. OTHER BUSINESS

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

#### i. Announcements/Other Items

- Lee Butler announced that a Joint Study Session is scheduled for May 3, 2016 to discuss the Master Community Plan for the City Place Santa Clara project.

**ii. Report of the Director of Planning and Inspection**

- City Council Actions
  - Lee Butler reported that the Council approved the appeal and denied the project on 410 Lafayette, 4-1-2-0. Mr. Butler explained that the applicant can file a new project application if they wish the City to re-consider a new project.
  - Mr. Butler reported that the Council approved the contract with Perkins and Will for the Tasman East Area Plan. Mr. Butler stated that outreach meetings will be conducted soon and that the Planning Commission and Council will hear the project during the alternatives phase to offer recommendations as to what needs to be priority during the Environmental Impact Report. The timeline for the project is 14 months, with a Planning Commission hearing tentatively scheduled for late summer. Mr. Butler explained that the City is paying for the consultant and will be seeking re-imbursement from the owners and developments for at least part of the costs of the preparation of the plan and the Environmental Impact Report. Commissioner Chahal inquired as to why the City is paying for the studies, rather than the development. Mr. Butler clarified that the City is paying up front in order to prevent perceived influence from developers and that this project is similar to the Lawrence Station Area Plan. Commissioner Chahal expressed concern about the City paying for studies on land that they do not own. Commissioner Kelly inquired about adding housing in the surrounding project area to balance the business/ housing ratio and to reduce number of trips in the area. Mr. Butler explained that there will be around 4,000 dwelling units in the area and that as the project plan continues, housing density will be considered.

**iii. Commission/Board Liaison and Committee Reports**

- Appointment of Board or Committee assignments
- Architectural Committee

**iv. Commission Activities**

- Reports on Commissioner Travel and Training
  - El Camino Real Discussion Panel in Mountain View on Thursday, April 14, 2016: Commissioners Jain, Kelly, and O'Halloran attended this training. Commissioner Jain reported the following from that training: that Mountain View has added 700 units along El Camino Real in the past 2 years, while Prometheus is only proposing 270 units along El Camino Real in Santa Clara; that 9-percent of the land on El Camino Real is retail, with a 2 to 3-percent vacancy rate compared to 10-percent elsewhere for housing; that Sunnyvale gets 25-percent sales tax revenue from El Camino Real; that Sunnyvale was one of first to add a bike lane on El Camino Real; that in 10 years of the Grand Boulevard Initiative, transit ridership has increased from 6-percent to 20-percent of trips; that since 2006, collisions decreased 50-percent in intersections; that with online shopping being preferred by customers, retail should be planned with that in mind and the focus should be on creating a better experience for customers.
  - Commissioner O'Halloran attended a Green Infrastructure workshop on April 25, 2016 which explained procedures to comply with existing State Requirements.
  - Commissioner Jain announced an all-day VTA Conference on May 7<sup>th</sup>, 2016 in Mountain View.

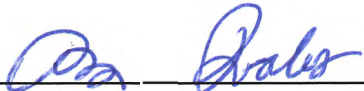
**v. Upcoming agenda items**

- Commissioner Requests to Attend Training


**10. ADJOURNMENT**

Adjourned at 8:28 p.m. The next meeting of the Planning Commission meeting will be held on Wednesday, May 11, 2016 at 7:00 p.m.

Prepared by:

  
Rosa Avalos  
Acting Office Specialist IV

Approved by:

  
for Sharon Gwei  
Acting Director of Planning & Inspection