



**MINUTES**  
**Wednesday, May 25, 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.

- None

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

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

**2. ROLL CALL**

The following Commissioners responded to roll call: Raj Chahal, Chairwoman Deborah Costa, Suds Jain, Steve Kelly, Mike O'Halloran, and Joe Sweeney. Commissioner Chahal motioned to excuse Commissioner Yuki Ikezi. The motion was approved unanimously (6-0-1-0, Ikezi excused).

Staff present: Development Review Officer Gloria Sciara, Acting Director of Planning and Inspection Sharon Goej, Assistant City Attorney Julia Hill, Office Specialist IV Zoraya Garay, and Office Specialist II Rosa Avalos.

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

Chairwoman Costa stated 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.

**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 May 11, 2016

**Discussion:** Staff requested a revision be made on the May 11, 2016 minutes, Item 9.A, ii, showing \$3.5 million rather than \$4.2 million for the Super Bowl Host Committee reimbursement.

**Motion/Action:** The Commission motioned to approve the Planning Commission Minutes of May 11, 2016, unanimously (5-0-1-1, Chair Costa recused herself from the minutes as she was not present at the May 11, 2016 meeting, Commissioner Ikezi absent).

**7.B. File No.(s):** **PLN2016-11819**  
**Location:** 2752 Augustine Drive, a new 6,500 square foot restaurant located at the northeast corner of Scott Boulevard and Bowers Avenue (*Santa Clara Square*), APN: 216-45-027; the site is zoned PD (Planned Development).  
**Applicant/Owner:** Dwayne Kennedy/The Irvine Co.  
**Request:** **Use Permit** to allow the sale of beer, wine and distilled spirits (ABC License Type 47) in conjunction with full service restaurant (Il Fornaio)  
**CEQA Determination:** Categorical Exemption per section 15301, Existing Facilities  
**Project Planner:** Steve Le, Assistant Planner I  
**Staff Recommendation:** **Approve, subject to conditions**

**Discussion:** The Commission requested to pull item 7.B on various questions regarding applicants/owner, and prohibition of live entertainment.

Staff clarified the applicant is Il Fornaio, and Dwayne Kennedy, their agent processing the Use Permit. Also, that the City's Zoning Code requires a Use Permit when having live entertainment or amplified music. The applicant needs to specify, at the time they are applying for the Use Permit, whether they want that component to their business operations. The requirements for lighting would have been covered in the environmental report for Santa Clara Square.

Applicant Dwayne Kennedy representing Il Fornaio addressed the Commission stating they are not applying for a Use Permit allowing music. The restaurant is a quiet Italian restaurant and the program for the restaurant does not include entertainment. Commissioner Jain had no other questions.

Chair Costa addressed the members of the public asking if anyone would like to address the item. No members of the public chose to comment.

**Motion/Action:** The Commission motioned to close the public hearing.

**Motion/Action:** The Commission motioned to adopt a Resolution to approve a Use Permit to allow the on-site sale and consumption of alcohol (ABC License Type 47) in the proposed restaurant, located at 2752 Augustine Drive, Santa Clara, CA, subject to conditions. (6-0-1-0, Commissioner Ikezi absent). The Use Permit is approved unless there is an appeal to the Office of the City Clerk within seven days.

**7.C. File No.(s):** **PLN2016-11820**  
**Location:** 2732 Augustine Drive, a new 49,260 square foot, Whole Foods Market with a restaurant component located approximately 400 feet east of Scott Boulevard and Bowers Avenue intersection (*Santa Clara Square*), APN: 216-45-028; the site is zoned PD (Planned Development).  
**Applicant/Owner:** Dwayne Kennedy/The Irvine Co.  
**Request:** **Use Permit** to allow instructional tasting of beer, wine, and distilled spirits (ABC Type 86 License) within the market, and the sale and on-site service of beer and wine (ABC Type 41 License) at the new restaurant within the market.  
**CEQA Determination:** Categorical Exemption per section 15301, Existing Facilities  
**Project Planner:** Steve Le, Assistant Planner I  
**Staff Recommendation:** **Approve, subject to conditions**

**Discussion:** The Commission repeated the conflict of applicant in the file and resolution requesting the distinction be made.

Staff stated the final resolution will be modified per the Commission’s request.

Chair Costa addressed the applicant and members of the public asking if anyone would like to address the item. Neither the applicant nor the members of the public chose to comment.

The Commission motioned to close the public hearing.

**Motion/Action:** The Commission motioned to adopt a Resolution to approve a Use Permit to allow the instructional tasting of beer, wine, and distilled spirits (ABC Type 86 License) within the market, and the sale and service of beer and wine (ABC Type 41 License) at a new restaurant inside the new market located at 2752 Augustine Drive, Santa Clara, CA, subject to conditions (6-0-1-0, Commissioner Ikezi absent). Development Review Officer Sciara stated the Use Permit is approved unless there is an appeal to the Office of the City Clerk within seven days.

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

**8. PUBLIC HEARING ITEMS**

**8.A. File No.(s):** **PLN2015-11236/CEQ2016-01001**  
**Location:** 1177 Laurelwood Road, a 9.67 acre parcel located north of Highway 101 between Lafayette Street and Thomas Road, APN: 104-15-100; the property is zoned Light Industrial (ML).  
**Applicant:** Sam Loh, River of Life Christian Church  
**Owner:** River of Life Christian Church  
**Request:** **Amendment of a Use Permit** to allow an expansion to the existing 133,300 square foot one-story building that includes areas for religious assembly, classrooms, multi-purpose activity areas, library and offices. New construction consists of a proposed 32,533 square foot sanctuary space and a new outdoor plaza area; and, **Adoption** of a Mitigated Negative Declaration and Mitigation Monitoring or Reporting Program.  
**CEQA Determination:** Mitigated Negative Declaration  
**Project Planner:** Debby Fernandez, Associate Planner  
**Staff Recommendation:** **Approve, subject to conditions**



**Discussion:** Staff stated the applicant is proposing an expansion to an existing assembly use of River of Life at 1177 Laurelwood Road. The Church is located off of Lafayette and in a light industrial area. Under that provision, a prior Use Permit was approved for the assembly use. The building has been reused by the Church and refitted with a sanctuary space and classrooms. Operations continue from this time of its original Use Permit issuance. The expansion at this point is strictly for a new sanctuary space totaling 32,533 square feet. The proposal does not involve expansion of capacity allowed under the original Use Permit of 3,500 people. The purpose of the sanctuary would be to hold up to that amount of people at one time if needed, either in seating or standing room capacity for the congregation. In conjunction with this proposal, the requirement for the total parking spaces is met, which includes on-site and off-site parking. Environmental consultants are present if there are any questions.

The Commission asked questions about the prior use permit approval, the new outdoor plaza, and if amplified sound was needed for outdoor assemblies.

Staff stated at the time in 2002, the City went through a transition before the General Plan was adopted. The City applied more scrutiny on assembly uses in industrial areas. The City carved out two areas more compatible for assembly uses in an industrial area. The prior conditions of approval are carrying over the same conditions. However, with the outdoor plaza area, there would be some minor outdoor activity but it is not a formal setting. Regarding the amplified sound, any type of amplification would have to be specified in the Use Permit, but it has not been permitted. The applicant can address further regarding the types of activities they would have in the plaza area.

The Commission questioned the number of parking spaces given on-site, the location of the off-site parking spaces, how lease agreements are confirmed, and length of lease agreements.

Staff stated that there are over 1000 spaces between the on-site and the off-site parking spaces and the conditions of approval requires the Church to go through the formal off-site parking permit process.

Nora Minette addressed the Commission. She had assisted the City with preparation of the initial study supporting the mitigated negative declaration. Using the City's zoning code, it shows there would be more than adequate parking.

The Public Hearing was opened.

Ray Hashimoto, with HMA Engineers representing the Church addressed the Commission and pointed out the many members of the congregation present showing their support. He invited Pastor Tom to address the Commission and speak about the Church. He also provided letters of support.

Tom Liu, Pastor of the Church addressed the Commissioners and stated the Church was founded in 1995 at Mission College. They grew very fast and needed to buy the current building. Their mission is to build a glorious Church for God and serve the local community. They have established 168 cross cultural churches world-wide. Locally they provide services for low income families in the 95054 zip code which include: a food pantry program, free tax preparation, and laptops to high school students. They are also green and have installed solar panels. The Church continues to grow and has a need to expand the Church building.

Sam Loh, Chairman of the Church Building Committee addressed the Commission and stated the steady growth of the Church and hopes to have this project approved. He pointed out the great relationship the Church has with their neighbors and the successful shuttle and car pool program they have developed. As of two years ago, they have met with each neighbor and reviewed their plan to expand the building. They took every step to limit any inconvenience to the neighbors. There are more than 500 other parking spaces available to contract if needed. The plan includes a plaza area, bike racks, and lockers.

Diana Adair addressed the Commissioners and stated there have been no issues with parking. The Church has instituted an effective outreach with their neighbors. The building expansion will serve to accommodate all congregants to be in one area of worship. They currently have to show a video to those congregants not fitting in the sanctuary.

Ken Peng, a resident of Santa Clara for 9 years, and Church member for 18 years addressed the Commissioners and stated he and his family have benefited tremendously by attending this Church. Some of the services they find beneficial are the Sunday school classes, worship gatherings, refreshments, seminars, children center, youth center, food pantry, and free tax preparation. To do more in Santa Clara, more space is needed.

Dina Donis, a Church member stated she receives assistance from the Church and thanked the Church on behalf of her family.

Manuel Madrigal, a resident of Santa Clara for 27 years and Church member, stated he has been receiving assistance through the food pantry for almost twelve years. He is 91 years old and receives his strength from this assistance.

**Motion/Action:** The Commission motioned to close the public hearing (6-0-1-0, Commissioner Ikezi absent).

**Discussion:** The Commission stated they were pleased with the solar panels, bike racks, and the recycling program and thanked the Church for these efforts. They appreciated the public participation, their efforts to be good neighbors, and their involvement in many activities for the community. They also commended the shuttle system as traffic is an issue. The Commission questioned since the Church is expanding, whether there is going to be monitoring of the parking once the expansion is completed.

Staff responded there is no formal process for monitoring the parking. The applicant must show they have the off-site parking permits that show they have the agreements in place. The applicant has demonstrated they have adequately met the required condition for operating the Church. There is a mitigation monitoring program involved, and conditions for the operation to utilize the off-site parking spaces.

**Motion/Action:** The Commission motioned to:

- 1) Adopt the Resolution to adopt the Mitigated Negative Declaration and Mitigated Monitoring or Reporting Program; and
- 2) Adopt the Resolution to amend the existing Use Permit to allow expansion of an existing assembly use with new construction of 32,533 square foot one-story church sanctuary and outdoor plaza for religious assembly and outdoor activities (6-0-1-0, Commissioner Ikezi absent).

The Use Permit is approved unless there is an appeal to the Office of the City Clerk within seven days.

## 9. OTHER BUSINESS

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

#### i. Announcements/Other Items

- o Chairwoman Costa announced her resignation at the end of June 2016.

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

- City Council Actions
  - o Gloria Sciara reported on items heard at the City Council Meeting on May 17 and 24: the presentation for two Planning Commission vacancies and a massage ordinance update.
  - o The closed session to consider the purchase of the Morse Mansion but there is no decision made yet.
  - o The 2016/2017 study session for the budget and financial plan for the next 5 years.

- There was interest from the public about amending the City's code allowing beekeeping and also other types of animals – primarily referring to chickens, goats, or pigs. The council is going to consider this.
- The Council approved the assignment of the Yahoo Development Agreement to LeEco. They are a tech firm and they are undertaking the purchase of the property and also all of the responsibility and entitlements for the Yahoo parcel at 5010 Old Ironsides. It involves a number of parcels and it's almost 3M square feet of office. LeEco will be assuming the responsibilities of the development agreement.
- The Related project is scheduled for June 8, 2016 Planning Commission meeting. As for the timing, the Use Permit for Enterprise Car Sales may start at 6:00 p.m. and at 7:00 p.m., the Related project would begin, if the Planning Commission is available.
- Sharon Goei reported that as part of the budget study session yesterday, it was introduced to the Council as part of our department's budget proposal a new department name of Community Development.
- Also, working on implementing an agenda management solution and livestreaming for the Planning Commission meetings, similar to City Council meetings where the agenda is posted on line with a video/audio recording with time stamping. This will increase community engagement and transparency. Testing for the livestreaming is planned for the June 22, 2016 Planning Commission meeting.

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

- Appointment of Board or Committee assignments
- Architectural Committee

### iv. Commission Activities

- Reports on Commissioner Travel and Training
  - Consultants are saying the County is going to have to add 45,000 rental units in the next five years. That presents a huge planning problem for all the Cities. The issue is the eco system that we design around has to consider physical health, mental health, socialization, mobility, environment, and economics. The per capita vehicle miles traveled has actually increased from 2005 to 2016 in the Bay Area. The VMT has increased which is very bad. However, in Vancouver, British Columbia their population increased 23% and the number of trips declined. They were building closer to where the jobs were located and there is more public transit.
  - Google in 2009 had 10,000 employees and 30 buses. Now they have 80,000 and they have 200 buses.
  - Trying to build mixed use along El Camino was discussed.
  - San Jose is looking at Stevens Creek basically from Santana Row to Cupertino on their side for mixed use. There is an advisory committee that meets on Thursday anyone can attend. They discuss what should be done on their side of Stevens Creek.
  - Commissioner attended a Water Symposium.

### v. Upcoming agenda items

- Commissioner Requests to Attend Training

**Discussion:** The Commission questioned if Staff knew what the City plans to do with the purchased Morse Mansion and further CEQA review.

Staff responded the Morse Mansion was discussed during the closed session but there was no reportable action. Regarding Yahoo's EIR, it does not have to be modified.


The Commission asked if Google Fiber will be coming to Santa Clara.

Staff responded the City has been working with Google Fiber. There is a team that was working with Google Fiber and there is an agreement to bring it to Santa Clara.

**Motion/Action:** The Commission agreed to meet for the earlier 6:00 pm time frame for the June 8, 2016 Planning and Commission meeting.

**10. ADJOURNMENT**

The meeting adjourned at 8:00 p.m. The next meeting of the Planning Commission will be held on Wednesday, June 8, 2016 at 6:00 p.m.

Prepared by:   
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Office Specialist IV

Approved by:   
Sharon Goei  
Acting Director of Planning & Inspection