



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, October 22, 2014 – 7:00 P.M.

HISTORIC PRESERVATION ORDINANCE STUDY SESSION 6:00 P.M. to 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.

STUDY SESSION 6:00 P.M.

The Historic Preservation Ordinance Committee presentation was given by Gloria Sciara, Development Review Officer, and Lorie Garcia, Honorary City Historian.

Discussion:

Gloria Sciara introduced the Historic Preservation Ordinance Committee (HPOC) draft ordinance and explained it will likely be at City Council in the next 30 days. The goal of the study session was to give an overview and take questions from the Commission and/or public. HPOC Chair Lorie Garcia presented a PowerPoint presentation and explained the role of the HPOC. She explained that the problem in the City is there is no consistent process for reviewing projects where historic resources are concerned. There have been challenges and flaws with the historic review process and the goal is to have a set process for everyone. It was further explained that having a set process would benefit staff members, Council, the public and help protect buildings and sites and their reuse.

Lorie Garcia explained that one of the basic requirements for a property to be deemed historic begins with the 50-year criteria, which is also the criteria in the preservation state law. The ordinance covers structures currently on the historic inventory and those which could be eligible such as the historic neighborhoods. The goal of the HPOC was to create an ordinance which would enable all these properties to be handled consistently and in the same way.

The benefits of the ordinance include demonstrating to others in the state of California that the CLG (City Local Government) in Santa Clara does care about its historic properties and fulfills its requirements, informs the public about a consistent and fair process for everyone, accelerates processing time for historic projects, and prevents homeowners from investing in costly home projects without proper review or approval.

Commissioner Chahal explained that one of the highlights of the ordinance was the step by step guide of what happens at what stage of the process; furthermore, he noted that the County ordinance and California Historic Preservation Guideline code were used as a reference when creating the draft ordinance.

HLC Commissioner and HPOC member Jeannie Mahan stated that the goal was to prevent frustration with pulling permits and inconsistencies in the process. HLC Commissioner and HPOC member Robert Luckinbill commented that the City Council asked HPOC to pin down a procedure and the HPOC used the County ordinance as a starting point as well as other cities' ordinances. He stated that the goal was to create a codified procedure and that the draft was a

strong starting point. Lorie Garcia explained that Appendix A in the draft ordinance, the designation criteria, was already in existence and approved by City Council as of 2004 and the archaeological criteria was the only addition.

Commissioner Stattenfield questioned the validity of the 50 year criteria. He posed a scenario asking if a 25 year old stucco townhouse, 25 years from now, would be deemed historical. If so, we would potentially have pockets of historical homes all over Santa Clara in the future. Commissioner Luckinbill responded stating that the 50-year criteria is the first grain but the structure also has to meet the other criteria that are listed in Appendix A. He noted that the state and federal government all use 50 years as the standard and that it was important for the HPOC to ensure provisions in the draft ordinance were consistent with the state, as well. Commissioner Mahan commented that a ranch style home could be 60 years old but not historically significant.

Lorie Garcia explained that if a property is not already on the list for evaluation, a staff member of the Planning and Inspection Department cannot perform the evaluation. The evaluation must be done by a qualified person at the national level, not at City staff level. Surveys must be done by a qualified person, submitted to HLC and a recommendation would be made to City Council whether the property should be added to the list or not. HLC can also choose to accept or deny the conclusion of the report prepared by the consultant. She commented that you can modify a historically significant property, but in a manner where damage is not done and as long as those changes do not impact what made the property significant. This, she explained, is where the HLC plays a role by reviewing modifications and changes to properties to ensure they are in keeping with the Secretary of Interior Design Guidelines. She also stated that it is problematic when a person believes they are allowed to make changes to his/her property only to find out he/she cannot and have to go to HLC for review after the fact.

Commissioner Stattenfield had questions regarding how a property becomes eligible for the Significant Local Properties list. Lorie Garcia replied that HLC makes the recommendation but City Council makes the decision; furthermore, the property owner must agree. Development Review Officer, Gloria Sciara, added that in order to implement CEQA, there needs to be a discretionary process and that a homeowner must give consent before his/her property is listed on the Significant Local Properties list.

Commissioner Costa stated that property owners should have a right to maintain to the best of their financial ability and was concerned that the issues were becoming very subjective. For example, if a homeowner wanted to paint his/her house, he/she should not have to 'go through hoops' to accomplish that.

The Public Hearing was opened.

Mary Jeanne Oliva, a founding member of the Santa Clara Arts and Historical Consortium, welcomed and supported the ordinance and is looking forward to it getting passed on to City Council. Another public speaker thanked the HPOC for their work and efforts to prevent inequality amongst historical homes.

HLC Chair Brian Johns spoke and referenced the 1091 Harrison house and the problems with permit issuance. He stated there might be some details which need fine tuning but overall the idea is to strengthen preservation.

Judy Tucker, a public speaker, stated that we are deficient in guidelines and felt a marvelous effort was made by the HPOC. Another member of the public supported the ordinance and stated it is overdue and hopes it receives support from City Council.

The study session adjourned and the regular Planning Commission commenced.

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.** File No.(s): PLN2014-10542, PLN2012-09351, PLN2013-10106, CEQ2014-01176; General Plan Amendment, Rezoning, & Tentative Map; Address: 1313 Franklin Street
- **Item 8.B.** File No.(s): PLN2014-10477; Zoning Code Amendments for the 2015 City of Santa Clara Housing Element Update; City-wide
- **Item 8.C.** File No.(s) PLN2014-10256, PLN2014-10257, PLN2014-10258, PLN2014-10259, PLN2014-10260, PLN2014-10381, CEQ2014-01172; EIR Addendum; General Plan Amendment, Rezoning, Vesting Tentative Parcel Map, Architectural Review, and Development Agreement Amendment; Address: 2465, 2505, 2525, 2575 Augustine Drive and 3393, 3333 Octavius Drive

1. PLEDGE OF ALLEGIANCE and INVOCATION

2. ROLL CALL

The following Commissioners responded to roll call: Chair Keith Stattenfield, Raj Chahal, Ian Champeny, Steve Kelly, Joe Sweeney and Deborah Costa. Commissioner Ikezi was excused.

Staff present were City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant Planners Shaun Lacey and Payal Bhagat, Assistant City Attorney Julia Hill, and Office Specialist Veronica Keller.

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

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A. Withdrawals
- B. Continuances without a hearing
- C. Exceptions (requests for agenda items to be taken out of order)

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 October 8, 2014

Motion/Action: The Commission motioned to approve the Minutes of February 12, 2014, (6-0-1-0, Ikezi absent)

7.B. File No.(s): **PLN2014-10631**
Address: 3970 Rivermark Plaza (Safeway) a 65,470 square foot building in an existing commercial center (Rivermark Plaza) on a 14.8 acre parcel, located at the southeast corner Agnew Road and Harrigan Avenue (APN: 097-08-105). Property is zoned PD-MC (Planned Development-Master Community)
Applicant: Natalie Mattei for Safeway Inc.
Owner: RMV Holdings, L.P.
Request: Use Permit to allow the on-site tasting of alcoholic beverages (ABC type 86 license) in an existing grocery store
CEQA Determination: Categorical Exemption per Section 15301, Class 1 Existing Facilities
Project Planner: Gregory Qwan, Planning Intern
Staff Recommendation: **Approve, subject to conditions**

Motion/Action: The Commission motioned to approve the Use Permit to allow the on-site tasting of alcoholic beverages (ABC type 86 license) in an existing grocery store (6-0-1-0, Ikezi absent)

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2014-10542 (General Plan Amendment #81), PLN2012-09351 (Rezoning), PLN2013-10106 (Tentative Subdivision Map), and CEQ2014-01176 (Mitigated Negative Declaration)**
Address: 1313 Franklin Street, 1092 Monroe Street, and 1350 Benton Street, three parcels totaling 1.04 acre project site located on the west side of Monroe Street, and 1350 Benton Street between Franklin Street and Benton Street. (APN(s): 269-20-076, -077, -078). Properties are zoned CC-Community Commercial and OG-General Office.
Applicant/Owner: SiliconSage TM Builders
Request: **General Plan Amendment (#81)** from Community Mixed Use to Regional Mixed Use, **Rezoning** from CC-Community Commercial and OG-General Office to PD-Planned Development, **Tentative Subdivision Map and adoption of a Mitigated Negative Declaration** to allow the construction of mixed-use project with approximately 14,500 square foot ground floor retail and 44 market-rate condominium units. The project includes demolition of existing structures onsite and construction of surface and below grade parking, widened sidewalks, landscaping, and other improvements.
CEQA Determination: Mitigated Negative Declaration
Project Planner: Payal Bhagat, Assistant Planner II
Staff Recommendation: Recommend City Council Approval, subject to conditions

Notice: The notice of public hearing for Item 8.A was posted within 500 feet of the site, mailed to the interested parties list, and mailed to property owners within a 500 foot radius. In addition, a newspaper notice was published in the Santa Clara Weekly publication.

Discussion: Payal Bhagat gave a PowerPoint presentation showing the details, location and revisions made to the 1313 Franklin project. This project was reviewed by the HLC in September, 2014. The HLC recommended approval with two conditions pertaining to the fenestration details and the setback on the fourth story of the building along Benton.

Sanjeev Acharya of SiliconSage Builders and Eric Schoennauer, a consultant representing the project on behalf of SiliconSage, explained that the goal of the project was to revitalize downtown by introducing traditional elements to the architectural design. Over time, the project has had modifications and is currently proposed with forty-four units and up to seven retail store fronts. The building was reduced from four stories to three along Benton Avenue. There will be many amenities such as bike racks, bike lockers, and electric vehicle charging stations. Shadow studies were conducted as well as outreach meetings in order to keep neighbors informed about the project's details.

The Commission supported the project and its intent to revitalize downtown and add housing units. Commissioner Costa suggested extending the outdoor seating hours from 10 p.m. to 11 p.m. Steve Lynch, City Planner, explained that it is possible for businesses to modify hours. Mr. Acharya explained that there will be two Home Owner Associations that tie both uses together.

Commissioner Stattenfield had questions regarding the parking and the General Plan density. He stated that the project comes in above the maximum and questioned if the General Plan should be changed.

The Public Hearing was opened.

A member of the public expressed concerns about delivery times and complained about the noise stemming from deliveries at a 7/11 store. He was also concerned about the stop signs and safety of drivers and pedestrians.

Motion/Action: The Commission motioned to adopt with resolutions that the City Council approve the General Plan Amendment (#81) from Community Mixed Use to Regional Mixed Use, Rezoning from CC-Community Commercial and OG-General Office to PD-Planned Development, Tentative Subdivision Map, and Mitigated Negative Declaration (6-0-1-0, Ikezi absent).

8.B. File No.(s):	PLN2014-10477
Address:	City-wide
Applicant:	City of Santa Clara
Request:	Review of Zoning Code Amendments for the 2015 City of Santa Clara Housing Element Update
CEQA Determination:	EIR Addendum
Project Planner:	Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation:	Recommend City Council Approval

Notice: The notice of public hearing for Item 8.B was posted on the City's Housing Element Update webpage and a newspaper notice was published in the Santa Clara Weekly.

Discussion: Steve Lynch and Shaun Lacey gave a brief PowerPoint presentation about the amendments for the 2015 Housing Element Update. These amendments included provisions for the following items: Density Bonus, Emergency Shelters, Transitional and

Supportive Housing and Reasonable Accommodation.

The Commission had questions about the emergency shelters being located in Industrial Zones and asked if a shelter in place protocol was possible. Staff responded explaining that some parameters could be put in place around these concerns. The Commission asked if the City met our goal numbers regarding the Density Bonus. Steve Lynch noted the City did not hit the target but are fairly close at 5,700 and explained that the state has expressed gratitude for that. However, the City has fallen short of affordable housing numbers. He further noted that it is difficult to provide affordable housing with the status of the RDA. Commissioner Chahal questioned how a city ensures a developer is really selling truly affordable housing. Staff explained that housing programs match up lenders and buyers and it is tracked and monitored. Furthermore, the developer has to enter into an affordable housing agreement and it must be accepted by the city. The number of units, bedrooms price limits are based on figures from HUD (U.S. Department of Housing and Urban Development) and median income.

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

Motion/Action: This item was a presentation and for review and comment only.

- 8.C. File No.(s):** **PLN2014-10256, PLN2014-10257, PLN2014-10258, PLN2014-10259, PLN2014-10260, PLN2014-10381, CEQ2014-01172 (Santa Clara Square Project Phase II and III)**
- Location:** 2465, 2505, 2525,2575 Augustine Drive and 3393, 3333 Octavius Drive, a 27.5-acre project site comprised of six parcels located on the north side of Augustine Drive, and east of Octavius Drive (APNs: 216-45-036, 037, 038, 006, 025, 024)
- Applicant/Owner:** The Irvine Company LLC
- Request:** **Adopt Addendum No.3** to previously certified EIR; **General Plan Amendment #81** from Light Industrial to High Intensity Office/R&D (APN's 216-45-038 and 025), Rezone from Light Industrial (ML) to Commercial Park (CP) (APN's 216-45-038 and 025), Vesting Tentative Parcel Map combining 6 parcels to create 3 parcels, Architectural Review and Development Agreement Amendment No. 3 with The Irvine Company LLC, 2525 Augustine Drive LLC and 3255 Scott Boulevard LLC to allow the construction of up to 1,243,300 square feet of office space for a total (inclusive of Office Phase I and Retail) of up to 2,000,100 square feet of development, and Adopt EIR Addendum No. 3 to the Certified EIR,
- CEQA Determination:** Addendum to Certified Environmental Impact Report SCH# 2008052065
- Project Planner:** Yen Han Chen, Associate Planner
- Staff Recommendation:** **Recommend City Council Approval**, subject to conditions

Notice: The notice of public hearing for Item 8.C. was posted within 500 feet of the site and mailed to property owners within 500 feet. In addition, a newspaper notice was published in the Santa Clara Weekly publication.

Discussion: Steve Lynch gave a brief presentation on the project on behalf of Project Planner, Yen Chen. Carlene Matchniff of the Irvine Company gave a brief Powerpoint

presentation on the project.

The Commission had questions regarding office space square footage and the indoor gym facilities. It was explained that there will be no increase to the office space square footage and the gyms will be maintained by the Irvine Company. Hans Le of the Irvine Company further added that the gym facility design is user driven and spoke about the flexibility of the outdoor activity space.

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

The Commission discussed whether the project should go to the Architectural Review Committee again. Carlene Matchniff clarified that Phase I went to Architectural review and that Phase II and III are consistent with that approval. She requested that the project bypass Architectural Review because the architecture, which was previously approved, has not changed.

Motion/Action: The Commission motioned to recommend that the City Council refer the project design to the Architectural Review Committee for review (4-2-1-0, Commissioners Sweeney and Costa dissenting, Ikezi absent).

Motion/Action: The Commission motioned to adopt resolutions recommending that the City Council approve the EIR Addendum No. 3; the General Plan Amendment from Light Industrial to High Intensity Office/R&D (APN's 216-45-038 and 025); Rezone from Light Industrial (ML) to Commercial Park (CP) (APN's 216-45-038 and 025); and that the City Council adopt an Ordinance to approve the Development Agreement Amendment No. 3 (6-0-1-0, Ikezi 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

- Architectural Committee: Commissioners Stattenfield and Chahal
- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and Ikezi

iv. Commission Activities

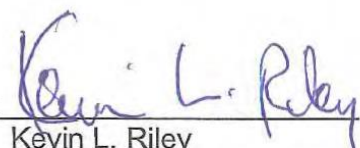
- Commissioner Travel and Training Reports; Requests to Attend Training

v. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 9:23 p.m. The next regular Planning Commission meeting will be held on Wednesday, November 12, 2014, at 7:00 p.m.

Prepared by: 
Veronica Keller
Office Specialist II

Approved by: 
Kevin L. Riley
Director of Planning & Inspection

