



**PLANNING COMMISSION
September 13, 2017
7:00 PM REGULAR MEETING
City Hall Council Chambers**

Items for Council Action

Items denoted with *Item For Council Action* 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:

- **Agenda Item No. 6.A.:** PLN2017-12723 / 2232 El Camino Real (SummerHill)
- **Agenda Item No. 6.D.:** PLN2017-12823 / Historic Preservation Ordinance

1. PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES

Chairwoman Ikezi initiated the Pledge of Allegiance and Commissioner O'Halloran read the Statement of Values.

2. ROLL CALL

The following Commissioners responded to roll call: Raj Chajal, Yuki Ikezi, Suds Jain, Steve Kelly, Mike O'Halloran, and Brandon Reinhardt. Commissioner Weng was absent. Commissioner Reinhardt was excused at 10:26 PM.

Staff present were: Assistant City Attorney Alexander Abbe, Development Review Officer Gloria Sciara, Associate Planner Anna McGill, Assistant Planner Steve Le, Assistant Planner Nimisha Agrawal, and Office Specialist IV Rosa Avalos.

3. DECLARATION OF COMMISSION PROCEDURES

Chairwoman Ikezi reviewed the Planning Commission procedures for those present.

4. CONTINUANCES/EXCEPTIONS

None

5. 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. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

- A.** Planning Commission Minutes of August 9, 2017

Motion/Action: The Commission motioned to approve the Minutes of August 9, 2017 (6-0-1-0, Commissioner Weng absent)

- B.** File: PLN2017-12648
Location: 2897 Northwestern Parkway, approximately 150 feet south of Central Expressway along Northwestern Parkway, APN: 216-28-048; project site is zoned Light Industrial (ML).
Applicant: Robert Moreno, Rosedin Electric
Owner: Vantage Data Center
Subject: Use Permit to allow three above ground 12,000 gallon diesel fuel tanks at a recently approved data center.
CEQA Determination: Adopted MND (Vantage Data Centers, Building V6 Data Center Project)
Project Planner: Nimisha Agrawal
Staff Recommendation: Approve, subject to conditions

Notice: Notice for this item was posted within 300 feet of the property.

Discussion: Project Planner Nimisha Agrawal briefly explained the Use Permit request and clarified that the Fire Department requires Planning Commission Use Permit approval for above ground storage of more than or equal to 12,000 gallons of combustibles.

Motion/Action: The Commission motioned to adopt a resolution approving a Use Permit to allow three above ground 12,000 gallon diesel tanks at a recently approved data center, located at 2897 Northwestern Parkway, unanimously (6-0-1-0, Weng absent), subject to conditions.

- C.** File: PLN2015-11359
Location: 2792 El Camino Real, a 1,831 square foot tenant space within a 9,800 square foot building located on 0.618 acre parcel. This parcel and the adjacent 13.78 acre parcel combined, is known as Moonlite Shopping Center, located on the southeast corner of El Camino Real and Kiely Boulevard. The property is zoned Community Commercial (CC)
Applicant: Jim Yin representative for Jin's Bakery
Owner: Moonlite Associates LLC
Subject: Twelve-Month Review of Use Permit allowing beer and wine service, 18 indoor seats and 22 outdoor seats for a neighborhood bakery café (ABC Type 41 - on-sale beer and wine for bona fide public eating place)
CEQA Determination: Use Permit review is not a project under CEQA
Project Planner: Yen Han Chen, Associate Planner
Staff Recommendation: Note and File Report

Motion/Action: The Commission motioned to note and file the report for a twelve-month review for 2792 El Camino Real, unanimously (6-0-1-0, Weng absent).

- D.** File: PLN2017-12719
Location: 3555 Monroe Street, a 2,600 square foot tenant space (Raley's within Nob Hill Foods) within a 16.03 acre mixed use development (Monticello Village); located at the northeast corner of Monroe Street and Lawrence Expressway, APN: 216-25-006; project site is zoned Planned Development (PD) with a General Plan designation of Regional Mixed Use
Applicant/Owner: Carlene Matchniff/Irvine Company
Subject: Use Permit to allow the onsite sale and consumption of beer and wine (ABC License Type 41) for a new restaurant within Nob Hill Foods with proposed 31 indoor seats. Proposed hours of operation are Monday – Sunday: 6:00 am to 8:00 pm.
CEQA Determination: Categorical Exemption per Section 15301, Class I Existing Facilities
Project Planner: Anna McGill, Associate Planner
Staff Recommendation: Approve, subject to conditions

Motion/Action: The Commission motioned to adopt a resolution approving a Use Permit to allow on-site sale and service of beer and wine (ABC License Type 41) in a full-service food area of Nob Hill

Foods grocery store with indoor seating, located at 3555 Monroe Street, unanimously (6-0-1-0, Weng absent), subject to conditions.

6. ITEMS SET FOR HEARING:

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A. File: PLN2017-12723

Location: 2232 El Camino Real, a 2.74 acre project site comprised of two parcels on the south side of El Camino Real between Los Padres Drive and McCormick Drive in the City of Santa Clara, APNs: 290-10-090 and 290-10-091; project site is zoned Community Commercial (CC)

Applicant: Elaine Breeze, SummerHill Apartment Communities

Owner: Gangi Corporation

Subject: Adoption of a Mitigated Negative Declaration and Approval of a Rezoning from Community Commercial (CC) to Planned Development (PD) to allow the development of a four-story, mixed-use development with 17,909 square feet of commercial floor area and 151 senior apartment units.

CEQA Determination: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Project Planner: Steve Le, Assistant Planner I

Staff Recommendation: Recommend City Council Approval

Item for Council Action: Approve, subject to conditions

Notice: Notice for this item was posted and mailed to residents within 1,000 feet of the property and was published in the Santa Clara Weekly.

Discussion: Assistant Planner Steve Le presented the project and highlighted the changes that SummerHill made to the proposal following Council and community feedback including the additional retail space, elimination of the fifth story, 100-percent senior housing, and a reserved space for either a community meeting hub or additional retail. Mr. Le mentioned that ten letters of support and 22 letters expressing opposition were received for this project. Additionally, he noted that community members generally expressed support for the current proposal during community meetings.

The Commission discussed and asked for clarification on the senior age restrictions, VTA passes, enforceability of the senior restrictions, traffic impacts and traffic studies, the use and management of the community hub, and the impact on surrounding businesses. Staff explained the requirements and laws that must be followed for senior housing, stated that this project conforms with the General Plan requirements, discussed how the number of trips will reduce in the area, and explained that the applicant is willing to do everything they can to meet VMT standards.

Elaine Breeze presented the project and discussed the outreach conducted where positive feedback on the proposal changes was received. Ms. Breeze emphasized the location and how it is perfect for senior housing because it's walkable distance to amenities, and described the accessibility features being proposed to meet senior residents' needs. Ms. Breeze further discussed the various improvements made such as the elimination of the fifth story, expanded retail, sound barrier improvements, three story height on the side facing Casa de Anna, robust TDM plan, and the public spaces additions.

The Commission made suggestions and comments about extending VTA passes to residents in perpetuity, considering underground or unbundled parking, and monitoring parking garages. Discussion was made about a traffic study in the area from 2012 and how the projected data did not accurately predict traffic impacts around the Santa Clara Town Center area. Shannon George, a

representative for SummerHill and CEQA consultant, explained how the functionality and traffic on intersections can improve since land uses change directionality of traffic and that predictions can only be made on existing conditions and development projects in the pipeline at the time the traffic study is conducted. The Commission discussed the elimination of on-street parking on El Camino to allow for bike lanes and improve traffic flow. Ms. Breeze explained that the project is not dependent on street parking and SummerHill will accept the direction of the Conditions of Approval. Staff stated that street parking is subject to the Traffic Division's direction and approval.

The Public Hearing was opened.

Twelve members of the public expressed opposition for the project, including Karen Hardy, Jerome Ward, Chris Stampolis, Subrata Ghosh, Norma Changras, Kevin Ward, Susan Tsolinas, James Tsolinas, Gary Alves, Kevin Park, and Mike Apton. Public comments from opposing residents mentioned concerns about traffic impacts, density, residential use, mass and scale, character of the proposed retail, senior age restriction and enforceability of the senior restrictions, and the market rate nature of the project.

Deborah Bress, a Santa Clara resident, spoke in favor of the project stating that SummerHill listens to and works with the community and made significant changes to this project. She stated that she likes the location and the proximity to the senior center.

The public hearing was closed.

In the rebuttal discussion, Elaine Breeze explained that studies found that this project may reduce trips in the area and that the relocation of the beauty school in the area will also reduce traffic impact. Ms. Breeze stated that SummerHill is committed to traffic improvements and will do what they can to alleviate impacts. In addition, legal counsel to SummerHill explained that there are strict State and Federal laws in place to ensure that senior housing requirements are met and followed. Ms. Breeze explained that the community hub will continue as long as the City wants but can be used as retail space instead.

The majority of the Commission expressed overall support for the project stating that it is a good location for senior housing and appreciated the commitment by SummerHill to make changes after community feedback. Commissioner Chahal expressed opposition to the density. Concerns were expressed about traffic impacts and opposition from residents. The Commission made suggestions to increase electric vehicle charging stations, free VTA passes for residents, annual reporting on parking, TDM plans, parking sensors for the parking structure, surveys for parking and occupancy compliance, and the elimination of on-street parking along El Camino Real. The applicant agreed to all recommendations, clarifying that street parking will be determined by the Traffic Division.

Motion/Action: The Commission motioned to adopt a resolution recommending that the Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the 2232-2240 El Camino Real Residential Project (5-1-1-0, Weng absent, Chahal dissenting).

Motion/Action: The Commission motioned to adopt a resolution recommending that the Council Approve the Rezone from Community Commercial (CC) to Planned Development (PD) to allow the development of a four-story, senior mixed use development with 17,909 square feet of commercial floor area and 151 senior apartments (5-1-1-0, Weng absent, Chahal dissenting), with the following conditions as agreed by the applicant:

- install twenty-five electrical vehicle charging stalls: one turnkey and four pre-wired stalls for commercial and ten turnkey and ten prepared stalls for the residential use.
- provide an annual parking survey.
- provide an occupancy survey of all senior residential units for the first year and every other year subsequently.
- provide a free six-month VTA pass for new lease holders and strengthen this incentive as needed after each TDM reporting until VMT reduction meets the twenty-percent requirements.

- update the Rezoning Resolution (page 4, paragraph C) to read “senior housing opportunities” instead of “homeownership opportunities.”
- recommend no parking along the project’s street frontage along El Camino, to be directed to Traffic Engineering.

B. File: PLN2017-12694

Location: 1045 Live Oak Drive, a 8,221 square foot lot on the southeast corner of Benton Street and Live Oak Drive, APN: 290-43-098; project site is zoned Single Family Residential (R1-6L).

Applicant: David Kohls

Owner: David Kohls

Subject: Variance to allow extension of an existing 7 foot fence (solid 6 foot with 1 foot lattice) approximately 13 feet along the north property line - not farther than 6" behind the building edge.

CEQA Determination: Categorically Exempt per Section 15301, Existing Facilities

Project Planner: Elaheh Kerachian, Associate Planner

Staff Recommendation: Approve, subject to conditions

Notice: Notice for this item was posted within 300 feet of the property.

Discussion: Development Review Office Gloria Sciara gave a brief presentation on the project.

The applicant, David Kohls, explained that the Variance was needed to expand the fence along the property line would allow an addition of a shaded deck area next to the pool area.

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

Motion/Action: The Commission motioned to adopt a resolution approving the Variance allowing extension of an existing 7 foot fence (solid 6 foot with 1 foot lattice) approximately 13’ along the north property line, not farther than 6” behind the building edge at 1045 Live Oak Drive, unanimously (6-0-1-0, Weng absent).

C. File: PLN2017-12681

Location: 659 Robin Drive, a 7,175 square foot lot, located to the north of Saratoga Avenue and west of Scott Boulevard, APN: 294-07-067; project site is zoned Single Family Residential (R1-6L).

Applicant: Ryan Morris, Morris Architecture

Owner: Nikhil Gupta

Subject: Variance to allow an existing 268 square foot one car garage in conjunction with a 614 square foot proposed addition of a master bedroom and bathroom, including an ensuite office and a new laundry closet to an existing 1,669 square foot single family residence.

CEQA Determination: Categorical Exemption per Section 15301(e)(1), Existing Facilities

Project Planner: Anna McGill, Associate Planner

Staff Recommendation: Approve, subject to conditions

Notice: Notice for this item was posted within 300 feet of the property.

Discussion: Project Planner Anna McGill gave a brief presentation on the variance request.

In response to Commissioners’ inquiries, Anna McGill clarified that the many homes in the area were built prior to the two-car garage requirement in the City Code. Ms. McGill also mentioned that the owners did not wish to add an accessory dwelling unit because the addition of the bedroom within the main residence better fits the family needs. Ms. McGill stated that three letters of support were received for this project.

The applicant was not present at the time that this item was heard.

The Public Hearing was opened.

A member of the public inquired about the reason why there is a two-car garage requirement if many homes in this particular area have one-car garages and suggested that the two-car requirement change to make it consistent. Ms. McGill explained that the requirement does not apply to the area but rather to the R1-6L Zoning designation throughout the City and that homes on this street were built around the same time following similar characteristics, before the City Code requirement.

The Public Hearing was closed.

Motion/Action: The Commission motioned to adopt a resolution approving the requested Variance from Section 18.12.030(d) of the SCCC to allow a reduction in the required covered parking spaces in conjunction with the development of a 614 square foot addition, unanimously (6-0-1-0, Weng absent).

- D.** File: PLN2017-12823
Location: Citywide
Applicant: City of Santa Clara
Owner: City of Santa Clara
Subject: Adoption of a new Historic Preservation Ordinance
CEQA Determination: Not a project under CEQA
Project Planner: Gloria Sciara, AICP, Development Review Officer
Staff Recommendation: Recommend City Council Approval
Item for Council Action: Adoption of Historic Preservation Ordinance

Notice: Noticing for this item was not required.

Discussion: Development Review Officer Gloria Sciara gave a presentation of the project.

Commissioner Jain stated that he is currently in the application process for a Mills Act contract for his home and recused himself for this item. Chairwoman Ikezi disclosed meeting with some members of the original Preservation Committee, who expressed support for a Preservation Ordinance.

Ms. Sciara clarified that Mills Act contracts are not part of this Ordinance and that properties must be on the Historic Resource Inventory (HRI) or apply to be added in order to qualify for the Mills Act. Furthermore, Ms. Sciara explained that properties must be surveyed and designated as historic in order for the City to recognize them as such and preserve unique historic characteristics. Ms. Sciara explained that the City does not currently have any historic districts and that while this Ordinance does not have a provision for districts, the Council can revisit this topic at a later time to add language pertaining to districts. Ms. Sciara stated that properties can be removed from the HRI if requirements are met, as stated in the Ordinance. Ms. Sciara also explained that older properties, at least 50 years old, not on the HRI can be referred to the Historical and Landmarks Commission (HLC) if a permit is requested for demolition. The Commission requested clarification in the language of the Ordinance to clarify that properties not listed on the HRI but have similar characteristics can be considered as historic.

Ms. Sciara explained that the State reviewed and gave feedback on the Ordinance. Assistant City Attorney Abbe explained that additions of accessory dwelling units on historic homes can be approved ministerially but that certain properties, if deemed historically significant, can be referred to the HLC and Architectural Committee for approval.

The Public Hearing was opened.

Suds Jain, as a member of the public inquired about the renewal of historic surveys and asked about the limitations of properties within 100 feet of a historic home. Ms. Sciara responded that the renewal of surveys is a recommendation of the State Office of Historic Preservation and if a survey was conducted on an older format and more information is needed on the historic property it could be updated. Ms. Sciara also explained that properties within 100 feet from a historic home must follow the Single Family Design Guidelines to protect the streetscape and to avoid changing other factors that may impact a historic home.

The Public Hearing was closed.

Motion/Action: The Commission motioned to recommend City Council adoption of the Historic Preservation Ordinance as drafted, unanimously (4-0-2-1, Weng and Reinhardt absent, Jain abstained), with the following revision:

- clarification on the language for demolition permits for properties not on the Historic Resource Inventory

7. PUBLIC PRESENTATIONS:

None

8. REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

A. Announcements/Other Items

- Request from the Commission: Recommendation to add a policy to the updated Climate Action Plan that will require all new construction of garages on single-family homes to be pre-wired for Level 2 electrical vehicle charging.

Commissioner Jain explained that in order to encourage electric vehicles and to facilitate the use of such vehicles, newly constructed garages should install wiring for 220V – 240V at 30 amps (Level 2), comparable to chargers on commercial lots.

Motion/Action: The Commission motioned to recommend to Council that a policy be added to the Climate Action Plan update to require all new construction of garages on single-family homes to be pre-wired for Level 2 electrical vehicle charging.

- Request from the Commission: Remove the General Plan recommendation that on-street parking on El Camino Real be preserved/ encouraged.

Commissioner Jain discussed section 5.4.1-P13 of the General Plan which encourages the retention of on-street parking adjacent to properties designated as Community Mixed-Use and explained that eliminating this would allow for additional bike lanes, wider boulevards, and the possible reduction of traffic in such areas. The Commission discussed the need of street parking for business and whether enough parking would be available on private lots. The Commission clarified that the request would ask that new developments would be discouraged from having on-street parking.

Gloria Sciara explained that this request can be added to the Climate Action Plan update, as well as the El Camino Specific Area Plan as a recommendation from the Commission.

Motion/Action: The Commission requested the following recommendation to be noted and forwarded to Council and the project manager: to have item 5.4.1-P13 removed from the General Plan and the El Camino Specific Area Plan in the next updates to move towards the Grand Boulevard vision which encourages wide sidewalks, trees, and biking, unanimously (5-0-2-0, Weng and Reinhardt absent)

Commissioner Jain requested that all Commissioners receive City emails and access to it for transparency and records of communications for public records requests. The Commission approved the request to add this for discussion at the next meeting, unanimously (5-0-2-0, Weng and Reinhardt absent).

The Commission and staff discussed the need to have a volunteer professional architect available for reference questions and property aesthetic input. Gloria Sciara suggested that this recommendation be made at the Architectural Review Committee (ARC) and stated that it can be added to the next ARC meeting agenda.

Commissioner Jain made an announcement about upcoming free walking tours throughout El Camino Real to discuss the future vision and improvements of El Camino Real. Interested people can register for at <https://tinyurl.com/santaclarawalks> .

Commissioner Chahal made a request to add the following recommendation to the agenda for the next meeting: Recommendation for the Zoning Code update to exclude homes in a R1-6L Zoning designation with one-car garages from the two-car garage requirement.

B. Board or Committee Assignments
None

C. Architectural Committee
None

D. Commissioner Travel and Training Reports; Requests to Attend Training

- i. Authorization to expend \$500 for travel expenses incurred for presentation and training session by Transform at the September 27, 2017 Planning Commission meeting.

The Commission discussed a training tool that Transform will present where hypothetical traffic impacts can be generated and to learn how traffic is analyzed.

Motion/Action: The Commission motioned to allow the authorization to expend \$500 for the presentation and training session by Transform and to start the meeting at 6:00 PM to accommodate the presentation to the September 27, 2017 agenda, unanimously (5-0-2-0, Weng and Reinhardt absent).

9. DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

A. Upcoming Agenda Items

Development Review Officer Sciara mentioned that the Chick-fil-A and revised 1075 Pomeroy projects will be on the agenda for the next meeting.

B. City Council Actions

Development Review Officer Sciara reported that the Prometheus proposal went through the Early Consideration for the General Plan Amendment and was approved to continue with the process.

10. ADJOURNMENT:

- A.** The meeting adjourned at 11:40 PM. The next regular scheduled meeting is on Wednesday, September 27, 2017, at 7:00 PM in the City Hall Council Chambers.

Prepared by:


Rosa Avalos
Office Specialist IV

Approved by:


Andrew Crabtree
Director of Community Development

The video recording for this meeting can be viewed on the City of Santa Clara's YouTube channel.