



## **Wednesday, July 27, 2016 – 7:00 PM**

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

Under "Items Set for Hearing," the items denoted with "**ITEM FOR COUNCIL ACTION**" will be scheduled for City 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.

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

Commissioner Steve Kelly initiated the Pledge of Allegiance and Commissioner Mike O'Halloran read the Statement of Values.

### **2. ROLL CALL**

The following Commissioners responded to roll call: Raj Chahal, Suds Jain, Steve Kelly, Mike O'Halloran, Brandon Reinhardt, and Jan-Yu Weng. The Commission motioned to excuse Commissioner Yuki Ikezi (6-0-1-0, Commissioner Ikezi excused).

Staff members present were: Planning Manager Lee Butler, Associate Planner Yen Han Chen, Associate Planner Debby Fernandez, City Attorney Alexander Abbe, and Office Specialist IV Zoraya Garay.

### **3. DECLARATION OF COMMISSION PROCEDURES**

- None

### **4. CONTINUANCE/EXCEPTIONS**

**Motion/Action:** The Commission motioned to hear Item 6.E first and the other items read in the same order (6-0-1-0, Commissioner Ikezi absent).

### **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 motions 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.

- A.** Planning Commission minutes of June 22, 2016.

**Motion/Action:** The Commission motioned to approve the Planning Commission Minutes of June 22, 2016 (4-0-1-2, Commissioner Ikezi absent, Commissioner Reinhardt and Commissioner Weng abstained).

- B. Planning Commission minutes of July 13, 2016.

**Motion/Action:** The Commission motioned to approve the Planning Commission Minutes of July 13, 2016 with the addition of the bike rack comments on Item 5.C. (4-0-1-2, Commissioner Ikezi absent, Commissioner Chahal and Commissioner Weng abstained).

**6. ITEMS SET FOR HEARING:**

These items 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 6.E. was heard first as previously approved on Item 4.

- E. File: PLN2015-10923

Location: 3240 El Camino Real, a 0.36 acre site, located at the southeast corner of El Camino Real and Pomeroy Avenue. The property is zoned Thoroughfare Commercial (CT); APN: 290-03-084.

Applicant: Michael Chae

Owner: Lu Chi-Lan

Request: Twelve-month review of the current Use Permit to allow the sale of beer, wine and distilled spirits for consumption (Type 47 ABC License) in an existing restaurant.

CEQA Determination: Review of this Use Permit is not a project under CEQA

Project Planner: Steve Le, Assistant Planner I

**Discussion:** Lee Butler gave a brief overview of the project.

The Commission requested confirmation of bicycle racks installation. The applicant Michael Chae addressed the Commission and stated Gregory Qwan of the Planning & Inspection Division had confirmed the bicycle racks were put in place.

The Public Hearing was opened.

Georgetta Buttitta, shopping center owner, addressed the Commission spoke to the number of tables the business had and parking concerns.

The Commission suggested Ms. Buttitta work with the Planning Division staff to come up with a proposal regarding parking and number of seats. Staff confirmed the number of specified seats in the use permit now meet the code provisions.

The Public Hearing was closed.

**Motion/Action:** The Commission moved to note and file the twelve-month review of the current Use Permit to allow the sale of beer, wine and distilled spirits for consumption (Type 47 ABC License) in an existing restaurant (6-0-1-0, Commissioner Ikezi absent).

**A.** Project Title: Santa Clara University Five-Year Master Plan  
File No.(s): PLN2014-10779 / CEQ2014-01184  
Location: 500 El Camino Real, an approximate 97.4 acre project site bounded by Franklin Street to the north, El Camino Real to the east, Market Street to the south, and Lafayette Street to the west; APNs: 230-08-077, 230-10-003, 230-11-040, 230-13-023, 269-23-073 269-38-110 and 269-38-111. Project Site zoned Public, Quasi-Public, and Public Park or Recreation (B).  
Applicant: Chris Shay, Santa Clara University  
Owner: Santa Clara University  
Request: Adoption of an Environmental Impact Report and approval of a Use Permit to amend the Master Development Plan for the Santa Clara University campus. The proposal includes demolition of approximately 269,130 square feet of existing building floor area to construct up to 449,524 square feet of net new classroom, office and student activity space, and housing units for 600 new students on the University campus.  
CEQA Determination: Environmental Impact Report  
Project Planner: Debby Fernandez, Associate Planner

**Discussion:** Commissioners disclosed that they had conversations with the applicant and received tours of the site.

Debby Fernandez gave a brief overview of the project.

The Commission inquired about a student to housing ratio mandate, the ruling of the Historic and Landmarks Commission (HLC) on Bergin Hall, and if the Commission is approving the building of the project.

Staff responded with a synopsis of the HLC's recommendations and confirmed the Commission would approve building the project; however, architectural review would still be required.

The Commission inquired if the preservation of Bergin Hall is agreed to by the applicant, and if they were voting on something that may change.

Staff responded the applicant understood that Bergin Hall was proposed by staff and that the resolution they would be voting on includes preservation as part of the project.

Applicant Chris Shay addressed the Commission stating vision and objectives, cultural resource management, the transit demand management, and student housing vision.

The Commission inquired about the possibility to increase campus housing from 600 to 900 units, adding more density to Bergin Hall, and the net decrease in parking. Staff confirmed the parking is an overall net decrease.

Mr. Shay stated the correct size and density for the project was established from the City's and University's objectives. He stated he understands Bergin Hall is a historical building, and they would prefer flexibility to demolish it in the future, should that be necessary.

The Commission inquired about the mitigation measures helping prevent the disturbance to the Mission site cultural resource, and Mr. Shay elaborated about how Charney Hall will minimize impacts to the Mission site, and he cited a plan to display the Mission's history.

The Commission inquired about the planned on-campus housing for 600 and if there was a need for off-campus housing, and Mr. Shay responded, in part stating that not all students want to live on campus.

The Public Hearing was opened.

Dean Lisa Kloppenberg addressed the Commission highlighting the benefits derived from the law school.

Adam Thompson, Old Quad representative, stated he would like Bergin Hall retrofitted into the new plan with a larger residence hall, stated the school parking passes were extremely expensive, and preferred the student housing be built before the law school.

Mark Kelsey, resident, requested the Commission not approve the Use Permit without further study of the neighborhood and parking impacts. He requested a parking management process that protects the neighborhood and suggested considering changing the parking fee at the University.

Kathy Kelsey, resident, stated more student housing is needed.

The Public Hearing was closed.

The Commission inquired about the resident hall and parking permits, the total population of the law school and the percentage of those living on campus, the parking fee structure, another nearby housing project, and housing costs.

Staff and Mr. Shay provided various responses, including stating that various strategies would be employed to reduce student parking impacts, and - neighborhood parking permits could be an option to be explored by the neighborhood with the Department of Transportation.

**Motion/Action:** The Commission moved to adopt the Environmental Impact Report and associated Mitigation Monitoring and Reporting Program, with retention of Bergin Hall. (6-0-1-0, Commissioner Ikezi absent).

**Motion/Action:** The Commission moved to approve the Use Permit to amend the Master Development Plan for the Santa Clara University campus with retention of Bergin Hall subject to conditions. The proposal includes demolition of approximately 269,130 square feet of existing building floor area to construct up to 449,524 square feet of net new classroom, office and student activity space, and housing units for 600 new students on the University campus. (6-0-1-0, Commissioner Ikezi absent).

**B.** File: PLN2015-11361, PLN2015-11362, and CEQ2016-01011  
Location: 1890 El Camino Real, a 1.51 acre lot located at the southwest corner of El Camino Real and Pierce Street; APNs: 269-01-081 and 269-01-082.  
Applicant: Greg Pinn, Pinn Brothers Development  
Owner: Gangi Corporation  
Request: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Rezone from Thoroughfare Commercial (CT) to Planned Development (PD); and Tentative Subdivision Map to allow the development of a four-story, mixed use development with 6,595 square feet of commercial floor area and 58 for-sale residential condominiums.  
CEQA Determination: Mitigated Negative Declaration  
Project Planner: Debby Fernandez, Associate Planner  
Items for Council Action: Mitigated Negative Declaration, Rezoning, and Tentative Subdivision Map

**Discussion:** Debby Fernandez gave a brief overview of the project.

The Commission inquired about the number of persons per household, BMR levels and terms, canopy trees, the parking ratio, electrical vehicle parking, class one bicycle parking spots, access to parking, traffic impacts, the Grand Boulevard Initiative, underground parking, and on street parking on El Camino Real, and staff responded to Commission questions.

Greg Pinn, applicant, stated a community meeting was held, resulting in lowering the structure, reducing the unit count by one, and included a drive isle from El Camino.

The architects gave a brief description of the project. features.

The Commission inquired about solar panels, green initiatives, and electric vehicle charging stations.

The architect explained they are complying with Cal green and energy code restrictions preserved an area on roof for possible solar panels space, use smart thermostats, and increasing the number of charging stations.

The Public Hearing was opened.

Members of the public inquired about the zoning, underground parking to reduce massing, zip cars, electric vehicle charging stations, rear setbacks, scaling down the project to two levels, parking on Clay Street, and density.

Katherine Conseliary, resident, expressed her concern on the height and overlook for her neighbors.

Linda Reinhardt, resident, expressed her concern about the density and height of the project.

The applicant Greg Pinn stated the measures put in place as a result of the neighborhood meeting included removing a unit, further setbacks, and separating

units. He also mentioned: two reasons that prohibit underground parking - the site has a ground water issue, and the loss of parking stalls from the ramp; the addition of zip cars; and the general plan consistency.

The Public Hearing was closed.

The Commission made comments or expressed concerns about the parking ratio being too low, density, height, setbacks from residential to the rear, line of sight, desire for more bike parking, shared parking between the commercial and residential uses, and office space rather than retail space. The Commission also stated reasons for the high density such as jobs to housing ratio, increased office/retail space, housing affordability, high density near transit, lack of land and the need to grow up, and the requirement to build 18,000 dwelling units.

The Commission expressed possible solutions for the concerns such as reducing the density, moving units/massing away from the single family rear yards, sharing parking with commercial space, high power electric vehicle chargers, building the infrastructure for future charging stations, and transit passes.

Staff spoke to the mixed use, the density, and the City's vision for El Camino Real.

The Commission discussed approving the project if the applicant were to lower the density. The applicant, Greg Pinn, stated the density could not be lowered due to the land cost and noted they have planned for solar, zip cars, and adding conduits for electric vehicle charging stations.

The Commission proposed approving the project if the applicant were to remove one of the townhouses, make the remaining townhouses two stories, adding bicycle parking, electrical vehicle parking, and 6% moderate income and 4% low income affordable housing requirements.

The applicant Greg Pinn stated designing this project once again would be not be acceptable to him.

The Commission made a number of motions that failed to pass.

**Motion/Action:** The Commission motioned to recommend to the City Council to approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (4-2-1-0, Commissioner Jain and Commissioner Chahal dissented, Commissioner Ikezi absent).

**Motion/Action:** The Commission motioned to recommend to the City Council to approve the Rezone from Thoroughfare Commercial (CT) to Planned Development (PD) (4-2-1-0, Commissioner Jain and Commissioner Chahal dissented, Commissioner Ikezi absent).

**Motion/Action:** The Commission motioned to continue to a date certain of August 10<sup>th</sup>, 2016 the Tentative Subdivision Map to allow the development of a four-story, mixed use development with 6,595 square feet of commercial floor area and 58 for-sale residential condominiums (6-0-1-0, Commissioner Ikezi absent).

- C. Files: PLN2015-11350 / PLN2016-11888 / CEQ2016-01012  
Location: 3209, 3215 and 3229 Stevens Creek Boulevard, five parcels totaling 1.57 acres, located on the north side of Stevens Creek Boulevard between Stevens Creek Boulevard and Cecil Avenue, approximately 380 feet east of North Henry Avenue. Four of the subject properties (APN: 303-18-024, -025, -040, & -043) are zoned CT (Thoroughfare Commercial). One of the subject properties (APN: 303-18-041) is zoned A (Agricultural).  
Applicant: Kenneth Rodrigues and Partners, Inc.  
Owner: Stevens Creek Subaru  
Subject: Adopt Mitigated Negative Declaration; Rezone a 0.28 acre portion of the site (APN: 303-18-041) from A (Agricultural) to CT (Thoroughfare Commercial); Use Permit to allow outdoor auto storage, sales, and display activity at a new car dealership (demolition of existing buildings and construction of a 45,778 square foot auto sales showroom with support offices, an auto repair center and three-story parking structure), and Zoning Administrator Modifications to allow a maximum proposed 40-foot, 2-inch building height and to allow a 7-foot, 6-inch street yard building setback along Cecil Avenue.  
CEQA Determination: Mitigated Negative Declaration  
Project Planner: Jeff Schwilk, AICP, Associate Planner  
Items for Council Action: Mitigated Negative Declaration (for rezoning) and Rezoning

Commissioner O'Halloran recused himself from this item.

**Discussion:** Lee Butler gave a brief overview of the project.

The Commission inquired about the car exit, oil collection, and the use of Steven's Creek for deliveries, and staff responded, referencing the applicant's recent plan revisions and the proposed conditions of approval.

The applicant Kenneth Rodrigues stated changes made in response to community concerns include no test driving on Cecil, noise reduction, reduced building height, reduced lighting, increased rear setback, landscaping, illuminated access on to Cecil, enclosed area, removed roll up door, and limited access to fluid room.

The Commission inquired about the car washing process and street trees, and the applicant explained the fully enclosed, pre-fabricated car wash system. He stated the street trees were chosen with the City's arborist.

The Public Hearing was opened.

Tracy Jonson, a resident, is very pleased with the project.

Thelma Sorich, a resident, expressed her concern with the parts delivery and what is going to be delivered.

Michael O'Halloran, a resident, expressed approval of the changes made for the project, concern about the roll up gate, and concerns about hours of operation for the car wash.

Perry He, resident, expressed concern about the car wash noise, employee driving, and garbage from their lunch.

The applicant, Mr. Rodrigues, responded regarding the parts delivery, noise, parking, test driving, and limited access to the back of the building.

The Commission inquired about a future noise studies, and the applicant Mr. Rodrigues responded the study could be done.

The Public Hearing was closed.

**Motion/Action:** The Commission motioned to adopt the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program and recommend that the City Council do the same, with the addition to the language in the resolution: pursuant to CEQA data on 15074C the Planning Commission hereby designated the Director of Community Development as the custodian of record for the project, and the Planning Division at City Hall, 1500 Warburton Avenue, Santa Clara, California as the location of documents and other material that constitutes the record of proceedings upon which this decision is based. (5-0-1-1, Commissioner Ikezi absent, Commissioner O'Halloran abstained).

**Motion/Action:** The Commission motioned to recommend that the City Council Rezone a 0.28 acre portion of the site (APN: 303-18-041) from A (Agricultural) to CT (Thoroughfare Commercial). (5-0-1-1, Commissioner Ikezi absent, Commissioner O'Halloran abstained).

**Motion/Action:** The Commission motioned to approve a Use Permit to allow outdoor auto storage, sales, and display activity at a new car dealership (demolition of existing buildings and construction of a 45,778 square foot auto sales showroom with support offices, an auto repair center and three-story parking structure) (5-0-1-1, Commissioner Ikezi absent, Commissioner O'Halloran abstained).

Staff clarified this Use Permit decision is a final decision of the Planning Commission there is a seven day period to appeal the Use Permit decision to the City Council. If there is no appeal it will not move forward to the City Council. However, the environmental determination and the rezoning will automatically go to the City Council with no appeal necessary.

**Motion/Action:** The Commission motioned to approve extending the Planning Commission meeting past 11:00 pm.

- D. Project Title: Mission Park – MP Market Place  
File: PLN2016-11737 / CEQ2016-01006  
Location: 2041 Mission College Boulevard and 1900-2000 Wyatt Drive, a 6.59-acre project site on the southeast corner of Mission College Boulevard and Wyatt Drive; APN: 104-38-005, -006; property is zoned Light Industrial (ML).  
Applicant/Owner: Koll/Intereal Bay Area  
Request: Adoption of a Mitigated Negative Declaration and Approval of a Use Permit to demolish existing structures and allow the development of a 24,000



square foot retail center and 175 room hotel.

CEQA Determination: Mitigated Negative Declaration

Project Planner: Yen Han Chen, Associate Planner

**Discussion:** Yen Han Chen gave a brief overview of the project.

Members of the Commission disclosed that they met with the applicant. The Commission inquired about the stadium debt service surcharge for the hotel, and staff responded that a condition of approval requires that the hotel annexes into the Community Facilities District.

Applicant Casey Holt gave a brief overview of the project.

The Commission inquired about the 21 spaces for class two racks, the conditions for the EV chargers, and the TDM program report.

The applicant, Mr. Holt, agreed to have a third party to complete the TDM report, and he confirmed that he would provide additional bike racks and EV charging stations.

The Commission inquired about the general fund revenue numbers, voluntary VTA contributions, and green initiatives.

The applicant Mr. Holt stated the revenue is a rough estimate, they are not voluntarily contributing to VTA, the roofs will be solar panel ready, and bike racks/EV charging stations will be provided

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

**Motion/Action:** The Commission motioned to adoption the Mitigated Negative Declaration and the Mitigation Monitoring & Reporting Program (6-0-1-0, Commissioner Ikezi absent).

**Motion/Action:** The Commission motioned to approve a Use Permit to demolish existing structures and allow the development of a 24,000 square foot retail center and 175 room hotel with the following extra conditions: that E33 be modified to include the bicycle parking that is listed voluntarily by the applicant on page 8 of their presentation, that four dual-headed electrical vehicle charging stations be implemented on-site, and that the transportation demand management reporting and monitoring be done by a third party (6-0-1-0, Commissioner Ikezi absent).

## 7. PUBLIC PRESENTATIONS:

Members of the public may briefly address the Commission on any item not on the agenda.

- None

**8. REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:**

- A. Announcements/Other Items
- B. Appointment of Board or Committee Assignments
- C. Architectural Committee
- D. Commissioner Travel and Training Reports; Requests to Attend Training

**9. DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

- A. Upcoming Agenda Items
  - The next Planning Commission meeting will include the tentative map for the Subaru project that was considered at this evening.
  - At the August 24<sup>th</sup> Planning Commission meeting, we are tentatively expecting the Moonlite Lane project.

The Commission inquired on Parks & Recreation City projects.

Staff confirmed the City projects managed by the Parks & Recreation Commission are the International Swim Center, the Community Recreation Center, and Sports Facility. Currently staff is working through the responses and the projects will not be coming forth to the Planning Commission.

- B. City Council Actions
  - Monroe project off of Civic Center recommended for approval by Planning Commission last month for three, single family detached residences was approved by City Council.
  - The department name changed from Planning & Development to Community Development.
  - The director's title was changed to Community Development Director.

**10. ADJOURNMENT:**

- A. The next regular scheduled meeting is on Wednesday, August 10, 2016, at 7:00 PM in the City Hall Council Chambers.

Prepared  
by: Zoraya Garay  
Zoraya Garay  
Office Specialist IV

Approved  
by: Andrew Crabtree  
Andrew Crabtree  
Community Development Director