



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, September 26, 2012 – 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.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

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.** PLN2012-09176/ PLN2012-09208/CEQ2012-01144, 3499 The Alameda (Rezoning)

1. PLEDGE OF ALLEGIANCE and INVOCATION

Chair Costa initiated the Pledge of Allegiance, and the Invocation was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chair Deborah Costa, Vice-Chair Ian Champeny, Commissioners Steve Kelly, Keith Stattenfield, and Joe Sweeney. Teresa O'Neill was absent through item 7.C. and participated in the remainder of the Agenda items.

Staff present were City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, Assistant Planner II Payal Bhagat, and Office Specialist IV Megan Zimmershead.

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

Chair 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 August 29, 2012

7.B. File No.(s): **PLN2012-09021**
Address: 2956 Scott Boulevard a 2,000 square foot tenant space in an existing industrial office complex on a 3.43 acre parcel, located on the northwest corner of Scott Boulevard and Central Expressway; (APN: 224-44-013)
Applicant: TLA Architects/ Green Healthy Massage
Owner: Walton CWCA San Tomas 26 LLC
Request: **Six-Month Review of Use Permit** allowing a massage business within an existing tenant space on a property in the Light Industrial (ML) Zoning District
CEQA Determination: Not Applicable
Project Planner: Payal Bhagat, Assistant Planner II
Staff Recommendation: **Note and File Report**

7.C File No.(s): **PLN2012-09327**
Address: **2821 El Camino Real**, a 1,360 square foot tenant space located on a 0.98 acre commercial parcel, located on the northwest corner of El Camino Real and Bowers Avenue. (APN: 220-31-114)
Applicant: Majid Bhariny
Owner: Bowers Family LLC
Request: **Use Permit** allowing beer and wine service and outdoor seating in conjunction with a new restaurant (Wing Stop)
CEQA Determination: Categorical Exemption per Section 15301, Class 1 Existing Facilities
Project Planner: Marge Sung, Associate Planner, and Greg Qwan, Planning Intern
Staff Recommendation: **Approve**, subject to conditions

Motion/Action: The Commission motioned to approve the Consent Calendar unanimously (5-0-1-0, O'Neill absent).

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2012-09176/ PLN2012-09208/CEQ2012-01144**
Address/APN: 3499 The Alameda, a 0.40 acre parcel located at the southwest intersection of The Alameda and Harrison Street (APN: 269-16-069); property is zoned Light Industrial (ML)

Applicant/Owner: Gabriel Cervantez, Barry Swenson Builder
Request: **Rezoning from Light Industrial (ML) to Planned Development (PD)** to facilitate the development of six single family homes located in the Santa Clara Station Focus Area; **A Tentative Subdivision Map** creating seven lots; Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for this project

CEQA Determination: Mitigated Negative Declaration
Project Planner: Payal Bhagat, Assistant Planner II
Staff Recommendation: **Recommend City Council approval** of the Rezoning, Tentative Subdivision Map and adoption of the Mitigated Negative Declaration, subject to conditions

Notice: The notice of public hearing for Item 8.A. was posted within 300 feet of the site and mailed to property owners within 300 feet. Commissioner Costa recused herself as a Commissioner from the hearing due to residing within 500 feet of the project site and participated in the hearing process as a public citizen.

Discussion: Payal Bhagat gave a brief presentation on the project.

The applicant, Mathew Love, discussed the project and highlighted the changes of the current proposal from the previous proposal discussed at the May 30, 2012 Planning Commission meeting. The proposal now includes a reduction to two stories, six units, and added guest parking to the project.

The Public Hearing was opened.

Deborah Costa, 3455 The Alameda, read a letter into the record noting concerns about the project including parking, density, privacy, setbacks, and lack of common areas.

The Commission and applicant clarified that the good neighbor fence would be fully funded by the applicant.

Public Hearing was closed.

The Commission confirmed that the redesigned project had gone through the standard Planning process and that the current proposal includes for-sale units that will have individual parcels and be managed by a homeowners association. It was also noted that because the request includes rezoning to a Planned Development (PD) the setback and parking requirements become part of the legislative action of the rezoning.

The Commission discussed the architecture of the project and agreed that the project could benefit from review by the Architectural Review Committee.

Motion/Action: The Commission motioned to adopt the resolution recommending Council approval of the rezoning request from Light Industrial (ML) to Planned Development (PD) (5-0-0-1, Costa abstained) with the following added recommendation:

1) Pending City Council Approval, the project shall be reviewed by the Architectural Review Committee for final design review.

Motion/Action: The Commission motioned to adopt the resolution recommending Council approval of the Tentative Subdivision Map (5-0-0-1, Costa abstained).

8.B. File No.(s):	PLN2010-08087/CEQ2010-01109
Address/APN:	3137 Forbes Avenue, a 2.23 acre parcel located 775 feet southeast of the intersection of Pomeroy Avenue and Forbes Avenue (APN: 293-13-002). Property is zoned B Public, Quasi Public, and Public Park or Recreation
Applicant/Owner:	Glenn Morley/CCS Calvary Southern Baptist Church
Request:	Use Permit allowing reconstruction and expansion of an existing church including a two story 10,161 square foot multipurpose building, a two story 13,300 square foot sanctuary building, a 4,197 square foot utility and restroom structure, and related site and landscaping improvements; This request includes adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for this project
CEQA Determination:	Mitigated Negative Declaration
Project Planner:	Payal Bhagat, Assistant Planner II
Staff Recommendation:	Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP), Approve the Use Permit, subject to conditions

Notice: The notice of public hearing for Item 8.B. was posted within 500 feet of the site and mailed to property owners within 500 feet. Commissioner Kelly recused himself as a Commissioner from the hearing due to residing within 500 feet of the project site and participated in the hearing process as a public citizen.

Discussion: Payal Bhagat gave a brief presentation on the project and noted a clarification to condition PL11 in that the hours of operation only refer to the day care facility.

Applicant, John Schirey, noted that the church has been a member of the community for 50 years and would like to redevelop on the current site to continue community involvement. The applicant also noted that the parcel abuts Saratoga Creek which presents difficulties in design due to unique setback requirements.

The Commission and staff discussed the agreement between the City of Santa Clara and the Silicon Valley Water District (SVWD) that state specific requirements for developing along the creek. It was clarified that vacant lots require a larger setback, whereas with existing developments the requirements are more lenient.

The Public Hearing was opened.

Steve Kelly, resident of 3049 Forbes Avenue, stated that the church should consider a shared parking agreement with the neighboring school as the two owners currently use each other's parking lots when more space is needed. Mr. Kelly also noted that the sanctuary building as proposed with impose unfavorable shading on the neighboring resident's house.

Phil Chung, resident of 3147 Forbes (west of sanctuary building), stated that the proposal adversely effects his home. Mr. Chung added that he would like the sanctuary building moved further away from his home and has tried to work with the Applicant, however no significant compromises have been reached.

In a rebuttal statement the Applicant acknowledged Mr. Chung has been a great neighbor; however, due to SVWD setback requirements, there is little that can be done to address his concerns. The Applicant also noted that sight and sound mitigations have been made to lessen

the adverse effects of the redevelopment on the neighbor.

Public Hearing Closed.

The Commission discussed the configuration of the current proposal and noted that the Creek does present significant design challenges, as well as the Applicant's desire to stay open during the construction process. It was also clarified that the window placement in the sanctuary building is on a second floor level; however, the building is only one story so there is no privacy issue for the window placement.

Motion/Action: The Commission motioned to adopt a resolution adopting the Mitigated negative Declaration and Mitigation Monitoring and Reporting Program for the project located at 3137 Forbes Avenue (5-0-0-1, Kelly Abstaining).

Motion/Action: The Commission motioned to adopt a resolution approving the Use Permit for the project located at 3137 Forbes Avenue (5-0-0-1, Kelly Abstaining) with the following revised/added conditions:

- 1) Condition P11 shall be amended to read as follows: Hours of operation for the Child Care Facility shall be limited to: Monday – Friday – 6:30 am – 6:30 pm (up to 70 children). The applicant is allowed to make their facilities available for civic and community group activities, as long as these activities do not occur at such time when the church is in operation and there is sufficient parking available to service the activity.
- 2) Condition P31 shall be added to read as follows: Prior to issuance of the building permit, the applicant shall obtain approval from the Architectural Review Committee for the final design.

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 Action

iii. Commission/Board Liaison and Committee Reports

- Architectural Committee: Commissioners Stattenfield and Costa
- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and O'Neill

iv. Commission Activities

- Commissioner Travel and Training Reports

v. Upcoming agenda items

- Planning Commission Procedures

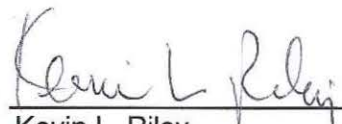
10. ADJOURNMENT

The meeting adjourned at 8:50. The next meeting of the Planning Commission will be held on October 17, 2012 at 7:00 pm.

Prepared by:


Megan Zimmershead
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection