



City of Santa Clara

**PLANNING COMMISSION
MEETING MINUTES**

Wednesday, August 7, 2013 – 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. File No.(s): PLN2012-09352, PLN2013-09805, PLN2013-09655, and CEQ2013-01158, Location: 2585 El Camino Real**

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

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

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) – A request to hear Item 8.C. prior to other items on the Agenda. The Commission approved the exception.

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 June 26, 2013

Motion/Action: The Consent Calendar was approved unanimously (6-0-0-1, Champeny abstaining).

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s):	PLN2012-09352, PLN2013-09805, PLN2013-09655, and CEQ2013-01158
Location:	2585 El Camino Real, APN: 216-01-008
Applicant/Owner:	Sanjeev Acharya, Silicon Sage Builders, LLC
Owner:	Gregory T. Malley
Request:	General Plan Amendment from Community Mixed Use to High Density Residential, Rezoning from CT-Thoroughfare Commercial to PD-Planned Development, and Tentative Subdivision Map to allow the development of a four story, 60-unit condominium building
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 and mailed to property owners within 500 feet. Commissioner Costa recused herself.

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

The Commission clarified that the current General Plan land use designation calls for mixed use and a lower density than that of the proposal. It was also confirmed that the Planned Development (PD) rezoning allows the proposed setbacks, which are consistent with General Plan goals and policies.

The applicant, Sanjeev Acharya, introduced Eric Schoennauer, land use consultant, who gave a presentation on the project. Mr. Schoennauer stated that the project has had a community meeting and a Council study session that resulted in changes to the proposal including increased setback and greenscape in front of building, added lighting to bike path, removal of

tandem parking, increase in overall parking, and removal of the architectural wings from the building. The project features 126, non-tandem parking spaces, 60 for-sale units, bike lockers and racks, amenities, electric car charging, and staggered setbacks and elevation to increase privacy to the existing neighboring properties.

The Commission discussed the neighboring development currently under construction and confirmed that the current proposal has a taller building height and less of a setback. The Commission further discussed the implications of the height and reduced setbacks on privacy for the neighbors. The applicant highlighted the design features of the building that reduce privacy concerns including planter boxes, high window cuts, staggered setbacks for the top floors, and facing common space windows away from the existing single-family homes.

The Public Hearing was opened.

Justin Garcia, Santa Clara resident, stated that El Camino Real is full of car lots and that he is supportive of more residential in this area.

In a rebuttal statement the applicant stated that the initial proposal for this project included retail; however, because of the lot size, the retail portion was impractical. It was noted that there is a large existing retail shopping center across the street and that because of this, a residential project at this location is the most practical proposal.

The Commission discussed the current General Plan land use designation and the project needing a General Plan Amendment to be in conformance.

The Commission expressed concern for the overall number of parking spaces, including guest parking. The applicant noted that the location of the proposal is close to bike trails and public transit and that the proposal is designed to attract people who take advantage of vehicle alternatives. It was confirmed that the proposal includes two electric car charging stations and that more could be installed if there was need.

The Public Hearing was closed.

The Commission continued to discuss the parking and the density of the proposal and expressed concern for changing the land use designation from what the General Plan had envisioned for the El Camino Real. It was noted that with the existing parcels along El Camino, it is difficult to obtain the overall goal of the General Plan and that each proposal should be considered separately to maximize the potential for that particular site or project.

A motion to recommend approval of the MND and MMRP was passed unanimously with no additional discussion.

A motion to recommend denial of the General Plan Amendment was discussed. The Commission expressed concern for the density and height of the project and that the amendment might not be compatible with the rest of the General Plan. The motion was called to a vote and failed. A motion to recommend approval of the General Plan Amendment was discussed. The Commission noted that the El Camino is well connected to public transit and that the location is a good place to have higher density. The motion was called to a vote and failed.

The Commission moved forward with motions to approve the rezoning and map without additional discussion.

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 project located at 2585 El Camino Real unanimously (6-0-0-

1, Costa abstaining).

Motion/Action: The Commission motioned to adopt a resolution recommending that the Council approve the rezoning from Thoroughfare Commercial (CT) to Planned Development (PD) for the project located at 2585 El Camino Real unanimously (6-0-0-1, Costa abstaining).

Motion/Action: The Commission motioned to adopt a resolution recommending that the Council approve the Tentative Subdivision Map for the project located at 2585 El Camino Real unanimously (6-0-0-1, Costa abstaining).

8.B. File No.(s):	PLN2012-09527
Location:	805 Jackson Street, APN: 269-28-008
Applicant/Owner:	Charles Brown / Michael and Amy Gibson
Request:	Variance to Section 18.12.030(d) to allow no covered parking space on site in conjunction with a full basement addition to a historically significant property
CEQA Determination:	Categorical Exemption per Section 15331, Historical Resources Restoration/Rehabilitation
Project Planner:	Steve Le, Planning Assistant
Staff Recommendation:	Approve , subject to conditions

Notice: The notice of public hearing for Item 8.B. was posted within 300 feet of the site and mailed to property owners within 300 feet.

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

The Commission inquired if the increase in height was consistent with the Secretary of Interior Standards, to which Staff confirmed that it was.

The applicant stated that the backyard of the home is very small and that adding a parking space would detract from the neighborhood by having more driveway and less landscaping.

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

Motion/Action: The Commission motioned to adopt a resolution approving the Variance for the project located at 805 Jackson Street unanimously (7-0-0-0).

8.C. File No.(s):	PLN2013-09835
Location:	746 Malarin Avenue, APN 294-17-016
Applicant/Owner:	Jamal Boudi
Request:	Variance to Section 18.12.030(d) to allow a reduction in the required two covered parking space to one covered parking space in conjunction with a 789 square foot addition
CEQA Determination:	Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner:	Payal Bhagat, Assistant Planner II
Staff Recommendation:	Approve , 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.

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

The Public Hearing was opened.

Jo Anne Ash Fairbanks, neighboring resident, confirmed that the home will remain single-story and expressed concern for only having a one car garage and the resulting impacts on parking.

The applicant stated that he is keeping the one car garage because they have a large family that needs more room in the home, not more parking in the garage.

The Public Hearing was closed.

The Commission discussed the garage and the possibility of expanding the driveway. It was noted that there will be a second phase to the expansion, at which time the applicant will be required to have an additional parking space.

Motion/Action: The Commission motioned to adopt a resolution approving the Variance for the property located at 746 Malarin Avenue (6-1-0-0, Ikezi dissenting).

8.D. File No.(s):	PLN2013-09769
Location:	2563 Amethyst Drive, APN: 216-22-043
Applicant/Owner:	Peter Araujo
Request:	Variance to allow a reduction in the required two covered parking space to one covered parking space in conjunction with an 800 square foot single story addition
CEQA Determination:	Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner:	Steve Le, Planning Assistant
Staff Recommendation:	Deny

Notice: The notice of public hearing for Item 8.D. was posted within 300 feet of the site and mailed to property owners within 300 feet.

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

Representative for the applicant, Oscar Martinez, clarified that there are no addition bedrooms planned in the addition. Mr. Martinez stated that he would like to reduce parking to one space to maximize the space available in the home without additional costs to expand the garage. Mr. Martinez added that the majority of the homes in the neighborhood have one-car garages, even with additions of this size.

The Public Hearing was opened.

James Rowen, Santa Clara resident, stated that the property was annexed into the City in 1954 and that with this redesign, the legal non-conforming status no longer applies. Mr. Rowen added that the properties which have undergone expansions may not have gone through a legal process to do so and that the Commission should evaluate this project on it's own merits under the current codes and policies.

The applicant stated that he has lived in this property for 40 years and would like to add a second bathroom and expand the living space. He noted that his parking needs are not changing and that he is simply looking for a more comfortable environment.

The Public Hearing was closed.

The Commission confirmed that additions of 500 or more square feet, or a third bedroom, trigger a requirement for a second covered parking space.

The Commission discussed the project, noting that it is a very extensive remodel. Concern was expressed for granting a variance to reduce the parking requirement to a property that is planning such a large remodel that can accommodate a second parking space.

The Commission inquired if all the other properties in the area that have had expansions have approved variances for the reduced parking. Staff noted that the information on other properties was not readily available.

A motion to approve the variance was discussed. The Commission noted that the house currently has a live-in garage and that this proposal is an improvement to the status-quo, though it would still be deficient in parking by Zoning Code standards. It was also noted that the proposed roof pitch needs further design review.

Motion/Action: The Commission motioned to adopt a resolution to approve the Variance for the property located at 2563 Amethyst Drive unanimously (7-0-0-0).

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- Nomination/Election of Officers

The Commission nominated the following slate of officers:

Chair: Ian Champeny

Vice-Chair: Keith Stattenfield

Secretary: Joe Sweeney

- Appointment of Board Liaisons

The Commission continued the current assignments.

- Capital Improvement Program Budget for FY2013-2014

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 Ikezi
- Preservation Ordinance Committee: Commissioners Chahal and Costa

iv. Commission Activities


- Commissioner Travel and Training Reports

v. Upcoming agenda items


10. ADJOURNMENT

The meeting adjourned at 10:20 p.m. The next regular Planning Commission meeting will be held on Wednesday, August 28, 2013, at 7:00 p.m.

Prepared by:


Megan Zimmershead
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection