



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, June 26, 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 7.C.** File No.(s): PLN2013-09868 / CIP 2621 & 2630, 4301 Great America Parkway and 2441 Mission College Boulevard
- **Item 8.C.** File No.(s): PLN2013-09673, PLN2013-09674, CEQ2008-01062, 2600, 2800 San Tomas Expressway, and 2400 Condensa Street
- **Item 8.D.** File No.(s): PLN2013-09755, 985 Lewis Street
- **Item 8.E.** File No.(s): PLN2013-09609, PLN2013-09865, PLN2013-09866, CEQ2013-01159 2620-2727 Augustine Drive

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, Yuki Ikezi, Steve Kelly, Keith Stattenfield, and Joe Sweeney. Commissioner Champeny was excused.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, City Attorney Richard Nosky, Associate Planner Debby Fernandez, Assistant Planner II Shaun Lacey, 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 May 29, 2013

7.B. File No.(s): **PLN2013-09795**
Location: 3952 Rivermark Plaza, APN: 097-08-105
Applicant/Owner: Harlan Falist / Rivermark Village LLC
Request: **Use Permit** to allow the service of beer and wine at a proposed restaurant (ABC License Type 41) within an existing commercial building
CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner: Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation: **Approve**, subject to conditions

7.C. File No.(s): **PLN2013-09868 / CIP 2621 & 2630**
Location: 4301 Great America Parkway and 2441 Mission College Boulevard, APNs 104-42-09 & 104-41-030)
Applicant/Owner: SI 34, LLC
Request: **Development Agreement** and Ordinance to expand the public right-of-way to accommodate construction of a westbound to southbound left turn lane at the intersection of Great America Parkway and Mission College Boulevard
CEQA Determination: Previously certified Environmental Impact Reports for 2350 Mission College Boulevard Office/Retail Project EIR, State Clearinghouse No. 2008032008; 49ers Santa Clara Stadium Project EIR, State Clearinghouse No. 2008082084; and the Yahoo! Santa Clara Campus Project EIR, State Clearinghouse No. 2008092011
Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Recommend City Council Approval**, subject to conditions

Debby Fernandez gave a brief explanation of the supplemental documents that were distributed at the meeting. It was clarified that these documents had placeholders in the Planning Commission Staff Report and that they were the final components of the Development

Agreement.

The Commission clarified that this is a public project that is related to, but does not approve the private development proposal at 4301 Great America Parkway.

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

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2013-09684**
Location: 3250, 3260 and 3270 Jay Street, a 7.97 acre site located at the southeast corner of San Tomas Expressway and Highway 101, APN: 224-09-172
Applicant: Marc Filosa
Owner: Kristin Myhre for Jay Ridge LLC
Request: **Use Permit** to allow a double-faced digital pole sign with changeable messages
CEQA Determination: Categorical Exemption per section 15311, Accessory Structures
Project Planner: Steve Le, Planning Intern
Staff Recommendation: **Deny**

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.

Discussion: Steve Lynch gave a brief presentation on the project.

Terry Long with Ad Art Sign Company stated that the technology used in the proposal is similar to that of the existing signs along Highway 101 and at the Convention Center Sign. Mr. Long added that the City Sign Ordinance has not been updated in over 40 years and that the proposal exceeds all minimum requirements set by Caltrans.

The Public Hearing was opened.

Larry Crawford, President of Premium Builders, contractor for tenant, stated that Service Now is a cloud based company dealing with advanced technology and encouraged the City to embrace the transition from static to changeable signage.

James Rowen, Santa Clara resident, stated that the section of the Zoning Code pertaining to billboards was written 40 years ago to address residential areas. Mr. Rowen added that the Zoning Code does not address the type signs in the proposal, but that the Code does not prohibit them either. Mr. Rowen suggested that regulation for this type of sign can be done thru the Use Permit process and that the proposed location of the sign is in good area for this type of emerging technology.

Marrium Fidman, employee of Service Now, stated that he has worked for Service Now for three years and that the company is a strong job creator. Mr. Fidman added that he agrees with the Conditions of Approval and that the City should reevaluate their standards for digital signs so that the technology can be used for this proposal and future proposals to come.

The Public Hearing was closed.

The Commission clarified that the existing digital signs in Santa Clara have advertisements and community information, as opposed to the proposal which serves a purpose of business identification. It was confirmed that this type of sign is not addressed in the current Zoning Code or General Plan.

The Commission inquired if a traditional billboard would be allowed in this location. Staff confirmed that a billboard could be placed at this location, with a provision for a billboard relocation program reducing a minimum of two faces of existing billboards in the City.

The Commission and staff deliberated on the definition of changeable signs and acknowledged that the City's code provides no guideline for this type of development. The Commission clarified that while the sign itself could be regulated by a Use Permit, the actual content of the sign could not be regulated except for defining the allowable type of content to be on-site advertising.

The Commission discussed the possibility that approval of this application might encourage more businesses to submit similar applications, and therefore the possibility of having several of these types of signs throughout the City.

A motion to approve the application with the added conditions that the sign operate with 10 second intervals and not more than 20 copies. The Commission discussed altering the length of interval, number of copies, striking condition P5, and allowing other major tenants to advertise on the sign.

Motion/Action: The Commission motioned to adopt a resolution approving the Use Permit for the property located at 3250, 3260 and 3270 Jay Street (6-0-1-0, Champeny absent) with the following added/revised conditions:

- 1) The digital pole sign shall operate at an interval speed not faster than 10 seconds per copy.
- 2) The digital pole sign shall operate with no more than 20 copies.
- 3) The digital pole sign shall be able to be utilized by all major tenants of the buildings of the project site.

8.B. File No.(s):	PLN2013-09825
Location:	2866 Mesquite Drive, a 8,814 square foot lot, located mid-block along Mesquite Drive, APN 296-31-037; property is zoned Single Family Residential (R1-6L)
Applicant/Owner:	Paul Polacek/Kathy Osborne
Request:	Architectural Review of a 684-square-foot addition to the second story of an existing single-family residential house consisting of six bedrooms
CEQA Determination:	Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner:	Shaun Lacey, AICP, Assistant Planner II
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: Shaun Lacey gave a brief presentation on the project.

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

Motion/Action: The Commission motioned to adopt a resolution approving the architectural review for the property located at 2866 Mesquite Drive (6-0-1-0, Champeny absent) with the following added condition:

- 1) The project shall be reviewed by the Architectural Review Committee.

8.C. File No.(s): **PLN2013-09673, PLN2013-09674, CEQ2008-01062**
Location: 2600, 2800 San Tomas Expressway, and 2400 Condensa Street, three parcels on 35.6-acre site located on both sides of San Tomas Aquino Creek channel, south of Central Expressway (APNs: 224-11-065, 224-11-066, 224-11-128)
Applicant: Sares Regis
Owner: NVIDIA
Request: **Adopt Addendum** to previously Certified Final Environmental Impact Report (EIR); **Rezone** from Planned Development (PD) to Planned Development (PD) to amend the design concept of a previously-approved office campus development project, which allows up to 1.95 million square feet of office space, a permitted building height of 140 feet and a parking ratio of 3.63 spaces per 1,000 feet of building area;
Amendment No. 1 to the Development Agreement; Architectural Review of San Tomas Business Park Campus Project
CEQA Determination: Addendum to Certified Environmental Impact Report
Project Planner: Shaun Lacey, Assistant Planner II
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.

Discussion: Shaun Lacey gave a brief presentation on the project.

The Commission clarified that the primary changes from the original approval are the architecture, redistribution of floor area between two buildings, and an amended Development Agreement to give more flexibility to phase two of the development.

John O'Brien, of NVIDIA, clarified that the original approval consisted of three towers with separate parking garages and that the revised plan has two buildings with incorporated underground parking.

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

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council adopt the Addendum to the Environmental Impact Report for the property located at 2600, 2800 San Tomas Expressway, and 2400 Condensa Street (6-0-1-0, Champeny absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the Rezone from Planned Development (PD) to Planned Development (PD) to amend the design concept of a previously-approved office campus development project for the property located at 2600, 2800 San Tomas Expressway, and 2400 Condensa Street (6-0-1-0, Champeny absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council pass to print the Ordinance approving Amendment No. 1 to the Development Agreement for the property located at 2600, 2800 San Tomas Expressway, and 2400 Condensa Street (6-0-1-0, Champeny absent).

8.D. File No.(s): **PLN2013-09755**
Location: 985 Lewis Street, a 8,787 square foot lot at the northeast corner of Lewis Street and Washington Street, APN: 269-05-066
Applicant/Owner: Salvatore Caruso
Request: **Rezone** from Single Family Residential (R1-6L) to Planned Development (PD) to allow relocation and rehabilitation of a historic building for residential use
CEQA Determination: Categorical Exemption per Section 15331, Historical Resource Restoration/Rehabilitation
Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Recommend City Council Approval**, subject to conditions

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: Debby Fernandez gave a brief presentation on the project.

The Commission clarified that a new basement would be constructed on the project site, reflective of existing conditions, and that one covered parking space was being added to the property where two would normally be required under the current zoning.

The applicant, Sal Caruso, stated that he is in full support of Staff's recommendation and that the project meets the Secretary of Interior standards. Mr. Caruso added that basements cannot be moved, and as such, a new basement will be constructed for the relocation of the historic home.

The Public Hearing was opened.

Randy Jurrat, neighboring resident, expressed concern for changing the zoning from Single-Family Residential to PD and maximizing the density on the property. Mr. Jurrat also stated that the project site/design does not allow for sufficient parking and that there will be an impact on the neighborhood.

Lou Faria, neighborhood resident, stated that having two five-bedroom homes on one lot will attract student housing that will result in more noise and impacted parking for the neighborhood.

Judy Tucker, neighborhood resident, stated that she appreciates that the home is being saved; however, it is likely the home will be used for student housing. Ms. Tucker added that parking is already a problem in the Old Quad and that approving projects with parking deficiencies is a bad idea.

In a rebuttal statement, Mr. Caruso stated that he takes property management very seriously and that he has not received a complaint about this property. Mr. Caruso added that he will continuously monitor this property to ensure no adverse effects on the neighborhood.

The Commission confirmed that the PD zoning addresses the deficiency of one covered parking space and that the lot will not be subdivided. It was noted that the Historical and Landmarks Commission will also review this project prior to the City Council Public Hearing.

The Public Hearing was closed.

The Commission confirmed with staff that the PD rezoning is needed for the co-location of two

houses on one lot, parking deficiency, reduced setbacks, and increased building height. Staff added that this project is an infill project stemming from a separate approved project with the intent to save a historic home by relocating it to an appropriate location for reuse. It was noted that there are only eight identified potential infill sites in the City.

The Commission clarified that a project cannot condition what kind of tenants occupy a home and acknowledged the overall lack of parking in the Old Quad region of the City.

The Commission and applicant discussed the possibility of expanding the driveway of the existing home so that it can accommodate an extra vehicle. The applicant was amenable to this change.

The Commission deliberated on a motion to approve the project with a widened driveway to accommodate one-to-two additional parking spaces on the project site with expressed concern about the parking in the neighborhood.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the Rezone from Single Family Residential (R1-6L) to Planned Development (PD) for the property located at 985 Lewis Street (4-2-1-0, Chahal and Ikezi dissenting, Champeny absent) with the following added condition:

1) The applicant shall expand the curb-cut and driveway on Lewis Street to accommodate one additional vehicle.

8.E. File No.(s):	PLN2013-09609, PLN2013-09865, PLN2013-09866, CEQ2013-01159
Location:	2620-2727 Augustine Drive (including properties on Bowers Avenue and Scott Boulevard), a 30.73-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, immediately east of Bowers Avenue, between Scott Boulevard and Highway 101 (APNs: 216-45-009, -011, -014, -019, -027, -028, -031, -032)
Applicant/Owner:	The Irvine Company LLC
Request:	Adopt Addendum to previously certified EIR; Rezone from Planned Development (PD) to Planned Development (PD) to allow the construction of 1,200,000 square feet of office development and 35,000 square feet of retail development; Amendment No. 1 to Development Agreement; Architectural Review of project design and sign program
CEQA Determination:	Addendum to Certified Environmental Impact Report
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.E. was posted within 500 feet of the site and mailed to property owners within 500 feet.

Joe Sweeny disclosed a meeting with the Applicant.

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

Roger DeWames, Vice President of Real Estate Development for The Irvine Company and project manager, introduced Michael Bischoff, project architect, who gave a brief presentation on the development plan of the campus. Kerry Williams, Vice President of Real Estate

Development for The Irvine Company, stated that they have been approached by neighboring properties regarding the parking garages and, therefore, are requesting that the architectural review for phase two be deferred to a future date when phase two is initiated.

The Public Hearing was opened.

David Wilbur, neighboring property owner, expressed concern about the parking structure on the corner of Scott and Bowers, indicating that it's a gateway to Santa Clara. Mr. Wilbur supported the idea of deferring the architectural review discussion to allow more time to review the garage's features, including setback, height, and facing.

The applicant acknowledged the concerns and indicated that through the redesign of the project, in order to gain a higher level of communal area, the parking garages were relocated to the perimeter of the property and that they would be happy to enter into discussions to address any and all concerns.

The Public Hearing was closed.

The Commission inquired if the electric utility poles could be grounded, to which staff indicated that due to other utilities, the electric lines needed to stay above ground.

It was clarified that the architectural review for phase one will proceed as per staff's recommendation and that the garage of concern is in phase two. Phase two review will not include changes to the site plan or modification to the allowed uses.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the Addendum to the Augustine-Bowers Office Park Environmental Impact Report for the Santa Clara Technology Campus project located at 2620-2727 Augustine Drive (including properties on Bowers Avenue and Scott Boulevard) (6-0-1-0, Champeny absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve an amendment to the Planned Development Zoning District for the Santa Clara Technology Campus project located at 2620-2727 Augustine Drive (including properties on Bowers Avenue And Scott Boulevard) (6-0-1-0, Champeny absent) with the following added recommendation:

1) Architectural Review for phase two of the project shall be deferred until such time as the development of phase two is initiated. Review shall be conducted by the Architectural Review Committee.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council adopt an ordinance to approve the Amendment to the Development Agreement between the City Of Santa Clara and The Irvine Company LLC for the property located at 2620-2727 Augustine Drive (including properties on Bowers Avenue and Scott Boulevard) (6-0-1-0, Champeny absent).

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- **New Sub Committee – Costa, Chahal**

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

iv. Commission Activities

- Commissioner Travel and Training Reports

v. Upcoming agenda items

10. ADJOURNMENT

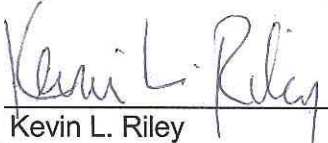
The meeting adjourned at 10:08 p.m. The next regular Planning Commission meeting will be held on Wednesday, August 7, 2013, at 7:00 p.m.

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Prepared by:


Megan Zimmershead
Office Specialist IV

Approved:


Kevin L. Riley
Director of Planning & Inspection

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