



City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, January 15, 2014 – 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. PLN2013-10117, Location: 1277 Lafayette Street/APN: 269-05-062; Rezoning from R1-6L (Single Family) to PD (Planned Development) allowing a second dwelling unit; and,
- **Item 8.C.:** File No. PLN2013-09854, Location: 865 Pomeroy Avenue/APN 290-23-052 Rezone from Moderate Density Multiple Dwelling (R3-25D) to Planned Development (PD) to allow a 20 unit apartment building;
- **Item 8.D.:** File No.(s) PLN2013-09776 / CEQ2013-01164, Location: 2121 Laurelwood Road, Rezone from Planned Development (PD) to Light Industrial (ML) allowing a self storage and U-Haul facility;
- **Item 8.E.:** File No. PLN2014-10203, Location: City-wide, Amendment to the Planned Development Zoning Ordinance, Title 18, Chapter 18.54 of the Code of the City of Santa Clara

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

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

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Alexander Abbe, 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 Champeny 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.

Sarah Doty, Santa Clara resident, requested placement on the Agenda to discuss residential construction hours. The Commission, Staff and Ms. Doty discussed the current guidelines and hours related to residential construction hours. Staff noted that the City Council would be the appropriate body to initiate review of the current policy and that the Planning Commission could only make recommendation on the topic at the request of the City Council.

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 December 10, 2013

Motion/Action: The Commission motioned to approve the Minutes of December 10, 2013, (6-0-1-0, Sweeney absent).

7.B. File No.(s):	PLN2013-10095
Location:	3127 Mission College Boulevard, APN: 104-16-112
Applicant/Owner:	Tomatina Restaurant/Lakha Properties Santa Clara, LLC
Request:	Amendment of Use Permit to expand sales and service from a Type 41 ABC License (beer and wine) to Type 47 ABC License (distilled alcoholic beverages), and to increase allowable indoor seating from 97 seats to 116 seats and outdoor seating from 12 seats to 16 seats
CEQA Determination:	Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner:	Jeff Schwilk, AICP, Associate Planner
Staff Recommendation:	Approve, subject to conditions

The Commission inquired if the Use Permit Amendment would necessitate any changes to the parking plan for the Mercado shopping center. Staff indicated that the Planned Development includes a parking plan that does not specifically allocate spaces to each retail space, but rather the entire shopping center. A parking analysis would be done only if an alteration to the

building was done.

Motion/Action: The Commission motioned to approve the Use Permit Amendment for the property located at 3127 Mission College Boulevard, (6-0-1-0, Sweeney absent).

7.C. File No.(s): **PLN2013-10131**
Location: 3948 Rivermark Plaza, APN 097-08-105
Applicant/Owner: Jarrod Cooper/RMV Holdings, Inc.
Request: **Use Permit** to allow the service of beer and wine sales (ABC License Type 41) at a proposed Smashburger restaurant 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**

The Commission inquired if approval of the Use Permit would necessitate any changes to the parking plan for the Rivermark shopping center. Staff indicated that the Planned Development includes a parking plan that does not specifically allocate spaces to each retail space, but rather the entire shopping center. A parking analysis would be done only if an alteration to the building was done.

Motion/Action: The Commission motioned to approve the Use Permit for the property located at 3948 Rivermark Plaza (6-0-1-0, Sweeney absent) with the following added condition:

1. Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages are served.

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2013-10117**
Address/APN: 1277 Lafayette Street/APN: 269-16-063
Applicant/Owner: Salvatore Caruso
Request: **Rezone** from R1-6L (Single Family) to PD (Planned Development) zoning to facilitate the construction of a second dwelling unit over a two car garage on a 6,500 square foot lot
CEQA Determination: Categorical Exemption per Section 15301, Class 1, Existing Facilities and 15303, Class 3 New Construction or Conversion of Small Structures
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 and mailed to property owners within 300 feet of the project site.

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

The Commission clarified the actions taken at the January 9, 2014, Historical and Landmarks Commission meeting.

The Commission discussed the parking requirements and the general number of two-story homes in the neighborhood of the project site.

The Commission discussed the proposal and the zoning standards that are applicable to the current R1-6L zoning. It was noted that several elements of the proposal do not conform to standard R1-6L zoning; however, the proposal is unique in that it is proposing two primary residences rather than an accessory structure.

The applicant, Sal Caruso, stated that the driveway of the project site has a legal reciprocal property agreement between the two property owners. Mr. Caruso presented two proposals, the first being a two-story proposal that was included in the Staff Report, and the other being a newly drawn one-story proposal that came as a result of discussion at the Historical and Landmarks Commission (HLC) meeting.

The Commission noted that the one-story proposal had not previously been reviewed by the HLC, staff, or members of the Planning Commission. Staff confirmed that the HLC did not request the revised proposal to come back for a subsequent meeting on the project.

The Commission inquired if the size of either the primary or secondary unit could be modified to achieve the setback requirements set forth in the R1-6L zoning. The applicant stated that the secondary unit is only 600 square feet and could not reasonably be reduced and did not want the size of the primary unit to be altered.

The Public Hearing was opened.

Sarah Doty, Santa Clara resident, stated that the description of the HLC meeting was not accurate in that the HLC indicated the intensification of property did have an impact on the neighborhood's historic resources. Ms. Doty added that parking and is a problem on Lexington Street and that the proposal does not meet the intent of the neighborhood.

The applicant, Sal Caruso, noted in a rebuttal statement that the proposal does comply with the General Plan and that zoning law allows this density. Mr. Caruso added that the driveway is 18 feet wide, which is wider than most Old Quad driveways, and accommodates more vehicles. Mr. Caruso stated that the project improves the current conditions with more parking, more yard space, and adds a small guest unit.

The Public Hearing was closed.

The Commission discussed the differences between a residence and an accessory unit, and using Planned Development (PD) zoning versus granting a Variance. Staff noted that while four parking spaces would normally be required, due to the small size of the secondary house, Staff has determined that a total of three parking spaces would be sufficient for the proposal. Staff also noted that the discretionary policy in the General Plan allows projects to move up or down one density level, meaning the proposal could use either Low Density or Very Low Density.

The Commission deliberated on the two proposals presented at the meeting, expressing concern for using PD zoning to waive many zoning standards. The Commission noted that properties in the Old Quad neighborhoods have many unique constraints and that making modifications to properties without the use of PD zoning is very difficult.

The Commission confirmed that the project, if approved by City Council, would be forwarded to the Architectural Committee for final design review.

A motion to approve the rezone using the original two-story proposal was made and discussed. It was noted that the project was noticed as a two-story proposal and that the Commission should continue the project if the desire was to move forward with the one-story proposal. It was also noted that Condition P 10 includes consideration of an alternate design. The motion

was amended to include a recommendation that the Council consider both the two-story and one-story proposals.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the rezone of the property located at 1277 Lafayette Street from R1-6L (Single Family) to PD (Planned Development) (4-2-1-0, Chahal and Ikezi dissenting, Sweeney absent) with the following added recommendation:

- 1) That the Council consider both the two-story and one-story proposals.

8.B. File No.(s): **PLN2013-10134**
Location: 2919 Mead Avenue, APN 216-28-089
Applicant/Owner: Walter Friedrich / PPF Orchard Industrial
Request: **Use Permit** to allow indoor play structure facility
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 and mailed to property owners within 300 feet of the project site.

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

The Commission inquired about the shelter in place program. Staff noted that the program is managed by the Fire Department and that the property is in compliance with the requirements.

The Commission noted that the parking for the area seems to be sufficient for the proposal, but expressed concern that the parking was not clearly identified on the plans.

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

Motion/Action: The Commission motioned to adopt a resolution approving the Use Permit for property located at 2919 Mead Avenue unanimously (6-0-1-0, Sweeney absent).

8.C. File No.(s): **PLN2013-09864**
Location: 865 Pomeroy Avenue, APN 290-23-052
Applicant/Owner: Dennis Chargin / Pomeroy PT, LLC
Request: **Rezone** from R3-25D (Moderate Density Multiple Dwelling) to PD (Planned Development) to allow a new 20 unit apartment building to be added to an existing 60 unit apartment complex
CEQA Determination: Categorical Exemption per Section 15332, Class 32 Infill Development
Project Planner: Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation: **Recommend City Council Approval, subject to conditions**

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

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

Kurt Kozlowski, representative for the applicant, stated that the ownership began to upgrade the interior of the existing units when they decided to bring forward a proposal to expand the

property. Mr. Kozlowski highlighted the proposal, indicating that the property currently does not offer one bedroom units and that the proposal adds housing variety to the site.

The Commission confirmed with staff that the proposal includes landscape work and that all requirements for tree replacement policies have been met.

The Public Hearing was opened.

Mike Gaunce, neighboring resident, expressed concern for increased traffic and parking on Quince and Pomeroy Avenues, which are very busy streets with limited parking. Mr. Gaunce also expressed concern about the location of the management office, removal of two large redwood trees, building height, and suggested that an alteration be made to the ingress and egress of the parking lot.

In a rebuttal statement, the applicant stated that the landscaping provides screening to alleviate privacy concerns. It was noted that the proposed landscape plan includes removal of the cypress trees that will be replaced with other tree species.

The Public Hearing was closed.

The Commission inquired if the project would cause significant increased traffic or parking impacts to which staff confirmed the project falls well below the threshold that would merit any concern or an environmental study. The Commission confirmed that the project will reduce street parking by four spaces and that the proposal does not include vehicle charging stations.

The Commission noted that the proposal includes removal of the existing pool and confirmed that the project will be reviewed by the Architectural Committee for final architectural approval.

The Commission discussed the existing cypress trees and expressed concern for removing healthy, mature trees for the sole purpose of replacing them with other species.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the rezone of the property located at 865 Pomeroy Avenue from R3-25D (Moderate Density Multiple Dwelling) to PD (Planned Development) unanimously (6-0-1-0, Sweeney absent) with the following recommendation:

- 1) Remove Condition P.8. from the Conditions of Approval requiring that the cypress trees be removed.

8.D. File No.(s):	PLN2013-09776 / CEQ2013-01164
Location:	2121 Laurelwood Road/ APN: 104-14-153
Applicant/Owner:	Jim Lorimer/ SPI Holdings, Inc.
Request:	Rezone from Planned Development (PD) to Light Industrial (ML); Use Permit to allow conversion and expansion of an existing legal nonconforming commercial warehouse use to a self storage facility with outdoor vehicle storage and leasing in conjunction with a reduced minimum on-site parking requirement.
CEQA Determination:	Mitigated Negative Declaration
Project Planner:	Debby Fernandez, Associate Planner
Staff Recommendation:	Recommend Denial to the City Council

Notice: The notice of public hearing for Item 8.D. was posted and mailed to property owners within 500 feet of the project site. Commissioners Champeny, Chahal, Costa, and Kelly disclosed a meeting with the applicant.

Discussion: Debby Fernandez gave a brief presentation on the project.

The Commission confirmed that the Planned Development (PD) zoning will expire at the end of 2014.

Jim Lorimer, applicant, gave a presentation on the project. Mr. Lorimer noted that while the zoning is set to expire, the intent is to expedite that process. It was added that the previously approved proposal has been heavily marketed with no indication of any prospective tenants and that U-Haul is ready to sign a lease agreement which will allow the applicant to move forward with sidewalk and landscape improvements.

The Commission confirmed that the Use Permit is necessary for outdoor storage of vehicles.

The Public Hearing was opened.

Rob Shannon, real estate professional, stated that the project location was ideal for what had previously been approved; however, too many other new developments were constructed at the same time making development of the proposal for this project site infeasible. Mr. Shannon added that U-Haul is a low impact project, but it's what is available in the current market and is an improvement to the current conditions.

Sarah Doty, Santa Clara resident, stated that zoning waivers are regularly granted for properties in the City and that this proposal was appropriate for the location.

Kevin Moore, Santa Clara resident, stated that not all properties can host big office buildings and that smaller projects need to be scattered in between. Mr. Moore added that the improvements provide benefit to the area and that the current proposal provides a quality use for a number of years.

James Rowen, Santa Clara resident, stated that a bird in the hand is worth two in the bush and urged the Commission to approve the Use Permit.

The Public Hearing was closed.

The Commission noted that the previous proposal provided excellent development potential, but that the current market had no demand for the project. The Commission stated that while the current proposal may not maximize the project site's full potential, it definitely provides an improvement to the status quo and provides a quality project.

Motion/Action: The Commission motioned to recommend that the City Council approve the Mitigated Negative Declaration for the property located at 2121 Laurelwood Road unanimously (6-0-1-0, Sweeney absent).

A motion to recommend approval of the rezone was discussed. The Commission noted that the PD zoning would expire in eight months regardless of action taken at this public hearing. The Commission confirmed that the project site has sufficient parking.

Motion/Action: The Commission motioned to recommend that the City Council approve the rezone of the property located at 2121 Laurelwood Road from Planned Development (PD) to Light Industrial (ML) unanimously (6-0-1-0, Sweeney absent).

Motion/Action: The Commission motioned to recommend that the Council approve the Use Permit for property located at 2121 Laurelwood Road unanimously (6-0-1-0, Sweeney absent).

It was noted that because the project was brought forward to Public Hearing with resolutions to recommend denial of the project, new resolutions recommending approval would be drafted and presented to the Commission for approval at its next regularly scheduled meeting.

8.E. File No.(s): **PLN2014-10203**
Location: City-Wide
Applicant/Owner: City of Santa Clara
Request: Amendment to the Planned Development Zoning Ordinance, Title 18, Chapter 18.54 of the Code of the City of Santa Clara
CEQA Determination: Exempt pursuant to CEQA Guidelines Section 15061(b)(3)
Project Planner: Yen Chen, Associate Planner
Staff Recommendation: **Recommend City Council Approval**

Notice: The notice of public hearing for Item 8.E. was published in the newspaper.

Discussion: Alexander Abbe gave a brief presentation on the project.

The Public Hearing was opened.

Sarah Doty, Santa Clara resident, stated that she was not in favor of the revised language and does not want waivers for setbacks, building heights, or other standard requirements for properties in the Old Quad neighborhood. Ms. Doty added that the Amendment looked applicable to office developments and the stadium project, but not single family homes and wants neighborhoods to keep residential R1 zoning.

The Public Hearing was closed.

The Commission discussed the proposed amendment and noted that it provides flexibility in all facets of the zoning code to address unique property needs. It was noted that the amendment was needed to help the City allow flexibility with an outdated Zoning Code while still maintaining legal defensibility for zoning actions related to Planned Developments.

The Commission discussed the language pertaining to General Plan conformity and the concern that the Code will not require strict conformance. Staff noted that the language provides flexibility to be able to approve projects that are good for the City but might not exactly match the General Plan. It was also noted that the flexibility is needed when policy documents such as the General Plan become out of date.

The Commission deliberated on the benefits of having flexibility versus the concerns of having subjective language as part of the Zoning Code. It was noted that each individual property and proposal is considered unique and that careful consideration should be applied in each and every application to make sure the flexibility is utilized in the best interests of the City.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve Amendment to the Planned Development Zoning Ordinance, Title 18, Chapter 18.54 of the Code of the City of Santa Clara (5-1-1-0, Champeny dissenting, Sweeney absent).

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 Chahal

- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and Ikezi
- Historic Preservation Ordinance Committee: Commissioners Chahal and Ikezi

iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training
- Planning Commissioners Academy: Commissioner Kelly
- APA National Conference: Commissioners Chahal, Champeny, and Ikezi

v. Follow-ups to Planning Commission Action/Requests

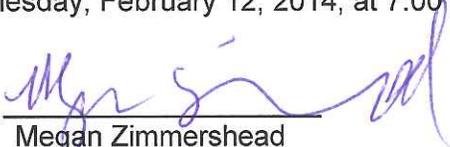
- Miscellaneous

vi. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 11:34 p.m. The next regular Planning Commission meeting will be held on Wednesday, February 12, 2014, at 7:00 p.m.

Prepared by:



Megan Zimmershead
Office Specialist IV

Approved:



Kevin L. Riley
Director of Planning & Inspection

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