City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, December 11, 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) PLN2013-09973, PLN2013-09977, PLN2013-09986, Location: 3051 Homestead Avenue, Rezone from Agricultural (A) to Planned Development (PD)
- **Item 8.B.**: File No. PLN2013-10051, Location: 554 Mansion Park Drive, Rezone a Historic Combining Zoning District (HT)

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, Deborah Costa, Yuki Ikezi, Steve Kelly, Keith Stattenfield, and Joe Sweeney. Commissioner Chahal was excused.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, Associate Planner Yen Chen, Associate Planner Jeff Schwilk, 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.

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 November 20, 2013

Motion/Action: The Commission motioned to approve the Consent Calendar unanimously (6-0-1-0, Chahal absent).

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

8. PUBLIC HEARING ITEMS

8.A.	**File No.(s)**:	**PLN2013-09973, PLN2013-09977, PLN2013-09986**
	Location:	3051 Homestead Avenue, a 0.69 acre parcel located on the north side of Homestead Road, approximately 175 feet west of Pepper Tree Lane, APN: 290-24-001; property is zoned Agricultural (A)
	Applicant/Owner:	Justin Mozart, Peninsula Communities, Inc.
	Request:	**Rezone** from Agricultural (A) to Planned Development (PD); Architectural Review in conjunction with a proposal to demolish an existing single family residential structure; and subdivide the site to develop up to (9) new two-story single family homes
	CEQA Determination:	Categorically Exempt per section 15332 - In-Fill Development Projects
	Project Planner:	Jeff Schwilk, AICP, Associate Planner
	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 500 feet of the project site.

Discussion: Jeff Schwilk gave a brief presentation on the project.

The Commission clarified that the project will go to the Architectural Committee for final architectural approval, including review of the second story windows for potential privacy impacts and the good neighbor fence.

The applicant, Justin Mozart, responded to a letter received stating that a masonry wall would be better for retaining the grade difference and have better sound barrier qualities. Mr. Mozart noted that his civil engineering team stated a standard good neighbor fence would be just as effective as a masonry wall.

The Commission clarified that a masonry wall is required on the perimeter of the project per the project Conditions of Approval. Staff clarified the location of the wooden good neighbor fence and the masonry walls.

The Commission inquired about the management of the collective property. The applicant stated that a Private Shared Agreement is being created for the common areas and good neighbor fencing. It was clarified that a Homeowners Association would not be formed and that the management of private issues including funds, insurance, and driveways would be dealt with through the agreements and individual homeowners. It was noted that the Private Shared Agreements would be recorded with the property and run with the land and that Condition P4 regulates the Covenants, conditions, and restrictions (CC&Rs).

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

The Commission noted that the applicant's tree report states that trees four and five are to be saved but those same trees have been evaluated and found to be in too poor of condition to be saved. The Commission clarified that the report reviewed by the Historical Landmarks Commission had since been updated and that the updated report is what was presented to the Planning Commission. It was also clarified that the City Arborist has not yet reviewed the most recent tree report prepared by the applicant.

A motion to recommend approval of the rezoning was brought forward for discussion. The Commission expressed concern for lack of a Homeowner's Association or specific information on the functions and limitations of the Private Shared Agreement and asked that City staff look into enforcement measures.

The Commission discussed revisions to the fencing of the property with regard to using masonry walls or wooden fencing. It was noted that the neighbors of the property have expressed opposing opinions on which type of fencing is preferred.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the rezone from Agricultural (A) to Planned Development (PD) for the project located at 3051 Homestead Road (6-0-1-0, Chahal absent) with the following recommendations:

1) Revise Condition P2 to read as follows: *Construct a new six-foot masonry wall on-site, along all exterior property lines of the project site. The Director of Planning and Inspection may modify this requirement to allow a six- or seven-foot good neighbor fence of alternative materials, including wood. The wall(s) shall not exceed three feet in height in the required front yards or the street side or corner lot side yards adjacent to key lots.*
2) The City Arborist shall review the latest tree evaluation and provide comments for City Council review.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the Tentative Subdivision Map for the project located at 3051 Homestead Road (6-0-1-0, Chahal absent).

8.B.	**File No.(s)**:	**PLN2013-10051**
	Location:	554 Mansion Park Drive [4750 Lick Mill Boulevard], APN: 097-08-100; property is zoned Planned Development-Historical Combining District (PD-HT)
	Applicant/Owner:	Gilbert Sanchez, FAIA / Jenny Wang Agent for Wei Bai
	Request:	**Rezone** a Historic Combining Zoning District (HT) to allow a pre-school and after school facility at the Lick Mansion; and to allow a film production and art studio at the Granary. The project includes a minor addition

	to the rear of the mansion, outdoor interpretative panel, outdoor play areas, and security fencing. This project is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating the Mansion and Granary buildings.
CEQA Determination:	Categorical Exemption per CEQA Section 15331, Historical Resource Restoration/Rehabilitation
Project Planner:	Yen Chen, Associate Planner
Staff Recommendation:	**Recommend City Council Approval**, 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: Yen Chen gave a brief presentation on the project.

A representative for the applicant, Gill Sanchez, project architect, gave a presentation highlighting the rehabilitation efforts and proposed changes for the project to support the new uses at the Lick Mansion and Granary.

The Public Hearing was opened.

Marty Dooey, resident of Mansion Grove, stated that he appreciates the preservation and restoration plan, but is concerned about the disruption caused by the construction activities. Mr. Dooey inquired where the fencing will be, noting fencing off the property would be a big loss to the community and that the new day care use will have impacts on the parking, traffic, and noise in the neighborhood. Mr. Dooey also expressed concern that the granary may be used as a residence by the two people who operate their studios on the property.

The Public Hearing was closed.

In a rebuttal statement, the applicant stated that there is ample parking for the Lick Mansion and that the Granary could not be used as a residence as it lacks a shower and kitchen.

The Commission and Staff clarified the location of the new fencing, which will be a security fence with limited access around the children's play area. It was noted that the Lick Mansion is private property and that the City only requires maintenance and public availability for limited periods of time, such as scheduled tour dates.

The Commission discussed the recent condition of the property, noting that the previous owner was unable to maintain the property and the City was struggling to enforce said maintenance. It was further noted that while the previous owner allowed use of the property by the public, it is not required because it is private property and the new owners are within their rights to change the public access to the property. The Commission clarified that the Lick Mansion property will still offer weekend parking for access to the small park, but that the property is private and therefore was not included in any other development's open space calculations.

The Commission expressed concern for the additional traffic created by the school operation. It was noted by staff that the pick-up and drop-off times will be staggered and that there is nearly twice the required parking spaces for the use on the property.

The Commission inquired about the use of the Mansion Grove driveway being used as access to the Mansion with the increased traffic. Staff noted that the increase in traffic is well below a threshold that would trigger concern by the traffic engineer.

A motion to recommend Council approval was discussed. The Commission sympathized with

the neighborhood in that a property that has been known to be fully accessible is changing to have limited access. It was again noted that the Lick Mansion is private property and that the new owners have been very accommodating with placement of the new fencing, leaving a large portion of the property still accessible.

The Commission applauded the applicant for the renovation and rehabilitation work and expressed appreciation for the money and effort required for that process. It was noted that the rehabilitation project is anticipated to take roughly nine months to complete.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the rezone of the Historic Combining Zoning District (HT) property to allow a pre-school and after school facility at the Lick Mansion and to allow a film production and art studio at the Granary (6-0-1-0, Chahal absent) with the following added recommendation:

1. The applicant shall submit a parking and circulation plan and have a one year review conducted upon occupancy of the Mansion.

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
- **v. Follow-ups to Planning Commission Action/Requests**
  - Miscellaneous
- **vi. Upcoming agenda items**

10. ADJOURNMENT

The meeting adjourned at 9:15 p.m. The next regular Planning Commission meeting will be held on Wednesday, January 15, 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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