The

City of Santa Clara

PLANNING COMMISSION MEETING MINUTES

Wednesday, February 8, 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. – Rezoning request for 1091 Fremont

1. PLEDGE OF ALLEGIANCE and INVOCATION

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

2. ROLL CALL

The following Commissioners responded to roll call: Chair Tony Marine, Commissioners Ian Champeny, Robert Mayer, Teresa O'Neill, and Keith Stattenfield. Commissioner Costa was absent and Commissioner Fitch was excused.

Staff present were Director of Planning and Inspection Kevin Riley, Assistant Planner II Payal Bhagat, Assistant City Attorney Julia Hill, 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 Marine 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. No comments were received.

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 14, 2011

7.B. Planning Commission Minutes of January 11, 2012

7.C. File No.(s): PLN2008-06947/CEQ2008-01060

Address: Proximate to 4900 Centennial Boulevard

Applicant/Owner: 49ers Stadium, LLC/City of Santa Clara

Request: General Plan conformity findings for vacation of

a portion of Centennial Boulevard

CEQA Determination: Environmental Impact Report (Previously certified on

December 8, 2009)

Project Planner: Kevin Riley, Director of Planning and Inspection

Staff Recommendation: Adopt Resolution for findings of conformity with the

General Plan

Motion/Action: The Commission pulled Item 7.B. to be continued to the meeting of February 29, 2012 and approved the remainder of the consent calendar with the following vote:

Item 7.A.: 4-0-2-1, Fitch and Costa absent, Champeny abstained;

Item 7.C.: 5-0-2-0, Fitch and Costa absent

8. PUBLIC HEARING ITEMS

8.A. File No.(s): PLN2010-08245

Address: 1091 Fremont Street, a 0.36 acre (15,958 sq.ft.) parcel

located at the northeast corner of Main Street and Fremont Street APN 269-15-024 (Continued from the January 11, 2012 Planning Commission Meeting at the

request of the applicant)

Applicant: Sal Caruso

Owner: Patricia Machado

Request: Rezone from R1-6L (Single-Family) to PD (Planned

Development) to facilitate the expansion and conversion

of an existing detached accessory structure into a

second dwelling unit.

CEQA Determination: Categorically Exempt per CEQA Section 15303

Project Planner: Payal Bhagat, Assistant Planner II

Staff Recommendation: Recommend Denial to the

City Council

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 for the meeting of January 11, 2012. Because this item was continued date certain to the meeting of February 8, 2012, the item did not require

additional noticing.

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

The applicant, Sal Caruso, stated that the DPR form provided by the consultant indicates that the structure with the proposed addition does meet the Secretary of Interior Standards, and also that the barn siding is original and historic in nature. Mr. Caruso further stated that the proposed project maximizes the historic potential for the site while retaining it's current use.

The Commission discussed with the applicant the letter from Honorary City Historian Lori Garcia, along with the statements made by the HLC and its Architectural Advisor Craig Mineweaser, regarding the findings presented in the DPR form.

The Commission discussed the low level of parking provided in the proposal and noted that through the PD rezoning reduced parking may be considered. It was also noted that the PD rezoning is necessary for the project as proposed to relieve the setback requirements for the accessory unit.

The Public Hearing was opened.

John Figueroa, neighboring resident, asked what considerations are being made for the neighbors of the project site. He also stated that the accessory unit should not be a habitable structure as it was never a legal use and that he opposes the approval of the use.

A neighboring resident expressed concern about the project and the excessive fence height. He also noted that the greenhouse was approved, but illegally converted, and that the exhaust problem described at the previous public hearing was fixed but left damage to the fence.

James Rowen gave a brief explanation of the hearing process to the students in the audience.

Kevin Park stated that his concern is not about historical aspect of house, but rather the use, as it does not conserve the purpose of building and lacks proper setbacks which disturbs neighbors. He further noted that the proposal will effect more than the property owner, but also neighbors and future property owners.

In a rebuttal statement, the applicant stated that the damage to the fence will be addressed. Mr. Caruso also noted that the barn has been used historically as a residence, but not with permits, and this proposal legalizes the use that has been present for quite some time. Mr. Caruso further stated that the greenhouse will have a five foot setback, which is compliant with current zoning law, but due to the historic nature of the barn and it's placement, setback requirements do not apply, and that the owners cannot afford to replace the unit elsewhere on the property.

The Commission confirmed that the safety concerns raised at the public hearing in September have been addressed and that the structure is not occupied and will not be unless and until it meets all life safety requirements.

Public hearing was closed.

The Commission deliberated the difficulty in making the findings required to approve the PD rezoning and the intensification of a use on a zero-setback structure when there appears to be other options. The Commission also expressed concern with regard to supporting the project as a significant historic structure when there were such significant differences among the experts.

Motion/Action: The Commission unanimously recommended that the request to rezone the

property located at 1091 Fremont from R1-6L (Single-Family) to PD (Planned Development) be denied (5-0-2-0, Costa and Fitch absent)

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 Mayer
 - Station Area Plan: Commissioner Champeny
 - General Plan sub-Committee: Commissioners Champeny and O'Neill
 - iv. Commission Activities
 - Commissioner Travel and Training Reports
 - CalAPA Basic Planning 101 Workshop Series
 - National APA Conference: Los Angeles, April 14-17, 2012
 - v. Upcoming agenda items
 - a. Planning Commission Procedures

10. ADJOURNMENT

The meeting adjourned at 8:58 p.m. The next regular Planning Commission meeting will be held on Wednesday, February 29, 2012, at 7:00 p.m.

Prepared by:

Megan Zimmershead

Office Specialist IV

Approved by:

Director of Planning & Inspection

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