



City of Santa Clara

**PLANNING COMMISSION
MEETING MINUTES**

Wednesday, April 10, 2013 – 7:00 P.M.

*** CLIMATE ACTION PLAN OPEN HOUSE 5:00 P.M. to 6:00 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.

OPEN HOUSE – 5:00 P.M. TO 6:00 P.M.

Introduction of the proposed City of Santa Clara Climate Action Plan (CAP). Staff and representatives from Pacific Municipal Consultants (PMC) were present to give information and answer questions related to the CAP.

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.C. File No.(s): CEQ2012-01146/PLN2012-09224/PLN2008-06880, Address: 2200 Lawson Lane – Rezoning/DA Amendment No. 1**

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 Ian Champeny was excused.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, Associate Planner Debby Fernandez, 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 Costa reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A. Withdrawals - None
- B. Continuances without a hearing – Item 8.D. was continued date certain to the meeting of May 29, 2013
- 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.

Tammy Seale of Pacific Municipal Consultants (PMC) gave a brief presentation on the Climate Action Plan.

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 March 13, 2013

The Consent Calendar was approved (5-0-1-1, Champeny absent, Costa abstained).

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

8. PUBLIC HEARING ITEMS

- 8.A. File No.(s):** **PLN2013-09654**
- Address/APN:** 2499 Homestead Road, a 3.6 acre parcel located at the northeast corner of Homestead Road and San Tomas Expressway and zoned Public, Quasi-Public and Public Park or Recreation (B); APN: 290-37-058
- Applicant:** Sal Caruso
- Owner:** First Presbyterian Church
- Request:** **Use Permit** to allow educational classrooms for a private school with K-12 students in addition to the existing assembly use (church)
- CEQA Determination:** Previously Adopted Mitigated Negative Declaration
- Project Planner:** Shaun Lacey, Assistant Planner II
- Staff Recommendation:** **Approve**, subject to conditions

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: Gloria Sciara gave a brief presentation on the project.

The applicant, Sal Caruso, stated that he agrees with Staff's recommendation to approve the Use Permit. Mr. Caruso addressed letters submitted in opposition to the proposal and stated that the Live Oak school has been in operation for roughly one year and the complaints seem to be targeted at the activities stemming from the previous school tenant. Mr. Caruso added that there was an environmental study conducted for this proposal and that all traffic issues are being addressed as required by applicable codes and standards.

The Commission discussed the existing traffic conditions at the project site and Staff confirmed that the Traffic Engineer had implemented a restricted right-hand turn during morning and afternoon peak hours to mitigate traffic impacts from people exiting the school parking lot.

The Commission inquired about the Conditions of Approval applied to the temporary Use Permit for this project site and whether those conditions had been carried over. Staff stated that the previous conditions still apply to the current school and that the conditions for this Use Permit will remain consistent with those issued for the temporary permit. It was noted that with a K-12 school that there may be some older students that drive vehicles to school which would utilize additional parking spaces.

The Public Hearing was opened.

Ayhan Mutlu, neighboring resident, stated that the traffic associated with Carden Academy was very congested and that there has been some improvement with the Live Oak school. Mr. Mutlu expressed concern that the Use Permit applies to the property and that if Live Oak were to leave, another school may come in with intensified traffic and safety problems. Mr. Mutlu added that the cell tower located on the property is bad for students' health.

Linda Clemzak, neighboring resident, stated that the proposal does not comply with the City Code because the use is detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use. Ms. Clemzak further stated that the neighborhood has seen two schools under the initial temporary permit and that making the permit permanent and allowing high school students presents the neighborhood with significant risk for an increase in noise and traffic issues.

Lisa Wright, neighboring resident, expressed concern about the permit becoming permanent as the traffic caused by Carden Academy was dangerous because parents did not do what they promised. Ms. Wright suggested adding "keep clear" white paint striping similar to what exists further down homestead. Ms. Wright added that she is concerned about the Use Permit allowing high school grade levels.

Becky Gilstrom, neighboring resident, stated that her home is located in close proximity to the trash enclosure which has had discarded mattresses on the ground for several months. Ms. Gilstrom added that her main concern is the noise generated by a school, as it gets very loud during the day.

Isheesh Jane, neighboring resident, stated that traffic is an issue because parents regularly make illegal u-turns. Mr. Jane added that intensifying the existing problems by making the permit permanent is a bad idea.

Mr. Caruso noted in his rebuttal statement that cell phone towers have not been scientifically proven to be hazardous or harmful. Mr. Caruso added that the Live Oak school has well educated students that do not have the typical behavioral problems seen at many schools. Mr. Caruso stated that the traffic has been mitigated to the extent identified in the traffic study and that he will honor the commitment to uphold these standards.

The Public Hearing was closed.

The Commission confirmed that the Use Permit proposal would allow a high school and that the City's Traffic Engineer would be able to re-evaluate the traffic study if the school changed to a high school only grade level as the demand on parking and traffic would change.

The Commission discussed the traffic in the area and mitigations in place, including the restricted right turn out of the driveway, and ideas for mitigations that could be added, including crossing guards, white paint-striping on Homestead Road in front of the school, and requiring traffic studies on a periodic basis. The Commission also expressed concern about the number of available parking spaces. Staff confirmed that no formal complaints have been received by the Planning and Inspection Department related to the existing temporary Use Permit, however it was noted by the neighbors in attendance that complaints were issued to the Police Department and to the Church administration.

The Commission confirmed that the Live Oak school has an active five year lease agreement that has potential for two additional five year extensions, for a 15 year total. The Commission then discussed the possibility of approving another temporary Use Permit rather than the proposed permanent Use Permit, and the effects the permanent proposal would have on the Conditions of Approval, including having to remove certain conditions related to infrastructure improvements.

A motion to deny the proposal was made. The Commission discussed the impacts the temporary permit has had on the neighborhood, including increased traffic and noise, and expressed concern for making the permit permanent and not properly addressing the problems that have occurred over the past two years. The motion was called to a vote and was unsuccessful.

The Commission further discussed the possibility of approving the permit on a temporary basis and adding annual reviews to the approval, acknowledging that doing so would remove conditions that would improve the project site. The Commission expressed concern for permanently approving a permit allowing a K-12 school use as existing problems may be intensified if and when a different school tenant moves into the project site.

The applicant stated that he would like the Commission to vote on a permanent Use Permit, not a temporary permit, and that he supports the idea of adding white paint striping to the portion of Homestead in front of the school.

Staff recommended that the Commission move forward with a motion for a permanent Use Permit that include a condition for periodic reviews as temporary Use Permits have many restrictions on what can be required as a condition of approval. It was noted that Use Permits do have a revocation process that can be utilized to address problems and revise the project conditions of approval if necessary.

Motion/Action: The Commission motioned to adopt a resolution approving the Use Permit for the property located at 2499 Homestead Road (6-0-1-0, Champeny absent) with the following added conditions and recommendations:

1. Staff shall work with the applicant to limit high school parking where appropriate.
2. Planning Commission shall review an annual on-and off-site traffic study provided by the applicant.
3. The applicant/owner shall provide point-of-contact information to nearby residents.
4. Recommendation that the Police Department monitor the area for traffic safety.
5. Recommendation that signage be installed along the school property to discourage vehicle parking, stopping and blockage of driveways.

8.B. File No.(s): **PLN2013-09613**
Address/APN: 3705 El Camino Real a 4.47 acre parcels on the north side of El Camino Real; APN: 213-34-010
Applicant: Lucas Tvrdik/Save Mart Supermarkets
Owner: Pero and Anka Margaretic
Request: **Use Permit** to allow a portable recycling facility as an ancillary use to an existing commercially-zoned property
CEQA Determination: Categorical Exemption per Section 153011, Class 11 Accessory Structures
Project Planner: Shaun Lacey, 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: Gloria Sciara gave a brief presentation on the project.

The applicant, Mike Rizzonico, stated that the recycling facility has been operating on-site for five years with the impression that the use was permitted. He added that the facility processes over three million containers, giving more than \$250,000 back to community members each year, and no complaints have been received regarding the operation of the recycling facility.

The Commission confirmed the operating hours of the facility are from 10:00am – 4:00pm, Tuesday thru Saturday as stated in the Conditions of Approval.

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 the project located at 3705 El Camino Real (6-0-1-0, Champeny absent).

8.C. File No.(s): **CEQ2012-01146 / PLN2012-09224 / PLN2008-06880**
Address/APN: 2200 Lawson Lane, two parcels totaling 16.04 acres at the northeast intersection of San Tomas Expressway and Central Expressway (APN: 224-44-015 & 023); properties are zoned PD (Planned Development)
Applicant/Owner: Sobrato Development Companies No. 70
Request: **Adopt Mitigated Negative Declaration, Rezone** from PD (Planned Development) to PD to amend a previously approved office campus development project to add 97,800 square feet of office area and 17,158 square feet of commons/amenity space, resulting in a total square footage of 638,958, on the Lawson Lane West Campus site, and approval of a 4:1,000 parking ratio; and Approval of Amendment No.1 to the Development Agreement allowing the additional proposed development
CEQA Determination: Mitigated Negative Declaration
Project Planner: Debby Fernandez, Associate Planner
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 as well as published in the March 27, 2013, Santa Clara Weekly newspaper.

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

The applicant, Rich Truempler, gave a PowerPoint presentation detailing the proposal.

The Commission inquired about the pedestrian bridge pictured in the presentation. Staff confirmed that the bridge is an optional design feature carried over from the previously approved project development plan for the site. The Commission discussed concerns related to the safety of pedestrians that may utilize the at-grade pedestrian crosswalk and emphasized a need for increased safety features.

The Commission inquired if the proposal was designed for single or multiple tenants to which the applicant responded that the campus was built to function for a single tenant, but could just as easily work for multiple tenants as well. It was noted that if the campus is leased to a single tenant that the demand for the at-grade pedestrian crosswalk would be increased, thereby increasing the need for additional safety features. The traffic consultant, Robert Del Rio of Hexagon Transportation Consultants, indicated that the traffic study identified data for vehicle trips in the area but did not have an estimated count for pedestrian traffic as the number would be wholly dependant on the particular tenant that leases the facility. Staff also informed the Commission that the at-grade pedestrian crosswalk across Lawson Lane was reviewed by the Santa Clara County Roads and Airports and Valley Transportation Authority; with no comments or added conditions.

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

The Commission inquired if the applicant intended on installing the optional elevated pedestrian bridge to which the applicant stated that the bridge was financially prohibitive as a speculative building and would likely only be installed at the request and expense of a prospective tenant.

The Commission engaged in additional discussion related to the safety of pedestrians using a crosswalk on a road that is a connector between two major expressways. The Commission discussed traffic calming methods that could be implemented to increase safety such as speed bumps, pedestrian sensors, and additional pedestrian barriers. It was requested by the Commission that Staff work with the applicant, and the County of Santa Clara if necessary, to adopt any additional appropriate measures to increase the safety of the crosswalk.

The Commission also expressed concern about the potential impact pedestrian crossing may have on traffic as vehicles coming to and from the major expressways will be required to stop for pedestrians. The Commission discussed the possibility of removing the crosswalk in it's entirety from the proposal to which the applicant requested that the crosswalk not be removed, as it would improve safety when compared to no crosswalk at all.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council adopt the Mitigated Negative Declaration for the project located at 2200 Lawson Lane (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) for the project located at 2200 Lawson Lane (6-0-1-0, Champeny absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the Amendment to the Development Agreement for the project located at 2200 Lawson Lane (6-0-1-0, Champeny absent).

8.D. File No.(s): PLN2012-09562
Address/APN: 1793 Lafayette Street Unit 200, a .77 acre parcel, located on Lafayette Street between Reed Street and Civic Center Drive, (APN: 224-29-021)
Applicant: Paco and Lindsay Dietz
Owner: Scott Cooley
Request: **Use Permit** to allow tattoo studio and art gallery in a 1,880 square foot tenant space in an existing multi-tenant industrial building
CEQA Determination: Categorical Exemption per Section 15301, Class I Existing Facilities
Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Approve**, 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: The public hearing was opened.

Staff informed the Commission that the applicant had requested that the project be continued to the Planning Commission meeting of May 29, 2013, to give the applicant additional time to evaluate business needs.

Motion/Action: The Commission motioned to continue the project date-certain to the Planning Commission meeting of May 29, 2013 (6-0-1-0, Champeny absent).

9. OTHER BUSINESS

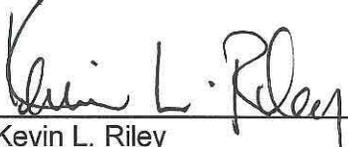
9.A. Commission Procedures and Staff Communications

- 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 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 10:05 p.m. The next regular Planning Commission meeting will be held on Wednesday, May 1, 2013, at 7:00 p.m.

Prepared by: 
 Megan Zimmershead
 Office Specialist IV

Approved: 
 Kevin L. Riley
 Director of Planning & Inspection

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