



MINUTES
Wednesday, June 10, 2015 – 7:00 P.M.

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.B.:** Location: 1086 Madison Street, Rezone from Historic Combining-Planned Development (HT-PD) to Planned Development (PD)

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

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

2. ROLL CALL

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

Staff present were Director of Planning and Inspection Kevin Riley, Development Review Officer Gloria Sciara, Assistant Planner II Shaun Lacey, Assistant Planner II Payal Bhagat, Assistant City Attorney Julia Hill, and Office Specialist IV Megan Valenzuela.

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 Stattenfield reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A. Withdrawals - None
- B. Continuances without a hearing – Staff noted that the applicant for Item 8.B. requested a continuance July 8, 2015. A motion to continue was unanimously passed.
- 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 20, 2015

Motion/Action: The Commission motioned to approve the Planning Commission Minutes of May 20, 2015 unanimously (6-0-1-0, Ikezi absent).

7.B. File No.(s): **PLN2015-10966**
Location: 1494 Halford Avenue, a 1.29 acre parcel located near the southerly intersection of Halford Avenue and El Camino Real, (APN: 313-05-011); project site is zoned CC (Community Commercial)
Applicant/Owner: Jim Yim / Lisa Moon
Request: **Use Permit** to allow the sale of beer and wine (Type 41 ABC License) for a restaurant
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**

Item 7.B. was pulled from the consent calendar. Chair Stattenfield recused himself from the item and stepped down from the dais.

The Public Hearing was opened.

Keith Stattenfield, neighboring resident, stated that the subject property's landscaping is insufficiently maintained, the parking lot needs to be restriped, and that some of the customer parking may be continuously occupied by tour busses non-related to the businesses.

The Public Hearing was closed.

The Commission and Staff discussed the issues and possible solutions. Staff indicated that Code Enforcement would review the issues raised and proceed with appropriate correction efforts. The Commission requested a follow-up report on the item.

Motion/Action: The Use Permit for 1494 Halford Avenue was approved (5-0-1-1, Ikezi absent, Stattenfield abstaining).

7.C. File No.(s): **PLN2015-11048**
Location: 2911 Pruneridge Avenue, a 0.58 acre parcel located on the north side of Pruneridge Avenue approximately 70 feet west of Cedar Way, APN: 293-21-022; project site is zoned B (Public – Quasi Public)
Applicant/Owner: Forest Park Cabana Club
Request: **Use Permit** to allow replacement of a neighborhood swimming facility building, swimming pool, and site work in a Public-Quasi Public (B) zone district
CEQA Determination: Categorically Exempt per CEQA Section 15302 – Replacement

Project Planner: or Reconstruction
Jeff Schwilk, AICP, Associate Planner
Staff Recommendation: **Approve, subject to conditions**

Item 7.C. was pulled from the consent calendar.

Deborah Smith, neighboring resident, handed out a letter to the Commission. Ms. Smith read the letter into the record, highlighting the lack of sufficient parking, expanded membership, and expanded swim club operations.

Shaun Lewis, neighboring resident, stated that the facility does not have enough parking and that the pool generates a lot of noise. Mr. Smith requested that the proposal not allow increased membership.

Ginger Dillon, neighboring resident, stated that the pool generates a lot of neighborhood traffic and that the facility does not have enough parking.

Colleen Hurley, neighboring resident, requested that the thick landscaping and pool equipment be maintained so as to continue to screen the noise generated by the pool and equipment.

Paul James, member of cabana club, stated that the board has significantly expanded the use of the community pool without the consent of the membership.

Greg Niven, President of Forrest Park Cabana Club, stated that the membership has not expanded as the maximum number of members has been 250 since it was formed in 1962. Mr. Niven added that the swim club membership is capped at 170, and also explained that the project includes expansion of the bathrooms for ADA compliance, deepening of the pool for code compliance, and a 300 square foot has been added by membership request. It was noted that a landscape company routinely parks its vehicles on Cedar Street, occupying 10 or more parking spaces at any given time.

The Commission confirmed with the applicant that the new pool equipment will be quieter than the existing equipment, and that the landscape will stay in place to help mitigate the noise.

Alan Dillon, neighboring resident, stated that the facility lacks sufficient parking. Mr. Dillon added that the swim team has been used to supplement costs for the pool and that the expansion will add more costs that will likely be supplemented through additional ventures such as swim lessons.

The Public Hearing was closed.

The Commission inquired if the landscape vehicles could be addressed through Code Enforcement. Staff indicated it depends on how the business and vehicles are licensed and registered, but that the issue would be looked into.

Motion/Action: The Commission motioned to continue the project to allow time for the applicant to meet with the community members to address issues raised (6-0-1-0, Ikezi absent).

7.D. File No.(s):	PLN2014-10822
Location:	3000 Mission College Boulevard, a 1,070 square foot lease area at the northwest portion of the 75.8 acre Mission College campus, APN: 104-16-115; property is zoned Public, Quasi-Public, and Public Park or Recreation (B)
Applicant:	Melissa Samarin, AT&T
Owner:	West Valley-Mission Community College District
Request:	Use Permit to allow installation of a new 70 foot monopole with antenna arrays and equipment enclosure
CEQA Determination:	Categorical Exemption per section 15303, New Construction or Conversion of Small Structures

Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Approve, subject to conditions**

Motion/Action: The Commission motioned to approve the Use Permit for 3000 Mission College Boulevard unanimously (6-0-1-0, Ikezi absent).

7.E. File No.(s): **PLN2014-10824**
Location: 410 North Winchester Boulevard, a 1.34 acre parcel located at the intersection of Winchester Boulevard and Sunny Vista Drive, APN: 303-02-013; property is zoned Professional Office (OA)
Applicant/Owner: James L Zak / Anine Untiedt
Request: **Design Review and Variance** to exceed maximum building coverage to allow exterior tenant improvements to an existing skilled nursing facility
CEQA Determination: Categorically Exempt per CEQA Section 15301, Existing Facilities
Project Planner: Shaun Lacey, AICP, Assistant Planner II
Staff Recommendation: **Approve**, subject to conditions

Motion/Action: The Commission motioned to approve the Variance for 410 North Winchester Boulevard unanimously (6-0-1-0, Ikezi absent).

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

8.A. File No.(s): **PLN2014-10538 / PLN2015-10906**
Location: 3772 Carlisle Avenue, a 6,732 square foot lot located approximately 100 feet east from the intersection of Giannini Drive and Carlisle Avenue, APN: 316-11-026; property is zoned R1-6L-Single-Family
Applicant: Georgiy Novisky
Owner: Xiaojian Yang
Request: **Appeal** of Architectural Committee's approval to allow the demolition of the existing 1,248 square foot home and construction of a new two-story 3,324 square foot five bedroom residence.
CEQA Determination: Categorically Exempt per CEQA Section 15303, New Construction or Conversion of Small Structures
Project Planner: Yen Chen, Associate Planner
Recommendation: Uphold the Architectural Committee's Approval

Notice: Notice for Item 8.A. was posted and mailed to residents within 300 feet of the project site.

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

Douglas Falk, appellant, stated that the proposal is not compatible with the neighborhood and does not confirm to the City's Design Guidelines as it is too large, has inappropriate massing and setbacks, and obstructs neighborhood privacy. Jeanne O'Grady provided a handout to the Commission. Ms. O'Grady stated that the windows in the proposed design look directly into her backyard and that the size of the proposal blocks sunlight from the yard.

Georgiy Novisky, representative of applicant, stated that the proposal had gone through several revisions to address issues raised during the public meetings. Xiaojian Yang stated that the application for this proposal was submitted in October of 2014 and that since that time, significant changes have been made to the proposal to accommodate concerns raised by neighbors. It was also noted that due to the age of the

neighborhood, any significant remodel will be incompatible with the existing neighborhood.

The Public Hearing was opened.

Michelle Connolly, neighboring resident, stated that she has gone through the process to remodel and expand her home; however, she is opposed to any proposal as large as the one proposed in the neighborhood.

In a rebuttal statement, Jeanne O'Grady stated the reason the application has taken as long as it has is because the proposal is a wrong fit for the neighborhood. Ms. O'Grady added that the City's Design Guidelines should have been followed so that the proposal would have been in keeping with the neighborhood.

The Public Hearing was closed.

The Commission discussed the balcony, window placement, and shading involved with the proposal and how those issues were addressed at the Architectural Committee. It was noted that the balcony was significantly reduced and that the window placement was adjusted; however, a shading study was not completed. It was noted that the City's Design Guidelines are not rigid requirements, but a guide to appropriate design. It was the conclusion of the Architectural Committee that the proposal was sufficiently compliant with the guidelines.

The Commission expressed sympathy for the situation and acknowledged that the proposal does present a change for the existing neighborhood. However, it was noted that the proposal is not beyond reasonable considerations.

The Commission and Staff discussed the height of the clear story windows, noting an inconsistency between what the Architectural Committee approved and what was noted in the Staff Report. Staff indicated that they would look into the issue and make sure that the Building Code would allow for a six-foot clear story window.

Motion/Action: The Commission motioned to adopt a resolution upholding the Architectural Committee's approval of the proposal for 3772 Carlyse Avenue (5-1-1-0, Champeny dissenting, Ikezi absent) with the following clarification:

- 1) Staff shall research the height of the clear story windows and said windows shall be as close to six-feet as allowed by the Building Code.

8.B. File No.(s):	PLN2014-10552
Location:	1086 Madison Street, a 5,542 square foot parcel located at the southwest intersection of Madison Street and Benton Street, APN: 269-20-103; property is zoned HT-PD-Historic Combining Planned Development
Applicant:	Robert Fitch
Owner:	Don Soukup
Request:	Rezoning from Historic Combining-Planned Development (HT-PD) to Planned Development (PD) to allow legalization of the conversion of the existing structure into two dwelling units.
CEQA Determination:	Categorically Exempt per CEQA Section 15301, Existing Facilities
Project Planner:	Payal Bhagat, Assistant Planner II
Recommendation:	Recommend approval, subject to conditions

Motion/Action: The Commission continued this item to July 8, 2015, under Agenda Item 5.B.

8.C. File No.(s):	PLN2014-10861, PLN2013-09730, and CEQ2013-01152
Location:	3333 Scott Boulevard, five parcels totaling a 30.2 acre site located west from the intersection of Scott Boulevard and Bowers Avenue, APN(s): 216-31-082, -083, -084, -085, & -086; property is zoned Light Industrial (ML).
Applicant/Owner:	Jane Vaughan, Menlo Equities

Request: **Variance** to allow an increase in the height of two office building to up to 196 feet where 70 feet is allowed to facilitate an increase from previously approved 735,000 square feet five four-story office buildings campus to total of building square footage of 1,350,713 developed up to twelve story buildings and adoption of a **Final Supplemental Environmental Impact Report**.

CEQA Determination: Supplemental Environmental Impact Report
Project Planner: Payal Bhagat, Assistant Planner II
Staff Recommendation: **Recommend approval, subject to conditions**

Notice: Notice for Item 8.C. was posted and mailed to residents within 300 feet of the project site.

Discussion: Payal Bhagat gave a brief presentation on the item.

Jane Vaughn, applicant, gave a history of the proposal, highlighting the changes included in the current proposal. Ms. Vaughn noted that the project will also include various transportation demand management (TDM) programs including shuttles and shared bicycles.

The Public Hearing was opened.

Suds Jain, Santa Clara resident, asked for clarification on the building height. It was noted the elevations showed eight stories at 150 feet, which is what is proposed. Mr. Jain inquired if the cafeterias would be restricted to the employees of the specific building they occupied. It was noted that the cafeteria would be open to the public.

The Public Hearing was closed.

The Commission discussed the findings necessary to approve the Variance, including finding unusual circumstances. It was noted that when the application was initially received and approved, the economy was in an unusual downturn that did not allow the applicant to develop the site to its full potential.

Motion/Action: The Commission motioned to adopt a resolution to certify the Supplemental Environmental Impact Report and adopt the Mitigation Monitoring or Reporting Program for the project located at 3333 Scott Boulevard unanimously (6-0-1-0, Ikezi absent).

Motion/Action: The Commission motioned to adopt a resolution to approve the Variance for the project located at 3333 Scott Boulevard unanimously (5-1-1-0, Stattenfield dissenting, Ikezi absent).

8.D. File No.(s): **PLN2015-10979**
Location: 754 Jill Avenue, a 8,856 square foot parcel located mid-block between Pruneridge Avenue and Fernwood Avenue, (APN 303-16-038); project site is zoned R1-6L (Single-Family Residential)
Applicant/Owner: Evelyn Nguyen / Daniel Ni
Request: **Variance** to allow a one-foot side yard setback for a 400 square-foot carport and 240 square-foot addition for a new second living unit
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: Notice for Item 8.D. was posted and mailed to residents within 300 feet of the project site.

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

The Commission confirmed the lot is large enough to have a secondary unit and that the existing garage is

legal nonconforming, but that modifications to the original construction require a Variance.

The applicant highlighted the different elements of the proposal, noting the restraints of the site due to the overall existing layout and landscaping.

The Commission confirmed with the applicant that the neighbor to the project site is aware of the application and has not expressed objection.

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

The Commission acknowledged that the project had unusual conditions as required by the findings for the Variance.

Motion/Action: The Commission motioned to adopt a resolution to approve the Variance for the project located at 754 Jill Avenue (6-0-1-0, Ikezi absent).

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- Farewell to Commissioners Champeny and Stattenfield. Formal recognition for the Commissioners will take place at the City Council meeting of June 23, 2015.

ii. Report of the Director of Planning and Inspection

- City Council Actions

iii. Commission/Board Liaison and Committee Reports

- Architectural Committee: Commissioners Stattenfield and Chahal
- Station Area Plan: Commissioner Champeny

iv. Commission Activities

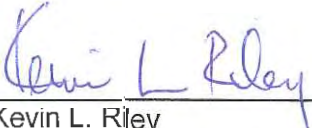
- Commissioner Travel and Training Reports; Requests to Attend Training

v. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 10:07 p.m. The next regular Planning Commission meeting will be held on Wednesday, July 8, 2015, at 7:00 p.m.

Prepared by: 
Megan Valenzuela
Office Specialist IV

Approved: 
Kevin L. Riley
Director of Planning & Inspection