



MINUTES
Wednesday, April 13, 2016 – 7:00 P.M.

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.

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.

8.A. File No.(s): PLN2015-11519 Location: 820 Civic Center Drive (Rezone)

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES

Commissioner Jain initiated the Pledge of Allegiance. Commissioner Sweeney read the Statement of Values.

2. ROLL CALL

The following Commissioners responded to roll call: Mike O'Halloran, Joe Sweeney, Steve Kelly, and Suds Jain. Chairwoman Deborah Costa, Commissioners Chahal and Ikezi were excused. Commissioner Kelly presided as Chair.

Staff present were: Development Review Officer Gloria Sciara, Assistant City Attorney Alexander Abbe, Acting Director of Planning and Inspection Sharon Goei and Acting Office Specialist IV Rosa Avalos.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Commissioner Kelly stated that 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

Commissioner Kelly reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES:

Commissioner Kelly informed the public that they have the right to continue an item if they would like to have more members of the Planning Commission present to hear their item and that all items heard tonight must be approved unanimously.

- 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 February 24, 2016.

Motion/Action: The Commission motioned to approve the Planning Commission Minutes of February 24, 2016, unanimously (4-0-3-0, Chahal, Costa, and Ikezi absent).

7.B. Planning Commission Minutes of March 23, 2016.

Motion/Action: The Commission motioned to approve the Planning Commission Minutes of March 23, 2016, unanimously (4-0-3-0, Chahal, Costa, and Ikezi absent).

7.C. File No.(s): **PLN2016-11736**
Location: 1998 Homestead Road, Unit 113, a 782 square foot tenant space within an existing shopping center located on a 0.73 acre lot located at southeast corner of Homestead Road and Scott Boulevard; APN: 269-24-043
Applicant: Jong Hee Shin
Owner: Jinhie Lee and Hakwoo Lee
Request: **Use Permit** allowing the sale of beer and wine at an existing restaurant (ABC Type 41 License)
CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner: Fahteen Khan, Assistant Planner I
Staff Recommendation: **Approve, subject to conditions**

Motion/Action: The Commission motioned to approve the Use Permit for the property located at 1998 Homestead Road, Unit 113 (4-0-3-0, Chahal, Costa, and Ikezi absent).

7.D. File No.(s): **PLN2015-11440**
Location: 3777 Stevens Creek Boulevard, Suite 300, a 1,191 square foot tenant space within an existing 38,266 square foot commercial building; APN: 303-23-035
Applicant: Alexei Smirnov, Central Properties
Owner: Sherry Yeung
Request: **Use Permit** allowing the sale of beer and wine (ABC Type 42 License) in an existing art studio
CEQA Determination: Categorical Exemption per section 15301, Class 1 Existing Facilities
Project Planner: Fahteen Khan, Assistant Planner I
Staff Recommendation: **Approve, subject to conditions**

Motion/Action: The Commission motioned to approve the Use Permit for the property located at 3777 Stevens Creek Boulevard, Suite 300 (4-0-3-0, Chahal, Costa, and Ikezi absent).

7.E. File No.(s): **PLN2016-11781/PLN2013-09935**
Location: 1460 Halford Avenue, a 2,667 square foot tenant space in an existing shopping center located on 1.18 acre parcel located at the intersection

Applicant: of Burnley Way and Halford Avenue
 Owner: Eun Mi Ko
 Request: Nicholas G Kadjevich Jr.
Use Permit Amendment to allow service of beer, wine and distilled spirits (ABC License Type 47) in conjunction with an existing full service restaurant
 CEQA Determination: Categorical Exemption per Section 15301, Class 1 Existing Facilities
 Project Planner: Greg Qwan Assistant Planner I
 Staff Recommendation: **Approve, subject to conditions**

The Commission expressed concern over the absence of bicycle racks on site. Staff clarified that this is an amendment to an existing approved Use Permit and that the applicant is only adding distilled spirits to the menu and the previous Conditions of Approval apply to this amendment, as well. The Commission and staff discussed options on whether or not installing a bicycle rack is feasible. Staff suggested that the bicycle rack be placed somewhere else in the shopping center, without the need to take up a parking spot.

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

A motion was made to approve the Use Permit Amendment, subject to adding a requirement that a bicycle rack be installed where staff deemed suitable, failed 3-1-3-0 (Sweeney dissenting). A motion was made to approve the Use Permit Amendment without the need to require a bicycle rack, failed (3-1-3-0, Jain dissenting).

The applicant volunteered to have a bicycle rack installed on-site as approved by staff.

Motion/Action: The Commission motioned to approve the Use Permit Amendment for the property located at 1460 Halford Avenue, with the voluntary agreement by the applicant to install a bicycle rack on-site, unanimously (4-0-3-0, Chahal, Costa, and Ikezi absent).

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

8. PUBLIC HEARING ITEMS

8.A. File No.(s): **PLN2015-11519**
 Location: 820 Civic Center Drive, a 0.36-acre parcel located at the southwest corner of Civic Center Drive and Alviso Street, APN: 224-29-022; project site is zoned PD (Planned Development)
 Applicant/Owner: Michael Fisher
 Request: **Rezone** from Planned Development (PD) to Planned Development (PD) allow the preservation of the existing house, on site and construction of three additional two-story single family homes and a detached garage. (Previous approval PLN2014-10615)
 CEQA Determination: Categorically Exempt per CEQA Section 15332 – In-Fill Development projects
 Project Planner: Jeff Schwilk, AICP, Associate Planner
 Staff Recommendation: **Recommend approval, subject to conditions**

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 project and highlighted a few aspects of the proposal including: that the number of units will not change just the size of one unit and its own lot; the removal of trees for this project, previously approved by the Commission; the retention of some larger trees and removal of some smaller trees; the condition that requires refurbishment of the historic house and that it will be available for sale at the same time as other units are available for sale; and the revisions to the subdivision map.

The Commission asked for clarification regarding removing and replacing the larger trees, the division of the lots, and the dedication of the right of way. Gloria Sciara clarified that the larger trees are staying and that there will be a requirement to replant 2 small trees for every one small tree removed. Ms. Sciara clarified that originally there were 3 lots with 4 houses, now 4 houses on 4 lots, and described the size of the lots. Ms. Sciara explained that the Historical and Landmarks Commission had recommended approval of the project on June 2015 and required a dedication for the right of way. The Commission asked for clarification on the EL3 and EL4 of the Conditions of Approval and whether or not they are conflicting. Ms. Sciara and the applicant, Michael Fisher, explained that the conditions are correct and that the current electrical service is established overhead but that the Electric Department wanted the applicant to reserve a space between the garage and the new lot unit for a future transformer so that the electricity can be underground at a later date. Ms. Sciara explained that this reservation is similar to the sidewalk reservation.

The applicant, Michael Fisher, discussed the three main changes from the last approved project, including, the new detached garage adjacent to the older house, the property line, and the size of unit 2 increased from 2 bedrooms to three bedrooms. Mr. Fisher explained that the project across the street, which is a 40-townhouse development, will build a driveway next to the house and he is interested in adding the garage as a shield between the driveway and the house. Mr. Fisher stated that the Historical and Landmarks Commission recommended eliminating the request for the 10 foot sidewalk dedication to the City and he is concerned about removing the remaining redwood tree when adding the sidewalk. Mr. Fisher expressed concern about the continuity of the sidewalk with the Mission Hotel adjacent to the property and would like to work out a solution with the City and the owners of the hotel.

The Commission asked whether the City would be responsible for the financial costs of the sidewalk and widening of the street if the adjacent lot was developed in the future. Staff and the applicant explained that it is a possibility to wait but there is a financial cost to the applicant since he would have to pay the covenant fee to the City. Mr. Fisher explained that he prefers to complete the improvements now rather than to pay a fee for a covenant allowing deferred improvements.

The Commission asked the applicant whether he would consider adding wiring for the charging of electrical vehicles inside the garage. Mr. Fisher stated that he is open to the idea. Sharon Goei, Acting Director of Planning and Inspection and Building Official, explained that the California Green Building Standards code requires new infrastructure for electrical vehicles for residential developments, depending on the number of units.

The Commission inquired about keeping the garages open, with the laundry inside the home, and about the possibility of adding overhead storage. Mr. Fisher explained that the laundry will not be inside garage and that they will have smaller, tankless water heaters but there is probably not enough space to add overhead storage. Mr. Fisher added that he is willing to look into adding the overhead storage if it is possible.

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

Commissioner Jain stated that he likes the project but he is concerned about parking and traffic and encourages anything done to help minimize those issues. Commissioner O'Halloran asked if the Historical and Landmarks recommendation could be added to the motion. Staff explained that this project still needs to be approved by the City Council and suggested that items E8 and E9 be pulled to add more discussion for the City Council report. Ms. Sciara explained that the City is looking into narrowing the streets and adding landscape edges as a buffer to catch water runoff but that it may need to be evaluated to make sure that it is compliant with City street improvements requirements for consistent street widths when development takes place.

Motion/Action: The Commission motioned to adopt a Resolution recommending that the City Council to approve a Rezone from Planned Development (PD) to Planned Development (PD) to allow for the preservation of an existing house and the construction of three additional two-story single family homes and a detached garage on four parcels, subject to conditions, unanimously (4-0-3-0, Chahal, Costa, and Ikezi absent).

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- ii. Ms. Sciara informed the Commission of the Joint Study Sessions scheduled for April 26, 2016 and May 3, 2016 and explained that the EIR may carry over, in which case, an additional meeting may be scheduled for the MCP discussion.

iii. Report of the Director of Planning and Inspection

- City Council Actions
 - Gloria Sciara reported on two items heard at the City Council meeting on April 5, 2016: the appeal of the drive-through on 2277 El Camino Real and the streets vacation at Franklin and Alviso Streets.
 - Ms. Sciara informed the Commission of the appointment of Ruth Shikada as the short-term Acting City Manager and the long-term appointment of Rajeev Batra to Acting City Manager.

iv. Commission/Board Liaison and Committee Reports

- Appointment of Board or Committee assignments
- Architectural Committee

v. Commission Activities

- Reports on Commissioner Travel and Training

vi. Upcoming agenda items

- Commissioner Requests to Attend Training - None
 - El Camino Real Discussion Panel – Thursday, April 14, 2016, 7:30 a.m. -10:00 a.m. in Mountain View

Motion/Action: The Commission motioned to approve the attendance of up to three Commissioners to the El Camino Real Discussion Panel workshop on Thursday, April 14, 2016, unanimously (4-0-3-0, Chahal, Costa, and Ikezi absent).

10. ADJOURNMENT

The meeting adjourned at 8:00 p.m. The next meeting of the Planning Commission meeting will be held on Wednesday, April 27, 2016 at 7:00 p.m.

Prepared by: 
Rosa Avalos
Acting Office Specialist IV

Approved by: 
Sharon Goei
Acting Director of Planning & Inspection