



PLANNING COMMISSION

January 24, 2018

**7:00 PM REGULAR MEETING
City Hall Council Chambers**

Items for Council Action

- **Agenda Item No. 6.A.:** PLN2017-12462, PLN2017-12463, PLN2017-12452 – 281 Serena Way
- **Agenda Item No. 8.A.1.:** Request by the Commission that Council approve City email accounts for each individual Planning Commissioner and to make meeting calendars public to increase transparency

1. PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES

Chairwoman Ikezi initiated the Pledge of Allegiance and Commissioner O'Halloran read the Statement of Values.

2. ROLL CALL

The following commissioners were in attendance: Raj Chahal, Yuki Ikezi, Suds Jain, Steve Kelly, Mike O'Halloran, and Lance Saleme.

The following staff were present: Deputy City Attorney Diana Fazely, Development Review Officer Gloria Sciara, Associate Planner Rebecca Bustos, and Office Specialist IV Rosa Avalos.

3. DECLARATION OF COMMISSION PROCEDURES

Chairwoman Ikezi read the Commission Procedures for those present.

4. CONTINUANCES/EXCEPTIONS

None

5. CONSENT CALENDAR:

5.A. Planning Commission Minutes of December 20, 2017.

Motion/Action: The Commission motioned to approve the Planning Commission Minutes of December 20, 2017, unanimously (6-0-0-0).

6. ITEMS SET FOR HEARING:

6.A. File: PLN2017-12462, PLN2017-12463, PLN2017-12452

Location: 281 Serena Way, a 8,539 square-foot lot, located on the west side of Serena Way, approximately 60 feet north of Stevens Creek Boulevard, APN: 294-35-020; property is zoned Single Family (R1-6L).

Applicant: Hanna Smolich

Owner: Bi Yun Liu

Subject: **Rezoning** from the R1-6L Single-Family Zoning District to the General Office (OG) Zoning District, **Use Permit** to allow the conversion of an existing single-family residence to daycare use with outdoor play area, with a *Minor Modification to allow a reduction to the required lot width in OG from 65 feet to 60 feet.*

CEQA Determination: Exempt per CEQA Guidelines Section 15303(c), New Construction or Conversion of Small Structures

Project Planner: Rebecca Bustos, Associate Planner

Staff Recommendation: Approve the Use Permit, subject to conditions

Item for Council Action Recommendation: Approve the rezoning

Notice for this item was posted within 500 feet of the property.

Associate Planner Rebecca Bustos presented the project. Ms. Bustos noted that section 2.A. of the Use Permit Resolution should state that the proposal would allow daycare instead of "auto sales, rentals, and displays..."

During the discussion, the Commission inquired about past code violations by neighboring car dealerships, easement proposal with the adjacent property, and traffic and parking concerns in the neighborhood. Staff stated that no formal complaints were received in the past about possible car dealership parking violations but Code Enforcement is now investigating their Use Permits. Ms. Bustos clarified that easements are binding to the land and transfer to new owners. Staff explained that traffic and parking concerns are the jurisdiction of the Engineering and Traffic Division.

The applicant, Bi Yun Liu, explained that she currently lives in the residence next door and wants to convert the subject residence to a childcare facility, which allows for a more structured program with more students. She explained that a survey of the community prior to the application process indicated support from many of the neighbors. In response to a question by the Commission, Ms. Liu explained that a previous complaint about using the property as an Airbnb was addressed with the tenant living in the property at the time.

The Public Hearing was opened.

Seven members of the public, Joe Mastroieni, Kate Slama, Jerry Brown, Mukesh Vardhan, Manish Rastogi, Sudhakara Reddy, and Brice McQueen, spoke against the project. The residents mentioned concerns about home devaluation when zoning changes from residential, increased traffic, disagreement with the CEQA determination, car dealerships parking in the neighborhood, impacts of surrounding neighborhood, safety issues, and stormwater requirements.

Two members of the public, Yu Su and Susan Chu, spoke in favor of the project stating that the traffic study indicates that current issues will not change or worsen with the proposed project. Ms. Chu, who was also the architect for this project, added a circular driveway to drop-off and pick-up is being proposed to mitigate traffic and parking concerns.

During the rebuttal Ms. Liu stated that the proposed project will not aggravate existing traffic conditions, according to the traffic study. She also explained the difference between a family daycare and a childcare facility, where converting the property to a childcare center will allow her to operate the business outside of her own home.

Commissioners expressing support of the project stated that traffic impacts in the neighborhood are likely caused by the car dealerships and agreed that additional signage, such as one or two hour parking limits, or other measures could help alleviate issues. They also stated that the circular driveway would make drop-offs/pick-ups more efficient. The need for daycare was mentioned but concerns about rezoning a residential area to allow for commercial operations were added. Commissioners were concerned about affecting the overall quality of life of residents in the area and did not think that they could make the findings to support the rezoning request.

Motion/Action: Commissioner O'Halloran made a motion, seconded by Commissioner Kelly, to recommend that the Council deny the Rezoning from R1-6L Single Family Zoning District to the General (OG) Zoning District, passed unanimously (6-0-0-0).

Commissioner Kelly made a motion, seconded by Commissioner Jain, to approve the Use Permit to allow for outdoor play area in the OG Zoning District, failed (3-3-0-0, Commissioners Chahal, Ikezi, and O'Halloran dissenting).

Motion/Action: Commissioner Chahal made a motion, seconded by Commissioner O'Halloran, to deny the Use Permit to allow for outdoor play area in the OG Zoning District, passed unanimously (6-0-0-0).

7. PUBLIC PRESENTATIONS:

None

8. REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

8.A. Announcements/Other Items

Commissioner O'Halloran mentioned a webinar from VTA for VMT measurements. Ms. Sciara stated that the webinar is available on YouTube.

- 8.A.1.** Formal petition by the Commission to request City email accounts to be used for all City communication by Planning Commissioners and to make public calendars available.

Motion/Action: Commissioner Jain made a motion, seconded by Commissioner Saleme, to request to the City Council that City email accounts be provided to each individual Planning Commissioner and to make meeting calendars public to increase transparency, passed unanimously (6-0-0-0).

B. Board or Committee Assignments

None

C. Architectural Committee

None

D. Commissioner Travel and Training Reports; Requests to Attend Training

Development Review Officer Gloria Sciara gave a report on the Planning Commission budget and stated that there are enough funds available to cover expenses for two Commissioners

for the upcoming National Planning Conference. She stated that the estimated cost for each would be between \$2100 - \$2400.

Commissioner Kelly requested approval from the Commission to allocate \$2600 to cover expenses for the National Planning Conference in April 2018 in New Orleans.

Motion/Action: The Commission motioned to approve the allocation of \$5300 for Steve Kelly and an additional Commissioner, if interested, approved unanimously (6-0-0-0).

9. DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

9.A. Upcoming Agenda Items

None


9.B. City Council Actions

Ms. Sciara reported that a consultant will be hired for Cannabis studies. She also mentioned the current Planning Commission vacancy which will be promoted at the Council meeting of February 6, with application deadlines for February 27 and interviews on March 6. Ms. Sciara stated that the Council requested that an HLC member be appointed to the list of stakeholders for the El Camino Real Community Advisory Committee. Ms. Sciara reported that the Council denied the appeal of the Sweet Doggies project, approving the project with limitation on hours. She added that an Early Consideration for a General Plan Amendment for 3005 Democracy Way was brought to Council for a potential of up to 6,000 housing units, and other land uses.

10. ADJOURNMENT:

10.A. The meeting adjourned at 9:12 p.m. The next regular scheduled meeting is on **Wednesday, February 14, 2018** at 7:00 PM in the City Hall Council Chambers.

Prepared by:


Rosa Avalos
Office Specialist IV

Approved by:


Andrew Crabtree
Director of Community Development