



**ACTION MINUTES  
REGULAR MEETING  
SARATOGA PLANNING COMMISSION  
Wednesday, March 11, 2015**

**REGULAR MEETING – 7:00 P.M. – CIVIC THEATER/COUNCIL CHAMBERS AT 13777  
FRUITVALE AVENUE**

**ROLL CALL**

PRESENT Commissioners Leonard Almalech, Wendy Chang, Kookie Fitzsimmons, Dede Smullen, Tina Walia, Acting Chair Pragati Grover

ABSENT None

ALSO PRESENT Erwin Ordoñez, Community Development Director  
Michael Fossati, Planner  
Justin Shui, Planner

**APPROVAL OF MINUTES**

Approve Action Minutes from the Regular Planning Commission Meeting of February 11, 2015.

**Action:**

**ALMALECH/WALIA MOVED TO APPROVE THE FEBRUARY 11, 2015 MINUTES.** MOTION PASSED. AYES: ALMALECH, CHANG, FITZSIMMONS, GROVER, SMULLEN, WALIA. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**NEW BUSINESS**

Application ELN14-0011 - 14586 Aloha Avenue (517-11-069); Courtney/ Steve Benzing Architect - Approve a major alteration of a nonconforming structure. Major Alteration means any work that is estimated to result in expenditure (cumulatively) of 20% to 50% of the estimated construction cost of the structure. The project will result in expenditure of approximately 48.9% of the estimated construction valuation of the existing structure.

**Action:**

**FITZSIMMONS/WALIA MOVED TO ADOPT RESOLUTION NO. 15-006 APPROVING THE PROJECT SUBJECT TO CONDITIONS OF APPROVAL.** MOTION PASSED. AYES: ALMALECH, CHANG, FITZSIMMONS, GROVER, WALIA. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

**PUBLIC HEARINGS**

1. Application VAR15-0001; 21090 Canyon View Dr. (503-28-065); Shang - The applicant is requesting a variance to replace an existing 500 sq. ft. carport with a new 500 sq. ft. two car detached garage within the rear setback. The height of the proposed detached garage would be no taller than 13 feet, 6 inches. The net site is 33,704 sq. ft. and the property is zoned for R-1-40,000. Staff Contact: Michael Fossati (408) 868-1212.

**Action:**

**FITZSIMMONS/CHANG MOVED TO ADOPT RESOLUTION NO. 15-004 APPROVING THE PROJECT WITH CHANGES TO THE CONDITIONS OF APPROVAL:**

- Remove conditions 10, 11, and 14.

MOTION PASSED. AYES: ALMALECH, CHANG, FITZSIMMONS, GROVER, WALIA.  
NOES: SMULLEN. ABSENT: NONE. ABSTAIN: NONE.

2. Application CUP 14-0008; 12230 Saratoga-Sunnyvale Rd / 386-30-039; Time-Space Investment Development LLC - The Planning Commission has requested modifications to the applicant's conditional use permit. The Commission may modify conditions or impose new conditions in order to preserve the public health, safety or welfare, or to prevent the creation or continuance of a public nuisance. Staff Contact: Chris Riordan(408)868-1235

**Action:**

**SMULLEN/CHANG MOVED TO ADOPT RESOLUTION NO. 14-053 APPROVING THE PROJECT WITH CHANGES TO THE CONDITIONS OF APPROVAL:**

- Amend condition 1 to state the following:  
**Continuing jurisdictions of Planning Commission and Director.** The Planning Commission and Director, as applicable shall, in all cases, retain continuing jurisdiction over each conditional use permit and may at any time, either independently or in response to an application or request to do so, modify or delete any conditions of a conditional use permit or impose any new conditions if the Commission or Director determines that such action is necessary in order to preserve a substantial right of the applicant, or to preserve the public health, safety or welfare, or to prevent the creation or continuance of a public nuisance, or where such action is necessary to preserve or restore any of the findings set forth in City Code Section 15-55.070. This Conditional Use Permit supercedes any other Conditional Use Permit associated with 12230 Saratoga-Sunnyvale Road (APN 386-30-039).
- Remove condition 8:  
~~**Six Month Review.** The Planning Commission will review this Use Permit at a regularly scheduled Planning Commission meeting in August 2015 to ensure that the holder of the permit has complied with all of the conditions of approval. In accordance with City Code Article 3-30 and Section 15-55.070, the Planning Commission may modify, delete or impose new conditions or revoke this conditional use permit at any time.~~
- Amend condition 9b to state the following:  
**Parking Hours.**
  - i. All parking including both staff and patron parking, shall be limited to the front parking lot along Saratoga Sunnyvale Road between the hours of 6:00am and 9:00am.
  - ii. ~~All staff and patrons arriving at 9:00pm or later in the evening shall parking in the front parking lot, unless the front parking lot is full.~~ Disabled parking is exempt from these requirements.
  - iii. The above conditions do not preclude parking in the event of an emergency.
- Amend condition 10 to state the following:  
**Business Entrance.** All staff and patrons shall enter the facility through the front entrance along Saratoga-Sunnyvale Road, between the hours of 6:00am and 9:00am ~~and after 9:00pm.~~ While maintaining the ability to freely exit the facility from any door at all times, the rear

door shall be locked to prevent entrance from the outside between the hours of 6:00am and 9:00am ~~and after 9:00pm~~. The foregoing condition does not preclude emergency access and egress.

MOTION PASSED. AYES: ALMALECH, CHANG, FITZSIMMONS, GROVER, SMULLEN, WALIA. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

## **ADJOURNMENT**

**WALIA MOVED TO ADJOURN AT 9:02 PM.** MOTION PASSED. AYES: ALMALECH, CHANG, FITZSIMMONS, GROVER, SMULLEN, WALIA. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.