

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

JUNE 8, 2021
REMOTE ON-LINE ZOOM MEETING

The Planning Commission meeting on June 8, 2021, was called to order at 7:30 p.m. by Acting Chair Ching and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present:

Vice Chair:	Stuart Ching
Commissioner:	Adam Buchbinder
Commissioner:	Nick Colvill
Commissioner:	Michael Krey
Commissioner:	Andrew Rivlin
Commissioner:	Alan Zisser

Commissioners Absent: Chair: Maggie Ostrowski

Staff Present:	City Manager:	Brian Loventhal
	Senior Planner:	Daniel Fama
	Assistant Planner:	Naz Pouya Healy
	City Attorney:	William Seligmann
	Recording Secretary:	Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Buchbinder, the Planning Commission minutes of the meeting of May 11, 2021, were approved as submitted. (4-1-2; Chair Ostrowski was absent and Commissioners Colvill and Rivlin abstained)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

COMMISSION DISCLOSURES

Acting Chair Ching asked the Commission if there were any disclosures for items on tonight's meeting agenda.

There were none.

PUBLIC HEARINGS

Acting Chair Ching read Agenda Item No. 1 into the record as follows:

1. **PLN-2021-159** Public Hearing to consider the **City of Campbell 2022-2026 Capital Improvement Plan (CIP)** for citywide projects for consistency with the Campbell General Plan. Staff is recommending that the project be deemed exempt under CEQA. Tentative City Council Meeting Date: June 15, 2021

Mr. Rob Eastwood, Community Development Director, provided an introduction:

- Explained that every year the CIP is reviewed by the Planning Commission for consistency with the City's General Plan.
- Said that additional staff is available for any questions about the CIP items including the Finance Director Will Fuentes, Accountant Norite Vong, Campbell Police Chief Gary Berg, and City Engineer Amy Olay.

Mr. Daniel Fama, Senior Planner, provided the staff report.

Acting Chair Ching asked if there were any questions for staff.

Commissioner Buchbinder asked how the locations for traffic calming projects are decided upon.

Ms. Amy Olay, City Engineer:

- Said that the traffic calming program was started a few years ago.
- Advised that a few locations have received traffic calming projects including speed bumps on both Ridgeley and Campbell Avenues and other items on Christopher Avenue.
- Explained that the process requires that a neighborhood submit to the City a petition requesting their specific traffic calming measures for their neighborhood.
- Added that it is hoping that with this CIP funding they will be able to continue with future traffic calming measures.

- Said that a request would indicate the list of streets to be included, studies of the requested area(s), collection of data and a survey of the impacted area(s) prior to installations.

Commissioner Buchbinder asked what happens to the project to extend the trail around the Pruneyard if CalTrans does not sanction it.

Amy Olay, City Engineer:

- Replied that staff is hoping that CalTrans will support that project as it is considered to be an important extension to the trail for the City.
- Added that were the extension not be allowed, the money budgeted in the CIP for it would be utilized for future bike and pedestrian improvements to be located in this same area of the City.

Commissioner Buchbinder:

- Stated that he was glad to see that Council has extended the parklet program in the Downtown.
- Questioned the project of the off-ramp project at Highway 17 and Hamilton Avenue, which would add a lane to the off ramp.
- Asked if this project is expected to improve existing congestion.

Amy Olay, City Engineer:

- Said that intent of that project is to upsize the 17/Hamilton off-ramp.
- Added that some developer contributions for this project have already been collected.
- Reported that this is a Measure B Project.

Commissioner Krey:

- Said he understands the Commissioner's purview on this review of the CIP for consistency with the General Plan rather than discussion of the specific projects.
- Advised that over-all he has no problem with the CIP and its consistency with the General Plan.
- Asked where the funding would come from for the Downtown Parking Guidance System.

Amy Olay, City Engineer:

- Said that the OPA development project underway in the Downtown is 30 spaces short for required parking. As such they have paid a mitigation fee, which was \$6,000 per space based on 2017 dollars.

Commissioner Krey asked why the funding for the Police Departments furnishings and equipment (FF&E) for the new station are not yet funded.

Will Fuentes, Finance Director:

- Said that the City has not yet identified how to pay for those expenses.
- Explained that the City is talking with the State about potential grant funding to pay for FF&E.
- Continued that if that State grant funding does not occur, we could take the funding out of the City's general fund. It is preferred to secure a State grant if at all possible.

- Added that we should know for sure by the end of June.
- Assured that staff does think we will be able to pay for the PD's FF&E.

Commissioner Krey thanked Director Fuentes and said it seems the need for the FF&E funding for the new Police facility is still a year or two away.

Commissioner Zisser:

- Said that while he understands the Commission is not supposed to comment on projects we support or do not support.
- Questioned whether the proposed purchase of an armored rescue vehicle for the Police Department can make the finding of consistency with the City's General Plan.
- Asked if there has been any research beyond what is provided within this CIP. Is there additional data supporting that purchase?

Gary Berg, Campbell Chief of Police:

- Advised that last year he received feedback when it came before the PC at that time. Since that meeting he had a video prepared answering questions about this purchase. Information was provided on NextDoor and the City's webpage. Additionally, a borrowed vehicle as proposed for Campbell was demonstrated in Campbell for interested residents.
- Added that there have been plenty of conversations.
- Concluded that this purchase is still being requested by the Police Department.

Commissioner Zisser asked Chief Berg if he could forward the link to the expanded information on the rescue vehicle to the Commission.

Chief Berg said he could do that.

Commissioner Colvill:

- Said that a big meeting was held a half a year ago at which time the Denny's incident was discussed.
- Reminded that Campbell had to borrow a rescue vehicle from a nearby city that day at Denny's to protect its officers in a standoff situation.

Commissioner Zisser:

- Stated that he has done some research and looked at past meetings and study sessions on this item.
- Assured his colleagues on the Commission that he does have some background and/or history on this subject.

Commissioner Rivlin:

- Questioned why the FF&E expenses for the Library are currently unfunded on this CIP.
- Admitted that he is confused as he thought the Library funding was coming from Measure O.

Will Fuentes, Finance Manager:

- Explained that the cost of FF&E cannot be paid from bond funds.

- Reiterated that just like the Police Department's FF&E already discussed, the Library's FF&E will either need to come from a State grant or from the City's general fund.
- Said that additionally the costs for the completion of the plaza area around the Library falls under the same financial constraints.

Acting Chair Ching:

- Said he has a clarifying question about the PD rescue vehicle.
- It seems that in last year's CIP document the cost was indicated as \$250,000. In the current CIP under review, that cost has jumped to \$313,000.
- Questioned the reason for the increase.

Mr. Norite Vong, Accountant:

- Reminded that the CIP is a five-year document.
- Explained that last year's CIP only included four of the five years for that project.
- Added that this year's CIP includes the costs for all five years.

Acting Chair Ching said it appears the life span for this rescue vehicle is about 15 years.

Norite Vong, Accountant, said he believes it is more likely 20 to 25 years.

Acting Chair Ching asked what the running costs are.

Chief Gary Berg:

- Replied that the running costs are \$12,000 per year.
- Added that the maintenance of this vehicle would be similar to other City-owned and maintained vehicles.
- Reminded that this vehicle is only intended for specific incidents as outlined in its own policy.

Acting Chair Ching opened the Public Hearing for Agenda Item No. 1.

Acting Chair Ching closed the Public Hearing for Agenda Item No. 1.

Commissioner Krey:

- Said that it looks as if everything on the CIP is consistent with Campbell's General Plan.
- Stated he has no problems with consistency.

Commissioner Buchbinder:

- Said that his questions have been answered.
- Added that he is excited about some of the things coming forward.

Acting Chair Ching sought clarification from staff that the PC's review for consistency is just for the new additions to the CIP and not the previously reviewed.

Planner Daniel Fama responded that technically they can comment on all of the projects of the CIP. However, the focus should be on the new additions to the CIP.

Acting Chair Ching:

- Reminded the PC that he voted against the CIP last year due to the inclusion of the armored vehicle.
- Said that he doesn't find the armored vehicle to be consistent with the General Plan.
- Added that he does understand the Police Department's need to protect its officers.
- Concluded that he is not in favor of Campbell purchasing that armored vehicle.
- Admitted that he is very concerned about whom that vehicle would be utilized against.
- Said that the best outcome would be that the vehicle never has to be used.
- Expressed concerns that the armored vehicle may be used when not appropriate, just because we have it.
- Said that many issues are related to law enforcement. Many issues are directly related to mental illness and drug abuse.
- Suggested that this money could be used in other ways to support law enforcement efforts.
- Stated that this armored vehicle would give the impression of the militarization of our Police.
- Concluded that it doesn't make him feel safe or secure.

Commissioner Zisser:

- Admitted that when he first read the agenda for tonight's meeting he didn't read the whole thing including the fact that the Commission is not supposed to comment on the appropriations themselves.
- Stated his agreement with Chair Ching's comments and wants to reinforce those concerns.
- Said he is in the same place as Chair Ching that this kind of expenditure is not one he can support.

Acting Chair Ching:

- Said that he understands the concerns raised.
- Stated that he had recently re-watched the tape of last year's CIP discussion before the PC in preparation for tonight's meeting on the CIP.
- Reminded that the focus for the PC is determining consistency of the CIP to the provisions of the General Plan.
- Suggested that supporting standards include an improved feeling of safety and effective emergency preparedness.
- Asked that the Commission consider Campbell PD's track record. We've had a military vehicle for 20 years now and have never misused it.
- Reminded that PD has drafted a policy for the use of that vehicle.
- Stated that it is unfair to link the misdeeds of police in other jurisdictions onto our plates.
- Said he is looking out for the best interest of the City of Campbell and its residents.
- Reiterated that the armored vehicle does reflect the goals and objectives of the City's General Plan.
- Advised that within a few years, the PD will need to replace its handguns. He understands that a lot of people don't like guns but Campbell's police officers are appropriately trained and equipped to provide public safety to the community.
- Said he hopes those against the need for an armored vehicle change their perspective on this.

- Elaborated that having such an armored vehicle allows police response to dangerous incidents in the most-timely manner.
- Recounted a situation from last year when someone was shot nine times. That person needed rescue. For a while, Campbell PD waited for the arrival of a neighboring city's armored vehicle for use in rescuing that victim. However, the borrowed vehicle arrived an hour later, by which time his officers had already put themselves in danger in order to remove that injured person from the path of further danger.

Acting Chair Ching:

- Stated that Campbell does not need to own such a vehicle.
- Added that if not spend on this armored vehicle that money can be spent on something else.
- Cautioned that the optics of Campbell having an armored vehicle may change Campbell.
- Said he understands that Chief Berg sees his department as a police service. With an armored vehicle, Campbell could instead be seen by the public as a police force.

Chief Berg clarified that the cost of the armored vehicle per year is \$15,000.

Commissioner Buchbinder asked Chief Berg if the police in place for use of the armored vehicle has been published somewhere where we can see it. Is it on the City's website?

Chief Gary Berg said it is on the City's website on the Police Departments page under "CIP Requests."

Commissioner Buchbinder thanked Chief Berg.

Commissioner Krey:

- Said that a year ago, he voted against the CIP because the armored vehicle was part of the CIP.
- Stated that this evening, Acting Chair Ching and Commissioner Zisser have made some good points about that same armored vehicle.
- Added that he has done research himself.
- Stated that every police force in every city needs to be cognizant of the optics of armored vehicles for policing.
- Said that the question remains, "Is it overkill?"
- Suggested that is a tough question. He understands the potential for an armored vehicle to help our police response to violent and active crimes that are underway.

Motion: **Upon motion of Commissioner Krey, seconded by Commissioner Rivlin, the Planning Commission moved to forward its recommendation to Council that the CIP be found consistent with the City's General Plan, by the following roll call vote:**

AYES: **Buchbinder, Ching, Colvill, and Rivlin**

NOES: **Krey**

ABSENT: **Ostrowski**

ABSTAIN: **Zisser**

Acting Chair Ching advised that this item would be considered by the City Council tentatively at its meeting of June 15, 2021.

Acting Chair Ching read Agenda Item No. 2 into the record as follows:

2. **PLN-2021-63** Public Hearing to consider the application (PLN-2021-63) of Greg Benton for a Site and Architectural Review Permit to allow a reduced second-story side-yard setback for an approximately 850 square-foot addition to an existing single-family residence, on property located at **1204 Monica Lane**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Daniel Fama, Senior Planner*

Mr. Daniel Fama, Senior Planner, provided the staff report.

Acting Chair Ching asked if there were any questions for staff.

Commissioner Zisser asked staff if the neighboring property has a standard side setback.

Planner Daniel Fama said it doesn't seem to be. Typically, the second floor is offset.

Commissioner Krey asked if there are any windows on the side facing the neighbor.

Planner Daniel Fama replied there are a couple of small windows.

Commissioner Krey said the second story looks fine. It is 42 percent as large as the first story.

Planner Daniel Fama:

- Said that we don't have a standard to cross compare homes.
- Added it is not a typical practice.
- Concluded that we don't want the second story to be too large or too small.

Commissioner Krey thanked Planner Fama.

Commissioner Zisser asked if there was any neighbor comment received about this proposed addition.

Planner Daniel Fama replied no. He added that the applicants had reached out to their neighbors.

Acting Chair Ching provided the Site and Architectural Review Committee report as follows:

- Reported that SARC was supportive of this application.

- Added that no privacy impact issues were there.
- Said the proposal is in keeping with the area and creates no massing impact. It is a nice design that is in keeping with the neighborhood.

Acting Chair Ching opened the Public Hearing for Agenda Item No. 2.

Steve Sears, Applicant and Property Owner:

- Said he has nothing to add.
- Stated he read the report and conditions of approval and they seem appropriate.
- Added that they want to be good neighbors.
- Said there is a two-story on the south side of their home.
- Advised that the only window on that shared elevation is one that is raised and intended to add natural light for the hallway.
- Said that there are new windows on the first-floor addition that will be there living room addition.

Acting Chair Ching closed the Public Hearing for Agenda Item No. 2.

Commissioner Buchbinder:

- Said he has nothing to add.
- Stated that this project looked good at SARC and now.
- Pointed out that the second story is not oddly shaped and there are no privacy impacts to the neighbors created by it.

Commissioner Zisser:

- Stated that the design is fine and consistent with its neighborhood.
- Added that this neighborhood is a mix of one and two-story homes. This home works well.
- Concluded he is good with this project.

Commissioner Krey agreed that there no design concerns and no privacy impacts.

Motion: **Upon motion of Commissioner Krey, seconded by Commissioner Zisser, the Planning Commission adopted Resolution No. 46___ approving a Site and Architectural Review Permit to allow a reduced second-story side-yard setback for an approximately 850 square-foot addition to an existing single-family residence, on property located at 1204 Monica Lane, by the following roll call vote:**

AYES: **Buchbinder, Ching, Colvill, Krey, Rivlin, and Zisser**
NOES: **None**
ABSENT: **Ostrowski**
ABSTAIN: **None**

Acting Chair Ching advised that this action is final unless appealed in writing to the City Clerk within 10 calendar days.

Acting Chair Ching read Agenda Item No. 3 into the record as follows:

3. **PLN-2021-57** Public Hearing to consider the application (PLN-2021-57) of Kimberly McCarty for a Conditional Use Permit to allow establishment of a dog training facility (South Bay Dog Training) within an existing tenant space on property located at **186 E. Sunnyoaks Avenue Suite C**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Naz Healy, Assistant Planner*

Ms. Naz Pouya Healy, Assistant Planner, provided the staff report.

Acting Chair Ching asked if there were any questions for staff.

There were none.

Acting Chair Ching opened the Public Hearing for Agenda Item No. 3.

Kimberly McCarty, Applicant, South Bay Dog Training:

- Thanked the Commission for considering the application of she and her business partner Nathalie Smith.
- Stated they are happy to come to Campbell and are both available for any questions.

Commissioner Krey:

- Announced that he is a “dog person.”
- Asked the applicant to elaborate on what the indoor containment (green area) is for.

Kimberly McCarty:

- Said it serves as a “potty” yard and multiple training areas.
- Stated that the expectation is that customers dogs eliminate prior to coming to class but they must be prepared for accidents that might occur and this area where the dog can be taken if needed.

Commissioner Zisser asked Ms. McCarty if they anticipate dogs eliminating in front of the building before entering their facility.

Kimberly McCarty clarified that there is a green space out front at curbside where the dogs could relieve themselves. The facility will put out clean up materials with the expectation their clients will clean up after their dogs. If that does not occur, they would make sure it is kept clean.

Acting Chair Ching asked if there were comments or questions from the Commission for the applicants.

There were none.

Commissioner Buchbinder:

- Pointed out that staff is recommending a wider range of operational hours than the applicant had requested.
- Asked if the draft resolution reflects staff's recommended hours.

Planner Naz Pouya Healy said that expanding the hours to the typical range for a commercial use will give this business opportunity for growth. They won't have to come back to the Commission later to adjust their hours.

Commissioner Zisser pointed out an existing eating establishment (deli) and wonders if there are no restrictions against having a dog training facility in the same commercial building that houses businesses with food service.

Planner Naz Pouya Healy said no. There are indoor requirements per Health Department that would restrict animals where food is being served but that applies to indoors. Outdoor dining establishments can allow animals to accompany their humans if the business itself so allows.

Motion: **Upon motion of Commissioner Krey, seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 46___ approving a Conditional Use Permit to allow establishment of a dog training facility (South Bay Dog Training) within an existing tenant space on property located at 186 E. Sunnyside Avenue, Suite C, by the following roll call vote:**

AYES: **Buchbinder, Ching, Colvill, Krey, Rivlin, and Zisser**
NOES: **None**
ABSENT: **Ostrowski**
ABSTAIN: **None**

Acting Chair Ching advised that this action is final unless appealed in writing to the City Clerk within 10 calendar days.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Rob Eastwood provided the following information:

- Advised the Commission of Council's actions taken on June 1st:
 - The City's parklet program has been extended by the Council for an additional 90 days. Further discussion will occur to determine if they should be extended beyond.
 - Said that the Council extended the local emergency status through _____.
 - The Housekeys contract has been extended for one year. This contract is professional services overseeing the City's BMR (below market rate) housing program.
- Said that he has been at Campbell for a week now.

- Added that he may be restructuring some of the report formatting and coverage. One goal is to strengthen the staff recommendations and have each report provide facts, rules and analysis of how and why those recommendations were reached.
- Stated that he is happy to be here. He is new to Campbell. His last job was Planning Division Manager for the County Planning Department, where he worked for six years.
- Said that while he is familiar with public hearings, Campbell's format is different for him. Campbell is an in-fill urban environment while County Planning often deals with wide-ranging projects.
- Concluded he would be available for questions.

Acting Chair Ching extended the Commission's welcome of Director Rob Eastwood. He added that he looks forward to some feedback from the Director on what we (the Commission) can do better.

Commissioner Buchbinder:

- Said he is happy to hear that Director Eastwood is willing to make changes.
- Asked what the Council's current position is on the work plan that was submitted by the Planning Commission for consideration in the next fiscal year

Director Rob Eastwood:

- Said he is aware that there are a lot of recommended items.
- Advised that final decisions will be wrapped into the budget adoption.
- Stated he would be happy to report back at the next PC meeting on June 22nd.
- Reported that an RFP (request for proposals) for the Housing Element Update will be considered by Council at its first meeting in July (July 6th).
- Said he doesn't have any answers now but there will be a strategic discussion by Council next week (June 15th). He encouraged members of the Commission to listen to that meeting.

Commissioner Buchbinder asked if Council meetings will continue to be remote. When might live meetings resume?

Director Rob Eastwood said that the intent is to resume live meetings in late August. They will likely be a hybrid meeting using both live and remote to accommodate more participation.

Commissioner Buchbinder asked if members of the Commission can email him with any of their questions that may come up.

Director Rob Eastwood replied yes.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:57 p.m. to the next Regular Planning Commission Meeting on June 22, 2021, which will likely be conducted on Zoom.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Stuart Ching, Acting Chair

ATTEST: _____
Rob Eastwood, Secretary