

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

7:30 P.M.

TUESDAY

MAY 14, 2019
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of May 14, 2019, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Acting Chair Rivlin and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present: Acting Chair: Andrew Rivlin
Commissioner: Stuart Ching
Commissioner: Terry Hines
Commissioner: Mike Krey
Commissioner: Maggie Ostrowski

Commissioners Absent: Commissioner: Michael L. Rich

Staff Present: Community
Development Director: Paul Kermoyan
Senior Planner: Daniel Fama
Senior Planner: Cindy McCormick
Assistant Planner: Naz Pouya
City Attorney: William Seligmann
Recording Secretary: Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Ching, the Planning Commission minutes of the meeting of April 23, 2019, were approved as submitted. (5-0-1; Commissioner Rich was absent)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

PUBLIC HEARINGS

Acting Chair Rivlin asked if there were any disclosures from members of the Commission.

There were none

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

1. **PLN2018-241** Continued Public Hearing to consider the application of Chris Morton for a Conditional Use Permit with a Parking Modification Permit (PLN2018-241) to legalize the establishment of a fitness studio (Extreme Fitness & Sports) on property located at **1600 Dell Avenue, Ste. C**. Staff is recommending that this project 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 Rivlin asked if there were questions for staff.

Commissioner Krey asked for clarification that there were no parking issues with this location.

Planner Daniel Fama replied correct. There have been no complaints.

Commissioner Ostrowski reminded that there had been concerns about the potential of safety issues without having accurate architectural plans for this location. With the plans provided were any safety issues discovered?

Planner Daniel Fama replied not thus far but the plans are pending further review.

Commissioner Ching sought assurances that the safety of the site would be confirmed prior to the tenant improvement (TI) plans being approved.

Commissioner Hines:

- Admitted that he has had some confusion with reviewing two similar applications in this area one being at 1600 Dell Avenue, Suite C, and the other at 1610 Dell Avenue, Suite S.
- Asked what other uses are currently occurring at 1600 Dell Avenue.

Planner Daniel Fama reported that some of the units are currently vacant. The other uses on site include a variety of warehousing and industrial uses.

Commissioner Krey said he was surprised to learn that the vacancy rate for industrial properties in Campbell is very low at 2.6 percent.

Planner Daniel Fama said that use of industrial sites includes varied and competing demands.

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

Chris Morton, Applicant and Business Owner, Extreme Fitness & Sports:

- Thanked all involved in working with his family on this application.
- Stated that their business is good for the City of Campbell and the surrounding area.
- Asked if the Commissioners had any questions on what it is they do.

Commissioner Hines asked Mr. Chris Morton what it is they do.

Chris Morton:

- Said that they work with youngsters to develop their coordination and confidence.
- Reported that his own children participate in his program as his son rehabs from knee surgery.
- Said they provide rehab for other agencies and offer young athletes a path to college athletics.
- Stated that they give youngsters hope for their future.
- Added that they do sports-science based research. It is cutting edge stuff.
- Advised that he has met with many City competent staff during this process including Director Paul Kermoyan, Planner Daniel Fama and Building Official Bill Bruckart as well as with an embracing and empathetic Planning Commission. He has been treated fairly by all.
- Expressed his thanks to Lance Miller, Owner of Crossfit San Jose. The two businesses cross refer clients as appropriate.
- Said he was available for any questions and that on behalf of his family and business he thanked everyone for their professionalism and support.

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

Commissioner Hines:

- Said that he walked around the building. This is a very viable business that's there and it looks like there is a high vacancy rate in the building as a whole.

- Stated that Mr. Morton is a very motivated businessman who brings revenue to himself as well as the City.
- Said he can support this time-limited use within this C-M (Controlled Manufacturing) Zoned property.

Planner Daniel Fama said that this approval would be for five years.

Commissioner Ostrowski said that she is supportive and thinks it is great to be able to work with this applicant and staff and to obtain the needed architectural plans.

Commissioner Ching:

- Stated that he agrees.
- Said that this use is a valid exception and that health and safety is being confirmed via their architectural plans.

Acting Chair Rivlin

- Said he agrees as well but it is important to scrutinize uses in any specific zoning.
- Thanked the applicant and staff for their work together
- Stated he would be supportive of this application.

Commissioner Krey:

- Said "ditto".
- Advised that he too is in support of this request.
- Stated the need to be careful when allowing uses not intended for a particular zoning district.
- Admitted that he was surprised to learn that the industrial vacancy space is so low.
- Reminded that per the staff report there is an intention not to have too many children drawn into industrial zones.
- Concluded that the Commission must be on top of its game if this comes up again.

Acting Chair Rivlin reminded that this is a five-year approval and with the on-going work of updating the General Plan allowed uses may change over time.

Motion: **Upon motion of Commissioner Krey, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4499 approving a Conditional Use Permit with a Parking Modification Permit (PLN2018-241) to legalize the establishment of a fitness studio (Extreme Fitness & Sports) on property located at 1600 Dell Avenue, Ste. C, by the following roll call vote:**

AYES: **Ching, Hines, Krey, Ostrowski and Rivlin**
NOES: **None**
ABSENT: **Rich**
ABSTAIN: **None**

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

Acting Chair Rivlin asked if there were any disclosures from members of the Commission.

There were none

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

2. **PLN2018-394** Continued Public Hearing (from the meeting of April 23, 2019) to consider the application of Elena Foxx for a Modification (PLN2018-394) to a previously-approved Planned Development Permit (ZC85-03) to allow a 174 square-foot addition to an existing single-family residence located at **1198 W. Latimer Avenue**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Tentative Council Meeting Date: TBD. Project Planner: *Cindy McCormick, Senior Planner*

Ms. Cindy McCormick, Senior Planner, provided the staff report.

Acting Chair Rivlin asked if there were questions for staff.

Acting Chair Rivlin asked if this application meets the HOA's requirements.

Planner Cindy McCormick said that the HOA has signed off. She added that two additional egress windows were added as required.

Commissioner Krey asked if the depicted fence on the plans is there now.

Planner Cindy McCormick replied yes but it will be extended with this project.

Acting Chair Rivlin reported that SARC was positive about this application.

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

Ms. Elena Fox, Applicant:

- Said that she was available if there are any questions.
- Verified that they would be adding additional fencing on the street side.
- Pointed out that this is a smaller lot.
- Advised that the placement of the addition was due to the owners wanting it to be connected to the master bedroom which is in that portion of the house.

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

Commissioner Ostrowski:

- Stated that this is a modest addition and meets the R-1-6 setback standards and matches the existing house and fits in within this neighborhood.

Acting Chair Rivlin asked staff what the trigger was in requiring this small addition to come before the Planning Commission.

Planner Cindy McCormick replied that the trigger was that this property is zoned Planned Development as part of a 1985 subdivision. Any addition or change to a PD would need to come before the Planning Commission for review and then City Council.

Commissioner Hines said that this small addition is replacing an existing shed of approximately the same size that will be removed.

Acting Chair Rivlin added that it will look better and be better architecturally.

Motion: **Upon motion of Commissioner Ching, seconded by Commissioner Krey, the Planning Commission adopted Resolution No. 4500 recommending that the City Council approve a Modification (PLN2018-394) to a previously-approved Planned Development Permit (ZC85-03) to allow a 174 square-foot addition to an existing single-family residence located at 1198 W. Latimer Avenue, by the following roll call vote.**

AYES: **Ching, Hines, Krey, Ostrowski and Rivlin**

NOES: **None**

ABSENT: **Rich**

ABSTAIN: **None**

Acting Chair Rivlin advised that this item would be considered by the City Council at an upcoming meeting for final action.

Acting Chair Rivlin asked if there were any disclosures from members of the Commission.

There were none.

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

3. **PLN2018-285** Public Hearing to consider the application of Lance Miller for a Conditional Use Permit with a Parking Modification Permit (PLN2018-285) to allow establishment of a fitness studio with late-night activities (CrossFit San Jose) for a five-year period on property located at **1610 Dell Avenue, Suite S**. Staff is recommending that this project 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 Pouya, Assistant Planner*

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

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

Commissioner Krey asked if the operational hours would be the same as currently.

Planner Naz Pouya said the hours are the same.

Director Paul Kermoyan clarified that they are extending their hours into weekends.

Commissioner Hines clarified that this use is moving from Suite A to Suite S.

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

Lance Miller, Applicant and Business Owner:

- Thanked everyone for being so helpful in executing a smooth process.
- Clarified that their original hours were 7 a.m. to 5 p.m.
- Reported that a partner business sharing the space – Rock Tape – has been sold for lots of money – joking that none of it was his.
- Stated that it is a pleasure serving Campbell since 2011.

Acting Chair Rivlin asked Mr. Lance Miller if he had ever considered changing his business name from CrossFit San Jose to CrossFit Campbell.

Lance Miller replied that the rights to use that name are already taken by another owner.

Acting Chair Rivlin closed the Public Hearing for Agenda Item No. 3.

Commissioner Ching:

- Said that the staff report summarizes this project well.
- Added that there are no problems with parking and this is an existing and successful business.

Commissioner Hines:

- Said that he was totally in support.
- Reminded that this is a building with problems in achieving full occupancy as seen by the existing unit vacancies.
- Concluded that this is a good business for this location.

Commissioner Ostrowski:

- Said that there are conditions with the Parking Modification Permit to limit occupancy to 21 persons at any time and requiring that 15 minutes after the end of a class before the next can begin will help manage parking allocated to this use.
- Stated that she too is in favor of this application.

Acting Chair Rivlin:

- Said he had similar concerns about parking but also agrees that there are enough conditions of approval in place to support this Parking Modification Permit.
- Concluded that he would support this request.

Motion: Upon motion of Commissioner Ostrowski, seconded by Commissioner Ching, the Planning Commission adopted Resolution No. 4501 approving a Conditional Use Permit with a Parking Modification Permit (PLN2018-285) to allow establishment of a fitness studio with late-night activities (CrossFit San Jose) for a five-year period on property located at 1610 Dell Avenue, Suite S, by the following roll call vote:

AYES: Ching, Hines, Krey, Ostrowski and Rivlin
NOES: None
ABSENT: Rich
ABSTAIN: None

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

Acting Chair Rivlin asked if there were any disclosures from members of the Commission.

Commissioner Krey advised that while he was visiting the project site this past weekend he ran into the business owner there and had a brief conversation with him.

Acting Chair Rivlin read Agenda Item No. 4 into the record as follows:

4. **PLN2018-298** Continued Public Hearing to consider the application of Ayesha Sikandar for a Site and Architectural Review Permit to allow the construction of a new approximately 3,976 square-foot two-story single-family residence on property located at **1113 S. San Tomas Aquino Road**. Staff is recommending that this project 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 Pouya, Assistant Planner*

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

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

Commissioner Hines pointed out that there were a number of large trees on this property and asked what the disposition was for those trees.

Planner Naz Pouya:

- Advised that there are two large cedars that are protected and intended to remain.
- Added that there are also two trees within the public right-of-way for which the applicant will be working with the City Arborist.
- Said that should those public trees have to be removed the applicant will be required to plant new street trees.

Commissioner Ching said that the two street trees that may have to be removed actually look pretty nice and don't appear to be in bad condition.

Planner Naz Pouya said that one of them is in worse shape than the other one. One is leaning on the other. The City Arborist's recommendation is for removal and replacement.

Planner Naz Pouya said that those trees would have conflicted with the original position of the driveway placement. The driveway was relocated as a result.

Commissioner Hines asked if the cost of replacement trees was borne by the city or the applicant and also if the Commission could request that the replacement trees be larger than a "twig".

Planner Naz Pouya said that street trees are under the purview of the Public Works Department. Planning deals with private property including their trees.

Director Paul Kermoyan said that if the Planning Commission would like to see larger replacement trees they should keep such a recommendation open to the discretion of the Public Works Director. A larger tree may not actually be the best option. Smaller trees tend to grow faster after planting than do larger trees.

Commissioner Hines said that he didn't want to restrict Public Work's ability to do their work.

Acting Chair Rivlin asked if the Commission could recommend protection of those two street trees.

City Attorney William Seligmann cautioned that the fate of these two street trees is not before the Planning Commission.

Acting Chair Rivlin suggesting putting it into the record to have the Community Development Director inform the Public Works Director of the Planning Commission's desire for larger trees as replacement for the removed street trees.

Director Paul Kermoyan said that if the trees don't need to be removed the Commission could recommend their retention.

Commissioner Hines said he would caution the Planning Commission from going against the City Arborist's recommendation.

Acting Chair Rivlin pointed out that one of the proposed trees for removal is in the way of the driveway. He suggested the careful placement of replacement trees.

Planner Naz Pouya said that's included in the proposal.

Commissioner Ostrowski pointed out that on the original floor plan there were two rental units depicted on this property. She questioned how that was possible on an R-1-9 property intended for a single family home.

Planner Naz Pouya said that some work (additions) was done on the property without permits which resulted in a Code Enforcement case. These extra units will be demolished and there will be just one house on this property.

Commissioner Krey:

- Reminded that this project was discussed at two SARC meetings.
- Added that this property is located on streets with two different characters with Munro Avenue being an old-time character street while San Tomas Aquino Road has larger and newer homes along it.
- Admitted it is tricky to make this home fit both characters.
- Reported that this applicant worked well with SARC and incorporated its suggestions. The setback on the Munro side was made much bigger.
- Said that this is a nicely-designed house.
- Pointed out that the size of the home has changed along the way. It was originally proposed at 3,730 square feet. It later went up by 10 percent to 4,099 square feet. Then it went down by 3 percent to the currently 3,976 square feet size presented tonight making it bigger than the original submittal.
- Opined that this home fits in better on S. San Tomas Aquino Road side than it does with the character along the Munro Avenue side.
- Advised that the applicant made a lot of changes to their design.
- Informed that the issue of trees was not discussed by SARC.
- Reiterated that the setbacks and nature of these two streets are so different.

Acting Chair Rivlin opened the Public Hearing for Agenda Item No. 4.

Ayesha Sikandar, Project Designer:

- Thanked the members of SARC and Planner Naz Pouya.
- Said it is her hope that this project passes and is approved.
- Stated that she is available for any questions from the Commission.

Commissioner Hines thanked Ms. Ayesha Sikandar for working so well with SARC and staff.

Ayesha Sikandar advised that as to the two street trees there is also uplift of the public roadway caused by these two street trees.

Acting Chair Rivlin closed the Public Hearing for Agenda Item No. 4.

Commissioner Ching:

- Said that he too appreciates the applicant working with staff and the changes they made.
- Stated that overall the design of the house looks good to him and he will support it.
- Admitted that he would like to see the two city trees retained if possible.

Commissioner Ostrowski:

- Said that it was great how the applicant worked with SARC and staff.
- Advised that she has concerns about the roof pitches. There are three different roof pitches that look un-integrated. The first floor roof doesn't conform to the look of the second floor roof.
- Added that the massing is a concern and the windows on the second floor are so large. The sills are so low.
- Reminded that the San Tomas Area Neighborhood Plan (STANP) strives for less massing.

Acting Chair Rivlin:

- Said that despite the concerns about character of the streets with San Tomas Aquino having higher traffic while Munro is a much quieter street.
- Pointed out that no one from the neighborhood showed up to object to anything.
- Reminded that this is a large lot and the applicant has worked to site the house on this lot correctly. The setbacks have been addressed.
- Suggested that perhaps the roof could consist of just two different pitches versus the current three.

Commissioner Ostrowski suggested bringing down the pitch of the roof on the second floor rather than on the first.

Acting Chair Rivlin asked if Commissioner Ostrowski's concern was height.

Commissioner Ostrowski suggested bringing down the roof pitch of both the second floor and the dormers.

Acting Chair Rivlin asked what the roof pitch was for the garage.

Commissioner Ostrowski said it is a 7 and 12 roof pitch on the garage.

Acting Chair Rivlin said he agrees with Commissioner Ostrowski and is just thinking about what changes the Commission should recommend.

Commissioner Krey said that this is a good point.

Director Paul Kermoyan:

- Asked whether this design looks massive and out of scale to the Commissioners. Is the rhythm off?
- Said that Commissioner Ostrowski says the roof pitches make this house look too large. If it does, what are ways to reduce it.
- Reported that staff felt it was an improvement.

Commissioner Ching agreed that there have been some improvements and that overall he is okay with this house as it is proposed. If it is important to at least consider modifications to the roof pitch it should be left to the applicant to work with staff.

Acting Chair Rivlin asked staff if it is feasible to have the Community Development Director and the applicant review the issue of massing of the roof.

Director Paul Kermoyan said that changes to the roof pitches can be considered and left to the discretion of the Community Development Director.

Acting Chair Rivlin added that in the event the changes are drastic perhaps it could go back to SARC.

Director Paul Kermoyan agreed that was possible.

Commissioner Ostrowski reminded of her concern over the larger size of the windows on the second floor that would infringe on the privacy of neighbors.

Acting Chair Rivlin said that he agrees that some of these larger windows have low sills for a second floor.

Commissioner Ostrowski said that usually larger windows are on a first floor serving living spaces.

Director Paul Kermoyan said that long rectangular windows are a part of the Farmhouse design. He said that they will have window coverings there. He said he knew he would if that was his home.

Commissioner Hines asked if the concerns over privacy are having occupants of this new home overlooking at neighbors from these larger windows.

Director Paul Kermoyan suggested another condition requiring the applicant and staff to look at the location and size of that bath window that is next to a shower.

Acting Chair Rivlin:

- Added that windows in a bathroom could be opaque.
- Asked if the neighbors on the San Tomas Aquino Road side of where these larger second story windows are proposed were supported by the neighbors along San Tomas Aquino.
- Reminded that there are no neighbors present in opposition this evening.

Commissioner Ching restated his desire to have the City Arborist reconsider the proposed removal of the two street trees. Is it really necessary to remove them? Can't they be retained?

Planner Naz Pouya said that the City Arborist can confirm whether he still thinks that these street trees need to be removed or if they can be retained.

Director Paul Kermoyan asked what if City Arborist determines these trees must be removed. Then what?

Commissioner Hines said that the size, location and species of replacement should be determined by the City Arborist.

Motion: Upon motion of Commissioner Ostrowski, seconded by Commissioner Hines, the Planning Commission adopted Resolution No. 4502 approving a Site and Architectural Review Permit to allow the construction of a new approximately 3,976 square-foot two-story single-family residence on property located at 1113 S. San Tomas Aquino Road, with the following addition conditions:

- Ask the applicant to work with staff to reduce the height and massing of the home by reducing the roof pitch(es);
- Review the second story windows including the bath windows to ensure privacy from outside and inside of the house; and
- Ask the City Arborist to determine whether the street trees can be retained and as such negate the need for their removal;

by the following roll call vote:

AYES: Ching, Hines, Krey, Ostrowski and Rivlin

NOES: None

ABSENT: Rich

ABSTAIN: None

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

MISCELLANEOUS

5. Election of the Planning Commission Chair and Vice Chair for the balance of 2019.

Motion: Upon motion of Commissioner Ostrowski, seconded by Commissioner Krey, the Planning Commission elected Commissioner Rivlin to serve as Planning Commission Chair for the balance of 2019. (5-0-1; Commissioner Rich was absent)

Motion: Upon motion of Commissioner Ostrowski, seconded by Commissioner Ching, the Planning Commission elected Commissioner Krey to serve as Planning Commission Vice-Chair for 2019. (5-0-1; Commissioner Rich was absent)

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Kermoyan had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:48 p.m. to the next Regular Planning Commission Meeting of **May 28, 2019**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Andrew Rivlin, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary