

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

7:30 P.M.

TUESDAY

JUNE 11, 2019
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of June 11, 2019, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Rivlin and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present: Chair: Andrew Rivlin
Commissioner: Stuart Ching
Commissioner: Terry Hines
Commissioner: Mike Krey
Commissioner: Maggie Ostrowski
Commissioner: Michael L. Rich

Commissioners Absent: None

Staff Present: Community
Development Director: Paul Kermoyan
Senior Planner: Daniel Fama
Senior Planner: Cindy McCormick
Associate Planner: Stephen Rose
City Attorney: William Seligmann
Recording Secretary: Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Rich, the Planning Commission minutes of the meeting of May 28, 2019, were approved as submitted. (5-0-0-1; Commissioner Ostrowski abstained)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Commissioner Hines advised that he might have a conflict of interest for Agenda Item 4 as he resides 900 feet from that location.

Chair Rivlin said that could be discussed and clarified during that specific public hearing.

PUBLIC HEARINGS

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

1. **PLN2019-36 (S&A)** Public Hearing to consider the application of Ken Chitgar for a Site and Architectural Review Permit (PLN2019-36) to allow the construction of a new 3,429 square-foot two-story single-family residence with a 448 sq. ft. attached garage on property located at **1436 Abbott Avenue**. 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: Stephen Rose, Associate Planner*

Mr. Stephen Rose, Associate Planner, provided the staff report.

Chair Rivlin asked if there were questions for staff.

There were none.

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

Shirley Chappell, Resident on Abbott Avenue:

- Directed a question towards the applicant as to whether they would have in-wall vacuum system. If so, where would the exhaust pipes be located? She had the same question in terms of exhaust for the water heater.
- Reported that she had suggested that the air conditioning unit be placed at the back but they said no.
- Added that she offered to move a tree that the applicant didn't like.
- Stated her desire for a new fence and declared that he (applicant) should pay for it due to the inconvenience for her during construction of his home.

Chair Rivlin asked staff to respond to Ms. Chappell's comments.

Planner Stephen Rose:

- Said that the plans don't indicate any exhaust pipes on the side Ms. Chappell is considering.
- Added that the required setback from a shared property line is three feet. As proposed it would be set back by 10 feet off the property line.
- Explained that there is no requirement for a fence on a residential property except in a few certain circumstances such as securing a pool.
- Advised that consideration of when a fence is replaced and who pays for it are civil matter questions.
- Clarified that for homes that are located adjacent to commercial or industrial properties there is a standard fencing requirement to separate the differing uses when the commercial use is established at that location.
- Reminded that there is an existing fence that the applicant wants to keep. It is off the property line in a couple of places.
- Reported that the trees in front that are proposed for removal are messy and are proposed for removal as a courtesy to the neighbor.

Chair Rivlin restated that the sharing of cost for fence replacement must be decided by the two residential property owners sharing that fence.

Director Paul Kermoyan:

- Said that it is a civil matter rather than one for this Planning Commission.
- Clarified that is unless a finding can be made that the lack of adequate fencing adversely impacts the health, safety or welfare of these properties. If so, the Commission could elect to condition the replacement of the existing fence. If that finding cannot be made there is no basis to require that a new fence be installed.

Commissioner Krey provided the Site and Architectural Review Committee report as follows:

- Stated that SARC was in favor of the project.
- Added that it was considered to be of nice design, with good setbacks, and in line with the surrounding mass and scale except a bit bigger.
- Reminded that the proposed setback for the air conditioner is far further than Code requires.
- Said that this is a pretty good project and that there are no privacy impacts.

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

Commissioner Rich said that he was in favor of this project as proposed.

Commissioner Ching:

- Said he has a similar comment.
- Referenced the tree in front slated for removal and proposed that the applicant be required to replace that tree with a protected-species tree to ensure its retention into the future.

Chair Rivlin said he would support that recommendation.

Commissioner Krey said that the tree is being removed at the request of the neighbor and it is not in great shape.

Commissioner Ostrowski reminded that the standard for parcels within the STANP (San Tomas Area Neighborhood Plan) jurisdiction have one tree for every two thousand square feet of lot size.

Planner Stephen Rose said that the 10 existing trees on this property far exceed the requirements. He cautioned that there are utilities in the area in question (front yard).

Commissioner Ching reminded that the General Plan encourages the retention of existing trees. Removal of mature trees has an impact on the appearance of the street.

Commissioner Ostrowski said she too supports conditioning the replacement tree be a protected species as long as its placement is compatible with the surrounding utilities.

Chair Rivlin pointed out that Tree 11 is indicated as a Palm. There are better options to a Palm and perhaps a protected species.

Commissioner Hines said he supports that recommendation as well.

Commissioner Ostrowski:

- Said that this home has a nice design and meets the zoning codes.
- Agreed that most of the comments have been addressed.
- Supported a motion to include replanting with a protected tree to help meet the City's tree goals.

Motion: **Upon motion of Commissioner Ostrowski, seconded by Commissioner Ching, the Planning Commission adopted Resolution No. 4510 approving a Site and Architectural Review Permit (PLN2019-36) to allow the construction of a new 3,429 square-foot two-story single-family residence with a 448 sq. ft. attached garage on property located at 1436 Abbott Avenue, with an additional condition of approval requiring that a replacement tree for the Albizia tree being removed in the front yard be of a protected-species, by the following roll call vote:**

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

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

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

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

2. **PLN2019-20 (S&A)** Public Hearing to consider the application of Mike Ma for a Site and Architectural Review Permit (PLN2019-20) to allow for the construction of a 3,477 sq. ft. single-story single-family residence with a 647 sq. ft. attached garage on property located at **804 Emory Avenue**. 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: Stephen Rose, Associate Planner

Mr. Stephen Rose, Associate Planner, provided the staff report.

Chair Rivlin asked if there were questions for staff.

Chair Rivlin asked if there are any objections to three-car garages contained within the San Tomas Area Neighborhood Plan (STANP).

Planner Stephen Rose said that the garage frontage should be less than fifty percent of the home's frontage and the front door entrance should be the dominant feature.

Commissioner Krey provided the Site and Architectural Review Committee report as follows:

- Reported that SARC was pretty favorable about this project and found it to have a nice design. The setbacks are fine. There are a couple of nice trees albeit not of protected species.
- Added that the applicant has saved one of the trees.
- Concluded that this is a pretty solid project.

Chair Rivlin asked if staff could confirm the tree.

Planner Stephen Rose replied yes. It's an Elm and is in the front to the left.

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

Audrey Kiehtreiber, Resident on Walnut Drive:

- Advised that she is the President of STAAC (San Tomas Area Community Coalition).
- Stated that this is a great project and the applicant has made changes as requested by SARC including adding more articulation.
- Admitted that while the area usually doesn't like three-car garages the applicant has worked to integrate his into his design and this will be a great new home.

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

Commissioner Hines stated his appreciation for the applicant's work with the community and receiving their feedback.

Commissioner Ostrowski said she echoes the comments of both Audrey Kiehtreiber and the SARC report and is in support of this project.

Commissioner Ching said he too agrees and suggested that this applicant, like the first applicant this evening, be required to replace any trees being removed with a protect-species tree on a one-for-one basis. Remove one tree and plant one protected-species tree. Remove two trees and plant two protected-species trees.

Chair Rivlin said he supports the suggestion that if two trees are removed they should be replaced with two protected-species trees.

Planner Stephen Rose pointed out that this is a larger lot zoned R-1-16.

Commissioner Ching asked whether an application process would be required if the applicant chooses to remove the retained tree in the future.

Planner Stephen Rose replied yes.

Chair Rivlin asked if the retained tree can be cut down later.

Planner Stephen Rose explained that to do so would be a violation of the conditions of approval as the retained tree becomes a part of the approved site plan.

Chair Rivlin suggested letting the applicant remove both trees and replace them with two new protected-species trees.

Commissioner Ching suggested adding into the conditions of approval that in the event the second tree (retained as part of this project approval) is to be removed later, the owner will be required to replace that tree with a protected-species tree at that time.

Director Paul Kermoyan restated Commissioner Ching's suggestion that it is the expectation of the Planning Commission that if the retained tree is to be removed at a later date, that tree must be replaced with a protected-species tree.

Chair Rivlin asked what if both are removed during construction? If both are removed during construction would only one replacement tree be required?

Planner Stephen Rose replied yes.

Chair Rivlin said he prefers requiring two replacement trees if two trees are removed.

Commissioner Krey said that key question seems to be requiring the replanting of a protected-species tree when non-protected trees are being removed. He reminded that power lines in the immediate area are an existing issue with the existing trees.

Chair Rivlin pointed out that Bedroom 2 has its own bath but it is a half bath with just a sink and toilet. That seems weird.

Commissioner Ostrowski said she had noticed that as well but believes that issue (interior floor plan) is not within the Commission's purview.

Commissioner Rich asked what their concerns are with that half bath attached to a bedroom.

Commissioner Ostrowski said it is atypical. It's more like a guest bath/power room than a bathroom connected to a bedroom.

Chair Rivlin said this is their prerogative. He said he has no problem with the fact that the half-bath for Bedroom 2 includes no bath or shower. It's just unusual.

Director Paul Kermoyan reported that there is nothing in the Code to prevent having a bathroom with every bedroom. However, if the floor plan looks like it is being set up as multiple individual units, staff would call that out.

Planner Stephen Rose said he understands this will be a multi-generational home but the applicant or architect could provide more information.

Chair Rivlin said he likes the home's architecture and is supportive of this project with the added tree conditions.

Commissioner Hines pointed out that this parcel requires 12 trees and currently only have about seven trees.

Director Paul Kermoyan reported that regarding the two trees currently in the front yard, if they remove one there is no condition for replanting. However, if they remove both that's when replanting is required.

Chair Rivlin said that this property has always had two trees in front and as such they should keep two trees in front.

Motion: **Upon motion of Commissioner Ching, seconded by Commissioner Krey, the Planning Commission adopted Resolution No. 4511 approving a Site and Architectural Review Permit Site and Architectural Review Permit (PLN2019-20) to allow for the construction of a 3,477 sq. ft. single-story single-family residence with a 647 sq. ft. attached garage on property located at 804 Emory Avenue, with the requirement that if the two front yard trees (one or both) is removed they shall be replaced on a one-for-one basis with the placement of protected-species tree(s) as approved by the Community Development Director, by the following roll call vote.**

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

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

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

3. **PLN2019-44 (MOD)** Public Hearing to consider the application of FirstElement Fuel for a Modification (PLN2019-44) to a previously approved Conditional Use Permit (PLN2017-123) to allow separation of an approved project (service station/convenience store remodel and new hydrogen fueling facility) into two phases, on property located at **337 E. Hamilton Avenue**. 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: Daniel Fama, Senior Planner*

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

Chair Rivlin asked if there were any questions for staff.

Commissioner Ostrowski asked if there are any changes from the previous approval other than the proposed phasing of the project.

Planner Daniel Fama said no except for the transition of one gas pump into a propane pump.

Commissioner Krey asked if there is any downside to a two-phase project such as inconvenience of construction duration with the project split into two times.

Planner Daniel Fama said that the applicants had voluntarily merged their two separate project aspects into one project during their original submittal.

Chair Rivlin asked if there is any negative impact on the City. Do they pay additional fees?

Planner Daniel Fama replied yes. There are additional Planning and Building fees imposed with the separation of this project into two phases.

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

Dr. Shane Stephens, Applicant, FirstElement:

- Thanked staff and the Planning Commission for their consideration.
- Pointed out that they are two separate businesses – the gasoline service station and the hydrogen fueling station.
- Reported that his business is dependent on grant money from the State and there are strict timelines that must be met to retain those grants.

- Extended his thanks to staff for coming up with a solution.

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

Motion: Upon motion of Commissioner Krey, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4512 approving Modification (PLN2019-44) to a previously approved Conditional Use Permit (PLN2017-123) to allow separation of an approved project (service station/convenience store remodel and new hydrogen fueling facility) into two phases, on property located at 337 E. Hamilton Avenue, by the following roll call vote.

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

NOES: None

ABSENT: None

ABSTAIN: None

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

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

4. **PLN2018-295 (CUP)**
PLN2018-297 (VAR) Public Hearing to consider the application of Jeffrey Eaton for a Conditional Use Permit (PLN2018-295) with Site and Architectural Review to allow for the conversion of a residence into an office building, a 117 square-foot addition to the converted office building, construction of a new 2,417 square-foot storage building, increase in fence height, changes to site circulation and onsite parking, and a Variance (PLN2018-297) to allow for a reduction in landscaping requirements and driveway width onsite on property located at **920 S. McGlincy Lane**. 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: Stephen Rose, Associate Planner

Mr. Stephen Rose, Associate Planner, provided the staff report.

Chair Rivlin disclosed that he previously worked with the applicant on a project in 2017. He's no longer with the company he then worked at. He asked the City Attorney if this represents and sort of a conflict in his participation in this item.

City Attorney William Seligman advised this does not serve as any sort of a conflict for him to participate in this item

Commissioner Rich asked if there have been any complaints.

Planner Stephen Rose advised that one neighbor expressed their happiness with the efforts of these new owners to clean up this property.

Commissioner Hines asked how the proposed landscaping is assured to be maintained rather than allowed to die off.

Planner Stephen Rose:

- Said that landscaping maintenance is subject to Code Enforcement of the conditions of approval.
- Added that staff is proposing modification to Condition 14 to allow this business to park their marked company vehicles on site overnight but allowing no other type of outdoor storage.

Commissioner Krey provided the Site and Architectural Review Committee report as follows:

- Said that SARC was fine with the conversion of this former house into an office building.
- Pointed out that there is a residence behind this site.
- Reported that this applicant complied with SARC requirements including a new tree in back and some additional landscaping at the front.
- Added that the applicant will provide an outdoor space for their approximately four employees including a picnic table and place to relax.

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

Jeffrey Eaton, Project Architect:

- Extended his thanks to staff for helping to cut through any red tape.
- Said that Planner Stephen Rose has diligently worked on this project and is great at making things make sense.
- Explained that to one side, there is a bus yard. To the other side is a dated industrial site.
- Stated that their proposed landscaping will provide a larger buffer for the frontage as well as at the rear that abuts to residential uses behind their site.
- Advised he would be available for any questions.

Chair Rivlin thanked Mr. Jeffrey Eaton for working with Planner Stephen Rose on this proposal.

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

Commissioner Rich said he was in favor of this proposal as is with a modification to Condition 14 to allow the parking of marked vehicles on site overnight while no other outdoor storage being allowed.

Commissioner Hines offered recognition of the applicant's efforts for landscaping at the back of the property to help buffer it from their residential back neighbors. Asked staff what is "the value to the City" with this project?

Planner Stephen Rose replied that this project helps to resolve an active code enforcement case by converting this residence located within an industrial zone into an office building to support an industrial use. Other than that, there is no financial benefit.

Commissioner Ching said he supports Commissioner Rich's recommendation to strike a portion of Condition 14 to allow overnight parking of marked vehicles in their parking lot but no other type of outdoor storage being allowed.

Chair Rivlin said he is generally supportive. This project makes sense and helps resolve a code enforcement issue. It also keeps a business in Campbell.

Motion: **Upon motion of Commissioner Ostrowski, seconded by Commissioner Ching, the Planning Commission adopted Resolution No. 4513 approving a Conditional Use Permit (PLN2018-295) with Site and Architectural Review to allow for the conversion of a residence into an office building, a 117 square-foot addition to the converted office building, construction of a new 2,417 square-foot storage building, increase in fence height, changes to site circulation and onsite parking, and a Variance (PLN2018-297) to allow for a reduction in landscaping requirements and driveway width onsite on property located at 920 S. McGlincy Lane, with the modification to Condition 14 to allow marked vehicles to remain in the parking lot but with no other outside storage being allowed, by the following roll call vote.**
AYES: **Ching, Hines, Krey, Ostrowski, Rich and Rivlin**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

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

Chair Rivlin read Agenda Item No. 5 into the record as follows:

- 5 **PLN2018-148** Public Hearing to accept comments from interested public
 . **(CEQA)** agencies, organizations, and individuals on the adequacy of
 the project-level Draft Environmental Impact Report (DEIR)
 prepared for the proposed Dell Avenue Office Building on
 property located at **1700 Dell Avenue**. The proposed project
 would redevelop the project site with a 161,870-square-foot
 4-story office building, a 146,478-square-foot 5-story parking
 garage with one level of underground parking, a
 9,511-square-foot public open space area, and related
 surface parking, landscaping, and site improvements. The
 proposed project would also require a Zoning Map
 Amendment to rezone the property from Controlled
 Manufacturing (C-M) to Planned Development (P-D). Project

Planner: *Cindy McCormick, Senior Planner*

Ms. Cindy McCormick, Senior Planner, provided an introduction and turned the report over to the environmental consultant, Steve Noack, from Placeworks, who is here this evening the Mark Spenser, the consulting traffic engineer, from M-Trans.

Mr Steve Noack:

- Provided an overview of what an EIR (Environmental Impact Report) is.
- Described an EIR as an informational document that discloses information on impacts on the environment and provides mitigations.
- Added that an EIR gives alternatives to the proposed project.
- Reported that an EIR must be certified before a project can be approved.
- Described the process as including:
 - A scoping period
 - A 45-day public review period that allows the public and agencies to provide comments or concerns.
 - Advised that they would not be responding to questions this evening until the final EIR is prepared.
 - Stated that they look at a full range of topics including aesthetics, air quality, biological resources, cultural resources, tribal cultural resources, geology and soils, greenhouse gases, hydrology and water quality, land use and planning, noise, population and housing, etc.
 - Advised that there are potential impacts for categories including air quality, biological resources, cultural resources, tribal cultural resources, hazardous and noise.
 - Reported that transportation impacts cannot be fully mitigated.
- Described three alternatives they have placed in the DEIR.
 - No Project Alternative
 - Existing Zoning Alternative
 - Reduced Intensity Alternative
- Said that there will be a Mitigation Monitoring and Reporting Program that outlines who, when and how mitigations will be monitored.
- Explained that the most impact will be during construction via dust and exhaust. Mitigations will include use of “best management practices” to reach a level of “less than significant.”
- Stated that impacts under biological resources include the potential for interference with nesting and/or flying birds. The recommended mitigations include modifications to the design to help reduce risk of bird strikes against the new building.
- Reported that under Cultural Resources, there is potential for discovering human remains and/or archeological artifacts. The same potential exists to discover artifacts associated with Tribal Cultural Resources.
- Said that as to Hazards/Hazardous Materials, there is possibility of locating asbestos which would have to be properly abated if found.
- Said that noise impacts would likely be from construction and those impacts would be mitigated using notification and best practices.

- Explained that as to Transportation the intersection at San Tomas Expressway and Highway 17 southbound ramps is rated as “unacceptable” and as having an unavoidable significant impact with or without the project.
- Explained that the southbound SR 85 freeway segment from Saratoga Avenue to Winchester Boulevard is also rated as unacceptable with the project.
- Advised that this off-ramp is under Caltrans’ jurisdiction and the San Tomas Expressway intersection is operated by the County, not the City.
- Advised that these improvements are not a part of existing planned Measure B projects and that a fair share contribution cannot be calculated since the cost for the unfunded improvement is not known.
- Stated that the next steps include the conclusion of the public comment period on June 12th (day after this meeting). Responses to all questions/comments received from the public and from agencies (including any on comment cards and provided orally at this meeting) will be included within the final Environmental Impact Report (EIR). The Planning Commission will consider the final EIR later this year.
- Concluded that comments can continue to be forwarded to Planner Cindy McCormick by email at cindym@cityofcampbell.com or by regular mail at Community Development Department, 70 N. First Street, Campbell, CA 95008, until the end of day on June 12th to be included together with a response as a part of the final EIR.

Chair Rivlin asked if the Commission can ask questions about mitigations or environmental impacts.

Director Paul Kermoyan suggested they state their questions in order to have answers included within the final EIR.

Chair Rivlin disclosed that representatives from the Santa Clara County Audubon Society spoke with him recently about this project.

Commissioner Rich:

- Questioned the proposed parking count of 736 and asked what parking is there currently to serve the 318 employees working on this site.
- Asked when this project itself would be coming before the Planning Commission.

Steve Noack replied that the timing will depend upon the volume of comments that will require response. They anticipate about four weeks preparing the written responses to questions. Therefore it will likely be into the Fall.

Commissioner Rich questioned how it was determined that reducing the size of the building to 60 percent is the preferred alternative? There are currently 318 employees.

Steve Noack said that reducing the intensity of the building on this site to 60 percent would achieve a reduction to transportation impacts.

Commissioner Rich asked to clarify that a new project accommodating the same number of employees is not enough to reduce project impacts.

Steve Noack replied correct.

Commissioner Rich said that only PM peak hours are impacted but not AM peak hours and asked why not both?

Mark Spencer, Consulting Traffic Engineer, W-Trans:

- Replied that it is related to the directionality of traffic from Highway 85 and the volume of traffic that the project adds.

Commissioner Rich:

- Pointed out that the PM impact from Highway 85 going south would be reduced from an “E” to an “F” with this project.
- Added that that grade reduction for PM traffic does not occur from Highway 85 going north.
- Said that the report also indicates no grade reduction in AM peak going both north and southbound.
- Reiterated that there are 736 parking spaces now and that is the number of spaces proposed with this new building.

Chair Rivlin:

- Indicated that southbound Highway 17 is not accessible from Winchester Boulevard and therefore questioned the southbound PM counts for employees leaving in the evening.
- Asked about the maximum capacity of the new building.

Planner Cindy McCormick:

- Said that the site building size is limited by the parking that can be provided. Parking is based upon the square footage of the building.
- Added that the Building and Fire Codes determine the building occupancy.

Commissioner Ching said he doesn't understand the reduced impact alternative.

Steve Noack:

- Explained that the goal of the EIR is to offer alternatives to a project that could reduce identified impacts resulting from that project.
- Added that the alternative(s) offer a hypothetical analysis of what mitigations would be required to achieve a reduction of related traffic and/or other project impacts.

Commissioner Ching reminded that the Vasona Light Rail System has plans for two additional stations going toward Los Gatos. What is the timing for that?

Mark Spencer:

- Pointed that that this question always comes up.
- Reported that the extension is currently not funded so its completion date is uncertain.
- Added that his analysis cannot assume it's going to happen. He hopes that at some point that uncertainty will change.

Commissioner Ching said he read recently that it would be approximately 20 years. He asked if we could even consider it or discount it.

Mark Spencer:

- Said it is best to keep in in the document. Including it keeps the pressure on this long-term regional effort.
- Cautioned that if it were to be ignored altogether VTA gets the message that the expansion is losing steam in the region. It is a qualitative speculative project.

Commissioner Krey asked whether having significant and unavoidable impacts usual or unusual.

Mark Spencer, Traffic Consultant, responded that it is not that unusual.

Commissioner Krey stated that traffic projections considered five projects currently approved and/or already under construction and asked if the EIR looked at build-out of the entire Dell area.

Mark Spencer, Traffic Consultant, replied that potential development of the Dell area is not within the scope of this EIR analysis; however, the EIR did consider the General Plan build-out. He stated that the EIR considers the “known” environment.

Commissioner Krey referenced “figures” from pages 413-56 and 413-54 and asked the consultant to double check the 1 percent estimate for Hacienda.

Mark Spencer, Traffic Consultant, said those are provided for informational and operational purposes.

Commissioner Krey asked about the potential for impacts on scenic vista views.

Director Paul Kermoyan cautioned that this is getting into the environmental realm.

Chair Rivlin instructed the Commission to direct their questions to the EIR itself.

Commissioner Hines:

- Referenced Figure 3.1 and pointed out that it doesn't yet include the annexation of the Campbell Village Area.
- Asked if there would be impacts on the pathway to access the Los Gatos Creek Trail.
- Suggested the need for a written description of how the proposed green space area on site would be used.

Chair Rivlin opened the Public Hearing for Agenda Item No. 5.

Dashell Leeds, Representing the Santa Clara Valley Audubon Society (SCAVAS):

- Reported that he distributed a letter from SCAVAS this evening.
- Declared that the Draft EIR is inadequate in providing mitigation for nesting birds. The EIR should reflect bird behavior.

- Opined that a 14-day window is inadequate. The EIR needs to consider the time that it takes the birds to build their nest.
- Referenced “glass” under Bio4-B. Clear glass on a tall building is a serious hazard for birds. While the birds can see through glass, they don’t know the danger of glass and fly into it.
- Proposed that 90 percent of the façade should “not” be glass and the part of the building that is glass should be mitigated by design with external screens.
- Stated that it is not clear how light (both indoors and outdoors) will be mitigated appropriately.
- Stated that interior lights create impacts on the riparian corridor (LG Creek Trail). Therefore interior lights should be significantly improved and mitigated perhaps through the use of external shades or blinds used after 10 p.m.

Sean Marciniak, Attorney for Applicant:

- Stated that he would be happy to work with the local Audubon Society.
- Added that he will take recommendations from the consultants.
- Cautioned that CEQA requires the alternatives to be feasible in meeting project objectives; however, the alternative project included within the DEIR may not be feasible since it requires a smaller building than currently exists and it does not meet the project objectives, as provided by the applicant.
- Asked that the consultant work with the applicant to revise the project objectives.
- Said that he submitted a letter to Planner Cindy McCormick and apologized for its late arrival.
- Reported that they have been contacted by a “marquee office campus” that may have interest in this location. He can’t disclose who that might be at this time.
- Presented the findings from the office development market study prepared for the applicant by bae Urban Economics, which indicates that a viable office campus should be 150,000 square feet. He indicated that these findings should bear on the feasibility of the alternatives.
- Concluded that he is available for any questions.

Audrey Kiehtreiber, Resident on Walnut:

- Raised questions about several pages worth of comments submitted on July 21, 2018 that include 17 questions about the DEIR including a 60 percent less option.
- Pointed out that this project is proposed at a 60-foot height with a 15-foot mechanical screen above for a total of a 75-foot height.
- Added that the current lot zoning has a 45-foot maximum height.
- Said that there has been no response to some of their 17 questions regarding groundwater recharge stations.
- Reminded that Santa Clara Valley Water District was opposed to the Dell Avenue Area Plan.
- Stated that an underground garage requires drainage systems that do not drain out into Los Gatos Creek.
- Questioned what effect potential pollutants might have on ground water..
- Pointed out that runoff pollution includes cleaning materials and fertilizers.
- Reiterated that this site is next to a riparian corridor.

- Suggested a shadow study to determine any impact on wildlife and the Los Gatos Creek Trail.
- Cautioned that the proposed park could serve as an attractive nuisance for homeless or transient populations.
- Reminded that the City of Campbell flooded 70 years ago.
- Pointed out that this project will set the standard for this area for future projects. It requires a big effort on the part of the City going forward.

Ron Naymark, Dell Avenue Property Owner:

- Reported that he built this building (1700 Dell Avenue) in 1974-75 and was an employee there for 11 years and is therefore very familiar with the site.
- Added that he is the current owner of 1671 Dell Avenue, which is kitty corner from the project site.
- Said that lots of theoretical problems have been raised.
- Stated that he has been watching birds in this area for 50 years now. The amount of nesting is minimal. There are a lot of geese walking in our parking lot. There is a comfortable co-existence between the geese and people.
- Pointed out that what is proposed will not create a significant change from what goes on there now.
- Questioned what percentage of building increase would create a negative impact?
- Questioned whether doing nothing is safe.
- Questioned what is the increased risk or impact?
- Said that the increase is what is important.
- Opined that this project is a fabulous project and that buildings in the area won't change if the City doesn't allow something beyond what is there now.
- Stated that property owners in our Dell Area are looking to see if something significant can be made to the other buildings in the area.
- Said that limiting to less than existing use might be fine theoretically but absurd.

Chair Rivlin closed the Public Hearing for Agenda Item No. 5.

Chair Rivlin asked if there are specific topics for the consultants.

Commissioner Hines:

- Stated that he wants to know what the net gain to the City of Campbell would be between what's there today and what's proposed. More taxes? More revenue?
- Asked if that is a question for the EIR or the project itself.

Director Paul Kermoyan:

- Said that we don't know.
- Pointed out that the City is very neutral.
- Reminded that this is a speculative building. There will definitely be more property tax income with the redevelopment of the site.
- Added that we don't know if the use will generate sales tax as it also depends on the occupant use. It could be an "EBAY" type of business with point of sale.

Commissioner Ching:

- Restated that traffic issues cannot be mitigated due to regional issues.
- Asked if there might be ways to encourage use of public transportation.
- Suggested that the applicant (future owner) work to move staff from transit stations to this office building. Is there an effective way to do that?

Planner Cindy McCormick said that the applicant is required to prepare a Transportation Demand Management Program for this site that incorporates shuttles, bikes and carpooling.

Director Paul Kermoyan:

- Said the goal is to flush out environmental issues.
- Gave as an example, "How would the use encourage use of public transit?"
- Said the Commission can help identify what is lacking and what should be addressed with the issue of transportation.

Commissioner Ostrowski:

- Reiterated her understanding that there are significant traffic issues with this project that are unavoidable and cannot be mitigated.
- Stated that she would like to see an assessment as to whether City/County collaboration might help to mitigate issues.

Chair Rivlin:

- Listed several areas of project impacts to consider including: light pollution impacts; horizon impacts; and aesthetic impacts.
- Asked if the DEIR determined whether the proposed land swap between the applicant and the City is in the benefit of Campbell.

Planner Cindy McCormick replied that the proposed land swap has been taken off the table by the applicant. Assess to the Los Gatos Creek Trail will stay where it is.

Commissioner Ching suggested addressing alternatives to use of private cars that go beyond VTA and suggested looking at examples from other projects.

Chair Rivlin asked if the final EIR will address impacts to the Dell Avenue Area.

Commissioner Krey:

- Said that this project will set the tone for this area.
- Asked if the EIR will address why this project deserves more density than any other redevelopment on Dell Avenue.

Chair Rivlin pointed out that only Commissioner Rich was serving on the Planning Commission when the Dell Avenue Area Plan (DAAP) was reviewed. The rest of us were not.

Director Paul Kermoyan:

- Agreed that how we discuss this project impacts the entirety of the Dell Avenue area.
- Said that will be a part of the project discussion.

- Stated that the Dell Avenue area is so developed now that there will be impact with any shovel that goes into the ground there.
- Advised that this is a philosophical land use issue.
- Added that good questions have been asked.
- Admitted that he knew that this project needed to have an Environmental Review Report prepared.
- Said that even a conforming project is not exempt from CEQA (California Environmental Quality Act) review.

Commissioner Ching suggested that case studies and solutions be found.

Chair Rivlin encouraged the Commission to email or call Planner Cindy McCormick if they'd like to offer further feedback.

Planner Cindy McCormick said she'd prefer email or letter comments but is also happy to meet with any Commissioner.

Commissioner Hines thanked the staff, applicants and consultants for their work.

Chair Rivlin advised that this project would be brought forward to the Planning Commission at a date uncertain.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Kermoyan made the following comments about his written report as follows:

- Advised that Monday, June 17th, the City Council will interview three candidates in consideration for appointment to the Planning Commission to fill the currently vacant short-term seat expiring in August 2020.
- Added that Commissioner Ching's term expires in August and a recruitment process will occur as overseen by the City Clerk. If interested, Commissioner Ching is eligible to re-apply for another term.

ADJOURNMENT

The Planning Commission meeting adjourned at 10:10 p.m. to the next Regular Planning Commission Meeting of **June 25, 2019**.

SUBMITTED BY: _____

Corinne Shinn, Recording Secretary

APPROVED BY: _____

Andrew Rivlin, Chair

ATTEST: _____

Paul Kermoyan, Secretary