

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

JUNE 12, 2018
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of June 12, 2018, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Rich and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present:	Chair:	Michael L. Rich
	Vice Chair:	JoElle Hernandez
	Commissioner:	Stuart Ching
	Commissioner:	Mike Krey
	Commissioner:	Maggie Ostrowski
	Commissioner:	Andrew Rivlin

Commissioners Absent:	Commissioner:	Cynthia L. Dodd
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Staff Present:	Community Development	
	Director:	Paul Kermoyan
	Senior Planner:	Daniel Fama
	Associate Planner:	Stephen Rose
	City Attorney:	William Seligmann
	Recording Secretary:	Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Rivlin, the Planning Commission minutes of the meeting of May 22, 2018, were approved as submitted. (5-0-1-2; Commissioner Dodd was absent and Chair Rich and Vice Chair Hernandez abstained)

COMMUNICATIONS

1. Email pertaining to Agenda Item No. 2.

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

PUBLIC HEARINGS

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

1. **PLN2018-61 (S&A)**
PLN2018-62 (TRP) Public Hearing to consider the application of Mike Ma for a Site and Architectural Review Permit (PLN2018-61) to allow the construction of a new single-family residence and a Tree Removal Permit (PLN2018-62) to allow the removal of a protected tree (Oak) on property located at **1572 Theresa Avenue**. Staff is recommending that this project be found 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, presented the staff report.

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

- SARC was generally supportive
- Stated that SARC talked about the protected tree.
- Added that SARC was concerned about the glass garage door in regards to the opacity of the glass being kind of “modern” in appearance.

Chair Rich asked if there were questions for staff. There were none.

Chair Rich asked how the adjacency of the tree to be retained in relation to the tree proposed for removal ranks against their need to place a part of their structure at that location.

Planner Stephen Rose replied that it helps to have more findings to support the requested removal.

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

Mike Ma, Applicant and Project Architect:

- Thanked Planner Stephen Rose for his presentation of this project.
- Advised that he was available for any questions from the Commission as is the property owner.

Jo-Ann Fairbanks, Resident on Hacienda Ave:

- Sought clarification and assurances that the tree to remain will be protected.
- Pointed out that improvements along Parr may be required in the future. What will be done to make sure the remaining tree remains protected in the future?

Planner Stephen Rose:

- Replied that there is a requirement for tree protection fencing during construction.
- Added that tree protection is usually a part of the building plan review.
- Said that the Commission could choose to add a specific condition of approval.

Jo-Ann Fairbanks:

- Reiterated that there will be a requirement for street improvement installation along Parr sometime in the future.
- Added it is important to make sure that there are requirements in place for the protection of that tree.

Commissioner Hernandez asked if the public improvements would be installed by the City.

Commissioner Rivlin replied that it would be done by the applicant (property owner).

Planner Stephen Rose said that whatever contractor is used to put in those public improvements will come from an approved list and work would be overseen by the Public Works Department.

Chair Rich said the Commission can further discuss additional assurances for the protection of that remaining oak tree.

Planner Stephen Rose suggested it be a single condition that captures both points.

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

Commissioner Ching:

- Stated that the design looks great.
- Said he supports the proposal for extra care for the oak tree both during construction and when future public improvements go in.

Commissioner Krey:

- Said that the proposed use of frosted windows for the garage was something he had never seen before.
- Concluded that this looks like a very nice project.

Director Paul Kermoyan:

- Assured the Commission that the issue of tree protection is overseen by the City's robust Tree Protection Ordinance.
- Suggested an added condition to the resolution stating, "During any work on the site protective tree fencing shall be placed around the tree to the satisfaction of the Community Development Director."

Chair Rich said he agrees with that recommendation.

Other Commissioners also indicated their support of that proposed language.

Motion: **Upon motion of Commissioner Hernandez, seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 4441 approving a Site and Architectural Review Permit (PLN2018-61) to allow the construction of a new single-family residence and a Tree Removal Permit (PLN2018-62) to allow the removal of a protected tree (Oak) on property located at 1572 Theresa Avenue, with an added Condition of Approval that states that before any construction work on site tree protection fencing shall be installed to the satisfaction of the Community Development Director, by the following roll call vote:**

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

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

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

2. **PLN2017-123** Public Hearing to consider the application of David Elliott for a Conditional Use Permit with Site and Architectural Review (PLN2017-123) to allow the conversion of an existing motor vehicle repair and maintenance facility to a convenience market with late night activities and beer and wine sales for off-site consumption; and the addition of a hydrogen fueling facility within an existing gasoline station 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, Planner*.

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

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

- Reported that SARC had a few comments.
- Said that he appreciated the elevation as it was reviewed by SARC. The color scheme is not to stand out but rather to blend in.
- Advised that Commissioner Dodd (who participated in this SARC meeting) asked for additional information on hydrogen vehicles. That additional information was provided in the staff report.
- Said that SARC requested some of the new front elevation windows be adjusted to match existing. That has been accommodated.

Commissioner Hernandez said that the revised elevation of the convenience store is much better than the one seen at SARC.

Commissioner Krey asked if there are safeguards when converting a former car maintenance building into a convenience store.

Planner Daniel Fama advised that a report was prepared to see if there is any contamination of the property, which was provided by the applicant. There is nothing of significance.

Commissioner Rivlin asked if the hydrogen fueling was replacing the previous propane fueling.

Planner Daniel Fama advised that the propane would be relocated on site in its on enclosure.

Commissioner Ching pointed out that per the site plan the transformer is located close to the hydrogen enclosure. Is there any risk in that?

Planner Daniel Fama:

- Said he would defer that question to the applicant however he advised that a site plan for a service station is subject to extensive State regulation.
- Advised that the other hydrogen fueling station previously approved on Winchester Boulevard was required to have a HazMat evaluation of the entire site. That was the case because hydrogen fueling was so new to this area at that time. County Fire now has more experience with hydrogen.

Commissioner Ching asked about the note indicating the relocation of the self-serve air and water station.

Planner Daniel Fama said he would defer that question to the applicant.

Chair Rich asked if the nearby senior facility is aware of the proposed hours.

Planner Daniel Fama said that the property owner was notified and no feedback was received.

Chair Rich asked if the alternate color scheme reflects Chevron's corporate colors.

Planner Daniel Fama replied the alternate color is the blue.

Chair Rich asked about site circulation.

Planner Daniel Fama said that schematic shows an entrance from both Hamilton and Central.

Chair Rich asked if there is enough space on site to accommodate the circulation.

Planner Daniel Fama:

- Replied that is a discussion point for the Commission.
- Pointed out that demand for hydrogen vehicles is less than electric vehicles at this point.

Chair Rich asked about sufficient space to allow the large trucks required for the delivery of fuel to the site.

Commissioner Hernandez suggested that the applicant could address this. She advised that it was discussed at SARC.

Planner Daniel Fama said that because of an addition in 2012, a substantial amount of dedication would have been required should this project have increased the building any further than it has with this application. As such, the existing sidewalk like will remain as it is.

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

David Elliott, Project Architect and Applicant:

- Introduced the project team: Mike Caseri, Station Owner; Kristy Kendall, Consultant; and Dr. Shan Stephens, founder of Hydrogen Company.
- Stated his appreciation for working with Planner Daniel Fama.
- Said that the staff report shows this project has been worked through.
- Added they are okay with the conditions.
- Advised that the drainage has been worked out with Public Works.
- Reminded that this is the second time this convenience market aspect has been through review. This new application is simple. The building is where it will remain.
- Stated that in adding hydrogen, they are becoming a part of the new age for automobiles.

Commissioner Ching asked about the relocation of the self-serve air and water station.

David Elliott said that in the new propane area, there is a place to pull in and park. It will be similar to where it is now.

Commissioner Krey asked how the job of filling a car with hydrogen fuel is executed. Is there any extra danger?

Dr. Shane Stephens:

- Assured that there is no difference in danger when compared to fueling gasoline.
- Advised that the hydrogen is dispensed via a locked pump since it is distributing air rather than fluid.
- Said that the fueling process for hydrogen into a car takes about three to four minutes.
- Stated that it is safer than gas in that hydrogen gas goes up into the air while a gasoline spill lands on the ground.
- Reported that there is leak detection in a hydrogen fuel that automatically turns off the pump in event of a leak.
- Added that this will be a very industrial strength installation. The restrictions are very strict.

Chair Rich asked how many cars per month are anticipated for the hydrogen fuel based on their other locations.

Dr. Shane Stephens:

- Said that 25 cars would be a “normal” day; 40 cars would be a “busy” day; and 60 cars per day would be the maximum anticipated. Their capacity for hydrogen car fueling at this location would be 100 cars.
- Added that this is far less than that that goes to gas pumps.
- Concluded that this is a low-volume station.

Commissioner Rivlin questioned the location of the hydrogen fueling station and impact on the space measurements.

David Elliott advised that the orientation of the islands’ canopy is slightly askew.

Kristy Kendall added that the angle is to allow more room to get in and come out. The distance between hydrogen fueling to the gasoline fueling is 30 feet where 25 feet is required.

Commissioner Rivlin asked if the hydrogen fuel storage on site is sufficient if they should operate at maximum capacity.

David Elliott said that at maximum capacity they would need to refill their fueling station more often. As often as every two days.

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

Commissioner Ching:

- Stated that this is a great idea. It is nice to see hydrogen fuel coming to Campbell.
- Advised that he has no issues regarding the use of the blue corporate color as requested by the applicant. He is fine with the blue.

- Stated that use of blue may make it easier to recognize it's a fueling station.

Commissioner Krey said that the biggest problem might be if several hydrogen cars were to come at the same time to fuel with hydrogen and thus cause a backup out onto Hamilton Avenue. He pointed out there is another business further down Hamilton where queuing for a carwash is ending up out on Hamilton.

Commissioner Hernandez:

- Said that SARC discussed site circulation a fair amount.
- Added that it didn't sound like it was going to be a problem.

Commissioner Ostrowski said that if this site is busy that's a good problem to have.

Planner Daniel Fama referenced Condition 7 that would deal with issues of queuing.

Commissioner Rivlin:

- Said that as to the issue of the revised color, he had really liked the rendering he saw at SARC.
- Added that if the rest of the Commissioners feel the blue is acceptable he can live with that as well.

Chair Rich said he was okay with the blue proposed.

Commissioner Ostrowski agreed.

Chair Rich said he likes the project over all. It is bringing something "cutting edge" into Campbell. He thanked the applicant for that and asked for a motion.

Motion: **Upon motion of Commissioner Hernandez, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4442 approving a Conditional Use Permit with Site and Architectural Review (PLN2017-123) to allow the conversion of an existing motor vehicle repair and maintenance facility to a convenience market with late night activities and beer and wine sales for off-site consumption; and the addition of a hydrogen fueling facility within an existing gasoline station on property located at 337 E. Hamilton Avenue, with the revised color scheme requested by the applicant, by the following roll call vote:**

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

NOES: None

ABSENT: Dodd

ABSTAIN: None

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

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan made the following additional comments on his written report:

- Said that at the next meeting a Use Permit for Starbright School will be discussed.
- Advised that the school is currently operating outside of its conditions.
- Explained that this action is a result of a Code Enforcement process that started with a soft warning notice that advised the school that they are operating outside of the confines of their Conditional Use Permit and asking them to come in to discuss their options.
- Said that the business instead has provided a lot of misinformation to the parents of their students.
- Stated that staff has tried to contain it.
- Reported that staff was trying to let them know that they could not rent out their theatre facility to outside uses especially when alcohol service is added.
- Admitted that bringing this revisit of the Use Permit comes as a “revocation” hearing although there is no intention to revoke but rather to provide parents and the operator to get the facts straight about what is allowed under their Use Permit.
- Said that this situation is a little unusual but will get accurate information on the record.

Chair Rich said it will be just “hearing people out.”

Commissioner Hernandez said it might make sense to shuffle the agenda.

Director Paul Kermoyan said staff would try to arrange the order based on anticipated time required per item.

Commissioner Ching asked what is the output or options on the next step.

Director Paul Kermoyan said that the output is clarity. The operator is saying one thing and staff is saying another.

Commissioner Hernandez said that everything will be on the record and everyone can be on the same page. Staff can explain process.

Director Paul Kermoyan said process will be set up in the staff report.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:28 p.m. to the next Regular Planning Commission Meeting of **June 26, 2018**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael Rich, Chair

ATTEST: _____
Paul Kermoyan, Secretary