

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

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7:30 P.M.

TUESDAY

JUNE 25, 2019  
CITY HALL COUNCIL CHAMBERS

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The Planning Commission meeting of June 25, 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
	Vice Chair:	Mike Krey
	Commissioner:	Adam Buchbinder
	Commissioner:	Stuart Ching
	Commissioner:	Terry Hines
	Commissioner:	Maggie Ostrowski
	Commissioner:	Michael L. Rich

Commissioners Absent: None

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 Ostrowski, seconded by Commissioner Rich, the Planning Commission minutes of the meeting of June 11, 2019, were approved as submitted. (6-0-0-1; Commissioner Buchbinder abstained)**

**COMMUNICATIONS**

1. Packet of emails received in support of Agenda Item No. 1.

**AGENDA MODIFICATIONS OR POSTPONEMENTS**

None

**ORAL REQUESTS**

None

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**PUBLIC HEARINGS**

Commissioner Ching disclosed that he had met with this application and they discussed parking for the project.

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

1. **PLN2019-67** Public Hearing to consider the application of Strike Brewing Company for a Conditional Use Permit and Administrative Planned Development Permit (PLN2019-67) to allow a brewery-tasting room ("liquor establishment") with "late-night activities" (11:00 PM public closing time) and a Parking Modification Permit to allow a reduction in the number of required parking stalls, on property located at **469 E. Campbell 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 questions for staff.

Chair Rivlin asked if there is a boundary between E. Campbell Avenue (ECAMP) and compared with the Downtown.

Planner Daniel Fama advised that the Downtown, which is zoned C-3 (Central Business District) as well as the loop streets have the same parking standards. Everywhere else in the City has something different.

Commissioner Rich asked staff how many spaces were required to serve the previous tenant of this space, the tile store.

Planner Daniel Fama replied approximately 20 parking spaces.

Commissioner Rich asked staff if the parking provision is the main driver for denial.

Planner Daniel Fama replied yes.

Commissioner Rich asked if everything else about the proposed use is okay.

Planner Daniel Fama replied yes.

Commissioner Ching asked if the former Steak n' Shake restaurant directly across Foote from this location had an alcohol license.

Planner Daniel Fama advised that there is a new Indian restaurant coming into that location with plans to submit for a Conditional Use Permit to allow beer and wine service at their new restaurant. That application has not yet been submitted.

Commissioner Hines asked if the spaces at the back are also counted.

Planner Daniel Fama replied yes. He added that street parking is not counted.

Commissioner Hines asked what the staff recommendation is for a parking. Is there an option?

Planner Daniel Fama replied that the staff recommendation is for denial due to insufficient parking. He added that the Planning Commission can however come to a different determination.

Director Paul Kermoyan:

- Assured that staff looks for ways to approve a project. Staff looks at uses with a "greenlight" in mind.
- Added that when there are non-competing hours that is taken into consideration but that is not happening here.
- Reminded that this use has 44 seats which makes 17 parking spaces their obligation.
- Said that it could happen that 44 customers could drive in independently which begs the question on how to best determine impacts.
- Agreed that the issue of parking is difficult.

Commissioner Buchbinder asked about any impacts from the variance in parking requirements approved for Lisa's Tea Treasures.

Planner Daniel Fama said that it is not yet open.

Commissioner Krey:

- Stated that this site is a small strip mall with five tenants.
- Pointed out if one business uses more than their share that puts limits on who the landlord can put into a vacant tenant space on site.

Planner Daniel Fama:

- Said that some leases split parking in an arbitrary way.

- Added that staff does not recognize that but rather considers all parking on site as shared parking.
- Stated that on a site a similar use can replace an existing business, but a different use would require processing of an Administrative Planned Development Permit.

Commissioner Buchbinder asked what the parking is now.

Planner Daniel Fama said that the applicant did an informal traffic survey and found there to be a seven-space deficit. Staff finds that to seem accurate.

Commissioner Rich asked what if seating capacity was approximately 20. Does that reduce the parking requirement?

Director Paul Kermoyan said that the Commission can impose conditions for occupancy standards.

Commissioner Rich said that even with just 20 seats there remains a lot of floor space. This could become a compliance issue. Asked if we could go that direction?

Planner Daniel Fama reminded that there is also the requirement for two spaces to serve the “back of house” or staff. The parking standard for that is 1 space per 200 square feet.

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

Ms. Jenny Lewis, Business Owner, Strike Brewing Company:

- Said that she is here this evening with her business partners, including her husband, Ben Lewis, and Drew Erlich.
- Reported that they established their contract brewing company in 2011 and established their first location in 2014.
- Added that they now have 14 employees and provide a community-focused family-friendly business.
- Advised that they have been looking for a satellite location in Campbell for their business.
- Assured that they would be a great fit in the East Campbell Avenue Master Plan (ECAMP) area.
- Reminded that they are only seeking 44 seats and will be closed by 11 p.m.
- Stated that they are more like a wine-tasting establishment than they are like a bar.
- Said that they will allow food from other restaurants and eateries.
- Estimated that their peak hours would be between noon and 11 p.m. That is off-peak compared to the other businesses operating in this center.
- Said that their use would not be detrimental to the other existing uses on site.
- Said that they want to serve their local beer and ask for a variance in parking required, which is 33 spaces.
- Reiterated that this site is currently lightly used.
- Added that their employees will be encouraged to use public transit and we will give customers with a currently dated public transit receipt a dollar off their first purchase.
- Pointed out that this location is close to their main facility in San Jose.

- Assured that they would support Campbell and hope the Planning Commission will support their family business.

Commissioner Buchbinder asked which restaurants the Strike Brewing Company will work with to provide food. Nearby are several restaurants including Jalisco's, Lefty's, Taste of Boston, Brown Chicken Brown Cow and Blue Line Pizza.

Jenny Lewis, Business Owner, said that they would have menus and will send employees to pick up food for Strike Brewing Company's customers.

Commissioner Ostrowski asked what the typical customer turnaround might be.

Jenny Lewis, Business Owner, said it is 51 minutes on average.

Commissioner Ching asked if there would be other non-alcoholic beverages available.

Jenny Lewis, Business Owner, said that they would have canned soda and pre-packaged snacks.

Commissioner Rich said that he likes the concept and the possibilities of what could be done there including working with other restaurants nearby.

Jenny Lewis, Business Owner, said that they will work with the City on hours and other issues and thinks Campbell is a great location for them.

Commissioner Buchbinder asked Ms. Lewis about the parking study done.

Jenny Lewis, Business Owner, said that it was conducted over 30 to 40 days at different times and days.

Chair Rivlin asked Ms. Lewis if she has spoken with co-tenants within this center.

Jenny Lewis, Business Owner, replied yes.

Chair Rivlin asked if there has been any public feedback.

Planner Daniel Fama replied no.

Chair Rivlin thanked Ms. Lewis for coming to Campbell.

Shari Krandel, Resident on Orchard Oaks Circle:

- Advised that she has resided here for three years and that her home is behind this business location.
- Stated that she applauds the fact that the staff recommendation is for denial of this use.
- Said that she is opposed to late hours and to the parking reduction requested.
- Reported that Steak n'Shake was a problem and there is a new establishment coming to that location.

Debra Schwartz, Resident on Orchard Oak Circle:

- Said that she has no issue with a restaurant in the area, but she does object to any reduction in parking provided to support a business.
- Reported that there are existing unsafe situations in the area near their complex including homeless issues. Homeless individuals are living near and/or behind dumpsters and sleeping in the alley behind the plaza.

Randy Musterer, Resident on Curtner Glen Ct, Campbell:

- Reported that he is a 17-year resident of Campbell as well as the owner of Sushi Confidential located in Downtown since 2012.
- Added that Sushi Confidential was honored as the Business of the Year for 2018.
- Advised that he fully supports this business and will partner with them for food service to their customers.
- Pointed out that there are lots of exciting businesses in Campbell. For many businesses with multiple locations their Campbell location is the most successful location of all the cities in which they operate.
- Declared that Strike Brewing Company will help continue the process to extend the Downtown vitality onward toward the Pruneyard.

Robert Schick, Jr., Resident on Olive Branch Ct, San Jose:

- Reported that he is a Board Member for Strike Brewing Company, which is an established branch of the craft brewery business.
- Advised that Strike Brewing Company is committed to do what is required to make this location work.
- Stated that their products are successful nationally and have been recognized with awards.
- Said that they are excited to see what they can do here in Campbell.

Barry Enderwick, Resident on Yosemite Ave, San Jose:

- Advised that he has been a customer of Strike Brewing Company for several years now and is a member of the Mug Club.
- Reported that their San Jose location is a family place including their dogs. It's not a place to go to get "loaded".
- Assured that Strike Brewing Company will be a fabulous community member. They do fundraisers and are extremely community-minded.
- Stated that he attends the Farmers Market in Downtown Campbell every week and is so looking forward to walking over to Strike Brewing Company for a pint.

Ron Feathers, Resident on Hanchett Ave, San Jose:

- Said he first met the owners of Strike Brewing Company at a small business challenge event in San Jose.
- Added that they are driven on locality of where they are and participate in many events such as Barks & Brews, yoga and trivia nights.
- Stated that he often goes to Strike on Fridays to meet up with friends there as well as his family.
- Reiterated that Strike is focused around community.
- Assured that Strike will find a way to address any issues.

John D'Amico, Resident on Manchester Ave, Campbell:

- Said that he has known Strike Brewing Company for the past several years and it is not anything like a bar. They serve beer only.
- Stated that they are a good corporate citizen and neighbor.
- Assured that they would work to do what needs to be done.
- Stated that many living nearby would likely walk to this location. He plans to walk over from his neighborhood located across Bascom Avenue from Downtown.
- Reminded that there is plenty of new housing nearby that is now occupied. He is confident that many others living nearby would walk to this location.

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

Commissioner Buchbinder asked if the parking on this site is different because it is not located within Downtown.

Planner Daniel Fama:

- Said that parking requirements are City-wide regardless if they are "public" parking or not.
- Said that parking standards along the Loop Streets and Downtown are different and exempt for parking for food service.

Chair Rivlin asked about the parking for the winetasting use in Downtown.

Planner Daniel Fama said that staff had offered the owner of the project site the opportunity to open their private parking up as public for shared Downtown use and therefore allowing them to use the Downtown parking standards.

Director Paul Kermoyan:

- Pointed out that the original business ratios for Downtown used to be 75 percent retail and 25 percent food with alcohol. That has flipped the other way.
- Added that at one point it was determined that Downtown needed 300 more parking spaces to build Downtown to "buildout" status.
- Stated that is why the Downtown parking lot on Second Street was constructed.
- Assured that staff agrees that this is a great use and business for our Downtown. However, the parking issue needs to be resolved.
- Proposed perhaps allowing this business to do a test case whereby they are allowed 20 seats to start. Let the business ride for six months or so and then assess parking to determine compliance and whether the seat number can thereafter be increased.

Commissioner Ostrowski asked about the use of high-top tables without chairs. How are those counted?

Planner Daniel Fama:

- Said that when estimating parking staff looks at number of patrons. It's not always tied to seats but rather to the number of individuals within the business site.
- Added that occupancy reflects the maximum number of patrons that a location can safely accommodate.

Chair Rivlin clarified with staff that this location would serve beer only. That will not change in the future.

Planner Daniel Fama said that is correct. That's the ABC license they will have as well.

Commissioner Hines asked staff what the previous tenant was for this space.

Planner Daniel Fama replied that it was a tile shop. Steak n'Shake was across the street from it.

Commissioner Rich asked staff how asking the property owner to open his private parking to serve as public parking would work? How does that help alleviate the parking issue?

Planner Daniel Fama said that arrangement allows for a general use of more parking by the public. There is a tradeoff.

Commissioner Rich:

- Said it appears this project is stuck on the issue of parking.
- Admitted that he likes the way Director Kermoyan is thinking outside the box.
- Added that he'd hate to have to deny this use and that there must be ways to alleviate this parking enforcement issue.
- Stated he's not sure about the long-term parking at Pruneyard. Perhaps valet parking? Is that possible.

Chair Rivlin said that Pruneyard probably doesn't want non-patrons on their site.

Director Paul Kermoyan reiterated his recommendation to have this applicant return within a prescribed time and report back to the Commission. If the conclusion is to open parking and there is no issue it would then be possible to allow more seats at this business.

Commissioner Rich said it would be up to the applicant to have that conversation with the Pruneyard as they aren't here tonight.

Commissioner Buchbinder asked how are we to know?

Planner Daniel Fama:

- Pointed out that parking standards are both an art and a science.
- Added that standards vary widely.
- Said that some standards are not necessarily a correct standard for every area.
- Gave the example that In-N-Out Burger has greater demand than a Carl's Jr.

Director Paul Kermoyan said that his offer is to start small. That is preferable than allowing them to start big and then later have to reduce the number of seats.

Commissioner Buchbinder said that he supports the idea of a probationary period.

Planner Daniel Fama suggested a one-year check in as has been done before.

Commissioner Buchbinder asked how that went.

Planner Daniel Fama replied that the business was found to be complying.

Commissioner Rich asked how long ago that was.

Planner Daniel Fama replied about two to three years' ago.

Director Paul Kermoyan pointed out that there were two other businesses with similar situations included The Spot and Social Light. Those two didn't work out too well and eventually they went away.

Commissioner Ostrowski:

- Stated that this is a great business and a great way to help connect Downtown to Pruneyard.
- Said the parking needs to be worked out. There are 33 spaces there now. If you calculate two people per car that would equate to less than 33 occupants.
- Reminded that this location is extremely close to the Light Rail Station. It only costs two dollars to ride. This business will provide a dollar off on the first purchase upon arrival. Parking must be worked through.
- Advised that she is leaning toward allowing more seats and reduce them later if there are resulting issues.

Planner Daniel Fama said that some parking spaces can be marked for short-term parking. Perhaps five to ten minutes for quick runs into the other businesses on the center.

Commissioner Buchbinder:

- Stated that he concurs.
- Reminded that the applicant has expressed confidence that the parking will work for her business.
- Said he is in favor of the applicant making it right if they were wrong about their parking needs.
- Concluded we can see how it works.

Commissioner Krey:

- Said that it is a great business and a great location.
- Agreed that the only issue is the parking.
- Suggested a test but what if it doesn't work out?
- Reminded that when Steak n'Shake was open their traffic overflowed onto this property.
- Supported a six-month trial to see if parking is indeed adequate. There could be a parking issue.

Chair Rivlin asked if there is street parking along Flood. Is it limited timed?

Planner Daniel Fama said that there is street parking along Flood, but it is not time-limited parking.

Chair Rivlin:

- Said that this is a fantastic location and would be a great addition to Campbell.
- Reminded that noise concerns were raised this evening from nearby neighbors.
- Suggested perhaps requiring the rear service door be kept closed as a condition.
- Verified with staff that there is no outdoor seating.

Planner Daniel Fama replied correct.

Director Paul Kermoyan pointed out that the noise concerns are not limited to those coming from within the building itself but rather other noises occurring outside the building including sound of bottles being dropped into the recycling container and noise from patrons coming and going.

Chair Rivlin:

- Pointed out that he finds the Sunday Farmers Market is absorbed into the Downtown core. The parking demand for that is absorbed.
- Stated he is supportive of this request with a probationary period and later to establish the total seat count this location can handle.
- Added that the noise impacts on the neighborhood should be considered.

Commissioner Rich:

- Agreed that this business is a good fit for the Downtown Core to the Pruneyard.
- Added that he is not in favor of approving an application that is outside of the ordinance standards.
- Said he would rather approve what fits in.
- Said he is not in favor as currently parked.
- Pointed out that the total seats recommended is 20 by Director Paul Kermoyan and 15 per Planner Daniel Fama.

Chair Rivlin said that something in between could be a compromise.

Commissioner Rich:

- Said that something between 15 and 20 seats could be a compromise.
- Added that if they start with the 44 seats they request and then are asked to reduce their seating after the trial period, does that impact them and/or make them go out of business?
- Stated any approval should be following standards and then see if more seats work after a time in operation.

Chair Rivlin pointed out that this is a car-based community.

Commissioner Rich cautioned that there are pending impacts when the Steak n' Shake location opens up with a new restaurant.

Chair Rivlin added that would likely be a sit-down restaurant where patrons stay longer.

Commissioner Rich:

- Suggested going with Director Paul Kermoyan's suggestion and increase the seat count at a future date. That's preferable to later decreasing their seats.
- Admitted that he would love to see this business work in this location.
- Reminded that the issue of parking is a sticking point for many in our community.

Commissioner Buchbinder said any risk is on this business and they seem confident this space will work for them.

Commissioner Rich reminded that their parking study was an informal one.

Commissioner Buchbinder:

- Agreed that they take the onus of the risk.
- Stated he prefers not to chop a business in half preemptively.

Commissioner Hines:

- Thanked the owners of Strike Brewing Company for their interest in coming to Campbell.
- Agreed with them that this is an under-utilized site.
- Also agreed with Commissioner Rich that he doesn't want to reduce their seats later but rather leave them in a position to grow after the probationary period has concluded.
- Reminded that if the property owner allows this private parking lot to become a public parking lot this project parking complies with standards.

Planner Daniel Fama:

- Cautioned that this is not assured but can be considered.
- Added that the owner has already declined consideration of that option.

Commissioner Hines concluded that if this project meets parking compliance he will support it.

Commissioner Ching:

- Suggested that the Commission may be missing the point. The City is trying to create a larger Downtown. Retail is in decline and more bars and restaurants are thriving.
- Added that higher density housing and the population are both growing.
- Stated that he doesn't want people driving to drinking establishments anyway.
- Said that creative ways to protect private parking for residents is important.
- Pointed out that there are other modes of travel including VTA, Uber, Lyft, and cycling.
- Opined that we are using out-of-date regulations. We can't keep relying on the car.
- Admitted that he has no worries about parking for either 33 or 44 customers. He wants to see them placed in the best position possible to make this business location as successful as possible.
- Recommended allowing the applicant to operate per their request for 44 seats with no reduction. See how it goes over the first six months.

- Admitted that the question remains how to evaluate whether the operation is a success or not.

Commissioner Rich asked what the maximum seats would be if parking were not considered.

Planner Daniel Fama replied 12.

Commissioner Rich asked the total number of patrons allowed at this business.

Planner Daniel Fama replied 50 maximum counting employees.

Commissioner Krey said that the compliance range is 12 seats for the parking available to this business.

Planner Daniel Fama replied yes.

Commissioner Hines pointed out that there has been reference to an existing nuisance at the dead end of Foote. Two nearby neighbors expressed their concerns this evening.

Chair Rivlin said that the Commission has seen many patrons of Strike Brewing Company here tonight. They seem to feel like a community.

Planner Daniel Fama advised that repeat complaints could trigger a revocation hearing. That could happen rather quickly if necessary.

Chair Rivlin asked for a motion.

Planner Daniel Fama said that there is no paperwork (draft resolution) for approval ready this evening. If the Commission plans to approve this use, they should continue consideration to the next meeting on July 9<sup>th</sup>, so the resolution can be drafted and brought forth at that meeting.

Commissioner Ching said he is against denial and/or reduction of seating to less than 20.

Commissioner Ostrowski said she supports approval as proposed.

Commissioner Buchbinder said he feels likewise.

City Attorney William Seligmann advised Chair Rivlin to re-open the public hearing and leave it open, so this matter can continue at the July 9<sup>th</sup> meeting.

Commissioner Ching asked if the provision of a single restroom is the minimum required.

Planner Daniel Fama replied yes.

Director Paul Kermoyan added that having one restroom limits maximum occupancy for this space to 49.

Planner Daniel Fama:

- Reviewed the issues the Commission is asking staff to consider including checking in with the Campbell Police Department to see about service calls for activities occurring on and around Foote Avenue.
- Including the standard conditions outlining the potential for revocation or modification of conditions if problems arise from the use.
- Advised that staff would provide the draft resolution for approval at the next meeting where the Commission can still revise conditions for the approval.

**Motion:**           **Upon motion of Commissioner Ostrowski, seconded by Commissioner Buchbinder, CONTINUED TO THE DATE CERTAIN OF JULY 9, 2019, the consideration of a Conditional Use Permit and Administrative Planned Development Permit (PLN2019-67) to allow a brewery-tasting room ("liquor establishment") with "late-night activities" (11:00 PM public closing time) and a Parking Modification Permit to allow a reduction in the number of required parking stalls, on property located at 469 E. Campbell Avenue, with the following direction to staff:**

- **Bring forth draft conditions of approval for the Conditional Use Permit, Administrative Planned Development Permit and Parking Modification Permit as proposed by the applicant;**
- **Limit the maximum number of seats to 44;**
- **Include the standard conditions to address/prevent noise impacts;**
- **Include the condition that states that upon three verifiable complaints within one year the City could initiate revocation of the use;**
- **Inclusion of a few marked short-duration parking spaces for customers of the businesses with short customer visits; and**
- **Conduct a six-month check in to ensure compliance; by the following roll call vote:**

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

**NOES:**           **Hines and Rich**

**ABSENT:**       **None**

**ABSTAIN:**      **None**

Chair Rivlin advised that this item would be brought back to the Commission at the next meeting on July 9, 2019.

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Chair called for a short break before beginning Item No. 2 at 9:15 p.m. and reconvened at 9:20 p.m.

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

2. **2018-352** Public Hearing to consider the application of Donald Barnetson for a Planned Development Permit (PLN2018-352) to allow the construction of a second single-family dwelling measuring two-stories in height and 1,920 sq. ft. in area, not including a 236 sq. ft. attached garage, and removing and replacing an existing enclosed garage with a carport at **189 Sunnyside 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 the most recent design (third version) was seen by SARC.

Planner Stephen Rose advised that SARC never reviewed the latest iteration. They saw the first two but not this third one.

Chair Rivlin asked why it was not returned to SARC.

Planner Stephen Rose said that the Commission can elect to send it back to SARC. SARC can also ask to have it brought back to them.

Commissioner Rich verified that with a carport the FAR is 41.9 and with a garage it is 48.

Commissioner Buchbinder asked about the cloud at the top of the second story on the plans.

Planner Stephen Rose said that points out an area of change.

Commissioner Ostrowski pointed out that the windows have also changed.

Planner Stephen Rose said yes. They've raised the height of the windows on the second floor at the request of SARC.

Commissioner Rich asked if the reason for the carport is to get approved.

Planner Stephen Rose said they need to get to less than a .45 FAR.

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

Anuradha Murthy, Property Owner/Applicant:

- Reported that her family moved from Santana Row to Campbell as it is a nice area to live in.
- Advised that they are open to removing the black lines and add lines to make the exterior more Craftsman-like in appearance.
- Stated that she took a bunch of pictures in the surrounding area that show homes that are similar in shape and with limited articulation like hers and posted them on a board

to show to the Commission tonight. Her young daughter, Chloe, brought the two boards to show the photos on them to each Commissioner at the dais. The Commissioners thanked Chloe for her assistance.

- Stated that the second point is the roofing materials.
- Pointed out that most of the roof area will be covered with solar panels as they are creating a sub-zero energy home. The roof will have 85 percent coverage with solar panels.
- Reported that a darker roofing material is less efficient.
- Added that they prefer their choice of polyurethane material. She showed photos of metal roofs nearby.
- Stated that they are open to outside change including making the pillars appear more Craftsman-style.
- Said that they need to keep the structure and room the same.

Commissioner Ostrowski asked if it is their intent to design a modern house or a fast build net zero house.

Anuradha Murthy, Property Owner/Applicant, replied net zero fast build house. They are using the Westchester Modular Company.

Commissioner Ostrowski asked if they are flexible on the design itself.

Anuradha Murthy, Property Owner/Applicant, replied yes but added that they've invested a lot in their design. They are open to design changes but ask that the structure itself be kept the same.

Commissioner Ching asked the applicant/owner which of the three designs she prefers.

Anuradha Murthy, Property Owner/Applicant, replied the first design but the third one is okay.

Commissioner Ching said he thought the third design was great.

Commissioner Rich asked about the proposal to replace an existing garage with a carport.

Anuradha Murthy, Property Owner/Applicant, replied that they had to reduce the garage to satisfy the distance (setback) required between the two homes. She added that they would make changes the front house itself later.

Commissioner Buchbinder stated that the color and material of the roof is a major factor in making this house low-energy.

Paul Hasbrook, Resident on Sunnyside Ave, Campbell:

- Advised that his home is next door on the Winchester side.
- Said he can be considered an unlikely ally for our neighbor.
- Stated that this home proposal went through thoughtful planning and design. It will be a long-term investment on the street.

- Added that he is here to support this request.
- Pointed out that this home will require a short construction time and will be highly energy efficient.
- Stated that this project is supported within the intent of the General Plan.
- Concluded that this is the kind of investment the City should support.

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

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

- Admitted that this is a tricky modular design.
- Added that a couple of neighbors have been very supportive.
- Agreed that this home is unique for the neighborhood and represents a drastic change.
- Pointed out that it will be the first two-story on the alley. There is another on the next street just behind.
- Stated that the changes made are pluses.
- Said that there remain concerns about design and lack of articulation on the second floor.
- Concluded that this home will be different for the area.

Commissioner Hines:

- Stated that the struggle is between zoning criteria and a dream home.
- Admitted that this is an excellent concept including net-zero energy.
- Added that modular home construction reduces the cost.
- Said this is an excellent approach. This is an excellent use of that lot and land particularly with net-zero energy.

Commissioner Ching:

- Stated that the staff report was good.
- Said the issues remaining are subjective. Does this fit in? Is it compatible?
- Pointed out that if this home was proposed for Alice Avenue his views would be different. Alice Avenue looks old-worldly.
- Agreed with Commissioner Krey's point that this street has a mixture of styles.
- Added that as the applicant has shown with her photographs there are existing homes with boxy designs.
- Stated that subjectively this would be okay especially as it is set back.
- Opined that the first design is the best design. He'd love to see the first design built but is okay with the third design.

Commissioner Buchbinder:

- Said that there are reasons for the design.
- Reported that he walked around this neighborhood.
- Asked if this might be the first net-zero home built in Campbell.
- Pointed out that a lot of neighbors are in support of this new two-story house and that's impressive.

Commissioner Ostrowski:

- Stated her appreciation for the effort to make this house a little more Craftsman-like in style but we have a mixture.
- Said that perhaps the first design (modern without articulation) gives a net-zero home, less construction time to build and less impact on the neighborhood.
- Added that this request reflects the values of the General Plan.
- Reminded that the rest of this neighborhood is a bit boxy as well.
- Pointed out that this house is set back, and the first floor has some Craftsman elements.
- Said that this home will not even be seen from the street (Sunnyside Avenue).
- Agreed that the proposed roof material is the right way to go.
- Reported that PG&E used to have a rebate program for installation of lighter-color roofing.

Chair Rivlin:

- Said that a white roof will be a non-issue given there will be solar panels on it.
- Added that the change to a carport was necessary to reach the necessary FAR and he supports that.
- Pointed out that the covered patio is useable and functional.
- Admitted that the form doesn't bother him at all. Previously the garage window was placed too high and the windows on the second floor went low to the floor. Those have been changed.
- Advised that in general he is supportive with the exterior improvements provided and the changes to the carport to meet standards.
- Suggested that the Commission may not actually need to continue this project. The façade is acceptable.

Commissioner Krey:

- Said that this is so different a design for the surrounding area.
- Admitted that he loves that this will be a net zero home.
- Stated that this area is already a hodge-podge.
- Concluded that he can't quite wrap his head around this proposal.

Commissioner Rich asked if staff had recommended the carport.

Planner Stephen Rose replied no. It was the result of SARC and done to reach the required .45 FAR.

Commissioner Hines asked how they will get to this house. Will it be from the alley?

Planner Stephen Rose:

- Replied via a crane from the alley and/or over the front home.
- Added that the rendering is from the back of the home. The front door and garage access from the alley.
- Advised that there is no draft resolution for approval before the Commission this evening. This item should be continued to a date uncertain with direction to staff regarding the Commission's desired conditions. The public hearing should be kept open.

Chair Rivlin said that the direction to staff includes removal of the black seams and the garage window moved down.

Commissioner Ching said some Commissioners prefer the first design and others the third design. The applicant's preference is the first design. Which will be brought back?

Chair Rivlin said all the same shapes with the proposed roof lines, windows and additional elements.

Commissioner Hines asked if the third design still results in net-zero.

Anuradha Murthy, Property Owner/Applicant, replied yes.

Commissioner Rich suggested removing the plans for a new carport and retaining the existing garage at the front house.

Commissioner Buchbinder said he would support that suggestion.

Commissioner Hines said he would support the third design with Commissioner Rich's recommendation to keep the existing garage. This project meets the net-zero home standards and the design desire of the applicant.

Chair Rivlin asked about the colors.

Commissioner Ostrowski said she was okay with the colors.

Commissioner Ching said he prefers the first design but since the rest of the Commission prefers the third design he is okay with that as well. He suggested a motion to continue to a date certain.

Director Paul Kermoyan:

- Suggested that if the Commission wants to approve this third design style they may also want it to go back to SARC.

Chair Rivlin said it may not be necessary to go back to SARC. There has been a massaging of the details including the windows and carport versus garage.

Planner Stephen Rose cautioned that if the Planning Commission wants to see update plans it will take time to have the plans update. However, if the Planning Commission thinks the changes to the plans are minor they can continue to a date uncertain without requiring new plans prior.

Chair Rivlin asked about the discussion between garage and carport.

Planner Stephen Rose said it can be added to the conditions.

Chair Rivlin asked if this item could go to the next meeting on July 9<sup>th</sup>.

Planner Stephen Rose said July 9<sup>th</sup> is too soon, but July 23<sup>rd</sup> would work.

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

**Motion:** Upon motion of Commissioner Ostrowski, seconded by Commissioner Rich, the Planning Commission CONTINUED TO THE DATE CERTAIN OF JULY 23, 2019, the consideration of a Planned Development Permit (PLN2018-352) to allow the construction of a second single-family dwelling measuring two-stories in height and 1,920 sq. ft. in area, not including a 236 sq. ft. attached garage, and removing and replacing an existing enclosed garage with a carport on property located at 189 Sunnyside 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, with the following direction to staff:

- Approval will be for the third design with conditions to include the covered patio, to change the window height, to remove the vertical lines from the walls, to reevaluate the garage replacement with a carport on the front unit and the associated FAR; by the following roll call vote.

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

Chair Rivlin advised that this item would be brought back to the Commission at the meeting on July 23, 2019.

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**REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR**

Director Kermoyan had no additions to his written report.

**ADJOURNMENT**

The Planning Commission meeting adjourned at 10:12 p.m. to the next Regular Planning Commission Meeting of **July 9, 2019**.

SUBMITTED BY: \_\_\_\_\_  
Corinne Shinn, Recording Secretary

APPROVED BY: \_\_\_\_\_  
Andrew Rivlin, Chair

ATTEST: \_\_\_\_\_  
Paul Kermoyan, Secretary