

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

JUNE 26, 2018
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of June 26, 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:	Cynthia L. Dodd
Commissioners Absent:	Commissioner:	Mike Krey
	Commissioner:	Maggie Ostrowski
	Commissioner:	Andrew Rivlin
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 Ching, seconded by Commissioner Hernandez, the Planning Commission minutes of the meeting of June 12, 2018, were approved as submitted. (3-0-3-1; Commissioners Krey, Ostrowski and Rivlin were absent and Commissioner Dodd abstained)

COMMUNICATIONS

1. Numerous emails relating to Item No. 1.
2. Three emails relating to Item No. 3.

AGENDA MODIFICATIONS OR POSTPONEMENTS

Director Paul Kermoyan:

- Advised that two of the four Commissioners present this evening must recuse from participation in the Public Hearing for Item No. 3 (1300 Sheffield Drive). Just having two Commissioners does not reach a quorum to conduct that hearing this evening.
- Recommended that this item be continued to a date certain of July 10, 2018.
- Stated that while Item 5 (Zoning Code Text Amendment – Temporary Use Permits) is appropriately placed under New Business, he proposes bringing it to the start of the agenda since it is a quick item to complete.

Motion: **Upon motion of Commissioner Hernandez, seconded by Commissioner Dodd, the Planning Commission CONTINUED TO A DATE CERTAIN (JULY 10, 2018) the consideration of a Conditional Use Permit (PLN2017-406) to formalize establishment of a private school and commercial child day care center (San Jose Christian School) and an ancillary public assembly use (Living Hope Community Church) and private language school (South Bay German Language School) on Campbell Union School District property (former Dover School), located at 1300 Sheffield Avenue due to the lack of a quorum of the Commission to take action on this item this evening. (4-0-3; Commissioners Krey, Ostrowski and Rivlin were absent.)**

ORAL REQUESTS

None

NEW BUSINESS

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

5. PLN2018-163 (ZTA) Initiation of a Zoning Code Text Amendment (PLN2018-163) to adopt provisions for a Temporary Use Permit (TUP) to allow short-term land use activities on non-residentially zoned properties. Project Planner: *Daniel Fama, Senior Planner*

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

Commissioner Hernandez asked what the timeframe is for the Temporary Use Permit. How far in advance would someone have to apply for one.

Planner Daniel Fama said it would require 30 to 45 days to allow enough time to review, notice and allow for a 10-day appeal period.

Director Paul Kermoyan advised that the Commission is being asked to authorize staff to proceed with the drafting of this new ordinance. The Commission is not required to support and/or adopt the draft should they decide not to upon consideration and deliberation. They are not "obligated."

Chair Rich opened and closed the Public Hearing for Agenda Item No. 5.

Ching said he has no issues.

Commissioner Dodd said that it is important to get this done sooner than later.

Chair Rich said that it is prudent to have structure in place.

Commissioner Hernandez agreed.

Motion: Upon motion of Commissioner Ching, seconded by Commissioner Hernandez, the Planning Commission authorized the initiation of a Zoning Code Text Amendment (PLN2018-163) to adopt provisions for a Temporary Use Permit (TUP) to allow short-term land use activities on non-residentially zoned properties. (4-0-3; Commissioners Krey, Ostrowski and Rivlin were absent)

Chair Rich said the Commission will consider a draft Ordinance in the future.

PUBLIC HEARINGS

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

1. PLN2018-182 (Revocation) Public Hearing to consider a City-initiated Revocation (PLN2018-182) of a previously Modified Conditional Use Permit (PLN2013-41) for a commercial child daycare center (d.b.a Starbright School) due to the unauthorized use of a "multi-purpose" room for non-daycare related activities on property located at **1806 W. Campbell Avenue**. This meeting will begin an initial discussion of the non-compliance issues observed by staff, provide an opportunity to clarify public misunderstandings, and will chart a course to remedy the issues. 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 as follows:

- Explained that the Commission is being asked to consider the revocation of a Modification to a previous Conditional Use Permit issued to an existing commercial daycare use due to unauthorized use of an associated “multi-purpose” room for non-daycare related activities.
- Described the use as occupying 17,000 square feet of tenant space as well as an outdoor play space. The site is zoned C-1 (Neighborhood Commercial).
- Said that the purpose of tonight’s hearing is to conduct a discussion on non-compliance issues.
- Admitted that the term “Revocation” sends the wrong message. This meeting is intended to facilitate the process for a future hearing.
- Reported that Starbright is a pre-school with enrichment programs. In 2013 they expanded their facility to include a new multi-use room. Since 2013 it has been a great success.
- Advised that on March 13, 2018, staff learned about the extent of the use of the multi-use room for activities unrelated to the school. As a result a “Warning Notice” was sent.
- Added that staff has received numerous calls and emails from concerned parents about their school. Staff advised the parents that the issue was with non-school related activities not the school itself. Unfortunately there has been some conflicting feedback offered to these parents that made staff determine it would be appropriate to schedule this item for a hearing before the Planning Commission.
- Stated that the list of conflicts includes: outside hours of operation, serving alcohol and approved parking spaces converted into loading spaces.
- Reported that a formal application from the school to correct existing issues has not yet been received.
- Explained that the applicant wants to extend their hours to 10 p.m., allow live entertainment, and allow use of the studio (multi-purpose room) to 11 p.m. These items require additional study given that a theater use is not allowed in a C-1 Zoning District.
- Reminded that many emails and petitions have been submitted including a box of 4,000 petitions delivered today. Some are from people outside the City and Country.
- Said that this meeting serves to introduce this item but no decision will be made tonight.
- Reported that staff has agreed to allow them to honor the existing reservations for use of the theater through December 2018 but new reservations are not being made. Staff will charge for time spent overseeing this situation.
- Recommended that the Planning Commission continue this item to a date uncertain.

Chair Rich asked if there were questions for staff.

Commissioner Hernandez asked why the hours were reduced from 9 p.m. to 6:30 p.m. between the first and second permits for this use.

Planner Stephen Rose replied that he didn't find anything in the previous staff report to explain the thought behind that reduction in hours but believes it might have been due to concerns about the potential for impacts of later noise on adjacent residences that might be associated with the use of the outdoor play area.

Director Paul Kermoyan added that staff would perform the analysis of all uses at the shopping center. They will look at hours for all uses and how they work with other uses.

Commissioner Dodd asked if there is a separate entrance point for the multi-purpose room. She questioned how the space is separated between the school and the multi-purpose room.

Planner Stephen Rose said that there are connected doors between the two spaces.

Chair Rich asked what is meant by "as programmed".

Planner Stephen Rose replied that the space has already been leased for pending events. Staff will work with the applicant in honoring those rentals but no new ones will be scheduled until the new Use Permit is finalized.

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

Barton Heckmann, Attorney for Starbright School:

- Pointed out that the perspective of the owners is different than that of the Planning Department.
- Recounted that his clients applied for a Building Permit and had their work inspected.
- Added that it is clearly a theater-like environment that would have been seen by the City's inspectors.
- Said that they did not realize that the different departments look at things differently and it seems Planning was never asked if this use was okay at this location. Planning found out in March 2018 and became concerned about the rental of the facility for outside uses.
- Clarified that most (85%) of the use of the multi-purpose room is for students of the Starbright school. Perhaps 15 % is rental use.
- Stated that he is glad to start this dialog and work with staff.
- Added that they are pleased with the remarkable community support demonstrated by this room full of supporters tonight. He asked the supporters to stand up and pretty much everyone there did so.
- Reiterated that they had believed their use was compatible. It's been going on for four years without problems but it is not listed as a part of the current Conditional Use Permit.
- Sought confirmation that the Planning Commission wants staff to work cooperatively with "us" and we'll bring it back for review and approval by the Commission.

- Said that the hours they seek to extend would be use indoor uses not use of the outdoor play space.
- Added that alcohol service is not proposed as part of this use.
- Reminded that there is an existing schedule of committed events through December that they are asking the City to allow them to honor. They are not scheduling any more.

Chair Rich asked if the 80 percent use of the multi-use room by the school itself is occurring within their currently approved operational hours.

Barton Heckmann, replied no. That is one of the amendments that they will be seeking.

Commissioner Hernandez asked when the retractable seating was installed.

Barton Heckmann replied 2013.

Commissioner Hernandez asked how much that cost.

Barton Heckmann replied that the Building Permit would have included a valuation for the job.

Planner Stephen Rose replied \$500,000.

Commissioner Hernandez asked how they re-coop that cost.

Barton Heckmann replied that their plan was to re-coop by renting out their space.

Commissioner Hernandez asked how long it might take to re-coop the cost if they are only renting out the space 15 percent of the time. Is that realistic?

Barton Heckmann:

- Said that his clients felt it could take about 15 years.
- Pointed out that their devotion is to the school. The rental programs don't bump the school's use of their facility.

Commissioner Hernandez asked where the third-party event attendees park.

Barton Heckmann replied in the shopping center parking lot. He pointed out that many tenants of the center have submitted letters of support indicating that parking was not a concern.

Commissioner Ching asked if the current 85/15 percentage might change.

Barton Heckmann said they would explore that with staff.

Commissioner Dodd asked if the pending rentals are for children's groups and the arts or will there also be businesses using the space.

Barton Heckmann said that just the ones on the provided list would be using the space. In the future they would like to rent to companies looking for space to conduct corporate meetings. That would be a part of the umbrella of uses that they want to continue to have.

Commissioner Dodd asked for assurances that there would not be any access to children at the school by adults renting the use of the multi-use room.

Barton Heckmann said that most rental occur in the evening.

Commissioner Dodd suggested as part of the permit that there be no daycare classes occurring on site at the times that the multi-use room is rented to outside businesses.

Barton Heckmann replied generally yes. However, on weekends they like the possibility of daytime use for events and meetings.

Commissioner Ching sought confirmation from the owners that there are no plans for alcohol on site.

Barton Heckmann replied yes. That could be prohibited in the CUP. This will be an alcohol-free campus.

Anne Souza, Resident on Central Park Drive, Campbell:

- Asked that the City consider allowing other uses for this theater.
- Advised that her sister-in-law is a teacher at Starbright School.
- Said that she runs a dance school.
- Reported that a lot of arts programs use this location because it is affordable.
- Added that the rental of the space also benefits the other businesses located in the Kirkwood Plaza Shopping Center. Attendees also support other businesses there.
- Pointed out that there is a lot of parking available there.
- Stated that other schools rent their theaters out. It's a common thing.
- Said that small businesses need a place that is affordable.
- Asked the Commission to allow more such uses.

Mardukie Yousefpor, Resident on Quail Cliff Way, San Jose:

- Expressed her support for Starbright School.
- Said that both of her children have attended and feel that both are well-balanced socially and mentally.
- Stated that "we really need this community activity".
- Asked that it be allowed to continue and that the City will work with "us" to resolve this matter and go forward.

Iana Muchaidoe, Resident on Harriet Ave, Campbell:

- Said that her child began at Starbright at age 3 and is now 8 and still attending.

- Stated that her child's favorite after-school activities occur at this location. Her child has learned how to appreciate art, learned by acting and developed social skills.
- Assured that this school brings many good things to the community including art fairs and science camps. They help bring education to this community.

Melody, Resident, Resident on Chemeketa Drive, San Jose:

- Stressed the importance of having this venue where the young can be positively motivated.
- Assured that there is no access to the daycare by adults who use the multi-use facility.
- Advised that one must ring a bell and be escorted into the daycare by staff. There is no access to children from the daycare.

Pat Burke, Resident on Woodhams Road, Santa Clara:

- Advised that she is a volunteer with Youth Focus and has been for 40 years. It is a non-profit organization that provides leadership and mentorship.
- Reported that Youth Focus has brought three productions to the Starbright Theater over the last three years.
- Admitted that she hopes this space will be available into the future.

Jennie Yeung, Resident on Addington Ct, Cupertino, said that she is a professional lighting designer and that this facility is safe for young children.

Jennifer Chatman, Resident on Wilson Ct, Campbell:

- Said that she is a parent to three Starbright students.
- Stated that although theaters are not allowed in C-1 zoning per Planner Stephen Rose, she hopes the City will consider allowing this use to continue very seriously.

Michael Stroud, Resident on Los Padres Blvd, Santa Clara:

- Stated that he is a Professor as well as a professional performer.
- Advised that there is nothing like this theater anywhere else in the Bay Area.
- Reported that he started his theater group 20-plus years ago at the Gaslighter.
- Reiterated how impressed he is with this theater.

Pamela George, Resident on Crystal Drive, Santa Clara:

- Read comments from Dan Lansberg, who is with Youth Focus.
- Asked that the theater be allowed to continue.

Bobbie Ward, Resident on Cabernet Ct, Scotts Valley:

- Said that she is a voice teacher and singer. She teaches 50 to 60 students each week.
- Stated that it is difficult to find a venue. This venue is so professional and has sound and lighting like no other. It is an amazing venue.

Alisa Drabkin, Resident on Red Oaks Drive, San Jose:

- Said that she was once a Starbright student who went on to graduate high school with honors.
- Stated her hope that other children will get to experience this facility.

Galina Drabkin, Resident on Red Oaks Drive, San Jose:

- Said that sometimes when people think of art – they thing big. However, sometimes it is small things that can be impactful on kids. The arts are a powerful influence on kids.
- Added that it is expensive to maintain arts programs.
- Asked for support for Starbright. Their programs help children to become more confident and creative.

Mike Drabkin, Resident on Red Oaks Drive, San Jose:

- Stated that this theater offers a wonderful opportunity for kids.
- Added that he hopes we can resolve our issues and continue.

Marina Paz, Resident on Cranford Circle, San Jose:

- Thanked the Commission for its willingness to listen to all of them.
- Reported that her Jewish Theater group performs in Hebrew with English subtitles at this Starbright theater facility. They have used Starbright the last three years where they feel safe and welcome.
- Explained that it is an affordable and well-equipped theater.

Boris Shpolyansky, Resident on Acapulco Drive, Campbell:

- Said that he has two kids, a daughter who is 10 and a son now in high school.
- Stated that both of his kids have attended activities at Starbright.
- Pointed out that kids get the opportunity to “run” the theater.
- Asked that the City work to find a solution to allow these programs to thrive.

Anna Birman, Resident on Quinnhill Road, Los Altos:

- Said that she is a graduate of the Starbright Theater Program.
- Added that she spent 10 years at the school.
- Pointed out that there is not a single seat in this theater where you cannot see the stage very well.

Ben Nikitin, Resident on Silacci Drive, Campbell:

- Said that he is an alum of Starbright as well as being a member of the County’s Youth Commission.
- Reported that Starbright offers a vast range of cultural events.

Hanna Firman, Resident on Teollenbeck Ave, Sunnyvale:

- Said she has two Starbright students.
- Asked that the City support the Use Permit to allow the continued use of this theater.
- Advised that she has attended shows at this theater. The theater supports Starbright’s own programs.

- Added that it is a wonderful space for the community and an asset to Campbell.

Adrienne Marquette, Resident on Koch Lane, San Jose:

- Said that she is a theater teacher.
- Advised that she discovered Starbright last year.
- Stated that she too is a real stickler for the safety of children.
- Said that this facility has great security camera system.
- Urged that this facility be allowed to continue to operate.

Jan Heiman, Bay Area Opera Collaborative, Resident of Sylvia Drive, San Jose:

- Read a letter from Catherine with this non-profit arts organization in support of the Starbright theatre.

Saisree Tata, Resident on Williams Road:

- Said she is the mother of two girls who enjoy the professional stage available at Starbright School's theater.

Siam Garrda, Resident on Williams Road:

- Reported that she got the chance to perform at Starbright.
- Stated that this is a convenient venue that is both low cost and of professional quality.
- Declared, "We need Starbright!"

Elaine Margova, Resident of Sunnyvale:

- Said that she moved here in 2014.
- Added that she has attended all performances at Starbright since her 5-year-old daughter joined in 2017.
- Stated that her daughter is developing her communication skills.
- Said that they attended a Polish violinist's performance.
- Asked that they be allowed to continue in this manner.

Lisa; Rio Court (little girl in peach t-shirt):

- Stated that she is a student participant of the Starbright Theater Program.

Alyssa Dikovsky, Resident on Vierra Ct, San Jose:

- Said that she has two daughters who have graduated from Starbright School and participated in performances.
- Added that they learned in a fun way.
- Stated that the theater program is well organized and of good quality.
- Concluded that it has been a good experience for her and her family.

Irina Trefimchuk, Resident on Lemoyne Way, Campbell:

- Stated that she is the proud mother of two girls.
- Advised that she strives to give her daughters as many experiences as possible.
- Asked the Planning Commission to help Starbright School with their Use Permit.
- Said that "we all benefit."

Tatiana Evstigneeva, Resident on Rio Vista Ave, San Jose:

- Said she is the mother of three children ages 1, 3 and 5.
- Stated that “It takes a village to raise a child.”
- Pointed out that children learn from the performances either by participating in or watching them.

Buddy Butler, Resident on Sutcliff Ave, San Jose:

- Identified himself as a Professor at San Jose State University and part of a theater group (501C-3)
- Said that he is here to support Starbright.
- Said this Valley is a progressive and growing scene with a supportive audience base.
- Cautioned that we don’t have enough small venues to serve small non-profits.
- Stated that “Theater is a link across humanity.”
- Said that this is a place to raise our cultural awareness.
- Asked for support for this theater.

Faina “Connie” Birman, Resident on Quinnhill Road, Los Altos:

- Said that the hall (Council Chambers) resonates with all the kids present.
- Stated that self-confidence is being developed through the love of arts.
- Pointed out the devotion of the Starbright School owners to their students.
- Said that this school is the safest place kids can have and she wished Los Altos had the same thing available.
- Added that they drive 45 minutes to get here.
- Opined that Starbright benefits the Campbell community and the kids.
- Reported that they have dinner when they’re here and shop for things such as flowers.

Nikolay Akunts, Resident on Bismarck Drive, San Jose:

- Said he is the parent of a Starbright School student.
- Stressed the importance of people seeing culture in person rather than on an iPad or television.
- Asked the Commission to please support this multi-purpose facility.

Annastassia Ku, Resident on Bouret Drive, San Jose:

- Thanked the City for organizing this forum.
- Pointed out just how many children are here this evening in this auditorium who are well-behaved.
- Stated that we live in a diverse community in an extremely expensive area.
- Added the affordable cultural events are rare. These are engaging events.
- Stated that there is no way around it. This multi-purpose facility must be rented out to third parties.
- Urged the Commission to help modify their Use Permit to allow it to continue.

Sinohui Hinojosa, Resident on Broadway Ave:

- Stated that he is a Willow Glen resident and independent filmmaker

- Advised that he has held screenings at Starbright.

Anastasia Atlasova, Resident on Seriana Ct, Union City:

- Said her brother graduated pre-school and kindergarten.
- Added that they love and support Starbright.
- Stated that they offer so many educational and cultural programs.
- Stated she is here to support Starbright.

Maria Kletser, Resident on Harriet Ave, Campbell:

- Said she is a resident of Campbell.
- Added that she is here to support the continued use of the multi-purpose room that is such a benefit of the community that welcomes a sense of wonder.
- Stated that we need more cultural events now fewer.
- Stressed the need to support the arts.
- Urged the Planning Commission to allow more diverse multi-cultural events to come to Campbell. It makes Campbell a more desirable place to live.

Caleb Jo, Resident on Teraka Pl, Unit 2B, Sunnyvale:

- Said he is 20-years-old and a college student.
- Stated that Starbright is a great and affordable place to screen his film. It provided a venue where he can show what he does.

Rabbi Ilana Baird, Resident on Steinway Ave, Campbell:

- Said she represents a Russian-speaking Jewish community.
- Said that many of her children attend Starbright School.
- Added that she went to see a play performed in Hebrew with English sub-titles.
- Stated that this venue is so amazing. She felt safe there and comfortable. She was amazed.
- Concluded that she is here to support this wonderful community like so many others that are here tonight.

Ken Abrams, Resident on Norin Ct, Campbell:

- Said he is a scientist that is now retired from Adobe.
- Added that he is on the Board for the Shoestring Theater as well as on the Arts Community Jewish Theater.
- Asked that Starbright to be allowed to continue their wonderful service.
- Pointed out that theatre allows people to work together for a single goal.
- Recounted that the "best" employee he ever hired was a part-time improvised comedian.

Alan Angrellov, Resident on Lawrence Hill Ct, Campbell:

- Said that her son has been at Starbright since he was two.
- Recounted that she moved him over to Marshall Lane and that was the biggest mistake of her life.
- Stated that she brought him back to Starbright.
- Opined that public schools should learn about safety from Starbright.

Alex Lee, Resident on South Daniel Way, San Jose:

- Said he is a film student but has not yet used this place.
- Added that as someone who is pursuing the arts it's hard to find a place to show your work.
- Stated that Starbright gives an opportunity for people to grow.
- Said he hopes the program can continue so someday he too can use this facility.

Jack Guydish, Resident on El Patio Drive, Campbell:

- Recounted that he searched for a pre-school and found Starbright.
- Added that the arts program is so integrated with the school.
- Said the rental of the facility is required to help sustain it.
- Lamented that his kid is aging out.
- Assured that the school is not the same without its theater.

Matthew:

- Advised that he is a DeAnza student.
- Said that interaction with a supportive group audience is invaluable.
- Stated that it is important to have an open platform for artistic pursuits.

Maria, San Jose:

- Pointed out that it's not just Campbell that needs this theater it is the entire South Bay.
- Stated that it serves a community beyond just Campbell.

Anna Uishjatullina, Resident on New Ireland Ct, San Jose:

- Said she wanted to highlight the importance of petitions from outside Campbell.
- Stated that Starbright put Campbell on our map.
- Said that it's not just child development it's a unique performance arts program.
- Concluded that there is nothing like it up here.

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

Chair Rich advised that there would be no voting occurring this evening but asked the Commissioners for their comments.

Commissioner Ching:

- Said that the Commission has received a real education tonight.
- Stated that he was blown away by the community support of this use that is diverse and far ranging.
- Commended all involved. It is important to the community.
- Said he hears a few points being expressing. The need to be affordable and self-supporting.
- Added that he understands why renting out the facility is so important but cautioned the need to make sure safety for the children is of paramount importance. They must be very careful when adults are on site while the school is open.
- Said that he was captured by one speaker's comment about live entertainment and "not an iPad!"

- Advised that he supports Starbright working with staff to maintain this use.

Commissioner Dodd:

- Agreed with Commissioner Ching.
- Reminded that the Use Permit for this facility will run with the land and building. It's not just Starbright but it's for the facility itself.

Director Paul Kermoyan:

- Said that Commissioner Dodd is correct in that assumption.
- Added that when they submit their application they need to clarify what this facility really is.
- Reminded that the C-1 Zoning District is intended for certain purposes.
- Reiterated that a Use Permit will run with the land. It is a governing document.
- Added that they had varied from their existing CUP and that is what must be corrected here.
- Said that the multi-use room's tiered seating fits in well with the daycare facility. One of the charms of having that space used that way.
- Responded to the mention by some speakers that other schools rent out their space. However, there is different oversight other than the City over public schools.
- Concluded that he too likes performing arts.

Commissioner Hernandez:

- Said that she understands the demand for affordable venues for the arts.
- Recounted that her daughter did Scottish Highland dancing and they were always looking for appropriate venues.
- Stated she can sympathize with that need.
- Agreed that cultural events are important at this time especially. It helps bring a community together.
- Cautioned that the provision that there be no alcohol on site is an important one. That is no different from other schools that rent out their theaters.
- Mentioned that her daughter's school did not rent out their theater.
- Added that schools are zoned and permitted for theater uses of their auditoriums.
- Said that there are challenges. We are here because of how the school was using its space. We have allowed uses in a Neighborhood Commercial zoning. There are reasons why there are specific codes to oversee Building, Fire and Safety as well as ADA access.
- Stated that as operating currently and allowing uses from out-of-house to use their multi-purpose facility changes the expectations for the use.
- Stated that is why the City worries about things such as parking and noise and why it's allowed or not allowed in a particular zone.
- Opined that it is not something than cannot be tackled and worked out.
- Said that the crux of the matter is "what is this use?" Is it a daycare-school or is it a theater. Same question when the City must consider whether a business is a restaurant or a bar. These are the kind of things the Commission has to deal with all the time to make sure people are doing what they should be doing. Making sure the hours are correct.

- Stated that it sounds like this is a positive thing to have in our community.

Director Paul Kermoyan:

- Said that this is good information.
- Pointed out that he heard reference to “assigned” parking. As far as he is aware there is no “assigned” parking at this center.
- Said that staff will consider every use at this center, what the parking demand is per use and how the supply of parking serves all uses. With that a base is set. Then the hours of operation for all businesses is evaluated to see if there is an ebb and flow that offers some additional flexibility.

Commissioner Hernandez thanked those in the audience for coming out tonight.

Chair Rich:

- Stated that he is a 20-year resident of Campbell and a five-year member of the Planning Commission.
- Said he understands the support of those who spoke this evening and even those who didn't speak but came in support.
- Advised that the owner will work with staff and bring a Use Permit request to the Commission.
- Stated that it is clear we “have a jewel here.”
- Concluded that he looks forward to the formal application.

Commissioner Dodd asked who set up this meeting.

Director Paul Kermoyan replied that staff did.

Commissioner Hernandez:

- Thanked staff for their time and efforts.
- Explained that staff is here to help not to shut you down. They are great to work with and take a lot of time and effort to work with folks.
- Said that it seems some things were cleared up and she thinks that things can be worked out.
- Asked if a motion was appropriate.

Director Paul Kermoyan said a motion to continue this to a date uncertain with a voice vote would be appropriate.

Motion: Upon motion and second the Planning Commission CONTINUED TO A DATE UNCERTAIN the future consideration of a Use Permit for the Starlight school multi-purpose facility located at 1806 W. Campbell Avenue. (4-0-3; Commissioners Krey, Ostrowski and Rivlin were absent)

Chair Rich advised that this item would be coming back to the Commission at a future date to update the Use Permit.

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

2. PLN2018-143 (S&A)
PLN2018-144 (TRP)
PLN2018-174 (PMP)
- Public Hearing to consider the application of Saul Flores for a Site and Architectural Review Permit (PLN2018-143), Tree Removal Permit (PLN2018-144), and Parking Modification Permit (PLN2018-174) for construction of a new 5,808 square foot office building, removal of three (3) protected redwood trees, and reduction of one parking space on property located at **95 E. Hamilton**. 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: *Cindy McCormick, Senior Planner*

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

Chair Rich asked if there were questions of staff.

Commissioner Ching said that it was noted in the arborist's report that there is doubt for the long-term viability for the Redwoods. Would it be viable to water/irrigate those trees in order to preserve them?

Planner Cindy McCormick replied that that is a part of the landscape plan.

Director Paul Kermoyan said it is not costly to irrigate a property of this size.

Chair Rich asked why the motorcycle parking was suggested.

Planner Cindy McCormick explained that the area where motorcycle spaces are proposed represents a "dead zone" with insufficient space to provide sufficient back up space to allow the parking of cars there. Changing that would require a redesign or reduction in building size.

Commissioner Hernandez presented the Site and Architectural Review Committee report as follows:

- Stated that SARC was supportive as brought back.
- Agreed that they would have to redesign their building to keep the big tree in the middle of the site.
- Reminded that this applicant worked with staff to keep the other trees.

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

Saul Flores, Property Owner/Applicant:

- Reported that they made a change to the previous trash enclosure bringing it against the building and being less intrusive to the root system of the trees.
- Explained that motorcycle parking offers no agitation impact to the tree roots.

Jo-Ann Fairbanks, Campbell Resident:

- Stated that she was present for the previous item and felt the Commission did a wonderful job.
- Stated her thanks to staff for their efforts to preserve trees.
- Added that she is in opposition to this project because the City's Tree Protection Ordinance requires the City to consider the aesthetic and economic value of a tree.
- Said that while she appreciates the rights of a property owner she feels there were no efforts to integrate these healthy giant redwoods into their site plan. That is unfortunate.

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

Commissioner Ching:

- Stated his agreement.
- Added that if this project were in an earlier stage perhaps redesign would be appropriate but it is too late at this point since the applicant has worked with the City over a period of time to reach this proposal.
- Pointed out that it is difficult to design around a big tree.
- Said that inclusion of motorcycle spaces is a positive. He's seeing more use of scooter bikes these days as well.

Commissioner Dodd said she is okay with the parking exemption as it helps protect the other two trees.

Commissioner Hernandez:

- Said that Ms. Fairbank's comment is noted.
- Stated that she likes to work at saving more trees in the future but it's not appropriate at this time with this applicant.
- Commended the applicant for working cooperatively with staff.
- Added that she is in favor of the parking exception to help keep trees in the back.

Motion: **Upon motion of Commissioner Hernandez, seconded by Commissioner Ching, the Planning Commission adopted Resolution No. 4443 approving a Site and Architectural Review Permit (PLN2018-143), Tree Removal Permit (PLN2018-144), and Parking Modification Permit (PLN2018-174) for construction of a new 5,808 square foot office building, removal of three (3) protected redwood trees, and reduction of one parking space on property located at 95 E. Hamilton Avenue, by the following roll call vote:**

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

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

3. **PLN2017-406 (CUP)** Public Hearing to consider the application of Jennifer Thompson for a Conditional Use Permit (PLN2017-406) to formalize establishment of a private school and commercial child day care center (San Jose Christian School) and an ancillary public assembly use (Living Hope Community Church) and private language school (South Bay German Language School) on Campbell Union School District property (former Dover School), located at **1300 Sheffield 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: *Daniel Fama, Senior Planner*.

Motion: Upon motion and second the Planning Commission **CONTINUED TO A DATE UNCERTAIN** the future consideration of a Use Permit for the Starlight school multi-purpose facility located at **1806 W. Campbell Avenue. (4-0-3; Commissioners Krey, Ostrowski and Rivlin were absent)**

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

4. **PLN2017-383 (CUP)**
PLN2018-139 (PMP) Public Hearing to consider the application of California South Bay University & Triton Institute for a Conditional Use Permit (PLN2017-383) and Parking Modification Permit (PLN2018-139) to allow two commercial schools with a reduced number of parking spaces on property located at **577 Salmar Avenue** in the C-2 (General Commercial) Zoning District. Staff is recommending that this project be found 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, presented the staff report.

Chair Rich asked if there were questions for staff.

Commissioner Dodd thanked staff for pointing out the other considerations staff looked at.

Chair Rich said it seems the parking demand is 12 spaces based on student/staff numbers and 30 if based upon FAR.

Planner Stephen Rose replied the standard used on one space per employee and one space per every four students.

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

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

Director Paul Kermoyan:

- Said that staff would be including this section in future reports quite a lot moving forward. The Commission will see this more and more.
- Stated that there are fiscal impacts of land use.

Commissioner Hernandez:

- Said she is fairly comfortable with when people are going to be there.
- Added that they will have a 15-minute overlap between classes.
- Stated that it seems like staff put in good conditions that she can support. This is probably a “doable” situation. The conditions regarding parking management, capacity and hours of operation are fine.

Commissioner Dodd:

- Said that she likes staff’s suggestion of extended hours.
- Stated that she is very supportive of 30 students as fewer than that is not always better if the class size gets too small.
- Concluded that she is absolutely in support.

Commissioner Ching:

- Said his only concern had been with the age of the students given this industrial area.
- Concluded that once he realized all were over 18 years of age he had no problem.

Chair Rich said he was in favor in general.

Motion: Upon motion of Commissioner Dodd, seconded by Commissioner Hernandez, the Planning Commission adopted Resolution No. 4444 approving a Conditional Use Permit (PLN2017-383) and Parking Modification Permit (PLN2018-139) to allow two commercial schools with a reduced number of parking spaces on property located at 577 Salmar Avenue, with the removal of an unrelated second paragraph to Condition of Approval 6, by the following roll call vote:

AYES: Ching, Dodd, Hernandez and Rich

NOES: None

ABSENT: Dodd, Ostrowski and Rivlin

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 the APA Conference will occur in San Diego in October that offers a good training opportunity. He will provide more information to the Commission and can send a couple of Commissioners to this conference.

ADJOURNMENT

The Planning Commission meeting adjourned at 10:30 p.m. to the next Regular Planning Commission Meeting of **July 10, 2018**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael Rich, Chair

ATTEST: _____
Paul Kermoyan, Secretary