

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

OCTOBER 9, 2018
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of October 9, 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
	Commissioner:	Stuart Ching
	Commissioner:	Mike Krey
	Commissioner:	Maggie Ostrowski
Commissioners Absent:	Vice Chair:	JoElle Hernandez
	Commissioner:	Andrew Rivlin
Staff Present:	Building Official:	Bill Bruckart
	Assistant Planner:	Naz Pouya
	City Attorney:	William Seligmann
	Recording Secretary:	Corinne Shinn

APPROVAL OF MINUTES

There was not a quorum among the four Commissioners at the meeting that were eligible to vote on the minutes of the last meeting held on September 25, 2018. The minutes will be adopted at the next meeting set for October 23, 2018.

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Diane Sousa, Resident on Ridgeley Drive:

- Discussed her concerns about traffic on her street.
- Stated that Ridgeley Drive feels more like Ridgeley Expressway due to volume and speed of traffic using this neighborhood street as a pass-through to avoid traffic on the nearby larger street.
- Said the situation is dangerous for the children and pets of the neighborhood. This has become a hazard.
- Asked the City to provide the recent traffic evaluation of this street by posting it.
- Suggested the City utilize traffic calming measures such as speed bumps and turnarounds. Something, please.
- Concluded that they need help.

Chair Rich advised Ms. Sousa that her contact information would be provided to the Public Works Department for response.

PUBLIC HEARINGS

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

- 1 **PLN2018-205** Public Hearing to consider the application of Gordon K. Wong for a Site and Architectural Review Permit to allow the construction of a new one-story single-family residence on property located at **1170 Peggy Avenue**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Planning Commission action is final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Naz Pouya, Assistant Planner*

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

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

Chair Rich gave the Site and Architectural Review Committee report as follows:

- SARC was generally in agreement for approval.
- Added that SARC discussed the palm tree on site. It is not currently proposed for removal but removing a palm tree from a single-family residential property does not require a permit.

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

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

Commissioner Ostrowski:

- Stated that this project is very nice and is consistent with this neighborhood.

- Admitted that she likes the design a lot.
- Added that it is a fairly large house but remains a single-story.

Commissioner Ching:

- Agreed with Commissioner Ostrowski.
- Said that it is a nice design and fitting for the area.
- Concluded that this project gets his support.

Commissioner Krey pointed out a reference on the draft resolution that states it is a two-story that needs to be corrected.

Chair Rich:

- Pointed out that this is a nice large lot located within the San Tomas Area Neighborhood Plan.
- Reminded that the project received good comments from SARC.
- Added that there are no neighbors who are opposing.

Motion: **Upon motion of Commissioner Ostrowski, seconded by Commissioner Ching, the Planning Commission adopted Resolution No. 4463 approving a Site and Architectural Review Permit to allow the construction of a new one-story single-family residence on property located at 1170 Peggy Avenue, with the correction to Finding #1 to replace the reference of a two-story with one-story, by the following roll call vote:**
AYES: **Ching, Krey, Ostrowski and Rich**
NOES: **None**
ABSENT: **Hernandez and Rivlin**
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 **PLN2017-27** Public Hearing to consider the application of MBA Architects for a Planned Development Permit to allow the construction of a new two-story commercial building on property located at **2220 S Winchester Boulevard**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action is final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Naz Pouya, Assistant Planner*

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

Chair Rich asked if there were questions for staff.

Commissioner Krey asked if the 15-foot minimum ceiling height standard for a ground follow is a global standard. How did that come up?

Planner Naz Pouya replied that the WBMP (Winchester Boulevard Master Plan) includes that provision. It was taken off the previously-adopted East Campbell Avenue Master Plan.

Chair Rich added that its intent is to improve/enhance the marketability of these sites for many uses.

Commissioner Krey asked whether all of the other projects constructed since the adoption of the Winchester Boulevard Master Plan have met that standard.

Planner Naz Pouya provided a table of projects.

Commissioner Krey pointed out that those projects were not on such a shallow lot as this.

Planner Naz Pouya agreed that the other lots were larger.

Commissioner Krey asked about the side-street setback requirement. Are any exceptions allowed to a street-side setback?

Planner Naz Pouya replied not tied to a use such as a parking space.

Commissioner Krey asked if all three findings are required to support an exception.

Planner Naz Pouya replied yes.

Commissioner Krey asked for more information about the impacts from a 73 square foot reduction in the ground floor.

Planner Naz Pouya replied that if this building is reduced by a small amount the parking requirement reduces from the current 21 to just 20.

Commissioner Ching asked whether the requirement for a minimum 15-foot ceiling height for the first floor is backed up by data that this space is more appealing for retail uses.

City Attorney William Seligmann:

- Said it seems Commissioner Ching has a two-part question.
- Stated the first question is whether there is a specific standard for a minimum 15-foot high ceiling. The answer to that question is yes. That minimum ceiling height is a provision contained within the Winchester Boulevard Master Plan.
- Added that the second part of the question is why that standard has been imposed. Is there data that supports it?

Planner Naz Pouya:

- Reported that a series of meetings were held when the WBMP was developed.
- Added that she reviewed the notes from those meetings.
- Advised that other projects in Campbell have been developed with this standard including the Onyx project (Bascom); Merrill Gardens (Winchester) and the Aqui's mixed-use building (Campbell).
- Said that the taller ceilings were seen as being better to accommodate displays etc.

Commissioner Ching pointed out that Mr. Bamburg has stated that 12-foot ceiling heights are a standard as well. He asked the depth of the Merrill Gardens buildings on Winchester.

Planner Naz Pouya replied the lot is 132 feet and the floor depth is 28 feet.

Commissioner Ching said that there seems to be a dispute between staff and the applicant as to how much space would have to be removed in order to comply with the parking standard. It seems staff has a 76 to 85 square foot estimation of the required building reduction while the applicant claims it is 200 square feet.

Planner Naz Pouya referenced Attachment 8. She explained that the square footage calculations are rounded "down" rather than up if less than .50. A measurement of ##.49 goes down. A measurement of ##.51 upward goes up.

Commissioner Ching asked staff what the impact of added height might have on the stair risers.

Planner Naz Pouya said an increase in ceiling heights from the applicant's proposed 14 feet to the staff required 15 feet would increase the staircase by two steps.

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

Marvin Bamburg, Applicant and Project Architect:

- Recounted that as had been requested by SARC, he had returned with a completely redesigned Spanish Eclectic building.
- Said that they are requesting two exceptions from the provisions of the Winchester Boulevard Master Plan.
- Stated that one request is for the minimum ceiling height.
- Reported that he has a very simple answer. The building at 2295-2305 S. Winchester has a floor to floor measurement of 16 feet. They used a one-foot floor space, which he can do as well. If so, they don't need an exception. Therefore, he'd like to take that request off the table.
- Admitted that the harder problem is the side-street setback. It allows for a two-foot encroachment and as designed they are asking for a two-foot-four-inch encroachment on the Sunnyside Avenue side. That's just four inches more than normally allowed by staff.

- Said that for example, one site has planter in the setback. Another has a signal box plus tree well.
- Added that there is plenty of space there. He didn't feel it was a big deal.
- Advised that the adjacent neighbor on Sunnyside is residential. They have five-foot wide sidewalks.
- Again they are asking for four more inches of encroachment.
- Said that the Rincon project has two walls that are 16 feet in length and solid. Our walls are 14.5 foot long and include architectural elements that are consistent with the WBMP. They are proposing a building with nicer architectural elements than others previously approved under this plan.
- Added that the El Caminito project has solid front-facing with no architectural break. It is monotonous. We have a more involved artistic elevation that is within the spirit of the WBMP.
- Asked the Planning Commission to forward this project on.

Commissioner Ostrowski asked Mr. Bamburg why they had removed the second door that was previously in the design. How are the proposed design elements supposed to make this building look like several rather than one?

Marvin Bamburg advised that his client didn't want a door there. It can be done in the future if one tenant space is divided into two in the future.

Commissioner Ching:

- Said he wasn't yet on the Planning Commission the last time this project was brought before the Commission but he watched the meetings.
- Admitted that he liked the original modern architectural design.
- Pointed that the proposed versus previous design has had two windows omitted. Why? What was the rationale?

Marvin Bamburg said that those two windows would go in the stairwell and we didn't feel we needed them.

Commissioner Ching asked about the difference between Mr. Bamburg's and staff's required square footage reduction to reduce the parking required to 20. Staff ranges between 76 and 85 square feet. Mr. Bamburg indicated a reduction of 200 square feet.

Marvin Bamburg advised that most communities don't allow you to count down when calculating parking ratios. Therefore, he came up with a 200 square foot reduction to reduce one parking space.

Chair Rich said that a less than 85 square foot reduction would reduce the parking requirement to 20 spaces.

Marvin Bamburg agreed. He added that it is their preference not to have to reduce the building since we are talking about just an added four-inch encroachment.

Commissioner Ching asked when they want to start construction.

Marvin Bamburg said they'd like to start soon. His client is paying property taxes on a vacant lot for the last year. He'd like to build right away.

Commissioner Krey asked staff if the Rincon building's wall was counted as an architectural feature. That doesn't sound right to him.

Planner Naz Pouya:

- Referred to page 10 that has the "previous" and "proposed" designs.
- Advised that encroachment to a required setback is allowed if it serves a purpose such as adding interest to the building not increasing useable space.
- Added that the WBMP says such encroachment is only allowed in the front setback. If the "architectural feature" was not a parking space it might be supportable.

Marvin Bamburg said that if the portal was on the front elevation staff would not be opposed. Why is staff opposed if on the side street?

Chair Rich raised the issue of the height comparisons. The project as proposed includes a 15-foot-net clear ceiling height.

Building Official Bill Bruckart clarified that as proposed the duct work would be exposed within the 15-foot ceiling.

Marvin Bamburg:

- Said that the ducts are exposed in both projects that staff referenced.
- Added that he could pull the parking back so they only encroach into the setback by two feet. They can lose the additional four inches.

Commissioner Ostrowski said that still means they are parking two feet within a required setback.

Marvin Bamburg replied yes.

Chair Rich asked what the rationale is between the changes.

Commissioner Ching said that the window goes into the stairwell. The architect could put it back.

Chair Rich said it is more than just a window.

Marvin Bamburg said their provisional design had been provided as a good will effort but was not considered a formal submission on their part. The lower design on that page is the one his client preferred.

Chair Rich reiterated that the design at the bottom is their official submission.

Marvin Bamburg replied "right".

Planner Naz Pouya:

- Reminded that the original design brought forward in January was a modern architecture.
- Added that SARC had comments and concerns.
- Said that as a result of those concerns, the applicant brought forward a new design at the January 23rd Planning Commission meeting.
- Said that the current design under discussion at this time is the third design seen by the Commission for this location.

Joseph Gemignani, Resident on Union Ave:

- Recounted that he rides his bike along Campbell and Winchester.
- Said that either design would be the prettiest he'll see on his travels.
- Stated his hope that this project gets going.
- Asked the Commission to approve it. People will see it from the street. It is a small building.

Rodel & Gie Hubilla, Residents on Sunnyside Avenue:

- Explained that they own the house next door.
- Advised that they are concerned about their large oak tree.
- Added that a majority of their tree overhangs onto this proposed building site.
- Asked what the plan is for their tree.

Chair Rich asked if the tree is on their property.

Rodel Hubilla:

- Replied yes.
- Said that this tree was cut back when their home was building so it is now leaning onto this adjacent property.
- Asked who has the burden to take it out. It is big and dangerous.

Chair Rich asked the Hubillas if it is their desire to keep that tree or cut it down.

Gie Hubilla said it is her preference to keep it. However, sometimes it costs up to \$1,000 to have it trimmed.

Rodel Hubilla said he is open to keeping the tree or removing it.

Chair Rich asked staff about the maintenance of that tree. Who is the owner of a tree?

City Attorney William Seligmann:

- Said that the responsible owner is determined by where the trunk of the tree is located.
- Added that the owner of an adjacent property can exercise reasonable trimming of a tree that overhangs his/her property.

- Concluded that the rights and liabilities are those of the property owner where the tree trunk is location.

Gie Hubilla said that she doesn't want to spend a lot of money every year on this tree.

Rodel Hubilla said that if it is trimmed on the other side it will look like a twig.

Chair Rich asked if it is their goal to preserve their tree.

Gie Hubilla said she wants to keep it but her husband wants to remove it.

Chair Rich suggested they come back when they know what they want to do.

Marvin Bamberg:

- Advised that they have no plans to deal with the oak tree at all. They plan to put in more trees to help screen their site from the adjacent properties.
- Added that it might be better for the Hubillas' tree trimmer to work from our property.

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

Commissioner Ostrowski:

- Thanked everyone for the great questions and the clarification provided by the applicant.
- Said that this is a tricky situation as there are guidelines.
- Stated that the 15-foot minimum ceiling height requirement is to allow for flexibility in uses.
- Said that we shouldn't be making setback exceptions for parking. That is not supported.
- Said that she thought the "interim" design was nicer than today's design.
- Admitted that this will be a nice addition to the street.
- Suggested that details be worked out on how to make it right.

Commissioner Ching:

- Said that he likes the design and is supportive.
- Added that he would like to find a way of getting this approved so they can build it.
- Pointed out that this site is an eyesore at this time.
- Said that the changes to the design are relatively minor. The encroachment into the required setback requested is for an added parking space.

Commissioner Krey:

- Said that the 15-foot ceiling height is covered.
- Advised that the design itself is the other issue. The ground floor works. It is broken up. However the second floor with the long window is a massing issue.
- Stated that the fact that there is not a second door as originally proposed is probably not an issue. This space will likely serve a single tenant anyway.

- Said that design issues remain that don't fit within the Winchester Boulevard Master Plan.
- Opined that the width of the sidewalk is fine but it could open up a precedent.
- Admitted that he wishes the second story was broken up a bit.

Chair Rich:

- Said he has comments on four items – height, setback, parking and design.
- Admitted that he differs from SARC as he likes the previous design.
- Stated the importance of considering height by utilizing apple-to-apple comparisons.
- Pointed out that the applicant has indicated that he could work with a reduction in size of between 76 and 85 square feet.
- Said that height also considers the inclusion of open duct work versus closed.
- Reminded that some comps required no exceptions.
- Suggested giving direction to staff to make sure the interior ceiling height is 15 feet; the setback from Sunnyside Avenue is no more than four feet; and that the building square footage be reduced to reduce the parking demand.
- Added that as to design, he is more flexible. He does prefer the previous design.

Commissioner Ostrowski asked about the setback on Sunnyside Avenue at 2 feet, 4 inches.

Planner Naz Pouya said that an architectural feature within two feet is an acceptable item but not a parking space.

Chair Rich suggested removing that parking space by reducing the building by 76 to 85 square feet.

Commissioner Ostrowski reminded that the applicant also wants the second floor to have 9 foot ceiling heights.

City Attorney William Seligmann:

- Suggested modifying Condition 4 of the Draft Resolution (Attachment 10) to specify a couple of other changes to the plan:
 - Add Condition 4-C – requiring the ground floor ceiling height to be minimum 15-net-feet clear with no drop ceilings.
 - Add Condition 4-D – requiring the reduction of the building square footage by 76 square feet.

Chair Rich said that the previous design is his preferred.

City Attorney William Seligmann:

- Stated that some of the findings (Finding 6 and 7) will need to be modified for the resolution denying exceptions that are no longer necessary. Finding 8 can be stricken outright.
- Added that the Evidentiary Findings are no longer correct and can also be stricken.

Chair Rich asked each Commissioner to identify their preferred building design.

Commissioner Krey said he preferred the January 23rd submittal.

Commissioner Ostrowski said she too preferred the January 23rd interim design but feels the architect/owner should have flexibility. She supports their newest design.

Commissioner Ching said he liked the original modern architectural design but will support the newest design.

Chair Rich said he would support the proposed design.

Motion: Upon motion of Commissioner Ching, seconded by Commissioner Krey, the Planning Commission adopted Resolution No. 4464 recommending the approval of a Planned Development Permit (PLN2017-27) to allow the construction of a new two-story commercial building on property located at 2220 S Winchester Boulevard, as modified by staff, by the following roll call vote:

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

Chair Rich advised that this item would be considered by the City Council at a future date for final action.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

There were no additions to the written Director’s Report.

ADJOURNMENT

The Planning Commission meeting adjourned at 9:06 p.m. to the next Regular Planning Commission Meeting of **October 23, 2018**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael L. Rich, Chair

ATTEST: _____
Paul Kermoyan, Secretary