

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

JULY 26, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of July 26, 2016, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Acting Chair Kendall and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present:

Vice Chair:	Yvonne Kendall
Commissioner:	Pamela Finch
Commissioner:	Philip C. Reynolds, Jr.
Commissioner:	Michael L. Rich
Commissioner:	Donald C. Young

Commissioners Absent: Chair: Cynthia L. Dodd
Commissioner: Ron Bonhagen

Staff Present:

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

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Reynolds, seconded by Commissioner Young, the Planning Commission minutes of the meeting of July 12, 2016, were approved as submitted. (5-0-2; Acting Chair Kendall and Commissioner Bonhagen abstained)

COMMUNICATIONS

Director Kermoyan listed the desk item(s):

1. Email for Item 5

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Asked that Item 4 be heard out of order (before Item 3) so that the three Site and Architectural applications falling within the San Tomas Area Neighborhood Plan on the agenda this evening can be grouped together.

Acting Chair Kendall asked staff if that was possible.

Director Paul Kermoyan said that it is to the discretion of the Commission to rearrange the order of items on the agenda.

Acting Chair Kendall said that the Commission would honor the request and reverse the order between Item 3 and Item 4.

CONSENT

None

PUBLIC HEARINGS

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

1. **PLN2016-117** Public Hearing to consider the application of Ted S Cribari III and Gayl Leones-Cribari for a Site and Architectural Review Permit (PLN2016-117) to allow construction of a 1,526 square-foot single-story residence and 528 square-foot detached garage for a total floor area of 2,426 square-feet on property located at **600 Chapman Drive**. Staff is recommending that this item be deemed Categorically 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.

Acting Chair Kendall asked if there were questions of staff. There were none

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

- SARC reviewed this item on July 12th and was supportive as presented.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 1.

Ted Cribari, Applicant and Property Owner:

- Said that he was unprepared to talk but is available for questions.
- Added that he looks forward to welcoming visitors to his new house once completed.

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Said that this is really a terrific project. It is a single-story home.
- Concluded that it meets the standards of the STANP (San Tomas Area Neighborhood Plan).

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 1.

Commissioner Finch said that she has complete faith and trust in the review done by SARC.

Motion: Upon motion of Commissioner Finch, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4310 approving a Site and Architectural Review Permit (PLN2016-117) to allow construction of a 1,526 square-foot single-story residence and 528 square-foot detached garage for a total floor area of 2,426 square-feet on property located at 600 Chapman Drive, subject to the conditions of approval, by the following roll call vote:

AYES:	Finch, Kendall, Reynolds, Rich and Young
NOES:	None
ABSENT:	Bonhagen and Dodd
ABSTAIN:	None

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

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

2. **PLN2016-15** Public Hearing to consider the application of John Metzger for a Modification (PLN2016-15) to a previously approved Site and Architectural Review Permit (S 97-05) to allow a rear covered patio with a rooftop deck on property located at **1365 Harriet Avenue**. Staff is recommending that this item 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, Acting Senior Planner*

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

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th and was supportive.
- Said that the SARC's concern about potential privacy impacts on the neighbor to the rear has been addressed.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 2.

John Metzger, Applicant and Property Owner:

- Reported that he had spoken with all neighbors and none objected to his plans.
- Pointed out that there are lots of trees that screens his property from his rear neighbor's house.
- Added that all of his adjacent neighbors have signed acknowledgment forms indicating knowledge of this proposed addition.

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Said that STACC reviewed project and found it to be nice. It meets most of the standards of the STANP.
- Pointed out that this applicant went to his neighbors to discuss any possible privacy impacts.
- Commented that dispute staff's mention of the fact that there is not similar decorative stone planned for the back of this home to match what is at the front, STACC found that variation to be okay.
- Concluded that overall this is a nice design and she hopes Mr. Metzger enjoys his deck and outdoor kitchen.

Jo-Ann Fairbanks, Resident on Hacienda:

- Admitted that she is against this deck.
- Reported that in the past Council has denied applications for this kind of decking when proposed for next to a one-story house. This is specifically true in the STANP area.

- Said that this is a proposal for a cantilevered deck that juts out over the back of its own one-story and projects into the backyard.
- Pointed out that the sight line elevations are not shown.
- Stated that the two northerly properties, which are single-story, could be impacted.
- Noted that the trees on the northern property line are controlled by this applicant/property owner. There is no way for the two northern property owners to control what happens with those trees in the future.
- Added that the grading for the applicant's property appears to be higher than that of the two northern properties.
- Stated that she would oppose this request in general.
- Thanked the Commission for listening to her input.

Acting Chair Kendall asked if there were any other speakers.

John Metzger, Applicant and Property Owner:

- Asked for an opportunity to answer some of the issues brought up.
- Explained that the two homes to the north receive screening from existing trees that are 50 feet tall. Those trees will separate this proposed deck. There will be no visibility to the home to the immediate left. The other home to the north has no property to look into.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 2.

Commissioner Reynolds:

- Said that he did hear Ms. Fairbank's opposition to the deck amid concern about preserving privacy.
- Advised that in this situation, the proposed deck has the support of those potentially impacted neighbors.
- Concluded that he would support this request because those neighbors are also supportive.

Commissioner Finch:

- Stated her agreement with Commissioner Reynolds.
- Said that this is a unique situation with the trees as well as the actual wing of the house that blocks it (the proposed deck) out from view.
- Concluded that she likes this project.

Commissioner Rich said that SARC had concerns but were satisfied to learn that there were no issues raised by potentially impacted adjacent neighbors.

Motion: **Upon motion of Commissioner Reynolds, seconded by Commissioner Young, the Planning Commission adopted Resolution No. 4311 approving the Modification (PLN2016-15) to a previously approved Site and Architectural Review Permit (S 97-05) to allow a rear covered patio with a rooftop deck on property located at 1365 Harriet Avenue, subject to the conditions of approval, by the following roll call vote:**

AYES: Finch, Kendall, Reynolds, Rich and Young
NOES: None
ABSENT: Bonhagen and Dodd,
ABSTAIN: None

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

As agreed by the Commission upon request, Items 3 and 4 will now be heard in reverse order.

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

4. **PLN2016-12** Public Hearing to consider the application of Scott Anger for a Site and Architectural Review Permit (PLN2016-12) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at **1376 Capri Drive**. Staff is recommending that this item 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, presented the staff report.

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th.
- Advised that there was initial concern about extra paving proposed for the front but that turned out to be an error. That paving is now reflected as simply a walkway.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 4.

Scott Anger, Applicant:

- Said that he is looking forward to building.

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Said that she appreciates being here able to say really positive things about projects in the STANP area.
- Stated that she is very happy to see this project. The site had been a pre-school.
- Agreed with the staff report.
- Concluded that this is a nice design, fits well into the community and she looks forward to its completion.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 4.

Motion: Upon motion of Commissioner Reynolds, seconded by Commissioner Finch, the Planning Commission adopted Resolution No. 4313 approving a Site and Architectural Review Permit (PLN2016-12) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at 1376 Capri Drive, subject to the conditions of approval, by the following roll call vote:

AYES: Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: Bonhagen and Dodd,

ABSTAIN: None

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

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

3. **PLN2016-168** Public Hearing to consider the application of Amcoe Sign Company for a Sign Permit (PLN2016-168) to allow an additional number of signs (4 freestanding signs) on properties located at **1500, 1506, 1510, and 1520 Dell Avenue**. Staff is recommending that this item 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, Acting Senior Planner*

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

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th and was generally supportive except for one notation.
- Pointed out that one of the buildings on site could be leased to up to five tenants. If so, the sign proposed to serve that could look cluttered if five businesses' names are included on it.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 3.

Steve Coulthard, Amcoe Sign Company, Applicant:

- Said that this is a cohesive sign project to provide a uniform sign program.

- Agreed that one building has potential for more than the current four tenants and each tenant in that building would be allowed inclusion of their name/logo on that building's sign.
- Advised that these proposed new signs will replace existing signs.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 3.

Commissioner Finch:

- Said she has questions about the colors being different on the signage.
- Asked if there is anything within the conditions or findings defining those colors.

Planner Daniel Fama replied that is referenced is the sign plans. He added that would be approved by staff as it equals content.

Commissioner Young:

- Said that he went to the site. It is a deep lot.
- Admitted that he likes the idea of four signs to help identify each specific building.
- Concluded that he would be supportive.

Commissioner Rich:

- Said that he has a question for staff.
- Asked if the building were to be divided further, say into six spaces, would that change come before the Planning Commission?

Planner Daniel Fama replied no. That would be handled at staff level.

Commissioner Reynolds asked if a limit to the number of tenants to be included on any of these signs is possible.

Planner Daniel Fama deferred to the City Attorney.

City Attorney William Seligmann advised that the Planning Commission could not regulate content.

Motion: **Upon motion of Commissioner Young, seconded by Commissioner Finch, the Planning Commission adopted Resolution No. 4312 approving a Sign Permit (PLN2016-168) to allow an additional number of signs (4 freestanding signs) on properties located at 1500, 1506, 1510 and 1520 Dell Avenue, subject to the conditions of approval, by the following roll call vote:**

AYES: **Finch, Kendall, Reynolds, Rich and Young**
NOES: **None**
ABSENT: **Bonhagen, Dodd,**
ABSTAIN: **None**

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

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

5. **PLN2016-73** Public Hearing to consider the application of Brice Colton for a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located **at 300 & 307 Orchard City Drive**. Staff is recommending that a Negative Declaration be adopted for this project. Tentative City Council Meeting Date: August 16, 2016. Project Planner: *Stephen Rose, Associate Planner*

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

Acting Chair Kendall asked if there were questions of staff.

Commissioner Reynolds advised that although he previously disclosed having met on site with the applicant for Agenda Item 5, he actually met with the applicant for Agenda Item 6.

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

- SARC reviewed this item on June 28th and was supportive with four recommendations that have already been addressed by the applicant in the current proposal.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 5.

Jorge Romero, Project Director:

- Said that this project has been in the works for a few years.
- Added that during that time he has gotten to know the City of Campbell well.
- Extended compliments to the Planning Department for a pleasurable work experience.
- Concluded that he is very excited about this project.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 5.

Commissioner Finch:

- Recounted that she grew up in a small town that was highly agricultural.
- Said that it gives her "chills" to see these proposed improvements. She really applauds the applicant and is so excited to see the "real thing" in their design plans.

- Added that as the Historic Preservation Board is in favor of their plans, she is as well.
- Admitted that she is not excited about the benches. They are not particularly attractive but she understands that they have to stay.
- Stated that otherwise, she loves the clean lines and bringing windows back at the top that are currently covered up.

Commissioner Reynolds:

- Echoed the comments of Commissioner Finch.
- Said that he wanted to recognize and thank the members of the Historic Preservation Board for working so hard to preserve what we have.
- Suggested researching and recommending bringing benches of that era into the “fold” to the discretion and approval of the Director.
- Opined that if they are trying to restore this site, modern design is counterproductive.

Commissioner Finch:

- Said that personally she loves the second bench at the top of the exhibit. She doesn’t look that as modern in appearance.
- Reiterated that if the recommendation is the retention of the existing benches, she is okay with that.

Director Paul Kermoyan:

- Referenced Building Condition 2(a). There is enough flexibility there on benches to go either way. Either the existing benches can stay or go away.

Commissioner Rich suggested possibly upgrading the deteriorated wood from the old benches and keeping their vintage frames.

Motion: Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4314 recommending that the City Council approve a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City’s Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and off-site improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive, subject to the conditions of approval, as revised by the desk item distributed this evening, by the following roll call vote:

AYES: Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: Bonhagen and Dodd,

ABSTAIN: None

Acting Chair Kendall advised that this item would be considered by the City Council at its meeting on August 16, 2016.

Acting Chair Kendall read Agenda Item No. 6 into the record as follows:

6. **PLN2015-98** Public Hearing to consider the application of Brian Skarbek
PLN2015-99 for an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at **1708, 1740 & 1750 S. Winchester Boulevard**. Staff is recommending that this item 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, presented the staff report.

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th and recommending additional parking space screening via the addition of landscaping buffer of drought-tolerant material, removal of the roof-top sign, provision of additional screening of the roof top mechanical equipment and that a trash enclosure should be provided near Jerusalem Grill.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 6.

Brian Skarbek, Attorney for Applicant:

- Thanked the Planning Commission and Stephen Rose.
- Reported that Marvin has received overwhelming support from his customers and neighbors.
- Stated that with these changes will both make this site will look better and improve the flow of the parking lot.

Commissioner Finch asked Mr. Skarbek how long Orale has been at this location.

Brian Skarbek replied since 2009.

Commissioner Finch:

- Said that she hates to push them back and likes the idea of the wall in front of those parking spaces.
- Said that the sign is attractive and will look good.

- Stated that this is overall a great plan.

Acting Chair Kendall cautioned that the sign is just an example. She added that she is pretty sure that landscaping (living wall) is being proposed for both sides.

Commissioner Finch said that this restaurant is an institution and should be there.

Commissioner Reynolds asked staff if SARC had discussed the potential for use of umbrellas versus a canopy.

Commissioner Rich replied no.

Commissioner Reynolds:

- Advised that he spoke with Marvin and discussed the overhang. It is existing and from many years back. They propose for the overhang to remain.
- Said he has experienced outdoor dining in the Downtown where umbrellas are used. It can be a challenge to dine when the sun starts to move. As a result diners start to move as well to avoid the sun.
- Admitted that he prefers canopies to umbrellas.
- Reminded that this canopy already exists.

Commissioner Rich suggested leaving that to the applicant. It could be a matter of customer preference versus cost.

Planner Stephen Rose explained that the existing canopy, while an existing feature, was never permitted. It is placed over previously designated ADA parking spaces. If it is to remain it would have to be legalized.

Commissioner Rich said that the current proposal has the canopy being moved back 17 feet.

Planner Stephen Rose reminded that the outdoor patio seating is proposed for 12 seats. The existing canopy is overly large.

Brian Skarbek said that the canopy is preferable. They will comply as the City wants and will move it back as required.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 6.

Commissioner Young:

- Pointed out that often something constructed without permits may be more costly to modify than to take down and rebuild.
- Added that he has no issue with it.
- Said he may disagree with Finding 10.
- Admitted that he prefers umbrellas to canopy.

Commissioner Reynolds said he wanted to address the lack of permit comment on the existing canopy. He asked if the canopy was installed at the time that the building was built, could it not be considered grandfathered in?

Planner Stephen Rose:

- Explained that this existing canopy was not old.
- Added that it also may not be fire rated and/or the building permit may require stronger support brackets so the canopy does not fall over.

Director Paul Kermoyan said that use of umbrellas is not being recommended by staff. Staff recommends that the patio be moved back.

Commissioner Reynolds suggested leaving that option to bring the canopy up to Code open to the applicant.

Commissioner Rich:

- Concurred with Commissioner Reynolds to leave the option for the applicant to bring the existing canopy to Code.
- Asked if it would have to be brought back to the Commission.

Planner Stephen Rose replied no. The approval is broad enough. Either the canopy or umbrellas can be used subject to the approval of the Community Development Director.

Motion: **Upon motion of Commissioner Reynolds, seconded by Commissioner Rich, the Planning Commission Adopted Resolution No. 4315 approving an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, subject to the conditions of approval, by the following roll call vote:**

AYES: Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: Bonhagen and Dodd,

ABSTAIN: None

Acting Chair Kendall advised that this item would be considered by the City Council at its meeting on August 16, 2016.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:43 p.m. to the next Regular Planning Commission Meeting of **August 9, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Yvonne Kendall, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary