

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

NOVEMBER 22, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of November 22, 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:	JoElle Hernandez
	Commissioner:	Philip C. Reynolds, Jr.
	Commissioner:	Michael L. Rich
	Commissioner:	Donald C. Young

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

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Young, seconded by Commissioner Hernandez, the Planning Commission minutes of the Special meeting of November 17, 2016, were approved as submitted. (4-0-1-1; Chair Dodd was absent and Commissioner Reynolds abstained)

COMMUNICATIONS

Director Paul Kermoyan listed the communications items as follows:

- Desk Item for Agenda Item 1.
- Desk Item for Agenda Item 2.

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

CONSENT**A. Note and File a Tree Removal Permit approved for 180 Redding Road.**

Recommended Action: Note and file a copy of a Tree Removal Permit (PLN2016-310), approved by the Community Development Director, allowing the removal of a 15-inch diameter oak tree on property located at 180 Redding Road.

Director Paul Kermoyan advised that a Consent Item is generally brought forth for informational purposes only. The Commission has the option to pull the item off Consent for an opportunity to discuss it or simply elect to make a motion for approval/acceptance.

Motion: Upon motion of Commissioner Reynolds, seconded by Commissioner Rich, the Planning Commission approved Consent Item A to accept a Tree Removal Permit (PLN2016-310) as approved by the Community Development Director to allow the removal of a 15-inch diameter oak tree from property at 180 Redding Road. (5-0-1; Chair Dodd was absent)

PUBLIC HEARINGS

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

1. **PLN2016-258** Public Hearing to consider the application of Michael Navone for a Conditional Use Permit (PLN2016-258) to allow a rear addition and interior remodel to a historic resource inventory property in a Historic District located at **235 S. First Street**. 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 for the SARC report.

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

- SARC reviewed this application on November 8th and stressed the need to meet the preservation principles and standards of the Secretary of the Interior.
- Recommended approval of this request.

Acting Chair Kendall asked if there were questions of staff.

Commissioner Hernandez asked if this owner was encouraged to file for a Mills Act contract given the amount of investment he was putting into this historic property.

Planner Cindy McCormick said that it hadn't yet been brought up but that she would be sure to discuss the possibilities with the applicant.

Commissioner Kendall asked if Council had made a determination about the future status of the alleys.

Planner Cindy McCormick said that a Public Works Engineer is present this evening and can update the Commission on the status of the alleys.

Roger Storz, Senior Civil Engineer, Public Works Department:

- Reported that Council conducted a study session about a year ago regarding all of the alleyways.
- Advised that this particular alley as identified as a City alleyway and realistically there is no way to make this one go away.
- Therefore there is no issue with this alley in regards to this project.

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

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

Acting Chair Kendall added that she had hoped to see the front awning get replaced and sees that included in the proposal. She has no concerns.

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4347 approving a Conditional Use Permit (PLN2016-258) to allow a rear addition and interior remodel to an historic resource inventory property within a Historic District located at 235 S. First Street, subject to the conditions of approval, by the following roll call vote:**

AYES: **Hernandez, Kendall, Reynolds, Rich and Young**

NOES: **None**

ABSENT: 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. **PLN2016-255** Public Hearing to consider the application of SINA Investments, LLC for a Conditional Use Permit (PLN2015-255) to allow a massage establishment in an existing tenant space on property located at **225 W. Hamilton 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: *Cindy McCormick, Senior Planner*

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

Acting Chair Kendall asked if there were questions of staff.

Commissioner Hernandez asked how many patients are seen daily.

Planner Cindy McCormick deferred to the applicant for that detail but the patients are staggered.

Commissioner Hernandez asked if they hire their own massage therapists, would those massage therapists be allowed to work on weekends without a chiropractor being present on site.

City Attorney William Seligmann replied no. The massage therapists would only be able to operate on site under the supervision of a chiropractor as conditioned.

Planner Cindy McCormick advised that a Campbell Police Department representative is here as well this evening and available for questions.

Commissioner Rich said that it appears that Option 1 is not amiable to the applicant but what about Options 2, 3 or 4?

Planner Cindy McCormick said that the applicant hasn't conveyed information to her on their positions on the other Options.

Director Paul Kermoyan:

- Explained that staff was initially not going to recommend approval. That's why staff met with the applicants at their request.

- Reported that this location is situated right next to a school and is also contiguous to residential uses.
- Reminded that when this location was initially proposed for a medical use, there were concerns due to the adjacencies. However, a chiropractic use was deemed to be less of a concern than other types of medical uses.
- Concluded that staff feels that massage therapy is a compliment to chiropractic care.

Commissioner Rich said that there must be a balance between the applicants' desire for increased revenue potential derived from their investment in this location and the City's need to control/prevent any potential for misbehavior from a use in the future.

Planner Cindy McCormick reported that the applicants are asking for flexibility on who would need to be on site overseeing when the massage therapists are at work there.

Commissioner Young said that Option 4 is not supported by staff.

Planner Cindy McCormick said that staff's recommendation is for a chiropractor to be the on-site in a supervisory role. Other services on site include physical therapy, nutrition and others.

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

Dr. Toonchi, Applicant:

- Thanked staff for working with them to find a way to allow them to add another service to their practice.
- Reminded that just three years' ago the building on this location was vacant.
- Added that they originally approached the City with a proposal for medical use on site. Their intention was for a medical Conditional Use Permit to be able to utilize this building.
- Reported that they ended up demolishing the original building and rebuilding it at a cost of several million dollars.
- Said that they are now able to come back and bring providers that they need while also realizing the limitations on parking.
- Assured that they want to stay in Campbell. They have built their practice where they want to "die". They want to "die" in Campbell.
- Explained that it currently requires them to work six days a week to maintain what they have invested on this practice.
- Added that they want to be able to bring in other licensed professionals to be able to make enough revenue to support the site and the people working there.
- Said that staffs' chief concern is the potential of illicit activity from massage therapy providers.
- Advised that he teaches massage therapy and does not want to do anything to discredit the profession that is massage therapy. Their proposal is to have two associated massage therapists but as independent entities from the chiropractic practice.

- Staff said that a medical doctor or physical therapist might be acceptable compromise to the need for a suitable supervising medical professional while massage therapy is underway on site.
- Explained that he and his partner don't want to have to work seven days a week. They are the two chiropractors practicing at this location and they have no need for another. They propose to have someone with a medical license to be the third person there when there is not a chiropractor on site and massage therapy is being provided.

Commissioner Rich said that it seems that Option 3 is not a good one for the applicants since they want two massage therapists. He said that he is okay with having two massage therapists on site with a licensed chiropractor.

Dr. Toonchi said that patients coming on site for chiropractic services are "their" customers so they have to be there to serve their customers. The intent is to bring new services on site in addition to their chiropractic services.

Commissioner Rich asked Dr. Toonchi if he is okay with the requirement for a chiropractor on site when massage therapy is being provided.

Dr. Toonchi said if it must be a chiropractor it could be. He said that they prefer a requirement for a medical doctor or physical therapist be on site when massage therapy services are being provided.

Commissioner Rich asked if illicit massage-therapy-related misbehavior occurs on site while under the supervision of a licensed medical professional, could that medical professional's license be placed in jeopardy as a result.

City Attorney William Seligmann said that is out of his expertise. He added that he is not sure if there is a penalty possible against a licensed professional charged with supervising the massage therapy component of this medical office if illicit activity were to occur under their watch.

Commissioner Rich said that he is reviewing this request while wearing two hats. One is as a member of the Planning Commission and the other is as a community member of the City of Campbell.

Director Paul Kermoyan:

- Reminded that this site has a Conditional Use Permit that allows for two doctors.
- Added that if illicit behavior were to occur at this location that would bring the Use Permit back and allow the Commission to rethink their operation.
- Reminded that he must review this application under several hats - Economic Development, Planning and Code Enforcement.
- Pointed out that there was a good reason this site was approved for a chiropractic office rather than other types of use.

Commissioner Reynolds said he had a question for the Police Department representative.

Dr. Toonchi:

- Said that a doctor's license is on the line if a lawsuit is filed. The Medical Board comes in on top of that.
- Assured that as the owners of the building/practice they will not allow illicit activity to happen at their place of business.
- Reminded that he worked for 14 years to get his license.

Commissioner Rich:

- Explained that the Conditional Use Permit goes with the location.
- Said that it must be considered "what if" the site changes hands.

Dr. Toonchi said that massage in a spa environment is operated differently than what they are proposing. A medical establishment doesn't go with that kind of illicit activity.

Commissioner Reynolds:

- Asked Captain Joe Cefalu if the Police Department has seen a divide between medical establishments providing massage services and spa/stand-alone massage businesses when it comes to illicit behaviors. Is there a track record?

Captain Joe Cefalu, Campbell Police Department:

- Agreed that there is a divide between massage associated with a medical office and that offered in a spa environment.
- Reported that he has spent five years dealing with massage establishment enforcement including undercover operations.
- Added that PD has shut down many over the last five years.
- Advised that he has never received a complaint over massage therapy received from a doctor's/chiropractor's environment.
- Said that he is in full support of a chiropractic office offering massage therapy. Those disciplines go together.
- Concluded that the concerns tend to be focuses on separate massage establishments. They have proven to be a problem in our City.

Dr. Toonchi:

- Said that that they hope to be allowed to have two independent massage therapists and that he and his partner (both chiropractors) not have to be there at all times when massage services are being provided.
- Stated that they will employ others (medical professionals that meet the City's requirements) to supervise the massage component of the site.

Acting Chair Kendall closed the public hearing for Agenda Item 2.

Commissioner Rich:

- Said that he understands the need for a revenue stream to support this site.
- Added that the Conditional Use Permit for this site is strictly for chiropractic use.

- Reminded that it has been the experience of the City that stand-alone massage establishments have been an enforcement problem in the past compared to when massage services are connected to a medical facility.
- Stated that he is in favor of allowing for two massage therapists at this location as long as there is on-site supervision by a medical licensed person.

Commissioner Young:

- Said that he has concerns.
- Said that the operational hours currently run from 7 a.m. to 7 p.m. Currently the site is not operating seven days a week.
- Stated that they could reduce some of the chiropractic hours on site with massage therapy services instead.
- Agreed that massage therapy is complimentary to chiropractic services.
- Said that if they are just renting out their space, or subletting, to independent massage therapists, they are treated as a separate business.
- Referenced Option 4 that allows two massage therapists as long as there is a chiropractor on site. That makes the most sense and is the best compromise that protects against potential for any illicit behavior.

Commissioner Reynolds:

- Pointed out that the applicants have a lot of “skin” in the game. When they initially came forward, the Commission talked extensively about their model.
- Added that they have invested considerable money in our City. That carries a lot of weight for him.
- Reminded that originally one nearby neighbor to their location spoke about her extreme concern about a medical use at this property due to parking impacts and other issues. Not long after, she came back and said it was a great thing for the area and community.
- Said that there are enforcement concerns about massage activity but there is also a difference between medical establishments offering massage therapy and stand-alone spa massage establishments.
- Advised that he is leaning toward Option 4 but would like to discuss flexibility a bit more.

Commissioner Hernandez:

- Said that she is not in favor of two massage therapists.
- Reminded that the Conditional Use Permit issued for this location was for a chiropractic office and they need to keep it at that.
- Added that she understands that they want to make the best use of their building.
- Said that massage can be a part of that chiropractic practice with one massage therapist operating during the week.
- Questioned parking to support more use on site. There was already a parking reduction. Adding another therapist raises the question of where everyone will park. We can't add employees and services without thinking of where they will park.
- Said that she prefers Option 3. If there are massage therapists on site during the weekend, a chiropractor must be on site as well.

Director Paul Kermoyan:

- Said that three employees and four patients would equate to a need for seven parking stalls. The Use Permit allows four employees plus four patients for a total of eight.

Commissioner Hernandez said that if services are added so are patients. Can they park on the street?

Director Paul Kermoyan said that the additional person is an employee. Three employees plus five patients equals a total of eight.

Commissioner Rich sought verification that both Commissioner Young and Reynolds are supportive of Option 4.

Commissioner Young said he was leaning that way.

Commissioner Rich reminded that Option 4 requires a licensed chiropractor be on site.

Commissioner Reynolds said he was okay as long as there was a medical professional on site. He'd like to give them some flexibility. He doesn't see a problem as long as someone who is in a medical profession is overseeing the massage therapy practitioners.

Director Paul Kermoyan raised the question, "Who's to say a massage therapist is not a medical professional?" The term "licensed medical professional" seems to leave an open field.

Commissioner Rich agreed that it is a grey area.

City Attorney William Seligmann suggested a license issued by the State Medical Board. A massage therapist is not so licensed.

Commissioner Rich said that would leave the option of a chiropractor or someone licensed by the State Medical Board required to be on site overseeing the practice when massage services are being provided.

Commissioner Young:

- Reminded that a massage establishment is not transferable.
- Suggested Option 4, which retains the original intent of the Planning Commission when approving the CUP for this location. That is the best compromise available while allowing the applicants to optimize the use of their building.
- Said that he was unclear how many days a week massage would occur on site.

City Attorney William Seligmann:

- Said that if massage therapy operates under the supervision of a chiropractor/physician, they won't need a massage establishment license. The massage therapists would not be required to be an employee but would need to operate under supervision.

Commissioner Hernandez:

- Said that Option 4 doesn't specify days and times when massage therapy would be available.
- Stated that there are two chiropractors operating from this location and they don't want another chiropractor on board. They may not always be there and she is concerned with compliance.

Commissioner Rich said if one of the two is not on site there would have to be another chiropractor available.

Commissioner Hernandez suggested sticking to the CUP and requiring a chiropractor to be there.

Commissioner Reynolds said that was plan at the time they established their practice. They are back now to make adjustments and to "hone" their business plan. They are seeking permission to make changes to their business. The Commission's job is to judge their request on a case-by-case basis.

Commissioner Hernandez said that she doesn't agree.

Commissioner Reynolds replied okay.

Commissioner Young said it seems all Commissioners agree on a need for supervision of the massage therapy services but he's not sure there is concurrence on the level of the person who would supervise. Other issues to be worked out further include one versus two massage therapists and whether parking can accommodate the expanded use on site.

Commissioner Rich said that for him parking is not an issue.

Commissioner Young asked Commissioner Rich if he is supporting Option 4.

Commissioner Rich said he supports having either a licensed chiropractor or a State Medical Board licensed physician.

City Attorney William Seligmann said that the Commission may have to add to the conditions to reference physicians in addition to chiropractors. He said that the Commission may want to see revised conditions brought back.

Commissioner Reynolds said he supports Option 4 and allow two massage therapists with the addition of a State Medical Board licensed practitioner supervising at all times.

Commissioner Young asked about specific days of operation for massage.

Commissioner Rich suggested the same as existing. He's okay as long as the required supervision is on site whenever massage therapy services are being provided.

Acting Chair Kendall said that they are not exceeding the ratio that the parking supports.

Commissioner Reynolds said that he can go along with what Commissioner Rich is recommending.

Commissioner Young clarified with the Commission that as long as there is a licensed practitioner on site when massage is provided that is acceptable.

Commissioner Hernandez:

- Said she is okay with two massage therapists as long as there is a chiropractor there. That results in three employees and up to four patients at a time.
- Added that she is okay with the days and hours as they are currently.

Acting Chair Kendall:

- Questioned how much massage therapy services will represent for this business since this is primarily a chiropractic office.
- Cautioned that if not specified and massage occurs every day, is it still a chiropractic office?
- Suggested that there would be more control if there is just one massage therapist.
- Reiterated that the CUP for this location is for a chiropractic practice.

Motion: Upon motion of Commissioner Reynolds, seconded by Commissioner Young, the Planning Commission CONTINUED TO A DATE UNCERTAIN, the consideration of a Conditional Use Permit (PLN2015-255) to allow a massage establishment in an existing tenant space on property located at 225 W. Hamilton Avenue, with the following instructions for staff to prepare a resolution in favor of Option 4 that allows for two massage therapists, maintains the parking and occupancy requiring that this use remain primarily a chiropractic service and requiring a chiropractor or a State Medical Board licensed professional always be on site to supervise and oversee the massage therapy services. (5-0-1; Chair Dodd was absent)

Acting Chair Kendall closed the public hearing for this item since it must be advertised when a meeting date is established for its return to the Commission.

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

3. **PLN2016-313** Public Hearing to consider the application of Hema Venicatesan for a Conditional Use Permit (PLN2016-313) to allow the establishment of a large fitness studio (d.b.a. Club Pilates) with late night hours (opening at 5:45 a.m.) out of an existing commercial tenant space on property owned by M&M Properties, located at **10 E. Hamilton Avenue, Suite 300**, in the C-2 (General Commercial) Zoning District. 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: *Stephen Rose, Associate Planner*

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

Acting Chair Kendall asked if there were questions of staff.

Commissioner Rich asked why the provision of a bike rack is being required of this applicant when it was not for the previous tenant (Wells Fargo).

Planner Stephen Rose explained that when a new use is considered staff sees an opportunity to bring things up to current standards.

Commissioner Rich asked if the property owner has to agree.

Planner Stephen Rose reported that both the applicant and the property owner sign the application for this request. Both are kept informed throughout the processing of an application.

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

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

Commissioner Rich said he is in favor as is. He has no issues or concerns.

Motion: Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4349 approving a Conditional Use Permit (PLN2016-313) to allow the establishment of a large fitness studio (d.b.a. Club Pilates) with late night hours (opening at 5:45 a.m.) out of an existing commercial tenant space on property owned by M&M Properties, located at 10 E. Hamilton Avenue, Suite 300, subject to the conditions of approval, by the following roll call vote:

AYES: Hernandez, Kendall, Reynolds, Rich and Young
NOES: None
ABSENT: 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. 4 into the record as follows:

4. **PLN2016-351** Public Hearing to consider the application of John Thomas for a Modification (PLN2016-351) to a previously approved Site and Architectural Approval to allow the installation of a new guardrail system along the perimeter of the roof of an existing commercial building located at **503 & 504 Vandell Way**, in the C-M/40 (Controlled Manufacturing) Zoning District. 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: *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 asked why this guardrail is needed.

Planner Stephen Rose said purely for safety. It is for insurance purposes. It's not per any Building Code or law requiring these rails.

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

Louis Leos, Applicant's Representative, SEG-Corp:

- Explained that the rail is proposed simply to expand on safety. It is a corporate mandate for all of Allergen's facilities.
- Added that there are only two buildings on this site that have roof access for which these new rails are proposed.
- Added that using a parapet instead would be more costly and a parapet serves as a visual screen rather than a safety feature.

Acting Chair Kendall sought confirmation from Mr. Leos that the rail would still need to be installed to meet their safety concerns even if a parapet wall were to be installed.

Louis Leos confirmed that the rail is made and installed strictly for safety. If a parapet were to be installed they would still need the rail to meet the corporate safety standards.

Commissioner Hernandez asked how visible the rail might be from Winchester Boulevard.

Mr. Louis Leos said that the projections are nominal. They are two-inch tubes. There will not be much of a visual eyesore.

Commissioner Hernandez pointed out that the pictures provided only show as seen from the top of the building.

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

Commissioner Reynolds said that he admires this company for taking an extra step for the safety of their employees. He pointed out that existing cypress trees will block/screen these rails from view as seen from the parking lot. He concluded that he is okay with this request.

Commissioner Young said that the findings are consistent.

Motion: **Upon motion of Commissioner Young, seconded by Commissioner Rich, the Planning Commission adopted Resolution No. 4350 approving a Modification (PLN2016-351) to a previously approved Site and Architectural Approval to allow the installation of a new guardrail system along the perimeter of the roof of an existing commercial building located at 503 & 504 Vandell Way, subject to the conditions of approval, by the following roll call vote:**

AYES: **Hernandez, Kendall, Reynolds, Rich and Young**

NOES: **None**

ABSENT: **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. 4 into the record as follows:

5. **PLN2016-290** Public Hearing to consider the application of Michael Bates for a Conditional Use Permit with Site and Architectural Review (PLN2016-290) to allow for the establishment of a major motor vehicle repair and maintenance facility (network operator) with vehicle painting and cleaning (d.b.a. "Caliber Collision"), and a Parking Modification Permit (PLN2016-354) to allow a reduction in the number of required parking spaces at **665 E. McGlincy Lane**, in the M-1 (Light Industrial) Zoning District. 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: *Stephen Rose, Associate Planner*

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

Acting Chair Kendall advised following the staff report that she would need to recuse herself for professional reasons due to an association with one of the network locations. She hadn't realized they were associated businesses.

Commissioner Rich assume the gavel and became the Acting Chair.

Acting Chair Rich asked if there were questions for staff.

Commissioner Hernandez asked about signage.

Planner Stephen Rose said that there are currently no signs proposed. Staff is suggesting signs along the perimeter fencing that advises tow drivers not to drop off any vehicles on the street.

Commissioner Young asked why staff supports an increase from seven to ten staff.

Planner Stephen Rose said the amount of turnover for vehicles and the number of bays. Fewer service bays require fewer employees.

Acting Chair Rich asked for a definition of a "network operation".

Planner Stephen Rose said that it is defined in the conditions of approval. A network operation requires an off-site estimating location or call service center, at least five locations within the South Bay Area, and with comparable services provided at each location.

Acting Chair Rich pointed out that MBO came before the Planning Commission at least twice. Is it just the management of the property that is changing?

Planner Stephen Rose said that it is a total operational change. The property owner remains the same and some of the MBO staff may be retained by Caliber Collision. Any other differences could be provided by the applicant.

City Attorney Seligmann said that the Conditional Use Permit runs with the land and could be transferred to a new owner who would have to abide by these new conditions of approval.

Commissioner Hernandez asked if the area has been cleaned up.

Planner Stephen Rose reported that the only thing triggering the revocation was continued parking on the street. The site is now compliant.

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

Michael Bates, Representative of Caliber Collision:

- Stated that Planner Stephen Rose did a wonderful job working them.
- Advised that they have addressed and resolved past issues.
- Added that they agree with staff's recommendations
- Displayed a video introducing Caliber Collision's operational standards to the Commission.
- Informed that Caliber Collision is the largest corporation owned network of shops in the nation. Campbell's location is one of fifteen shops in the area to which their call center can direct vehicles for repair. That model allows them to spread the volume of work amongst all of their locations.
- Assured that they will be a good neighbor.
- Added that they plan to restore trees currently missing from the tree wells along their location to help beautify the area.
- Said that they are in agreement with staff recommendations. The only change they propose is to Plan A-1. They propose to leave the existing driveways where they are as an additional one is not required.
- Advised that they are willing to install signage seen as appropriate/necessary by staff.
- Concluded that he is available for questions.

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

Director Paul Kermoyan:

- Said that the former operation of this site worked with good intentions.
- Added that not every use fits on a lot.
- Stated that it's important to assess how a site receives a use and how best to minimize any impacts.
- Said that if a site cannot handle its success what happens? It spills out into the streets.
- Asked the Commission to focus how to work completely on the property without any overflow out onto the public street. Look at the site and determine how it can control this use.

Commissioner Reynolds:

- Said that he is okay with the new business coming in. This location is good for that.
- Admitted that he is concerned with the proposed Parking Modification and he is sure the surrounding neighbors may have a problem with it as well.
- Added that he is okay with this Conditional Use Permit but not with the Parking Modification Permit.
- Suggested that if this new operator works well for a period of time, they can come back later for review and proposed modifications.
- Said that he wanted to assure neighbors that we've done the due diligence.

Acting Chair Rich suggested leaving the parking and driveways as they are.

Commissioner Young:

- Said that he hardly noticed the existing barbed wire on top of the fence. It's okay to keep it.
- Admitted that he was not sure that more signs were needed.
- Said that this was a good staff report and that he supports leaving the site with its two existing driveways.
- Pointed out that the current paging system is being replaced with wireless devices that won't need to be amplified.
- Concluded that this is the best orientation and use of this existing site.

Director Paul Kermoyan confirmed that the Commission is okay with the two existing driveways and don't believe the third proposed by staff is necessary. They are okay as it is.

Commissioner Young replied yes.

Commissioner Hernandez agreed. She added that this seems to be a reputable business. They have put everything together in their plan for this new business location for them. They will be good neighbors. He is in favor as is. The third driveway is not necessary.

Motion: **Upon motion of Commissioner Young, seconded by Commissioner Hernandez, the Planning Commission adopted Resolution No. 4351 approving a Conditional Use Permit with Site and Architectural Review (PLN2016-290) to allow for the establishment of a major motor vehicle repair and maintenance facility (network operator) with vehicle painting and cleaning (d.b.a. "Caliber Collision"), using Plan Option A-1 that does not require a Parking Modification Permit (PLN2016-354) to allow a reduction in the number of required parking spaces on property located at 665 E. McGlincy Lane, subject to the conditions of approval, by the following roll call vote:**

AYES: **Hernandez, Reynolds, Rich and Young**

NOES: **None**

ABSENT: **Dodd**

ABSTAIN: Kendall

Acting 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 had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 9:46 p.m. immediately into a Study Session and subsequently to the next Regular Planning Commission Meeting of **December 13, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Yvonne Kendall, Acting Chair (Except for Item 5)

APPROVED BY: _____
Michael Rich, Acting Chair (Item 5)

ATTEST: _____
Paul Kermoyan, Secretary