

PLANNING COMMISSION
City of Campbell, California

Register in advance for this webinar:

July 28, 2020
Tuesday
7:30 PM

https://us02web.zoom.us/webinar/register/WN_uavFQC2sT1m_-cJvrGV1oA

After registration, you will receive a confirmation email containing information about joining the webinar. During the registration process, you will be asked if you would like to speak on any of the agenda items. Please provide detail on the items you would like to discuss.

AGENDA

CONVENE MEETING

This Regular Planning Commission meeting will be conducted via telecommunication and is compliant with provisions of the Brown Act and Executive Order N-29-20 issued by the Governor.

The following members of the Planning Commission are listed to permit them to appear electronically or telephonically at the regular Planning Commission meeting on July 28, 2020: Chair Michael Krey, Vice-Chair Maggie Ostrowski, Commissioners Adam Buchbinder, Andrew Rivlin; Nick Colvill; Stuart Ching; and Terry Hines.

Members of the public will not be able to attend meetings at the Campbell City Council Chamber physically. The Planning Commission meeting will be live-streamed on Channel 26, the City's website, and YouTube (<https://www.youtube.com/user/CityofCampbell>).

Those members of the public wishing to participate are asked to register in advance at: https://us02web.zoom.us/webinar/register/WN_uavFQC2sT1m_-cJvrGV1oA. After registering, you will receive a confirmation email containing information about joining the meeting.

Public comment for the Planning Commission meetings will be accepted via email at planning@campbellca.gov prior to the start of the meeting. Written comments will be posted on the website and distributed to the PC. If you choose to email your comments, please indicate in the subject line "FOR PUBLIC COMMENT" and indicate the item number.

ROLL CALL

APPROVAL OF THE MINUTES July 14, 2020

COMMUNICATIONS

AGENDA MODIFICATIONS OR POSTPONEMENTS

ORAL REQUESTS

This is the point on the agenda where members of the public may address the Commission on items of concern to the Community that are not listed on the agenda this evening. People may speak up to 5 minutes on any matter concerning the Commission.

PUBLIC HEARINGS

1. **PLN-2020-80** Public Hearing to Consider Planning Commission Initiation of a Zoning Code Text Amendment (PLN-2020-80) to adopt reduced non-residential parking standards for properties located within proximity of public transportation. Project Planner: *Daniel Fama, Senior Planner.*

NEW BUSINESS

2. **PLN-2020-15** Study Session to consider a Preliminary Application (PLN-2020-15) for a proposed 5-story hotel on property located at **577 Salmar** Avenue. Project Planner: *Daniel Fama, Senior Planner.*

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting of **August 11, 2020**, at 7:30 p.m., and likely to be conducted using Zoom.

Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, listening assistance devices are available for meetings held in the Council Chambers. If you require accommodation to participate in the meeting, please contact Corinne Shinn at the Community Development Department, at corinnes@cityofcampbell.com or (408) 866-2140.

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

7:30 P.M.

TUESDAY

JULY 14, 2020

REMOTE ON-LINE ZOOM MEETING

The Planning Commission meeting of July 14, 2020, was called to order at 7:43 p.m. by Chair Krey and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present: Chair: Michael Krey
Vice Chair: Maggie Ostrowski
Commissioner: Adam Buchbinder
Commissioner: Stuart Ching
Commissioner: Nick Colvill
Commissioner: Terry Hines
Commissioner: Andrew Rivlin

Commissioners Absent: None

Staff Present: Community
Development Director: Paul Kermoyan
Senior Planner: Daniel Fama
Senior Planner: Stephen Rose
Assistant Planner: Naz Pouya Healy
City Attorney: William Seligmann
Recording Secretary: Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Buchbinder, seconded by Commissioner Ostrowski, the Planning Commission minutes of the meeting of June 23, 2020, were approved as submitted. (7-0)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Mr. Raja Pallela, Campbell Resident:

- Stated that he rejected the questions and comments made by Commissioner Colvill at the last meeting regarding 309 Redding Road in which he questioned the property owners' intentions for their use of their ADU as a rental.
- Opined that that issue is not applicable to the Planning Commission.

PUBLIC HEARINGS

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

1. **PLN2019-213** Public Hearing to consider the application of Sean Rinde for a Site and Architectural Review Permit (PLN 2019-213) to allow the construction of a new approximately 2,665 square-foot two-story single-family residence on property located at **1511 Van Dusen Lane**. 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: *Naz Pouya Healy, Assistant Planner*.

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

Chair Krey asked if there were questions for staff.

Commissioner Ching asked what trees would be removed from this site.

Planner Naz Pouya Healy replied that there were no protected trees proposed for removal but she would have to defer to the applicant and architect who are present this evening. She advised that there are two Oak trees on a neighboring property for which the City secured an arborist to review for suggestions on protection of those trees during construction on this property since the trees are close to the shared property line. That arborist has provided recommendations to ensure there is no damage to those trees' root line during any construction digging nearby.

Commissioner Ching asked if adherence to the arborist's recommendations would be part of the approval.

Planner Naz Pouya Healy replied yes. That tree protection provision is contained within the drafted conditions of approval.

Commissioner Buchbinder asked whether this home is smaller than others nearby due to this property being oddly shaped.

Planner Naz Pouya Healy replied yes. The lot is smaller and oddly shaped when compared to other lots nearby.

Commissioner Buchbinder asked if this is considered to be a non-conforming lot.

Planner Naz Pouya Healy replied yes.

Commissioner Rivlin asked how the neighboring house at 1451 Van Dusen Lane achieved its height.

Planner Naz Pouya Healy said that she didn't find old records for that house. That house has been in place for decades.

Commissioner Buchbinder asked staff why there are dashes in lieu of numbers for a couple of the homes listed on her comparison table exhibit. Is it because staff didn't find that information?

Planner Naz Pouya Healy replied that it was either because a house was a single-story rather than two-story home or there was no information available.

Commissioner Ostrowski provided the Site and Architectural Review Committee update as follows:

- SARC found the design for this home to be very nice.
- Added that the home meets all of the City's requirements.

Commissioner Hines asked staff if there has been any feedback provided by STACC (San Tomas Area Community Coalition) about this proposed home.

Planner Naz Pouya Healy referred to Attachment 6 in the packet, which is a letter of support from STACC.

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

Mr. Derryk Davis with his wife Gabriella, Property Owners:

- Assured the Commission that no trees would be removed from this property.

Mr. Eugene Sakai, Project Architect:

- Thanked Planner Naz Pouya Healy for her work on this project.
- Admitted that this has been a challenging lot to plan for as it is small and irregular in shape.
- Stated that they had initially tried for a single-story home but couldn't get a modest 3-bedroom/2-bath single-story home to fit on this lot.

- Said at as a result, they ended up with a partial two-story design plan.
- Reported that the second floor of this home design turns its back on the rear yard with the two bedrooms up there facing the home's street frontage instead of the rear yard.
- Concluded that he is proud of this design and is available for any questions.

Mr. Raja Pallela, Campbell Resident:

- Pointed out that one of the neighboring houses is actually four-stories and he knows that because at one point that home was up for sale and he had considered buying it.
- Added that it looks like a castle.

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

Commissioner Rivlin:

- Said that this design does a nice job of placing this home within this neighborhood.
- Stated that he appreciates the owners and architect for making this happen.
- Concluded that this project is great, and he hopes these owners enjoy it once it is completed.

Commissioner Ching agreed with Commissioner Rivlin's comments.

Commissioner Buchbinder:

- Reported that he visited this neighborhood and found it to be an odd-shaped lot.
- Opined that this design fits well in this neighborhood.
- Thanked the owners for coming into Campbell.

Commissioner Hines:

- Said he too looked at the site and agrees that this home will be a nice addition to that area.
- Commended the architect and property owners.

Motion: **Upon motion of Commissioner Ostrowski, seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 4563 approving a Site and Architectural Review Permit (PLN 2019-213) to allow the construction of a new approximately 2,665 square-foot two-story single-family residence on property located at 1511 Van Dusen Lane; by the following roll call vote:**

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

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

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

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

2. **PLN-2020-54** Public Hearing to consider the application of Adjin Krajnic for a Modification (PLN-2020-46) to a previously approved Conditional Use Permit (PLN2017-337) to allow a motor vehicle sale (retail/wholesale) establishment on property located at **125 E. Sunnyoaks Avenue, Suite 100**. 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, Senior Planner*

Mr. Stephen Rose, Senior Planner, provided the staff report.

Chair Krey asked if there were questions for staff.

Commissioner Buchbinder asked staff why consideration of this item is even before the Commission. Is it because the business is moving floors or because the office size is now larger than before?

Planner Stephen Rose replied that Conditional Use Permit approvals are suite specific approvals. As a result, any modifications require a process and are brought back to the Planning Commission for reconsideration.

Commissioner Hines asked why a CUP is required in the first place in this case.

Planner Stephen Rose advised that motor vehicle sales uses are a conditional use.

Chair Krey asked staff if every proposed modification to a conditional use comes back to the Planning Commission.

Planner Stephen Rose:

- Replied that it depends. Sometimes if flexibility is built into the conditions of approval or if it is a rather minor modification to the approved use that decision can be made by the Community Development Director.
- Pointed out that typically changes to a CUP should be reviewed.
- Added that a business doubling its space can greatly change that use and parking demand. This use is going from just 120 square feet to about 300 square feet.
- Concluded that in this case, there are no other operational changes proposed here.

Chair Krey said it seems a shame to have such a complicated process.

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

Ms. Shelby Waldner, Applicant's representative.

- Introduced herself as Dean's wife. He's currently driving and trying to get somewhere where he can join this Zoom meeting.

- Admitted that to her it seems like overkill to go through this process, but they needed more office space to operate from.
- Reported that at times a larger family group might be on-site together while processing the paperwork for a vehicle purchase thus requiring more seating space.
- Reported that they operate by appointment only.
- Added that they have a warehouse off-site to store their cars.
- Concluded that this request is pretty straightforward.

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

Commissioner Rivlin said he was on the Commission when the original CUP was approved by the Planning Commission and he finds this change to be minor and supportable.

Commissioner Ostrowski said she has no concerns.

Commissioner Hines congratulated the business owner for the success of this business.

Motion: **Upon motion of Commissioner Ching, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4564 approving a Modification (PLN-2020-46) to a previously-approved Conditional Use Permit (PLN2017-337) to allow a motor vehicle sales (retail/wholesale) establishment on property located at 125 E. Sunnyoaks Avenue, Suite 100; by the following roll call vote:**

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

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

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

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

- 3. PLN2019-176** Continued Public Hearing to consider the application of Nandini Bhattacharya and Buddhadeb Basu for a Variance (PLN2019-176) to allow a reduced side-yard setback to legalize an unpermitted accessory dwelling unit (ADU) on property located at **309 Redding Road**. 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: *Daniel Fama, Senior Planner*.

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

Chair Krey asked if there were questions for staff.

Commissioner Buchbinder thanked Planner Daniel Fama for putting this all together. It took a lot of research.

Commissioner Hines asked what steps are now needed by these owners.

Planner Daniel Fama said that would be determined through the Building Permit process to ensure the structure conforms to California Building Codes including basic life-safety matters.

Commissioner Rivlin reminded that the applicant shared that Fire had already inspected.

Planner Daniel Fama reiterated that building legalization will be left to the discretion of the Acting Building Official Bob Lennen.

Commissioner Colvill pointed out that it is contrary to the Campbell Municipal Code to occupy a structure that does not have a Certificate of Occupancy. He asked if a non-conforming building be used for habitation purposes.

Planner Daniel Fama replied no.

Commissioner Colvill said that based upon that response it is clear that it falls within the purview of the Planning Commission to discuss a building's use.

Chair Krey opened the Public Hearing for Agenda Item No. 3.

Mr. Buddhadeb Basu, Applicant, reported that he spoke with Acting Building Official Bob Lennen and he has extended the current building permit for an additional three months.

Commissioner Hines thanked Mr. Buddhadeb Basu for going through this process and being a resident of Campbell. He asked if they have concerns about timing.

Mrs. Nandini Bhattacharya, Applicant:

- Said they met the standards when they bought the property.
- Added that the only hold up was the setback.

Chair Krey closed the Public Hearing for Agenda Item No. 3.

Commissioner Buchbinder:

- Reminded that a very in-depth discussion was held at the last PC meeting.
- Said that the only concern remaining is the timeline and that now seems to be plausible.
- Concluded that the PC should grant this Variance.

Commissioner Ching agreed and thanked staff for its hard work on this issue. He would vote in favor of these owners/residents.

Commissioner Ostrowski thanked the staff, Commission, applicants and participating members of the public for their efforts. She concluded that she would be supporting this Variance.

Commissioner Hines said he would support the Variance.

Motion: **Upon motion of Commissioner Ching, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4565 approving a Variance (PLN2019-176) to allow a reduced side-yard setback to legalize an unpermitted accessory dwelling unit (ADU) on property located at 309 Redding Road with the inclusion of the desk item additions; by the following roll call vote:**

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

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

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

4. **PLN-2020-30** Public Hearing to consider the application of Trojan Storage for a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the approved self-storage facility Hours of Operation of 7:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 7:00 PM Saturday and Sunday to 6:00 AM to 9:00 PM, daily, on property located at **680 E. McGlincy Lane**. A Mitigated Negative Declaration (MND) was previously adopted for this project. Tentative City Council Meeting Date: August 18, 2020.
Project Planner: Daniel Fama, Senior Planner

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

Chair Krey asked if there were questions for staff.

Chair Krey asked staff what the history is for noise complaints at this site. Have there been a lot of them? Are there any recent noise complaints?

Planner Daniel Fama reported that many years ago there was a bakery operating nearby whose early and late truck traffic was an issue for nearby residential neighbors. He added that such issues can arise when a commercial use is located adjacent to residential uses.

Commissioner Hines said his concern is the roll up doors and how they align in terms of nearby residential uses.

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

Mr. Brett Henry, Applicant and Property Owner, Trojan Storage:

- Pointed out that he is not here asking for a Variance or late-night hours of operation. He is just asking for business hours similar to what other storage facilities have.
- Assured that they are a very quiet use.
- Reported that there have been no complaints since his ownership.
- Pointed out that they have 46 parking spaces on site where 17 are required.
- Added that this location has just one owner, him. He also has an on-site caretaker for each of his locations.
- Compared his single ownership to the 26 owners of the adjacent McGlincy Business Center.
- Added that the Business Center has no gates.
- Said that his property is already fully fenced.
- Stated that he is just asking for reasonable hours. It is not fair to compare his site to the McGlincy Business Center.
- Reported that his peak hours between 7 and 9 a.m. have an average of 10 cars per hour. The peak hours between 4 and 7 p.m. have an average of 17 cars per hour.
- Advised that this site included activities over 35 years. The last 18 months has been under his ownership.
- Said that the 95 storage units within his facility will be located inside the building.
- Opined that it is not reasonable for the City to “punish” his use without studies indicating the need to do so.
- Asked that he be allowed to compete fairly.
- Assured that he would immediately take steps to manage any complaints in the event that any come in.
- Thanked the Commission for its time and said he would be available for any questions.

Commissioner Ching asked Mr. Brett Henry why he didn't ask for these hours originally.

Mr. Brett Henry replied that he did. He added that he has never seen a storage facility with just 7 a.m. to 9 p.m. operational hours. He assured that he always asks for 6 a.m. to 9 p.m.

Commissioner Ostrowski asked Mr. Brett Henry if the roll up doors are manual or automatic.

Mr. Brett Henry replied that the roll up doors are manual. They go up quickly and quietly. He assured that they are really quiet and quality roll-up doors.

Commissioner Hines asked if there might be different type of door that opens quicker. He said he's aware that they might be more expensive.

Mr. Brett Henry:

- Said that while there may be thicker or mechanical doors, those are not quieter.
- Stated that this is the first time he has ever gotten into a discussion of his operational hours at his other facilities.
- Assured that the noise decibel is less than that of a dishwasher noise.
- Stressed that these hours he seeks are that important to him.

Commissioner Colvill asked Mr. Brett Henry how many storage facility locations he owns.

Mr. Brett Henry replied that he's been in the storage facility business for 20 years, owns 50 storage buildings that are located in nine states.

Commissioner Colvill said that he appreciates Mr. Brett Henry's work put into this Campbell location and is glad to know that Mr. Henry has so much experience in this field.

Commissioner Buchbinder thanked Mr. Brett Henry for the information he provided this evening. It was very helpful.

Commissioner Rivlin asked Mr. Brett Henry how he would deal with a noise complaint.

Mr. Brett Henry:

- Replied that he cannot guarantee that a noise complaint won't be possible.
- Assured that in the event of a neighbor complaint, he is committed to acting. If he's not able to immediately correct, he could evict that tenant.
- Added that he takes management of the 22 rolling doors located closest to adjacent residential properties very seriously.
- Pointed out that use of this facility is for long-term storage and not as a location from which someone would be operating a business directly from.
- Added that their contact information is provided for direct outreach if problems arise.

Commissioner Rivlin asked Mr. Brett Henry if he supports the idea of additional signage on site, especially at the back near adjacent residences, to discourage noise being generated by users of the storage facility.

Mr. Brett Henry replied 100 percent, yes, absolutely. He has no problem with providing additional signage.

Commissioner Colvill asked Mr. Brett Henry how he handles the potential for illegal occupancy of any unit. If someone were to sleep in one, how is that mitigated.

Mr. Brett Henry:

- Admitted that happens occasionally where someone tries to sleep in their storage unit.
- Explained that to deter that from happening, they have a sensor on every door in the facility, so they know if someone is on site and where.
- Added that if a customer comes on site after allowed hours, they are fined.
- Advised that as 70 percent of their customer base are women, they cannot have people living in any unit on site as a safety concern for their other clients' safety and security.
- Concluded that the best client base for this location could end up being residents of Campbell itself.

Commissioner Colvill asked Mr. Brett Henry if it is not difficult for him to evict someone from a storage space.

Mr. Brett Henry:

- Said that in order to terminate a lease, they have to go to court.
- Added that for non-payment of rent, they can lock the tenant out.
- Stated that if someone tries to live in a storage unit, he can raise the rent and/or give 30-day notice.
- Assured that they would deal with it if it were to occur.
- Reminded that they have an internal team of on-site managers to manage each of their locations.

Chair Krey:

- Thanked Mr. Brett Henry for his great presentation.
- Pointed out that Mr. Henry has advised this Commission that the hours of 6 to 7 a.m. and 8 to 9 p.m. bring very little traffic but it would be a competitive disadvantage for their customers not to have access to their stored items during those hours.

Mr. Brett Henry:

- Reported that the average customer stays on site is about 15 minutes on the property.
- Added that some come on site just a few times per year.
- Stressed that their customers need the ability to get to their items when they want or need to.

Commissioner Hines reference a letter received by a neighbor indicating a concern about the proposed change in hours and asking about the potential that they might come back to ask for more concessions later on. One such concession might be to reduce the required landscaping.

Mr. Brett Henry replied that he had seen Mr. Jimenez's letter. He added that his commitment to the other obligations for this site is proven as he has already filed their first building plans for review, and everything required is included on those plans. He assured that there is nothing else that they need to change.

Commissioner Hines thanked Mr. Henry for bringing his business into Campbell.

Mr. Timothy Franklin, Campbell Resident:

- Stated he was thankful for Campbell's commitment for a neighbor-friendly environment.
- Advised that he was satisfied with staff's recommendation to limit hours as originally approved.
- Reminded that there are 22 houses along Regas Drive.
- Said that operational hours from 6 a.m. to 9 p.m. daily would allow for a significant amount of noise potential.
- Thanked the Commission for listening to his comments and that he appreciated the time to speak.
- Reiterated his support for the staff recommendations.

Mr. Francisco Jimenez, Campbell Resident:

- Said he would take this opportunity to add his voice to Tim's concerns and support of the staff recommendations.

- Stated the need to find balance between light industrial uses and residential. As originally approved, this project would help maintain that balance.

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

Commissioner Colvill asked who makes the final decision, the Planning Commission or Council.

Commissioner Buchbinder pointed out that Mr. Brett Henry has assured this Commission that he would make sure his facility is not a nuisance to his neighbors. He asked staff what process would be available if the worse case scenario were to occur.

Planner Daniel Fama:

- Advised that there is revocation language within the conditions of approval.
- Added that if there are complaints, a revocation hearing would be brought to the Planning Commission and from there onward to Council.
- Stated that the City Council, despite the Planning Commission's recommendation, could still reduce the hours of operation during their review.

Commissioner Rivlin asked how many complaints it would take to initiate a revocation hearing.

Planner Daniel Fama replied three received within a six-month period.

Chair Krey:

- Said he too was a participant in the original PC hearing for this project.
- Added that for this hearing, staff has prepared a great staff report and that additional great information was provided by the applicant this evening as well.
- Admitted that he would tend to wait a year to see how this facility operates at this location and its impact on the delicate balance between industrial and residential uses.
- Stated that bringing it back is a long process.
- Said that he would go with the staff report and recommendation this evening and maybe a year down the road give expansion of hours a try.

Commissioner Ching:

- Said he agrees with Chair Krey.
- Added that he came into tonight's meeting siding with the staff recommendation.
- Pointed out that given current times, business is difficult. As a result, he now leans to approving this modification of hours as the applicant requests.
- Reminded that there is a revocation process if problems arise.
- Reiterated that he will go with the applicant's request, but he also does understand the neighbors' concerns.

Commissioner Hines asked staff how they got to the staff recommendation.

Planner Daniel Fama said that the original approval was reviewed and approved by Council and was respectful of both this business and the adjacent residents. Said these considerations are often more an art than science, requiring a lot of subjectivity.

Commissioner Hines said he leans toward what Council has already approved.

Commissioner Ostrowski:

- Stated her appreciation for the information provided this evening by staff and the applicant, Mr. Henry.
- Said that this is not an easy decision to reach. All of us have worked over multiple meetings including neighbor participation to reach the original approval.
- Added that she tends to support the staff recommendation and given some time in operation this applicant could come back in the future to modify his hours.

Commissioner Rivlin:

- Admitted he has a similar perspective as the others.
- Added that he understands Mr. Henry's point of view in wanting to be competitive in this location with others nearby.
- Suggested perhaps recommending extending weekday hours but not weekend hours.
- Reminded that the applicant is willing to provide site signage about on-site behavior expected by tenants in limiting noise and the potential for impacts on the nearby neighborhood.
- Concluded that he too appreciates staff's and applicant's presentations.

Commissioner Buchbinder:

- Questioned what if there is no consensus.
- Advised that he sides with the applicant's request here. It seems reasonable. He understands the risk if there are noise impacts from this facility. He is trying to manage that risk.
- Said that not allowing the hours Mr. Henry seeks, we are either placing this business at a competitive disadvantage or requiring the neighbors to have to make noise complaints to the City should complaints become necessary.
- Stated he would side with the applicant as there is a process available to deal with impacts should they arise. The hours could be reduced back.
- Pointed out that this applicant has done his due diligence.
- Listed three options that may be available to this Commission tonight. His first preference is to accept the applicant's request. The second would be some form of compromise such as that raised by Commission Rivlin to expand weekdays but not weekends. The third would be to deny an expansion of hours.

Commissioner Ching:

- Stated that he doesn't recall participating in a revocation hearing during his three years on the PC.
- Added that the need for such a revocation hearing does not seem to occur too often.
- Advised that he too would support the applicant's requested hours.
- Cautioned that the PC may be being over-cautious about this.

Commissioner Colvill posed a “yes or no” question to Commissioner Ching. “Has he ever seen an applicant having to come back and request an hour increase based on no complaints?”

Commissioner Ching said he can’t remember a case.

Commissioner Colvill:

- Pointed out that Mr. Brett Henry represents the type of tenant/landowner that we want here in Campbell.
- Added that he has a great feeling about this business owner.
- Concluded that the hours requested are not unreasonable.

Motion: **Upon motion of Commissioner Colvill seconded by Commissioner Buchbinder, the Planning Commission considered the adoption of a resolution recommending that the City Council approve a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the approved self-storage facility Hours of Operation of 7:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 7:00 PM Saturday and Sunday to 6:00 AM to 9:00 PM, daily, on property located at 680 E. McGlincy Lane with the following changes:**

- **Strike Findings 8 through 13;**
- **Modify Conclusionary Findings 1 and 2 by striking “not”.**
- **Modify Conclusionary Finding 3 adding the word “not”.**
- **Modify Condition 12-C to reflect hours between 6 a.m. and 10 p.m. daily;**
- **Require the property to post anti-noise signage on site specifically near the rear of the project that is closest to residents;**

by the following roll call vote:

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

The motion failed due to a lack of a majority.

Commissioner Rivlin said that his previous suggestion for expanded weekday hours and having the weekend hours stay as originally approved might be a good compromise.

Commissioner Hines agreed that a compromise is a good approach. He suggested weekdays from 6 a.m. to 9 p.m. and weekends from 8 a.m. to 7 p.m.

Commissioner Rivlin reminded that the Commission’s action tonight is only a recommendation to Council.

Commissioner Colvill:

- Said he has some concern with limiting weekend hours.

- Reminded that there is the revocation process as a viable way of altering the hours later if it becomes necessary.
- Pointed out that some people may need access after their work schedule thus representing evenings and weekends.

Commissioner Rivlin:

- Reiterated that a compromise is the way to go.
- Stated that weekend users would need to be mindful to noise impacts to residential neighbors.
- Suggested 8 a.m. to 7 p.m. on Saturday and Sunday; and 6 a.m. to 9 p.m. from Monday through Friday.

Chair Krey said that is a very valiant compromise but his leaning is still to keep the hours the same as originally approved.

Motion: Upon motion of Commissioner Colvill seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 4566 recommending that the City Council approve a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the approved self-storage facility Hours of Operation, on property located at 680 E. McGlincy Lane with the following changes:

- Strike Findings 8 through 13;
- Modify Conclusionary Findings 1 and 2 by striking “not”.
- Modify Conclusionary Finding 3 adding the word “not”.
- Modify Condition 12-C to reflect hours between 6 a.m. and 9 p.m., Monday through Friday; and between 8 a.m. and 7 p.m. on Saturday and Sunday;
- Require the property to post anti-noise signage on site specifically near the rear of the project that is closest to residents;

by the following roll call vote:

AYES: Buchbinder, Ching, Colvill, Hines, Ostrowski and Rivlin

NOES: Krey

ABSENT: None

ABSTAIN: None

Chair Krey advised that this item would be considered for final action by the City Council tentatively scheduled for its meeting of August 18, 2020.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report but is available for any questions from the Commission.

Commissioner Buchbinder reminded that he had requested of the City Manager that a Joint Session be scheduled between the Council and Planning Commission. He has not yet received a response to that request.

Director Paul Kermoyan said he would follow-up with the City Manager.

Chair Krey pointed out that the Commission was copied with the email sent requesting this joint session.

Commissioner Colvill verified with staff that the Dollinger Project was approved by Council.

Director Paul Kermoyan replied correct.

Commissioner Ching asked when the closure of E. Campbell Avenue in Downtown would happen.

Director Paul Kermoyan:

- Said that staff is coordinating logistics to make that happen.
- Advised that one thing that's been done is the ordering of barricades to safely block vehicles from turning onto the closed portions of the street where diners and pedestrians will be able to use. What was ordered were orange plastic barricades that will be filled up with water to make them heavy enough to safely block off areas from traffic.
- Added that staff would keep the Downtown merchants updated to allow them the time to coordinate acquisition of tables and chairs as needed for expanded seating outside.
- Concluded that staff is trying to make this happen as soon as possible in a coordinated manner.

ADJOURNMENT

The Planning Commission meeting adjourned 9:34 p.m. to the next Regular Planning Commission Meeting of **July 28, 2020**, which will be conducted on Zoom.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

RESOLUTION NO. 4563

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2019-213) TO ALLOW THE CONSTRUCTION OF A NEW APPROXIMATELY 2,665 SQUARE-FOOT TWO-STORY SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED AT **1511 VAN DUSEN LANE.**

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The Planning Commission finds as follows with regard to file numbers PLN2019-213:

1. The project site is zoned R-1-9 (Single Family Residential) on the City of Campbell Zoning Map and within the boundaries of the San Tomas Area Neighborhood Plan (STANP).
2. The project site is designated Low Density Residential (<4.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The project site is a legal nonconforming 6,063 square-foot parcel located on Van Dusen Lane, west of Harriet Avenue and north of Highway 85.
4. The proposed project consists of the construction of a new approximately 2,665 square-foot two-story single-family residence.
5. The proposed project will result in a building coverage of 36% and a Floor Area Ratio (FAR) of .44, where a maximum 40% building coverage and .45 FAR are allowed in the R-1-9 Zoning District (for a legal nonconforming 6,063 square-foot lot pursuant to STANP Section D – Exceptions for Legal Non-Conforming Lots).
6. The proposed project will provide two covered parking spaces within an attached garage, satisfying the applicable parking requirement.
7. The proposed project will be compatible with the R-1-9 (Single Family Residential) Zone District with approval of a Site and Architectural Review Permit.
8. The project is compatible with the architecture of the adjacent neighborhood in that the project incorporates representative architectural features of homes in the San Tomas Area including hipped and gabled roof forms and simple rectangular shaped forms.
9. The proposal is consistent with the City adopted San Tomas Area Neighborhood Plan (STANP).

10. The proposal is consistent with the Considerations in Review of Applications (CMC Section 21.42.040) subject to Site and Architectural Review.

11. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.

Based upon the foregoing findings of fact and pursuant to CMC Section 21.42.020, the Planning Commission further finds and concludes that:

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area;
3. The project is consistent with applicable adopted design guidelines; and
4. This project is Categorically Exempt under per Section 15303 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2019-213) to allow the construction of a new approximately 2,665 square-foot two-story single-family residence on property located at **1511 Van Dusen Lane**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 14th day of July, 2020, by the following roll call vote:

AYES: Commissioners: Buchbinder, Ching, Colvill, Krey, Hines, Ostrowski and Rivlin
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Site & Architectural Review Permit (PLN2019-213)

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division:

1. Approved Project: Approval is granted for a Site and Architectural Review Permit (PLN2019-213) to allow the construction of a new approximately 2,665 square-foot two-story single-family residence on property located at **1511 Van Dusen Lane**. The project shall substantially conform to the Revised Project Plans and Material Board stamped as received by the Community Development Department on February 20, 2020 and March 9, 2020 respectively, except as may be modified by conditions of approval contained herein.
2. Permit Expiration: The Site and Architectural Review Permit approval shall be valid for one year from the date of final approval (expiring July 24, 2021). Within this one-year period, an application for a building permit must be submitted. Failure to meet this deadline or expiration of an issued building permit will result in the Site and Architectural Review Permit being rendered void.
3. Rough Framing and Planning Final Required: Planning Division clearance is required prior to rough framing and final Building Permit clearance. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
4. Plan Revisions: The construction plans submitted for a building permit shall incorporate the following revision(s):
 - a. Incorporate the January 21, 2020 Arborist Report from Walter Levison as a full-size sheet within the plan set.
 - b. Revise the Site Plan and Elevation drawings at the front entry steps for consistency with the Grading Plan.
5. Minor Modifications: Minor Modifications to the approved project plans are subject to review and approval by the Community Development Director. Minor modifications include alterations in floor area of no more than 50 square feet on the first floor (except for PD permits where additional floor area is considered a major modification), alterations to second story windows that are not oriented toward

neighboring yards and result in an increase in window area of no more than one square foot and horizontal relocation of no more than one foot from the approved window location, and minor alterations to façade material. All other modifications are subject to review at a public hearing.

6. Plan Revisions: Upon prior approval by the Community Development Director, all Minor Modifications to the approved project plans shall be included in the construction drawings submitted for Building Permit. Any modifications to the Building plan set during construction shall require submittal of a Building Permit Revision and approval by the Building Official prior to Final Inspection.
7. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Campbell Municipal Code Section 21.18.060 and shall be submitted for review and approval by the Community Development Department.
8. Water Efficient Landscape Standards: As a new construction project with a total project landscape area equal to or less than 2,500 square feet, this project is subject to the updated California Model Water Efficient Landscape Ordinance (MWELo) and may comply with the Prescriptive Compliance Option in Appendix D. This document is available at: <http://www.cityofcampbell.com/DocumentCenter/View/176> or on the Planning Division's Zoning and Land Use webpage through www.cityofcampbell.com. The building permit application submittal shall demonstrate compliance with the applicable MWELo and landscaping requirements and shall include the following:
 - a. Planting and Irrigation Plans that meet all requirements of the Prescriptive Compliance Option in Appendix D.
 - b. The front yard landscaping shall include a combination of trees, shrubs, and groundcover spread throughout the yard.
 - c. A completed Landscape Information Form.
 - d. A note on the Cover Sheet in minimum 1/2" high lettering stating "Planning Final Required. The new landscaping indicated on the plans must be installed prior to final inspection. Changes to the landscaping plan require Planning approval."
9. Landscaping: Landscape areas in the aforementioned landscaping plan shall consist of a mix of plants including natural turf, ornamental grasses, groundcovers, shrubs, and trees and/or synthetic turf throughout and shall be provided with permanent irrigation, in compliance with the Water Efficient Landscape Standards and Campbell Municipal Code.
10. Trees: The aforementioned landscaping plan shall incorporate planting of (3) three trees on the property pursuant to STANP Land Use Policy 'J-1'. The selection of required trees shall be to the satisfaction of the Community Development Director and shall not include fruit trees or eucalyptus trees. Existing trees to remain (except for fruit trees and eucalyptus trees) count towards the required number of trees.

11. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior lighting for the project shall be reviewed and approved by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. Lighting fixtures shall be of a decorative design to be compatible with the residential development and shall incorporate energy saving features.
12. Contractor Contact Information Posting: The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
13. Construction Activities: The applicant shall abide by the following requirements during construction:
 - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
 - b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
 - c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
 - d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
 - f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

Building Division:

14. PERMITS REQUIRED: A building permit application shall be required for the proposed new 2-story single family dwelling structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
15. PLAN PREPARATION: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be "wet stamped" and signed by the qualifying professional person.
16. CONSTRUCTION PLANS: The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.

17. SIZE OF PLANS: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
18. SOILS REPORT: Two copies of a current soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations shall be submitted with the building permit application. This report shall be prepared by a licensed engineer specializing in soils mechanics.
19. SITE PLAN: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Elevation bench marks shall be called out at all locations that are identified as "natural grade" and intended for use to determine the height of the proposed structure.
20. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
- a. pad elevation
 - b. finish floor elevation (first floor)
 - c. foundation corner locations
21. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms shall be bluelined on the construction plans. 8% X 11 calculations shall be submitted as well.
22. SPECIAL INSPECTIONS: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
23. The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
24. APPROVALS REQUIRED: The project requires the following agency approval or consultation prior to issuance of the building permit:
- a. West Valley Sanitation District (378-2407)
 - b. Santa Clara County Fire Department (378-4010)
 - c. San Jose Water Company (408) 279-7900
 - d. School District:
 - i. Campbell Union School District (378-3405)

- ii. Campbell Union High School District (371-0960)
- iii. Moreland School District (379-1370)
- iv. Cambrian School District (377-2103)

Note: To Determine your district, contact the offices identified above. Obtain the School District payment form from the City Building Division, after the Division has approved the building permit application.

- e. Bay Area Air Quality Management District (Demolitions Only).

25. P.G.& E.: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.

26. INTENT TO OCCUPY DURING CONSTRUCTION: Owners shall declare their intent to occupy the dwelling during construction. The Building Inspection Division may require the premises to be vacated during portions of construction because of substandard and unsafe living conditions created by construction.

27. CONSTRUCTION FENCING: This project shall be properly enclosed with construction fencing to prevent unauthorized access to the site during construction. The construction site shall be secured to prevent vandalism and/or theft during hours when no work is being done. All protected trees shall be fenced to prevent damage to root systems.

28. GREEN BUILDING CODE: This project shall submit documents provided to show compliance with 2019 Green Building Code, Chapter 4, Mandatory Requirements.

29. APPLICABLE CODE: Applicant is advised that applications for permit submitted after Jan. 1, 2020, shall be prepared under 2019 California Codes and current Campbell Municipal Code.

30. CONSTRUCTION SITE MANAGEMENT: This project shall use the following Site Management policies:

- Job Site Manager. Every permitted job must have an identified person to manage the work and be responsive to issues that come up during construction. It is important to identify this person and provide contact information to the Building Inspector at the beginning of the construction process. When a change is made concerning site manager, the inspector should be made aware of the new person and contact information.
- Construction Debris. At the end of each construction day, attention should be made to collect and manage construction waste and debris. Trash must be

covered and removed from the site as soon as reasonable. Respect the neighbors and keep a clean site! Sites that fail to manage trash can and will be cited.

- Construction Hours. Every Permitted job is required to observe the permitted hours of construction. Construction work is allowed from 8:00am to 5:00pm Monday thru Friday. Construction is allowed on Saturdays from 9:00am to 4:00pm. No work is allowed on Sundays or Legal U.S. Holidays. Workers showing up at job sites before the permitted times may create a problem and should be discouraged from arriving earlier than 15 minutes before permitted times. Material deliveries should never be scheduled before permitted hours. It is the responsibility of the Contractor to manage and coordinate deliveries. Citations and/or Stop Work Notices will be issued to Contractors violating the permitted hours.
- Dust and Dirt. Many jobs will create dust and dirt on the street. When it rains, sites may have mud running into the sidewalk and street. All job sites must keep all rain runoff on the site and prevent water from running from the site into the gutter and street. Vehicles tracking mud and dirt into the street require cleanup and keeping the sidewalks and streets clean. If you fail to manage your dirt, dust and mud, your site may be issued a 'Stop Work' notice and/or a citation.
- Music and Unnecessary Noise. Radios and loud music or other noise not related to construction is discouraged and will keep the neighbors from complaining. Earbuds are a good way to keep the music playing and not a problem for the neighbors. Job sites are not a good place for a worker's dog. Animals should be left at home.

PUBLIC WORKS DEPARTMENT

31. The scope of this project triggers the requirement for Frontage Improvements as required by Campbell Municipal Code 11.24.040. However, the ultimate frontage improvements for this property are already in place. The applicant will be required to dedicate in fee the right-of-way for Van Dusen Lane.

32. Right-of-Way for Public Street Purposes: Prior to issuance of any building permits for the site, the applicant shall fully complete the process to cause the Van Dusen right-of-way to be granted in fee for public street purposes along the frontage for Parcel 1, unless otherwise approved by the City Engineer. The applicant shall submit the necessary documents for approval by the City Engineer, pay the current fee, process the submittal with City staff's comments and fully complete the right-of-way process. The applicant shall cause all documents to be prepared by a Professional Land Surveyor, as necessary, for the City's review and recordation. Detailed requirements can be found here: <https://www.ci.campbell.ca.us/DocumentCenterView/430>

33. Single Legal Parcel: The grading plan (sheet C-2.0) makes reference to merging the separate parcels that make up this site. If the lot merger is needed to meet the

required setbacks, FAR, etc., then the applicant will need to process a lot line adjustment for lot merger as detailed below:

- a. **Lot Merger:** Prior to issuance of any building permits for the site, the applicant shall fully complete the lot line adjustment process for lot merger. The applicant shall submit an application for approval by the City Engineer, pay the current application processing fees, process the application with City staffs comments and fully complete the lot line adjustment.

34. **Encroachment Permit:** Any proposed modifications to the existing curb cut will require that the property owner obtain an encroachment permit from the Public Works Department, including the payment of fees and providing a refundable security deposit.

35. **Storm Drain Area Fee:** Prior to issuance of any grading or building permits for the site, the applicant shall pay the required Storm Drain Area fee, currently set at \$2,120.00 per net acre, which is \$515.00

36. **Water Meter(s) and Sewer Cleanout(s):** Proposed new water meter and sewer cleanout shall be installed on private property behind the new public right-of-way line.

37. The following conditions only apply if the applicant has a need to install I upgrade utility services (water, sewer, gas, etc.) in the street:

- a. **Utility Encroachment Permit:** Separate permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
- b. **Utility Coordination Plan:** Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
- c. **Pavement Restoration:** The applicant shall restore the pavement in compliance with City standard requirements. In the event that the roadway has recently received a pavement treatment or reconstruction, the project will be subject to the City's Street Cut Moratorium. The applicant will be required to perform enhanced pavement restoration consistent with the restoration requirements associated with the Street Cut Moratorium. The City's Pavement Maintenance Program website (<https://www.ci.campbell.ca.us/219>) has detailed information

on the streets currently under moratorium and the enhanced restoration requirements.

38. Stormwater Pollution Prevention Measures: Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

Resources to achieve these objectives include Stormwater Best Management Practices Handbook for New Development and Redevelopment ("CA BMP Handbook") by the California Stormwater Quality Association (CASQA), 2003; Start at the Source: A Design Guidance Manual for Stormwater Quality Protection ("Start at the Source") by the Bay Area Stormwater Management Agencies Association (BASMAA), 1999; and Using Site Design Techniques to Meet Development Standards for Stormwater Quality: A Companion Document to Start at the Source ("Using Site Design Techniques") by BASMAA, 2003.

FIRE DEPARTMENT

39. Development Review: Review of this development proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
40. Fire Sprinklers Required: (As noted on Sheet A-0.0) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: One or more additions made to a building after January 1, 2011 that do not total more than 1,000 square feet of building area. 2) In all new basements and in existing basements that are expanded by more than 50%. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by CBLMC.
41. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor

supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

42. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33
43. Address identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1
44. No Violation: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the Fire Code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

RESOLUTION NO. 4564

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A MODIFICATION (PLN-2020-46) TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (PLN2017-337) TO ALLOW A MOTOR VEHICLE SALES (RETAIL/WHOLESALE) ESTABLISHMENT ON PROPERTY LOCATED AT **125 E. SUNNYOAKS AVENUE, SUITE 100** IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

After due consideration of all evidence presented, the Planning Commission did find as follows with respect to file number(s) PLN-2020-46 & PLN2017-337:

1. The project site is located within an existing professional office center (Sunnyoaks Executive Offices) at the northwest intersection of E. Sunnyoaks Avenue and San Tomas Expressway.
2. The project site is zoned M-1 (Light Industrial) as shown on the Campbell Zoning Map.
3. The project site is designated Light Industrial as shown on the Campbell General Plan Map.
4. The project site is bordered by industrial uses to the south, east, and west, and San Tomas Expressway to the north.
5. The project site is located is developed with a two-story multi-tenant commercial building built in the early 1970's.
6. The proposed business is considered a "motor vehicle – sales (new and/or used)", subject to approval of a Modification of a previously approved Conditional Use Permit consistent with CMC 21.68.040 (Permit Modification) and CMC 21.46 (Conditional Use Permits).
7. The previously approved land use permit (i.e. Conditional Use Permit – PLN2017-337) is being modified by the decision-making body that originally approved the permit (i.e. Planning Commission) with the consent of the property owner and operator.
8. The Planning Commission approved the previous Conditional Use Permit (PLN2017-337) by Resolution 4427 on February 13, 2018.
9. The Conditions of Approval provided in Planning Commission Resolution No. 4427 shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein.

10. The business currently operates from a tenant space located on the second floor, Suite 209A, which is 120 square feet in gross floor area.
11. The business is proposing to relocate their business from a 120 square foot tenant space located on the second floor (Suite 209A) to a 312 square foot tenant space located on the ground floor (Suite 100).
12. The hours of operation shall be restricted to 9:00 AM to 8:00 PM, daily.
13. The proposed wholesale and vehicle sales business results in a parking demand of three parking spaces; two of which shall be reserved for sales display purposes.
14. The center has a total of 56 spaces (53 standard; 3 accessible) shared by all tenants.
15. When calculating the parking demand of the entire center, inclusive of the proposed use, there is a net surplus of four (4) parking spaces on the project site.

Based upon the foregoing findings of fact, the Planning Commission further finds and concludes that:

1. The project will aid in the harmonious development of the immediate area.
2. The proposed project is consistent with the General Plan.
3. The proposed use is allowed within the applicable Zoning District with a Modification to the previously approved Conditional Use Permit and complies with all other applicable provisions of this Zoning Code and the Municipal Code.
4. The project is consistent with applicable adopted design guidelines.
5. The proposed use will not create a nuisance due to litter, noise, traffic, vandalism, or other factors.
6. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area.
7. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate.
8. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property.
9. The establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed

use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

10. The proposed use will not significantly increase the demand on City services.
11. The project qualifies as a Categorical Exempt project under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Modification (PLN-2020-46) to a previously approved Conditional Use Permit (PLN2017-337) to allow a motor vehicle sales (retail/wholesale) establishment on property located at **125 E. Sunnyside Avenue, Suite 100**, subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 14th day of July, 2020, by the following roll call vote:

AYES: Commissioners: Buchbinder, Ching, Colvill, Krey, Hines, Ostrowski and Rivlin
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

**CONDITIONS OF APPROVAL
Modification (PLN-2020-46)**

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division:

1. Approved Project: Approval is granted for a Modification (PLN-2020-46) to a previously approved Conditional Use Permit (PLN2017-337) to allow a motor vehicle sales (retail/wholesale) establishment on property located at **125 E. Sunnyoaks Avenue, Suite 100**. The project shall substantially conform to the written business description and project plans stamped as received by the Planning Division on May 4, 2020, except as may be modified by the Conditions of Approval contained herein.
2. Permit Expiration: The Modification (PLN-2020-46) approved herein shall be valid for one year from the date of final approval (expiring July 24, 2021). Within this one-year period, the wholesale and retail automotive sales use shall be established at 125 E. Sunnyoaks Avenue, Suite 100. Once established, this entitlement shall be valid in perpetuity with continued operation of the use. Abandonment, discontinuation, or ceasing of operations for a continuous period of twelve months shall void the Modification of the previously approved Conditional Use Permit approved herein.
3. Previous Conditions of Approval: The previously approved Conditions of Approval provided in Planning Commission Resolution No. 4427 shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein upon vesting of the subject Modification (PLN-2020-46) approved herein.
4. Hours of Operation: The business hours that the establishment may be open to the public are limited to 9:00 AM to 8:00 PM, daily. The business's operating hours, when employees may be on site, shall be limited to 7:00 AM to 10:00 PM daily.
5. Appointment Only: All on-site sales activity shall be by-appointment only.
6. DMV Retail License: At all times, use of the subject tenant space for vehicle display will be contingent upon obtainment and maintenance in good standing of a California DMV Retail Used Auto-Commercial or New/Used Auto-Commercial license.

7. Business License: A valid City business license shall be maintained at all times that the business is in operation.
8. Used Motor Vehicle Permit: If used vehicles are to be sold from the premises, the business owner shall obtain a Used Motor Vehicle Permit from the City Council pursuant to Campbell Municipal Code Sec. 5.08.010(12).
9. Sign Permit: An application for a sign permit from the Planning Division and building permit from the Building Department will be required for all new signage.
10. On-Site Advertising: There shall be no form of temporary on-site advertising associated with the retail auto sales business, including, but not limited to, flags, strobe lights, banners, A-frames, and human sign advertisers.
11. Vehicle Advertising: Vehicles for sale shall only contain the minimum information necessary as required by the Department of Motor Vehicles. Vehicles shall not be advertised with painted letters or numbers, streamers, flags, or similar attention grabbing contrivances.
12. Designated Parking: No more than two vehicles for sale shall be permitted on the subject property at any time. Vehicles for sale shall be restricted to the two parking spaces designated for display purposes, as indicated on the project plans. Vehicles shall not be displayed, stored, or otherwise placed on the public street.
13. Property Maintenance: The owner/operator of the subject property shall maintain all exterior areas of the business free from graffiti, trash, rubbish, posters and stickers placed on the property.
14. Revocation of Permit: Operation of the use in violation of the Conditional Use Permit or any standards, codes, or ordinances of the City of Campbell or any laws of the State of California applicable to operation of the business, shall be grounds for consideration of revocation of this approval by the Planning Commission.
15. Noise Standard: Any noises, sounds and/or voices, including but not limited to amplified sounds, loud speakers, sounds from audio sound systems, and/or music, generated by the subject use shall not be audible to a person of normal hearing capacity from any residential property. Public address systems of all types are strictly prohibited.
16. Parking and Driveways: All parking and driveway areas shall be maintained in compliance with the standards in Chapter 21.28 (Parking & Loading) of the Campbell Municipal Code.
17. Vehicle Repair: No vehicle repair of any kind shall be permitted.

RESOLUTION NO. 4565

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A VARIANCE (PLN2019-176) TO ALLOW A REDUCED SIDE-YARD SETBACK TO LEGALIZE AN UNPERMITTED ACCESSORY DWELLING UNIT (ADU) ON PROPERTY LOCATED AT **309 REDDING ROAD** IN THE R-1-6 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT. FILE NO.: PLN2019-176.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The Planning Commission finds as follows with regard to file numbers PLN2019-176:

1. The Project Site is zoned R-1-6 (Single Family Residential) on the City of Campbell Zoning Map.
2. The Project Site is designated Low Density Residential (less than 6 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The Project Site is located on Redding Road, west of Bascom Avenue, outside of the boundaries of any neighborhood or area plan.
4. The Project Site is improved with a 1,215 square-foot single-family residential dwelling with a detached 802 square-foot structure consisting of a 344 square-footage garage component and a 458 square-foot accessory dwelling unit, which is constructed at a 10-inch side-yard setback.
5. County of Santa Clara Building Department permit records indicate that the primary dwelling and associated garage were moved onto the Project Site in 1974.
6. Based on Cartwright Aerial Survey imagery taken on March 12, 1976, the detached garage structure did not yet include the accessory dwelling unit. Subsequent imagery shows the expansion of the garage into a larger building that would eventually be converted to an unpermitted dwelling unit. The City does not have permit records for expansion of the garage structure nor for its conversion to a dwelling unit, rendering the structure and its use as a dwelling unlawful.
7. Pursuant to Campbell Municipal Code (CMC) 21.58.020.D a property owner has no right to use or occupancy of a property containing an illegal use or structure, or any use or structure that was not legally created.
8. Upon a complaint filed by a Campbell resident on July 11, 2018, the City initiated a code enforcement investigation and confirmed the presence and use of an unpermitted dwelling on the Project Site.
9. Since CMC Section 21.23.030.E (Table 3-1(b)) and Section 21.58.050, specifically prohibit the expansion of a converted accessory structure into an accessory dwelling unit along a non-conforming setback line, the accessory dwelling unit

could not be legalized through normal permitting procedures. As such, the property owners' only administrative remedy was to apply for a Variance to allow for a substandard setback.

10. The Proposed Project is an application for a Variance (PLN2019-176) to allow a reduced side-yard setback to legalize an unpermitted accessory dwelling unit.
11. The Proposed Project would result in a building coverage of 23% and Floor Area Ratio (FAR) of 0.21.
12. The Project Site has a lot width of 55 ½ feet, which is less than the 60-foot minimum lot width otherwise required by the R-1-6 (Single-Family Residential) Zoning District.
13. The requested Variance would allow a 3-foot, 2-inch reduction in the otherwise required 4-foot setback, which would be commensurate with the substandard lot width.
14. Allowing a setback reduction commensurate with the substandard lot width recognizes that this unusual parcel condition does not generally apply to comparably zoned properties.
15. The setback reduction is the minimum necessary deviation from the applicable development standards necessary for the property owner to enjoy use of the property in the same manner as owners of other properties classified in the same zoning district.
16. Requiring conformance with a 4-foot setback would require removal and reconstruction of the accessory dwelling unit's kitchen, including all cabinetry, dishwasher, sink, and range, resulting in a practical difficulty and unnecessary hardship.
17. Allowing the retention of the existing unpermitted structure and legal conversion to an accessory dwelling would be in keeping the intent of the Government Code 65852.2(e)(1)(A)(i) to allow creation of an accessory dwelling unit within the existing space an accessory structure.
18. Prior to lawful use of the accessory dwelling unit, the property owner must obtain a building permit and secure a certificate of occupancy, as required by the conditions of approval imposed by this Variance approval.
19. Approval of a Variance would not allow further expansion of the accessory dwelling unit consistent with the Campbell Municipal Code Section 21.23.030.E (Table 3-1(b)) and Section 21.58.050.
20. Approval of a Variance does not relieve the property owners from all other applicable requirements of the Chapter 21.23 (Accessory Dwelling Units) of the Campbell Municipal Code.

Based upon the foregoing findings of fact, the Planning Commission further finds and concludes that:

Variance Findings (CMC Sec. 21.48.040):

1. The strict or literal interpretations and enforcement of the specified regulation(s) would result in a practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Zoning Code;
2. The strict or literal interpretations and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
3. There are exceptional or extraordinary circumstances or conditions applicable to the subject property (i.e., size, shape, topography) which do not apply generally to other properties classified in the same zoning district;
4. The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
5. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Environmental Findings (CMC Sec. 21.38.050):

6. The project is Categorically Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Variance (PLN2019-176) to allow a reduced side-yard setback to legalize an unpermitted accessory dwelling unit (ADU) on property located at **309 Redding Road**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 14th day of July, 2020, by the following roll call vote:

AYES: Commissioners: Buchbinder, Ostrowski, Hines, and Ching
NOES: Commissioners: Colvill, Krey, and Rivlin
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Variance (PLN2019-176)

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division:

1. Approved Project: Approval is granted for a Variance to allow a reduced side-yard setback to legalize an unpermitted accessory dwelling unit (ADU) on property located at **309 Redding Road**. The project shall substantially conform to the Project Plans, stamped as received by the Community Development Department on September 9, 2019, except as may be modified by the conditions of approval contained herein.
2. Permit Expiration/Deadline: The property owner shall submit an application for a new building permit (or make a request to the Building Official to reactive the expired permit application) to legalize the subject ADU no later than **July 31, 2020**. The building permit must be obtained no later than **September 30, 2020**. Final permit clearance and a certificate of occupancy must be granted no later than **October 31, 2020**. Failure to meet these deadlines will result in the Variance being rendered void and recommencement of code enforcement action. The Community Development Director may grant extensions to these deadlines in such circumstances where a delay resulted from City action or inaction.
3. Planning Final Required: Planning Division clearance is required prior to final Building Permit clearance. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
4. Interim Usage Restriction: The unpermitted ADU shall not be used for habitation purposes until such time that a certificate of occupancy has been granted.
5. Expansion Prohibited: The ADU may not be expanded consistent with Campbell Municipal Code Section 21.23.030.E (Table 3-1(b)) and Section 21.58.050.

RESOLUTION NO. 4566

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THAT THE CITY COUNCIL APPROVE A MODIFICATION (PLN-2020-30) OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (PLN2018-337) TO AMEND THE APPROVED SELF-STORAGE FACILITY HOURS OF OPERATION TO 6:00 AM TO 9:00 PM, MONDAY THROUGH FRIDAY AND 8:00 AM TO 7:00 PM SATURDAY AND SUNDAY ON PROPERTY LOCATED AT **680 E. MCGLINCY LANE** IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT) ZONING DISTRICT. FILE NO.: PLN-2020-30

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The Planning Commission finds as follows with regard to file number PLN-2020-30:

1. The Project Site is composed of two approximately one-acre parcels, located along the south side of E. McGlinCY Lane, between Westchester and Forman Drives, and is currently developed with an outdoor cargo storage container facility.
2. The Project Site is located within the M-1 (Light Industrial) Zoning District as shown on the City of Campbell Zoning Map.
3. The Project Site is designated *Light Industrial* as shown on the General Plan Land Use Diagram.
4. On December 3, 2019, the City Council adopted Resolution No. 12539 approving a Conditional Use Permit with Site and Architectural Review (PLN2018-337) to allow construction of a self-storage facility with a basement level and caretaker/employee housing unit, including associated site, lighting, parking, and landscaping improvements, an increase to the allowable fence height, and an adjustment to the landscape requirements.
5. Condition of Approval No. 12.c of City Council Resolution No. 12539 limited the approved facility hours to 7:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 7:00 PM Saturday and Sunday.
6. The Proposed Project is a Modification (PLN-2020-30) to the previously approved Conditional Use Permit with Site and Architectural Review (PLN2018-337) to amend the approved self-storage facility hours to 6:00 AM to 9:00 PM, daily.
7. The Proposed Project constitutes a "Major Change" pursuant to Campbell Municipal Code (CMC) Sec. 21.56.060 in that the requested change to the operational hours involves both a basis for a condition of approval for the project and a specific

consideration by the decision-making body in granting the permit, which must be processed in the same manner as the original approval.

8. In weighing the public need for, and the benefit to be derived from the project, against any impacts it may cause, the Planning Commission concludes that allowing expanded hours during the weekdays while maintaining restricted hours on the weekends is necessary to affirmatively support the findings for a Conditional Use Permit.

Conditional Use Permit Findings (CMC Sec. 21.46.040):

1. The approved use, as proposed to be modified, is allowed within the applicable zoning district with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code;
2. The approved use, as proposed to be modified, is consistent with the General Plan;
3. The approved site, as proposed to be modified, is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area;
4. The approved site, as proposed to be modified, is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate;
5. The design, location, size, and operating characteristics of the approved use, as proposed to be modified, are compatible with the existing and future land uses on-site and in the vicinity of the subject property; and
6. The establishment, maintenance, or operation of the approved use, as proposed to be modified, at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city;

Environmental Findings (CMC Sec. 21.38.050):

1. A Mitigated Negative Declaration (MND) was previously adopted for this project. The extent of the proposed modification falls within the scope of the adopted MND such that no additional review under CEQA is required.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) by amending Condition of Approval No. 12.c to allow facility hours of 6:00 AM to 9:00 PM Monday through Friday and 8:00 AM to 7:00 PM Saturday and Sunday, for property located at **680 E. McGlincy Lane**, subject to installation of signage to deter loud noise and late night rambunctious activity.

PASSED AND ADOPTED this 14th day of July, 2020, by the following roll call vote:

AYES: Commissioners: Buchbinder, Ching, Colvill, Hines, Ostrowski, and Rivlin

NOES: Commissioners: Krey

ABSENT: Commissioners:

ABSTAIN: Commissioners:

APPROVED: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • July 28, 2020

PLN-2020-80
PC-Initiated

Public Hearing to Consider a Planning Commission Initiation of a Zoning Code Text Amendment (PLN-2020-80) to adopt reduced parking standards for properties located within proximity of public transportation.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. Defer consideration of a Zoning Code Amendment to after adoption of a new Campbell General Plan, as part of a comprehensive Zoning Code update.

ALTERNATIVE ACTION

If the Planning Commission wishes to formally initiate a Zoning Code Text Amendment, it may take the following action:

2. **Make a Motion**, to initiate a Zoning Code Text Amendment (PLN-2020-80) to adopt reduced parking standards for properties located within proximity of public transportation, specifically identifying the types of changes to be developed.

ADMINISTRATIVE PROCEDURE

Pursuant to CMC Sec. 21.60.020 (Initiation of amendment) an amendment to the Zoning Code may be initiated by the City Council or the Planning Commission. However, the City Council must authorize use of staff time and City resources for an ordinance update of this type (which are generally programed into departmental workplans included in the annual budget). Should the Planning Commission initiate the amendment, staff will agendize this matter for the City Council's consideration.

Staff continues to believe that consideration of new parking standards should be deferred until after the new General Plan has been adopted. The purpose of the General Plan is to layout a long-term vision for the City. By incorporating specific goals, policies, and strategies, important changes to the City's Zoning Code can be made in a coordinated manner. However, it is the Planning Commission's prerogative under State law to recommend changes to the City Council that it deems necessary.

DISCUSSION

Background: At its meeting of June 9, 2020, the Planning Commission made a motion directing the Community Development Director to agendize initiation of a Zoning Code Text Amendment to create reduced parking standards for properties located near public transportation. This action followed a Planning Commission study session held on [November 26, 2019](#) on this matter (reference **Attachment 1** – Staff Report). At that meeting, an Economic Development Division intern presented research materials on transit-oriented parking standards. The Commission considered the information and requested that it be forwarded to the GPAC (reference **Attachment 2 – Minutes**).

Current Standards: Notwithstanding the City’s Historic Downtown, all projects are subject to city-wide parking standards. No special consideration is provided to properties located within a master plan (e.g., Winchester Boulevard Master Plan, East Campbell Avenue Master Plan, South of Campbell Avenue (SOCA) Plan, etc.). Reduced parking standards are provided for residential transit-oriented developments (TOD), defined as projects located within ¼ mile of a light-rail station. Additionally, within a mixed-use project, a developer may propose to count up to 50% of the residential guest parking towards the commercial requirement, which would be shared between both uses.

Scope of Amendment: As a Planning Commission initiated action, the Commission’s recommendation to the City Council should provide specific changes to be made. Additionally, the Commission should identify clear and concise goals that the amendment is intended to achieve. In this regard, the following questions are posed to solicit feedback from the Commission:

- Should reduced parking standards be adopted just for non-residential uses? If so, which uses (e.g., restaurants, retail, service, all uses?)
- Should current residential TOD standards also be evaluated?
- Should new standards apply to properties within proximity to just light-rail stations? Or to properties near bus stops with high frequency service (i.e., every 15 minutes)? And/or within a master plan area irrespective of the proximity to public transportation?
- Should proximity to transit be defined as a ½ mile or ¼ mile distance? Should the distance be measured by traversed distance or as the crow flies?
- Should new standards apply automatically by-right? Or should they be made contingent on incorporating defined transportation demand management (TDM) measures (e.g., long-term enclosed bicycle parking, employer-paid transportation passes, carpooling program, etc.)?
- Should new standards be developed just for new land uses establishing in existing buildings (keeping intact the current “speculative” parking requirements for new buildings)? Or should reduced parking standards also apply to new buildings?
- What type of research does the Planning Commission expect from staff?

If the City Council does authorize preparation of an amendment, staff will conduct additional research on comparable parking standards. However, it should be understood that creation of parking standards is not a science in that there is not an inherently correct answer that can be identified through rigorous study. Parking demand is a function of a multitude of factors, some of which are beyond the reach of local governmental authority, such as the relative popularity of particular businesses over others, the presence of competing businesses with the region, etc. Moreover, parking demand is also a function of supply. The concept of [induced demand](#) suggests that provision of additional parking increases motor-vehicle use.

Lastly, identifying the “right” amount of parking is a policy decision, predicated in part to what extent a community wishes to value convenience for motorists over other considerations. Reducing the amount of new parking created reduces construction costs, allows for greater design flexibility, spurs a more efficient use of property, encourages greater use of public transportation, and can result in a more pedestrian-friendly environment. However, the short-term costs may include parking overflow into adjacent residential neighborhoods and a lack of *convenient* parking desired by many business owners.

Attachments:

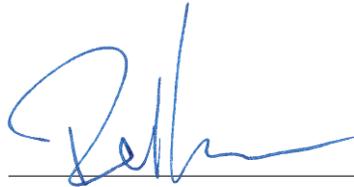
1. Staff Report, dated November 26, 2019
2. Meeting Minutes, dated November 26, 2019

Prepared by:



Daniel Fama, Senior Planner

Approved by:



Paul Kermoyan, Community Development Director

MEMORANDUM

Community Development Department
Economic Development Division

To: Chair Rivlin and Planning Commissioners **Date:** November 26, 2019
From: Theo Dubus, Economic Development Intern
Via: Paul Kermoyan, Community Development Director PK
Subject: Parking Requirement Adjustments near Light Rail Stations
 Planning Commission Study Session

BACKGROUND

During the Planning Commission meeting on July 9, 2019, The Commission considered a Conditional Use Permit (CUP) with a parking modification for Strike Brewing Company to operate a taproom at 469 E. Campbell Avenue with alcohol service for the onsite sale and consumption of beer. This application led to a discussion of parking requirements near light rail stations, and whether requirements should be relaxed in areas with close access to transit centers. Commissioners Buchbinder and Ching put forward a motion for staff to research parking standards for regions near accessible transit stations, as defined by local and national jurisdictions.

Economic Development Staff surveyed the nearby Cities of San Jose, Santa Clara, Mountain View, and Sunnyvale about their policies regarding parking requirements near transit-accessible regions. Recommendations from the American Planning Association (APA) and the Institute of Transportation Engineers (ITE), national organizations which are concerned with municipal parking policy, were also collected. It is important to note that, when discussing specific area plans, each plan's parking standards are tailored for that specific area. Parking standards may be created solely to promote the use of public transportation, or could also be used to further the goals of the specific plan areas. The attached document (Attachment 1) contains a full breakdown of parking standards in each city and their associated area plans, as well as comparisons to their own citywide standards. The table at the end of this memorandum is a simplified version of this analysis, and does not reflect the nuanced standards in each area plan.

DISCUSSION**General Nationwide Standards**

The APA advises that the best determination of parking requirements is through local traffic studies. Tailoring traffic and parking requirements for individual communities is more effective than applying blanket rules for parking standards across different municipalities. Adoption of other cities' parking regulations word-for-word is also inadvisable, as every community is different: Some cities, like San Jose, have widespread access to various public transit options (i.e. Caltrain, Light Rail, Amtrak, future BART), while others like Campbell have less access to mass transit systems (i.e. Light Rail only). Communities also differ in terms of their population density, traffic congestion, and average commute times among residents. In terms of parking policy, the APA recommends a localized approach to determining a community's parking needs:

“Smaller communities may have certain areas that are well served by public transit. Allowing a reasonable reduction in parking requirements when a land use is located within a certain distance of a regularly scheduled transit stop recognizes variations in levels of transit service in a community.” (The Dimensions of Parking, pg. 28)

The APA recommends that cities conduct a thorough evaluation before revising parking ordinances, using the following process to guide studies:

1. Determine land use employment density, mode of travel, and cost of parking.
2. Review parking studies, literature, and ordinances elsewhere.
3. Survey existing locations with similar situations.

Reductions in parking can also be partially offset by requiring that local businesses or residences offer credits for public transit, rideshare, or other shared transportation services. This solution passes transportation costs onto local employers and property managers.

Parking Standards Near Transit Stations for Other South Bay Municipalities

City of Campbell: There are three VTA Light Rail stations in Campbell (Winchester, Campbell, and Bascom stations), which all lie within the Planned Development (P-D) zoning district. Currently, Campbell has special standards for residential units located within one quarter-mile of a light rail station, called Transit-Oriented Developments (TODs). These standards apply only to residential units with one or two bedrooms, or to duplex/triplex/fourplex residences. There are no reduced standards for nonresidential land uses. These standards reduce parking requirements by up to 25% (see Attachment 1).

The Central Commercial (C-3) Zoning District, which was the focus of the Planning Commission inquiry, also requires that all new parking spaces be located in shared parking facilities, and reduces parking ratios significantly from citywide standards. The reason why the City’s C-3 Zoning District has a parking reduction is because there are two parking structures that off-set parking options for the various uses. This area is located within close proximity to the city’s VTA Light Rail stations.

City of Mountain View: Mountain View has no citywide regulations governing parking standards for land within a given distance of a transit station, as Campbell does with its TOD ordinance. However, there are two Precise Plans, for the Downtown and East Whisman areas, which have lower parking standards to encourage the use of available Light Rail and Caltrain options (see Attachment 1). In addition to this, a CUP can be granted anywhere in the city for a parking reduction, which applies to both residential and commercial land uses. No restrictions on zoning district are given. To obtain a parking reduction through a CUP, the Mountain View City Code requires that:

“The applicant shall provide evidence to demonstrate, to the satisfaction of the zoning administrator, that changes in conditions or issues justify such reduction and will not result in a parking deficiency.” (Section 36.32.65)

In the case of a parking reduction by CUP, the applicant is required to demonstrate that a parking reduction for their land use would not cause significant traffic issues in the area. This may

include the submittal of a Transportation Demand Management (TDM) report, which the applicant must submit to the City annually to verify that the parking reduction has not caused traffic issues after its implementation.

Another reason why the City of Mountain View has no, or limited, parking requirements in their downtown is because of the existence of numerous parking lots and parking structures. The existence of established parking options coupled with the downtown's proximity to mass transit allows Mountain View to decrease the need for further parking supply adjustments.

City of Santa Clara: Santa Clara has two precise area plans that have been deliberately structured to reduce parking standards to promote the use of public transportation. The Lawrence Station Area Plan (LSAP) and the Tasman East Focus Area Specific Plan (TEFA) both share the goal of promoting the use of public transportation through lower parking standards (see Attachment 1).

Lawrence Station Area Plan (LSAP) District: Located one half mile from the Lawrence Caltrain Station, the area covered by the LSAP District contains mainly low-density residential, commercial and light industrial uses. The City of Santa Clara has targeted the LSAP area for increased development of high-density residential and neighborhood commercial facilities, and lowering parking requirements is one piece of this goal. The intention of the LSAP District is stated as follows in the Lawrence Station Area Plan Document:

“This zone is designed to implement the vision of the Lawrence Station area plan, creating a high-density, transit-oriented residential district with supportive retail services. The Lawrence Station area plan is expected to be implemented over time, and the district contains provisions for the continuation of existing industrial buildings and uses.” (Lawrence Station Area Plan Document)

Tasman East Focus Area Specific Plan (TEFA): The Tasman East Focus Area is a collection of office and residential complexes covering several city blocks in northern Santa Clara. Like the LSAP, the TEFA Specific Plan aims to use the area's proximity to transit stations to promote more high-density residential uses in the area, in part through lower parking standards:

“Development will build on the site's rich transit connections to both regional heavy-rail and local light-rail. Light-rail will be within a five-minute walk of every front door.” (Tasman East Focus Area Specific Plan Document)

Transit Neighborhood (TN) zoning district: In addition to the above parking standards, the Tasman East Focus Area Specific Plan is also zoned under an exclusive zoning district called Transit Neighborhood (TN). The TN zoning district is designed to encourage the development of high-density residential and commercial areas supported by accessible transit systems. Although the TN district currently applies only to the TEFA Specific Plan, it has its own set of parking requirements that compliment those specific to the Tasman East plan. The goals of the district are described by the City's Code:

“This zone is designed to implement the Transit Neighborhood General Plan designation, creating a high-density, transit-oriented residential district with supportive retail services. Transit Neighborhoods are expected to be implemented over time, and the district contains provisions for the continuation of existing industrial buildings and uses.” (From the Santa Clara City Code Chapter 18.25)

City of Sunnyvale: Citywide, parking adjustments from minimum parking ratios may be granted for nonresidential uses if “*The use is within one-half mile of a walk from a rail station, light rail station, or major bus stop.*” (Sunnyvale Municipal Code Chapter 19.46.130). The City of Sunnyvale’s only other transit-related parking adjustment is included in the Downtown Specific Plan District, which reflects the area’s proximity to the Sunnyvale Caltrain station (see Attachment 1).

City of San Jose: The City of San Jose only reduces parking requirements for Single Room Occupancy (SRO) units within 2,000 feet of a public transit station. This includes hotels, nursing homes, and other types of single-room living units (see Attachment 1). Beyond this ordinance, transit-based parking reductions are only allowed with the acquisition of a Development Permit or Exception citywide:

“A reduction in the required off-street vehicle parking spaces of up to ten percent (10%) may be authorized with a Development Permit or a Development Exception if no Development Permit is required, for structures or uses that conform to all of the following: The structure or use is located within 2,000 feet of a proposed or an existing rail station, or an area designated as neighborhood business district in the City’s General Plan.” (City of San Jose Ordinance No. 28836 section 20.90.22)

The City also grants individual parking reductions for residential and commercial land uses without Development Permits or Exceptions, but these do not explicitly reference access to transportation options.

Observations

Every city is unique and must create policy based on its existing infrastructure improvements and the needs (e.g. desires) of its own community members. As there is no state or national convention governing off-street parking regulations near transit stations, the City of Campbell must study its own public transportation centers to determine what, if any, changes to current requirements should be implemented. In order to obtain an improved understanding of parking supply needs, the City should prepare a parking needs assessment of the built and desired future environment. Once concluded, the City should create a parking supply target and establish a financial mechanism to build parking that serves the existing and future businesses. Further, the City should examine parking needs around the Hamilton, Campbell and Winchester VTA Light Rail stations to determine whether current parking standards are adequately serving these transit-accessible areas.

PARKING STANDARDS NEAR TRANSIT STATIONS COMPARISON*			
City	Land Use Type	Vehicle Spaces Required	Percent of Citywide Standards**
Campbell	Studio or one bedroom residential	1½ covered spaces per unit, plus ½ space designated guest parking space for each unit.	75% of unit spaces, 100% of guest spaces.
	Two+ bedroom residential	2 covered spaces per unit, plus ½ space designated guest parking space for each unit.	80% of unit spaces, 100% of guest spaces.
Mountain View	Studio or one bedroom residential	1 space per unit	67%
	Two+ bedroom residential	2 spaces per unit	100%
	Retail / Restaurant	1 space per 250 square feet*	70%
Santa Clara	Studio or one bedroom residential	1 space per unit	50%
	Two+ bedroom residential	2 spaces per unit	100%
	Retail / Restaurant	None required*	0%
Sunnyvale	Studio or one bedroom residential	1 assigned and covered space per unit, plus ½ space designated guest parking per unit.	100%
	Two+ bedroom residential	1 assigned and covered space per unit, plus 1 space designated guest parking per unit.	100%
	Retail / Restaurant	1 space per 250 square feet	100%
San Jose	Single-Room Occupancy	0.25 spaces per SRO unit	25%

*Some cities' parking standards vary between different area plans. More detailed descriptions of parking standards for these communities can be seen in Attachment 1.

**The difference between area parking requirements and requirements for that land use elsewhere in the city, given as a percent.

Motion: Upon motion of Commissioner Ching, seconded by Commissioner Krey, the Planning Commission adopted Resolution No. 4551 DENYING the appeal of Ortal Liberty of the denied Administrative Site and Architectural Review Permit (PLN2019-144) and a Tree Removal Permit (PLN2019-196) to allow construction of a 2-story 3,600 square-foot single-family residence and removal of two (2) protected Deodar Cedar trees located in the front yard, on property located at 505 Sunnybrook Drive, with recommendations for use of an insert balcony on the back second floor and to have the revised home design subject to Administrative Site and Architectural Review and approval, by the following roll call vote:

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

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

STUDY SESSION(S)

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

2. Presentation of Parking Analysis Report – Project Planner: *Theo Dubus, Planning Intern*

Mr. Theo Dubus, Planning Intern, provided the staff report:

- Reminded that Commissioners Buchbinder and Ching had requested a study on parking near transit be provided.
- Added that at its meeting on July 9, 2019, the Commission considered an application for a Conditional Use Permit for Strike Brewing Company, located at 469 E. Campbell, which is in easy proximity to Light Rail.
- Said that consideration of Strike Brewing's Use Permit generated a general discussion regarding the provision of commercial parking when near Light Rail.
- Reported that he studied nationwide standards, state and local and learned the following:
 - Nationwide/American Planning Association
 - Reports that transit-oriented parking is best considered through local parking standards/studies, which are better than blanket nationwide standards.
 - Finds that small communities are generally well served in terms of parking provision.
 - Provides three areas of consideration with parking:
 1. Determine land uses, available modes of travel, and cost of parking.
 2. Review studies from other jurisdictions.
 3. Survey the existing parking situation of your jurisdiction.

- Added that at the July 9th PC meeting, Commissioner Ching also suggested that staff look at other transportation options including rideshare and other newer transportation services.
- Said that there are programs in other cities including providing credit for employee/customer use of public transportation; buying employee bus passes.
- Stated that these options are still fairly rare and case-by-case.
- Reminded that Campbell has three VTA Light Rail stations. Campbell has specific reduced parking requirement standards for residential zones located near public transit but there are no established standards for reduced parking for commercial uses that are located near public transit. The reduction is up to 25 percent.
- Reported that the C-3 (Central Business District) that is the Downtown, has free public parking within shared parking structures. Both the Downtown and ECAMP (East of Campbell Avenue Master Plan) Area have close proximity to two of the three Light Rail stations.
- Said that other nearby communities such as Mountain View, Santa Clara, Sunnyvale and San Jose surveyed their parking versus mass transit options. Parking reductions are provided based on specific uses.
 - Mountain View has limited or no parking requirements in their Central Commercial Area.
 - Santa Clara has two precise plan areas (Lawrence and Tamsen).
 - Sunnyvale offers parking reduction within half-mile walk from mass transit.
 - San Jose has very few transit-oriented parking adjustments/standards except for single-room (SRO) occupancy located near transit, which results in a 10 percent reduced parking provision requirement.
- Concluded that each city is unique and needs to develop parking standards based upon an understanding of its own existing circumstances.

Director Paul Kermoyan:

- Thanked Intern Theo Dubus for his work on this presentation to clarify parking near transit.
- Added that many of the parking reduction provisions that Campbell uses are State-mandated.
- Said that the Downtown (C-3) zone has different development standards. The City does not charge for provision of parking, which is a conscious decision on the City's part.
- Added that the parking for Downtown are the City-constructed parking structures. The relaxation of parking standards for Downtown don't apply anywhere else in Campbell.
- Suggested that it may well be time to pull back on the relaxations allowed Downtown uses since it is now so busy.
- Reiterated that the ECAMP area is use-specific regarding required parking. Downtown is not use specific. ECAMP follows the same parking standards as everywhere else in Campbell but the Downtown.
- Agreed that Campbell equals a different environment and constraints.

Commissioner Hines commended Intern Theo Dubus on his research and presentation.

Commissioner Ching:

- Agreed it was a well-done and detailed report and also thanked Intern Theo Dubus for his hard work.
- Stated that it will be nice to get the City's General Plan updated.
- Admitted that he would hate to see the City go back on its parking regulations for the Downtown parking. He wouldn't be in favor.

Commissioner Buchbinder stated that Intern Theo Dubus provided a thoroughly excellent report and thanked him.

Chair Rivlin:

- Added his agreement to the compliments and thanks given to Intern Theo Debus for his work on this parking presentation.
- Pointed out the chart provided on page 5 of the report and said it helps us to understand what we have.
- Added that the nearby transit center is located just outside of the zone.
- Stated that he is hoping that this research will be leveraged with the ongoing work of the General Plan. Specifically, how transit could offset required parking.
- Reminded that many years ago, the Planning Commission approved projects in the Downtown only if funds were taken in for the provision of future parking.

Director Paul Kermoyan:

- Said that Chair Rivlin is referring to a Parking In-Lieu Fee that was in place for projects being developed in the Downtown.
- Added that funds collected would go to financing new parking. However, the cost per parking space/stall is approximately \$40,000 whereas \$6,000 per stall is what was collected on deposit.
- Concluded that although this policy was enacted, it was never used and ultimately it was abandoned.
- Added that when adding new floor space in Downtown, they will have to park it.
- Reported that the applicant for the Opa addition voluntarily offered to pay the parking in-lieu fee that is approximately \$180,000 for use in installing electronic "parking available" notification signs for the Downtown to direct the public to garages where space is currently available to park.
- Said that the project for these electronic parking signs is currently included in the City's Capital Improvement Plan (CIP). Those funds will be collected after the project is completed. However, Public Works will find the funds to install these signs and replenish the funds back into the budget line when the project is completed.

Chair Rivlin asked if this information could also go to GPAC.

Director Paul Kermoyan said he would forward this information to GPAC when they next meet. He added that the draft General Plan will likely be brought to the Planning Commission in June or July 2020.

Commissioner Buchbinder asked about the fact that Campbell has three Light Rail Stations and pointed out that there was no Attachment 1 included with the provided Parking Analysis Report.

Intern Theo Dubus said it appears Attachment 1 didn't get through with the rest of the report.

Director Paul Kermoyan said it would be forwarded to the Commissioners by email.

Commissioner Buchbinder asked staff if there were any examples found whereby a program for reducing parking requirements caused problems.

Intern Theo Dubus said he learned of no revocations or negative consequences stemming from the implementation of a reduced parking standard.

Commissioner Buchbinder asked staff if the City has specific information on how heavily the City's Downtown parking structures are being used.

Director Paul Kermoyan:

- Said that both the Public Works and Planning Departments were monitoring the parking structures quite frequently.
- Reported that previously the First Street Parking Structure was rarely used, especially the top floor. The Second Street Parking Structure has been well used but the top floor was rarely full.
- Added that these days both are pretty much always well in use.
- Advised that the City may really need to do another DT parking study. The last parking study, known as the Walker Study, was prepared approximately 20 years ago, at which time the land use assumptions for Downtown were: 70 percent retail; 25 percent restaurant and five-percent (5%) office. Factoring square footage and parking standard equated the number of parking spaces needed to serve the Downtown. At that time the parking demand was 300 parking spaces.
- Pointed out that today there are more restaurants in the Downtown and fewer retail and office uses so we need to recalibrate and create new assumptions for parking supply versus demand under current uses.

Commissioner Buchbinder:

- Pointed out that restaurants are more impactful than retail on parking demand.
- Asked if there is any comparable community to Campbell where they have just Light Rail as far as mass transit options that has established a reduced parking standard.

Intern Theo Dubus:

- Said that he had not found any other than Mountain View's precise plans and Santa Clara, for which Tasman East offers a 50 percent reduction. The highest percentage available is a 100 percent reduction.
- Added that the goal of the Tasman East is to be heavily residential.

Commissioner Buchbinder said it seems that people are welcome, but their cars are not.

Commissioner Ching said he has visited Strike Brewery several times and found no parking issues. He personally either walked or biked when he went there.

Commissioner Krey said that the State is mandating a lot of things around mass transit, which in Campbell is Light Rail, with the goal that lowering parking standards might promote more use of mass transit.

Commissioner Hines said that Smart City Concepts can be utilized including such things as apps that indicate where parking is available in real time.

Commissioner Colvill:

- Suggested being careful when considering regulation versus deregulation.
- Stated that you may end up creating more of a mess when you create regulations.
- Reminded that people will decide how best to get to where they are going and by what means.

Chair Rivlin suggested that this parking analysis be forwarded to GPAC for consideration with the General Plan.

Director Paul Kermoyan:

- Said he would do so.
- Added that he would forward the missing attachment(s) to the members of the Commission as well as to the General Plan consultants.
- Reminded that once the draft General Plan is ready, the Planning Commission would review that draft.

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

3. Study Session to review the application (proposed floor area and architectural design) of Akbar Abdollahi for a proposed Planned Development and Tentative Subdivision to create nine (9) new homes and a common lot on property located at **202 W. Rincon Avenue**. Project Planner: *Cindy McCormick, Senior Planner*

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

Chair Rivlin asked if there were questions for staff.

Commissioner Ching asked what the criteria is for this being considered a subdivision.

Planner Cindy McCormick replied that there are required findings by the Planning Commission for each component (Planned Development Permit / Tree Removal Permit). There are criteria for Site and Architectural Review and Planned Development. This property is not located within an area plan.

Commissioner Ching asked the height of the existing nearby homes to this site.

MEMORANDUM



Community Development Department

To: Chair Krey and Planning Commissioners

Date: July 28, 2020

From: Daniel Fama, Senior Planner

Via: Paul Kermoyan, Community Development Director

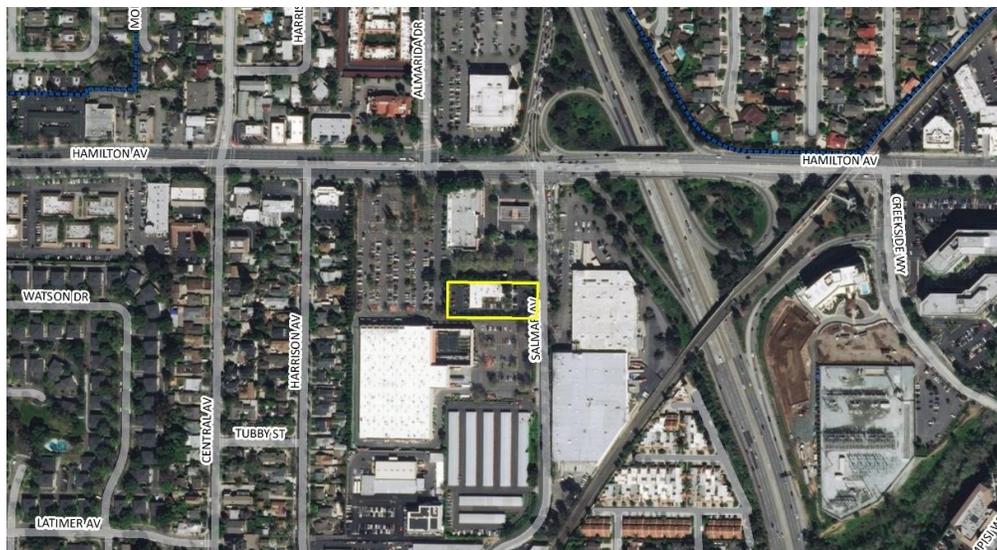
Subject: Study Session to consider a Preliminary Application (PLN-2020-15) for a proposed 5-story hotel on property located at **577 Salmar Avenue**.

DISCUSSION

Purpose: The purpose of this study session is to present a conceptual plan to develop a 5-story hotel along Salmar Avenue. The applicant's scope of work requires a preliminary application, pursuant to Campbell Municipal Code (CMC) Sec. 21.41.020, as it would result in a building larger than 20,000 square-feet.

Review of the preliminary project plans is limited to the overall project design concept and is not considered a substitute for formal project review. The preliminary application process provides an opportunity for the Planning Commission (and the public) to provide feedback during the early stages of the planning process in order to facilitate preparation of a formal application. Comments provided to the applicant on the preliminary application, however, are advisory in nature and are not binding on the formal application.

Project Site: The project site is an approximately one-acre parcel currently developed with a two-story office building constructed in 1990, located along Salmar Avenue south of Hamilton Avenue, as shown below. It borders the Home Depot to the south and west, and Staples to the north. Fry's Electronics is located across the street to the east. The Hamilton Light-Rail Station is also 1/3 of mile walking distance.



Proposal: The proposed 5-story, 53-foot tall hotel would be constructed over a subterranean garage, include 143 hotel rooms, 135 parking stalls, and 6,000 square-feet of guest amenity space (i.e., fitness, lounge, activity area, patio, and staff offices). The preliminary plans indicate a total above-ground building area of approximately 59,000 square-feet, resulting in a floor area ratio (FAR) of 1.5 (reference **Attachments 1 and 2 – Preliminary Plans / Written Description**).

Background: Since this project presented a policy question that was best addressed by the City Council rather than the Planning Commission, the Council held a study session on [July 7, 2020](#). Staff had requested the City Council provide feedback on the appropriateness of the proposed Floor Area Ratio (FAR) of 1.5, which far exceeds the 0.40 maximum normally allowed. Additionally, staff also sought feedback on a desire for a traffic impact analysis (TIA), support for a parking reduction, and any comments on design. The Council provided direction on these points as follows:

- Support for the proposed FAR. [**Unanimous**]
- Support for preparation of a traffic study. [**CM Rich opposing**]
- Support for a parking reduction. [**Unanimous**]
- Disapprove of the design as presented. [**VM Gibbons, CM Bybee, CM Resnikoff**]

The following additional comments were also provided by various Council Members:

- Specific community benefits should be included to substantiate the FAR increase. [**VM Gibbons**]
- In addition to the operational analysis of the Salmar/Hwy-17 intersection and vehicular turning movements in the area, the study should also evaluate pedestrian connectivity (and safety) to Downtown Campbell and the Hamilton Light Rail station. [**VM Gibbons**]
- The applicant should clarify operational aspects of the hotel, particularly if any banquet activity will occur. [**VM Gibbons**]
- Desire for a high-quality hotelier appropriate for Campbell. [**VM Gibbons**]
- The building should incorporate energy and water efficient systems, such as a rooftop garden. [**Mayor Landry and VM Gibbons**]
- The design is too stark and modern, especially with the white coloring, look at Joe Escobar. [**CM Bybee**]
- Design needs to fit better, look at the 8x8 building as an example. [**CM Resnikoff**]
- The City's parking standards for hotels may need to be evaluated. [**CM Resnikoff**]

Site Layout: As shown on the site plan, the hotel would be placed towards the north property line with parking located on the south side. However, given that in the near future it is likely that the Staples and Shell station properties will be redeveloped it may make sense to invert the orientation. Placing the parking lot on the north side of the property provide a buffer from the future development. In addition to spreading out the building massing along Salmar Avenue, this approach will also provide the hotel with greater visibility in the future. And since the south side of the property abuts the Home Depot driveway entrance, placing the bulk of the building mass along that edge has no significance.

Design: The General Plan encourages high quality and attractive building design that incorporates long-lasting and high-quality materials. However, absent an established architectural pattern in the immediate area, the appropriateness of the proposed design is subjective. As noted, some Council Members provided feedback that the building design was too stark, particularly with the expansive use of white body color (see image, below). In this regard, the architectural approach should be somewhat more subdued to minimize modernist elements not generally found in Campbell.

Policy LUT-9.3: Design and Planning Compatibility: Promote high quality, creative design and site planning that is compatible with surrounding development, public spaces and natural resources.

Strategy LUT-9.3d: Building Materials: Encourage the use of long-lasting, high quality building materials on all buildings to ensure the long-term quality of the built environment.

To aid the Commission, staff has pulled various illustrations and photographs of new hotels either approved or recently constructed in San Jose and Santa Clara. These hotels reflect various design approaches. The Commission may use these images to identify particular design attributes that are desirable. Since the general form and massing of the proposed hotel is more or less defined by the narrow lot and desired square footage, the key attributes will be wall cladding material, window glazing, and the extent of material and form variation across the building’s elevations. On the following page, staff poses several questions to help inform the Commission’s dialog.



- **Window Glazing:** Should the building incorporate a wide curtain wall, like Image #2 (also similar to the 8x8 building) or minimize windows as with Image #1.
- **Wall Cladding:** Should the building incorporate more consistent use of materials as with Images #1 or mixed material approach seen in Image #5.
- **Color:** Should the building maintain a consistent color scheme (see Image #1), incorporate an accent color (see Image #4), or use a wide color pallet (see Images #3 and #5).
- **Wall Depth:** Should the building include greater articulation for more visual interest (see Images #1 and #5). As currently depicted, the hotel design incorporates wide expanse of flat building wall.

As the Commission engages in a discussion about design, it important to keep in mind that this building likely will set the future expectations for architectural design for this area. In addition to the Staples/Shell property, the Fry's Electronics and Elephant Bar properties are likely to be redeveloped in the future. These projects will inevitably look towards the hotel as a source of design inspiration. General Plan Strategy LUT-6.1b, below, encourages distinctive architectural character for projects located at City gateways, such as Hamilton/Salmar/Hwy-17. As such, although not strictly a gateway project, in many ways this hotel will shape the architectural benchmark for those future gateway projects.

Strategy LUT-6.1b: Landmark Gateway Buildings: Anchor gateway intersections with landmark buildings that incorporate distinctive architectural character. Orient landmark buildings to face and frame the corners of intersections.

Transportation Amenities: Although the traffic study will likely consider this matter, the Commission may wish to discuss to what extent the project should incorporate transportation amenities, such as a shuttle service (e.g., to Downtown, light-rail, and/or the Pruneyard) or complimentary bicycle or scooter rentals.

On-Site Amenities: As noted, the applicant indicates that the hotel would include 6,000 square-foot of guest amenity space (i.e., fitness, lounge, activity area, patio, and staff offices). The Planning Commission may wish to comment if there is a desire for the hotel to include public meeting areas or a restaurant and/or a bar.

Public Comments: Correspondence from the owners of the neighboring Fry's and Staples/Shell properties is included as **Attachment 3**.

NEXT STEPS

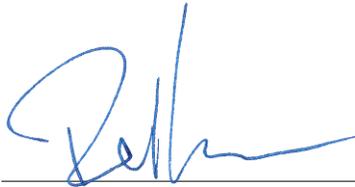
The Planning Commission's comments will help guide the applicant's formal project submittal. Upon receipt of an application, staff will mail a courtesy notice to all property owners within 300-feet of the site and post the materials online. Once the application is ready for a public hearing, an additional public notice will be mailed providing an additional opportunity for the public to review/comment on the project plans. This project will require review by the Site and Architectural Review Committee (SARC) and then the Planning Commission for a decision. The City Council would not review the application, except if an appeal were filed

Prepared by:



Daniel Fama, Senior Planner

Approved by:



Paul Kermoyan, Community Development Director

Attachments:

1. Project Plans
2. Project Narrative
3. Public Correspondence

January 29, 2019

Paul Kermoyan, Community Development Director
Campbell Planning Department
70 North First Street
Campbell, CA 95008

RE: 577 Salmar, Tru Hotel Prelim

Dear Paul:

Attached find a prelim set of plans for a 143 unit hotel located on Salmar Avenue.

The site has a GP designation of General Commercial with a Zoning designation of C-2, General Commercial. The allowed height is 75', the front setback is 10', the rear is 10' and the sides are 1/2 the height of the wall adjacent to the property line. The allowed FAR is .4 although the Planning Commission can increase the FAR if the circumstances warrant an adjustment. Parking required is one space per room and one space for each employee.

Our front setback is +/- 51'-0", our side setbacks are 10'-0" and 43'-0". Our height is five stories, +/- 53'-0" to top of roof and our FAR is 1.5. We have provided 135 stalls with a designated area for uber and lyft drivers to pick up the hotel guests. Although we are providing less than required parking, the proximity to the light rail station (within 1500') and the increased use of Uber and Lyft justifies the reduction in parking. We need 150 stalls and we are providing 135 stalls, that is a 9% reduction.

This is a very unique site in Campbell, it is surrounded on all side by commercial uses and the closest residential lots are approximately 340 feet away from the rear property line with Home Depot's massive parking lot in between. It is right off Highway 17 and in close proximity to both the north and south onramps. It is also within a 5-7 minute walk of the "Hamilton" light rail station located at the corner of Hamilton and Creekside Way.

The project is proposing 143 rooms that will generate approximately \$2,000 a day in hotel tax not counting the benefit to the community in increased revenue from the guests which will be frequenting the restaurants and retail stores in the area. The hotel will generate annually about \$733,000 per year in hotel tax. That is based on a room rate of \$150 per night and a 75% occupancy rate.

If the hotel was downsized to conform to the .4 FAR, the room count would be around 35 rooms. That would result in an annual tax generation of around \$168,000.

These are very compelling reasons to support the increased FAR in this one of a kind location.

If you need any additional information, please call me.

Respectfully submitted,

Kurt B. Anderson, AIA, CGBP
Principal



120 W. Campbell Ave.
Suite D
Campbell, CA 95008
T: 408 . 371 . 1269
F: 408 . 370 . 1276

Project Description

The hotel project as designed is five stories of type IIIa construction over a subterranean garage which provides the majority of the required parking. There are 143 hotel rooms with about 6,000sf of guest amenity spaces such as fitness, wifi lounge, activity area, outdoor patio, and staff support space located at the ground level.

APN:	279-33-041
Project address:	577 Salmar ave, Campbell, CA 95008
General plan:	General Commercial
Zoning:	C-2, general commercial
Proposed use:	Hotel
Proposed type of construction:	IA & IIIA
Automatic sprinkler:	Yes
Proposed type of occupancy:	R-1 over S-2
Number of stories:	5 stories above grade with a below grade parking garage
Proposed height:	53'-0" (top of roof), 64'-0" (top or stair)
Proposed gross building area (above grade):	59,215 sf (see breakdown for each floor below)
Proposed number of rooms:	143
Proposed number of parking stalls:	137

BRANDENBURG

PROPERTIES

February 13, 2020

Mr. Paul Kermoyan
 COMMUNITY DEVELOPMENT DIRECTOR
 City of Campbell
 70 N. First Street
 Campbell, CA 95008



RE: 500 and 570 E. Hamilton Avenue – known as “Staples” and “Shell”

Dear Paul:

It was very good to see you on Monday and thank you for your time at the counter along with the planner on duty to chat a bit about lands in the area of E. Hamilton and Salmar Avenues.

As you know, through closely-held affiliates, Brandenburg Properties is the owner of the above referenced properties. We have participated in the Envision Campbell efforts for some time and have advocated for expanded land use as well as FAR intensification in the E. Hamilton and Salmar Avenues vicinity – believing that both serve a purpose to advance Campbell in a thoughtful and intelligent way. In fact, such a thought was identified in two of three initial/draft land use alternatives presented by the City’s GP consultant to the GPAC. Of course, at this point it remains unclear as to Council’s ultimate decision relative to both topics – and the decision rightly rests with them.

As for our sites, specifically, let me be clear to you and the Council. We envision FAR intensification under the current land use designations, and as such, we do not foresee a need to amend the current land use or zoning. That said, we have been patient with hopes to see such FAR intensification manifest itself in transparent policy, rather than through discretionary/subjective actions on a “per project” basis, as is the case today.

A few days ago, the City received a pre-application for 577 Salmar – a neighboring property to ours – for a hotel project. The project seeks an increase in FAR to near 400% above the current FAR of 0.4, increasing to a proposed 1.6. It’s important for you and Council to know that we’ll quite likely seek FAR intensification under our current land use and zoning as well.

Sincerely,
 For BRANDENBURG PROPERTIES

William B. Baron
 Managing Partner



Daniel Fama

From: Paul Kermoyan
Sent: Monday, March 9, 2020 4:46 PM
To: Daniel Fama
Subject: FW: 577 Salmar and General Plan Update Process

FYI

Paul Kermoyan, AICP
Community Development Director
City of Campbell | Community Development Department
70 N. First Street | Campbell, CA 95008
www.cityofcampbell.com | 408.866.2141

From: Brett Feuerstein <brett@mesacenters.com>
Sent: Monday, March 9, 2020 3:04 PM
To: Susan M. Landry <susanl@campbellca.gov>; Liz Gibbons <lizg@campbellca.gov>; Paul Kermoyan <paulk@campbellca.gov>
Cc: britchie@denovoplanning.com; bloenthal@campbellca.gov; kellysniderconsulting@gmail.com
Subject: 577 Salmar and General Plan Update Process

Dear Mayor Landry, Vice-Mayor Gibbons, and Director Kermoyan,

I received the public notice regarding a proposed 5-story hotel with underground parking at 577 Salmar Avenue - directly across the street from my Fry's Electronics property. I've reviewed the proposal and think it's a terrific use at a currently underutilized site, which will bring new TOT, property, and sales tax revenue in a walkable, transit-served neighborhood. This is exactly what we have been encouraging for this area. I know the City Council will be reviewing this proposal on April 7 at a Study Session. I believe this project proposal adds urgency to the myriad of requests from me and other community members that Campbell quickly embark on a comprehensive planning process for the Salmar/Hamilton/Almarida area.

I believe that the best and most expedient way to incorporate the proposed hotel into a cohesive and beautiful new Gateway to Campbell would be to amend the General Plan and revise the area's General Commercial parcels to create a "shopping, services, entertainment, office, and residential pedestrian oriented mixed-use area" as stated in 2018 Land Use Alternatives Report. This could be done very efficiently and quickly by applying the Residential Commercial Professional Office ("RCPO") land use category to the parcels within .5-mile of the Hamilton light rail station.

I urge you to take advantage of the opportunity spearheaded by the 577 Salmar proposal to look at the Hamilton/Salmar/Almarida area now. The General Plan is currently being updated and the city can apply the designation of RCPO now, to encourage more wonderful projects that will continue to provide the City of Campbell with what it needs to keep the City keep moving forward in a positive direction.

I look forward to supporting what will hopefully become a beautiful entrance to this wonderful city.

Thanks for your consideration,

Brett Feuerstein
Owner, 600 E. Hamilton Avenue "Fry's Property"

4. Public Hearing to consider the application of Tannaz Haghayegh for a Conditional Use Permit and Parking Modification Permit to allow establishment of a 18,103 square foot grocery store (Grocery Outlet) with late-night hours and off-site general alcohol sales within an existing commercial building on property located at **100 N. San Tomas Aquino Road**.

- C. **Use of Zoom for remote on-line PC Meetings until further notice:** This and all of your regular schedule of PC meetings will continue to be conducted via Zoom for the foreseeable future. This Planning Commission meeting will be conducted via telecommunication and is compliant with provisions of the Brown Act and Executive Order N-29-20 issued by the Governor. The following Commissioners of the Campbell Planning Commission are listed to permit them to appear electronically or telephonically at the Regular Planning Commission meeting on July 28, 2020: Chair Michael Krey, Vice-Chair Maggie Ostrowski, Commissioners Adam Buchbinder, Andrew Rivlin; Nick Colvill; Stuart Ching; and Terry Hines.

While members of the public will not be able to attend the meeting of the Campbell City Planning Commission physically, the meeting will be live-streamed on YouTube at (<https://www.youtube.com/user/CityofCampbell>). Interested persons may register to participate at https://us02web.zoom.us/webinar/register/WN_uavFQC2sT1m_-cJvrGV1oA

After registering, you will receive a confirmation email containing information about joining the webinar itself on July 28th at 7:30 p.m. Additionally, the complete agenda packet will be posted by Friday, July 24th, on the website at <https://www.ci.campbell.ca.us/AgendaCenter/Planning-Commission-6>, and will include all materials for this meeting. Please be advised that if you challenge the nature of the above project in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City of Campbell Planning Commission at, or prior to, the Public Hearing by email to planning@campbellca.gov. Questions may be addressed to the Community Development Department at (408) 866-2140.