

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

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7:30 P.M.

TUESDAY

APRIL 27, 2021  
REMOTE ON-LINE ZOOM MEETING

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The Planning Commission meeting on April 27, 2021, was called to order at 7:30 p.m. by Chair Ostrowski and the following proceedings were had, to wit:

**ROLL CALL**

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

Commissioners Absent: None

Staff Present:	City Manager:	Brian Loventhal
	Assistant Planner:	Naz Pouya Healy
	City Attorney:	William Seligmann
	Recording Secretary:	Corinne Shinn

**APPROVAL OF MINUTES**

**Motion: Upon motion by Commissioner Krey, seconded by Commissioner Zisser, the Planning Commission minutes of the meeting of March 26, 2021, were approved with a correction to page 11. (7-0)**

**COMMUNICATIONS**

City Manager Brian Loventhal:

- Introduced himself to the Commission and advised he is serving as Acting Community Development Director since the retirement of Director Kermoyan. He added that he has a background in Planning.

- Advised that the new Community Development Director is Rob Eastwood, coming to Campbell from County Planning where he is the Planning Manager. He will begin work on June 1<sup>st</sup>.

### **AGENDA MODIFICATIONS OR POSTPONEMENTS**

None

### **ORAL REQUESTS**

None

### **COMMISSION DISCLOSURES**

Chair Ostrowski asked the Commission if there were any disclosures for items on tonight's meeting agenda.

There were none.

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### **PUBLIC HEARINGS**

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

1. **PLN-2021-21** Public Hearing to consider the application (PLN-2021-21) of Kurt Anderson for a Modification to a previous Planned Development Permit (PD 82-05) to allow construction of a 1,796 square-foot addition and façade improvements to an existing one-story medical office building, a Tree Removal Permit for removal of three trees, and an Authorization to Remove a Dead/Dying Tree for removal of four trees, on property located at **429 Llewellyn Avenue**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Tentative City Council Meeting Date: May 18, 2021. Project Planner: *Naz Pouya Healy, Assistant Planner*

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

Chair Ostrowski asked for the SARC report.

Vice Chair Ching provided the Site and Architectural Review Committee report as follows:

- SARC was supportive of this project and found it to be a nice exterior remodel.
- Stated that SARC suggested two conditions of approval for on-site tree replacements and provision of a landscape plan.

Chair Ostrowski asked if there were any questions for staff.

Commissioner Krey:

- Expressed confusion over differing parking space requirements.

- Asked if the required number is 41 spaces or 42.
- Pointed out that the findings indicate the site has 41 spaces. The site has 41 spaces.

Planner Naz Pouya Healy:

- Stated that she will correct the typo on the findings as 42 spaces is the correct parking requirement for this size building.
- Said that they could choose to create a third new space next to the two already on the plan or reduce the proposed building by 66 square feet to achieve a 41-space parking standard.

Commissioner Krey asked if the Sweet Gum trees on site are also known as Liquid Amber.

Planner Naz Pouya Healy replied yes.

Commissioner Krey asked how widely the Courtesy Notice is mailed.

Planner Naz Pouya Healy advised that a Courtesy Notice is sent out early upon receipt of a new application and is mailed to property owners within a 300-foot radius of a project site.

Commissioner Krey asked whether Mr. Young was located within the noticing distance.

Planner Naz Pouya Healy replied yes.

Commissioner Buchbinder verified with Planner Naz Pouya Healy that the parking ratio for this site and use is based upon square footage at a one space per 200 square foot standard.

Planner Naz Pouya Healy replied yes, the standard is 1:200 for medical offices.

Commissioner Rivlin asked staff to elaborate on the tree removals.

Planner Naz Pouya Healy:

- Described the trees on site as being four Mayten trees and three other trees (one is a Mayten with a full canopy and the two others are Sweet Gums).
- Advised that it is hard to determine health of a tree when it is dormant without leaves.

Commissioner Rivlin asked if the replacement ratio is one tree for each tree removed.

Planner Naz Pouya Healy advised that any tree over 12-inches in diameter and/or any tree that is part of an approved landscape plan would have to be replaced.

City Manager Brian Loventhal pointed out that the resolution stipulates replacement and staff will update the number of trees to be replaced on the resolution.

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

Kurt Anderson, Project Applicant and Architect:

- Stated his appreciation for staff's work on this project as well as the members of SARC for a successful SARC meeting discussing the project in preparation for tonight's meeting.
- Said that he had forwarded a landscape plan as requested.
- Advised that the property owner wants to refresh this building that houses a world-class spinal surgeon.
- Clarified that they want to be able to remove the two Sweet Gum trees.
- Said that they will replace with water efficient landscaping that includes gravel mulch and low water plants.
- Assured that it would be a more appealing site.
- Stated that they are excited and ready to move forward.
- Added that they are working concurrently with Building on the plan check during the Planning review and Council decision period.
- Said that they would begin construction in about five to six weeks.
- Said he is available for any Commission questions.
- Expressed his hope that this project receives PC approval this evening.

Chair Ostrowski asked if there were questions for the applicant.

Commissioner Krey asked Mr. Anderson if they have any problem providing 42 parking spaces on site.

Kurt Anderson, Project Applicant and Architect, replied that they are happy to provide 42 required parking spaces. He added that they are also happy with the conditions of approval in place for this project.

Commissioner Zisser:

- Asked if the side would also be re-landscaped.
- Inquired about plans for an entry walkway.

Kurt Anderson, Project Applicant and Architect:

- Explained that they would be addressing ADA (Americans with Disabilities Act) access to the building, replant the trees, add gravel mulch with water-efficient plants and open up the site to make it more inviting as seen from the street. There will be an enticing entrance to the site.

Commissioner Rivlin asked about tree replacement plan for five trees.

Kurt Anderson, Project Applicant and Architect:

- Said they will replace removed trees with new Mayten trees.
- Added that they will work further with staff on trees.
- Stated that if he needs to specify on plans he will do so.
- Assured that they have no problem with five tree replacements with staff's assistance.
- Advised that he is working with Naz who is a Landscape Architect and very knowledgeable.

Commissioner Colvill asked Mr. Anderson if he is the landowner.

Kurt Anderson replied he is the project architect.

Commissioner Colvill asked Mr. Anderson if he is aware of any issues with crime in the parcel particularly at the rear.

Kurt Anderson, Project Applicant and Architect, said there have been homeless issues at the rear of the property. Gates will be added to block of that area.

Commissioner Colvill asked Mr. Anderson if one of the security gates will be at Plum Blossom Lane where Mr. Young resides who had raised concerns via email message to the PC.

Kurt Anderson, Project Applicant and Architect:

- Assured that there would be three gates and that one of those would be at Plum Blossom Lane.

Peter Young, Resident on Plum Blossom Ln.:

- Reported he received the meeting notice on Saturday.
- Advised that his neighborhood has on-going concerns about their residential proximity that is surrounded by commercial properties.
- Suggested that there has to be a balance between the needs of each group.
- Stated that he has seen police activity behind this building and at Jack in the Box.
- Said that it is important that there be a gate at Plum Blossom.
- Reported that the ambulances coming to this side are coming from multiple directions including through their residential neighborhood instead of the main streets.
- Admitted that he is concerned whether a gate would every be installed. It is needed to create additional security – a higher level of security. As such, addition lighting could be an improvement. It is more difficult to see what is happening at the rear of the building.
- Reiterated that his main concern is the inclusion of a gate. It must really occur. It must really be used as it will deter parking from this medical facility from overflowing into their adjacent residential neighborhood.

Commissioner Colvill:

- Assured Mr. Young that his concerns are warranted and heard.
- Stated that community feedback is important.
- Pointed out that the tree promised gates are included on the plan.
- Suggested that Mr. Anderson might want to go take a look to consider more back site lighting.

Commissioner Rivlin said that while there is not a gate at Plum Blossom currently the project plans include a gate there.

City Manager Brian Loventhal said it seems Mr. Young is not confident the gate will be put there and wants assurances from the City that the gate will be installed.

Planner Naz Pouya Healy said that provision can be included within the conditions of approval. However, if something is included on the project plans it is part of the approval for that site.

Commissioner Rivlin asked about the entry point for the fast-food retailer.

Planner Naz Pouya Healy:

- Explained that there are two driveways to the north.
- Said one is shared by both the fast-food retailer and the hotel.
- Stated that on the south side, there is one driveway that leads into an easement on Plum Blossom Lane.
- Clarified that Mr. Young's concern is with the south-side driveway and gate.

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

Chair Ostrowski asked for a discussion by the Commission on this item.

Commissioner Buchbinder:

- Stated it is unfortunate to see a sad lack of trust by Mr. Young.
- Said that the public is encouraged to let us know if conditions are not being met.
- Pointed to the concerns about overflow parking into residential neighborhoods from commercial sites.
- Suggested that perhaps a residents' parking permit program might be a way to address that concern.
- Expressed is concern over the applicant having to cut into landscape space to create an additional parking spot.
- Added that he is hoping to one day see updated parking standards.
- Concluded that he likes this project design.

Commissioner Rivlin:

- Stated that a spinal surgery clinic with 42 parking spaces on site is not likely going to generate residential parking by clinic patients.
- Questioned the need to cut into landscaping to create the last parking space needed.
- Said that the 42<sup>nd</sup> space is needed to serve the use and site.
- Pointed out that the architectural changes equate to a new more modern look.
- Supported the need for all five removed trees to be replace on site.
- Added that if the gates are in the plan, they should be memorialized to include when they should be open and/or closed.
- Concluded with his support of the project.

Chair Ostrowski:

- Reminded that this applicant did not apply for a Parking Modification Permit for reduced parking from standard requirements.
- Added that without that process, the standard parking requirements must be provided on site. That is 42 spaces in this case.

Commissioner Rivlin agreed that is the current parking standard.

Commissioner Buchbinder:

- Said the residents are not just concerned about overflow parking coming onto their residential neighborhood but also with possible added vehicular traffic, associated with this use, driving through their residential neighborhood.
- Suggested that members of the public with concerns such as this should talk with their Council representative now that the City has District representation.

Chair Ostrowski asked if there were any further comments from the Commission.

Commissioner Krey:

- Agreed with others that the project design is nice and will be a nice upgrade to this property.
- Said that the parking question is moot. They must meet the standard since they did not apply for a Parking Modification Permit.
- Confirmed that the number of trees removed (five proposed) shall be replaced on a one-to-one basis for a total of five new trees.
- Admitted he has never heard of a Mayten tree.
- Stated he is in support of staff's recommendation to not approve the two living tree removals.

Commissioner Zisser:

- Stated his support for allowing those two trees to also be removed even if not yet dead.
- Pointed out that they are paired up.
- Said that if new landscaping is being put in to upgrade the entire site, it is not outside my take to allow those other two trees to be removed with good replacements.
- Suggested that with new landscaping, that justifies the remove of those two trees and replacement with new trees that match the new landscape.
- Concluded that he is in support if a good plan is in place for that..

Chair Ostrowski ask City Manager Brian Loventhal if it is possible for the PC to allow the removal of two additional trees.

Planner Naz Pouya Healy replied that one of the findings that might apply to support their removal is Finding #5 that raises a loss of economic enjoyment of the property. The applicant is trying to update the entire property.

Vice Chair Ching:

- Stated he is supportive.
- Reiterated his understanding that any tree removed will be replaced with a new tree in a one-to-one ratio.
- Suggested that type and location of these trees can be decided between the applicant and staff.
- Reminded that Project Planner Naz Pouya Healy is a Landscape Planner.
- Said he is unsure whether adding a condition for the three gates is needed or not.

Commissioner Colvill:

- Said he is ready to go.

- Stated that he likes the project and finds that concerns have been addressed.
- Reiterated that the site plan has three gates so the project will include those three gates.
- Said that one cannot always stop bad people from doing bad things.
- Agreed that Mr. Young has real concerns that he has raised.
- Pointed out that this property owner is trying to spruce up this site and building making it look better within its neighborhood.
- Admitted that it can be seen as a luxury to have a property owner willing to spend their money to upgrade their property.

Chair Ostrowski:

- Agreed with the others that the project's design is great.
- Added her support for the removal of the two additional trees.
- Stated that the replacement trees will make the landscaping more consistent and give the site a nice look.
- Reminded that they are also planning drought tolerant landscaping.
- Asked for a motion.

**Motion:**            **Upon motion of Vice Chair Ching, seconded by Commissioner Zisser, the Planning Commission adopted Resolution No. 4608 approving a Modification to a previous Planned Development Permit (PD 82-05) to allow construction of a 1,796 square-foot addition and façade improvements to an existing one-story medical office building, a Tree Removal Permit for removal of three trees, and an Authorization to Remove a Dead/Dying Tree for removal of four trees, on property located at 429 Llewellyn Avenue, by the following roll call vote:**

**AYES:**            **Buchbinder, Ching, Colvill, Ostrowski, and Zisser**

**NOES:**           **Krey and Rivlin**

**ABSENT:**       **None**

**ABSTAIN:**      **None**

Chair Ostrowski advised that this item would be heard by the City Council for final action at its meeting on May 18, 2021.

Kurt Anderson thanked everyone as he departed the meeting.

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## **REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR**

City Manager Brian Loventhal:

- Said that the written report was provided.
- Added that he has already announced the hiring of a new Community Development Director earlier in this meeting.

Commissioner Buchbinder asked for a name and start date for the new Director.

City Manager Brian Loventhal:

- Said that Rob Eastwood is the new Community Development Director and will begin on June 1<sup>st</sup>.
- Advised that Rob is coming from Santa Clara County Planning where he is currently the Planning Manager.
- Offered to forward the biographical information on Director Eastwood via email to the Planning Commissioners.

Commissioner Rivlin pointed out that there previously had been another application intended for this meeting, the County Library Office Expansion on Dell Avenue.

City Manager Brian Loventhal asked if Commissioner Rivlin is referring to Measure O.

Commissioner Rivlin said he is speaking of an expansion to a current County Library site on Dell Avenue not the Campbell Library.

City Manager Brian Loventhal said staff would advise the Commission of the new date for that item.

**ADJOURNMENT**

The Planning Commission meeting adjourned at 8:26 p.m. to the next Regular Planning Commission Meeting on **May 11, 2021**, which will be conducted on Zoom.

SUBMITTED BY:

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Corinne Shinn, Recording Secretary

APPROVED BY:

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Maggie Ostrowski, Chair

ATTEST:

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Brian Loventhal, City Manager