



CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

7:30 P.M.

TUESDAY

April 12, 2005

CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of April 12, 2005, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Gibbons and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present:

Chair:

Elizabeth Gibbons

Commissioner:

George Doorley

Commissioner: Mark Ebner
Commissioner: Tom Francois
Commissioner: Michael Rocha
Commissioner: Bob Roseberry

Commissioners Absent: Vice Chair: Bob Alderete

Staff Present: Community
Development Director: Sharon Fierro
Senior Planner: Geoff I. Bradley
Associate Planner: Tim J. Haley
Planner I: Stephanie Willsey
Planner I: Sean Gallegos
City Attorney: William Seligmann
Recording Secretary: Corinne A. Shinn

APPROVAL OF MINUTES

Motion: On motion of Commissioner Doorley, seconded by Commissioner Francois, the Planning Commission minutes of March 22, 2005, were approved as submitted. (5-0-1-1; Commissioners Alderete was absent and Chair Gibbons abstained)

COMMUNICATIONS

1. Letter from applicant's attorney for Agenda Item No. 2.
2. Revised findings for denial for Agenda Item No. 2.

AGENDA MODIFICATIONS OR POSTPONEMENTS

There were no agenda modifications or postponements.

ORAL REQUESTS

There were no oral requests.

PUBLIC HEARING

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

- 1 **CIP2005-2012** Public Hearing to consider the City of Campbell’s 2005-2012
 Capital Improvement Plan for citywide projects. These projects are
 Categorically Exempt. Tentative City Council Meeting Date:
Staff May 3, 2005. *Project Planner: Tim J. Haley, Associate Planner*

Mr. Tim J. Haley, Associate Planner, presented the staff report as follows:

- Advised that each year the City adopts a Capital Improvement Plan for the acquisition and maintenance of City projects in amounts of \$25,000 or more.
- Stated that the current Capital Improvement Plan, which runs for seven years, covers years 2005 through 2012.
- Explained that the Planning Commission is charged with reviewing a CIP for compatibility with the City’s General Plan and makes the environmental determination for the projects included in the CIP.
- Recommended that the Commission take action to find the projects in the 2005-2012 CIP to be consistent with the City’s General Plan and to find the projects of the CIP, with the exception of one project, to be Categorically Exempt under CEQA. That one item, a Well Extraction Project, will be handled separately.

Commissioner Doorley asked about the Well Extraction Project.

Planner Tim J. Haley advised that the money for that project comes from the Santa Clara Valley Water District and includes the installation of extraction wells at West Campbell Avenue and San Tomas Aquino Road. This property has been acquired by SCVWD and they will install three extraction wells there.

Commissioner Doorley asked how these extraction wells differ from what is currently there.

Planner Tim J. Haley advised that what is there currently is a distribution facility. This installation will extract water from the ground.

Chair Gibbons cautioned that a qualified Historic Preservation Architect should be secured for the Ainsley House roof repair project as this is a challenging and major feature of this house. She also suggested that the chart needs to be clarified as to whether the Water Extraction Wells project is part of fiscal year 2005/06 or for fiscal years 2005/06 through 2006/07.

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

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

Motion: Upon motion of Commissioner Doorley, seconded by Commissioner Rocha, the Planning Commission adopted Resolution No. 3640 to make the finding that the City's 2005-2012 Capital Improvement Plan is consistent with the City's General plan and recommending that Council find the CIP projects, with the exception of the Well Extraction Project, to be Categorically Exempt under CEQA, by the following roll call vote:

AYES: Doorley, Ebner, Francois, Gibbons, Rocha and Roseberry

NOES: None

ABSENT: Alderete

ABSTAIN: None

Chair Gibbons advised that this item would be considered by Council at its meeting of May 5, 2005.

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

- 2 **PLN2004-133** Continued Public Hearing (from the Planning Commission meeting of March 8, 2005) to consider the application of Mr. Stephen Cloud, on behalf of R.V. Cloud Co., for a Sign Exception (PLN2004-133) to allow two freestanding signs where one is allowed and the installation of a 14-foot high electronic reader board sign on property owned by Mr. Stephen Cloud et al located at **3000 S. Winchester Boulevard** in an M-1-S (Light Industrial) Zoning District. Staff is recommending that this project be deemed Categorically Exempt under CEQA. Planning Commission decision final, unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Geoff I. Bradley, Senior Planner*
- Cloud, S.**

Mr. Geoff I. Bradley, Senior Planner, presented the staff report as follows:

- Advised that R.V. Cloud's request has two separate components. One is for a Sign Exception to allow two freestanding signs where one is allowed and the second is to allow an electronic reader board sign. The reader board sign would be located within an existing parking lot, located on the western property line near the railroad right-of-way. The new sign would be situated within an existing parking space. That parking space would be made up elsewhere on the site.
- Explained that there is 40 square feet of electronic message area on this reader board sign.
- Reported that this request was reviewed by the Site and Architectural Review Committee at two meetings, held on February 22nd and March 8th.

- Said that there are six buildings on this property. The main building is occupied by R.V. Cloud Co.
- Added that there are currently five signs on site, identified as Sign A through Sign E. Sign A is a roof-mounted sign that was installed in 1963. Sign B is a wall mounted sign that faces north. Sign C is an identical sign to Sign B and faces Winchester Boulevard. Sign D is a wall sign. Sign E includes fascia signage that is painted on the edge of the building.
- Explained that the Sign Ordinance has a number of functions. Its purposes include the preservation of visual impacts, the elimination of hazards to pedestrians and motorists, architectural compatibility and the promotion of economic vitality. The standards of the Sign Ordinance apply to all signs. It is expected that signs are compatible with the buildings they serve as well as the surrounding area.
- Added that three findings are required to support a Sign Exception. The two first findings apply in this case. The first is that the site is not adequately identified without the proposed signage. The second is that the site is difficult to locate without the additional signage sought.
- Reported that staff is unable to make these required findings. This site is adequately identifiable due to its location on Winchester Boulevard.
- Stated that a reader board sign is not compatible with the area and out of character. Additionally, there is the potential that such a sign would constitute a traffic hazard.
- Said that if this reader board sign is to be approved, staff has developed seven measures to help mitigate its potential impacts. They include removal of non-conforming signs on this site; removal of the razor wire from this site; screening for the roof-mounted mechanical equipment; additional landscaping to bring it to current standards; removal of abandoned vehicles from the site and painting all the buildings on the property in compatible colors.
- Advised that the applicant is here this evening and available for any questions.

Commissioner Ebner asked if R.V. Cloud Co. is primarily a wholesale business.

Senior Planner Geoff I. Bradley replied that it is both a wholesale and retail business.

Chair Gibbons asked about the existing signs.

Senior Planner Geoff I. Bradley explained that one sign is permitted per street frontage.

Commissioner Roseberry presented the Site and Architectural Review Committee report as follows:

- SARC reviewed this request at its meetings of February 8th and 22nd.
- Added that SARC had requested more information be provided about reader board signs.

Chair Gibbons asked for clarification that SARC had not come to any conclusions or recommendations.

Commissioner Roseberry replied correct.

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

Mr. Robert Aguilar, Attorney for Applicant, 177 Budd Avenue:

- Explained that he has been a resident of Campbell since 1960.
- Thanked the Commission for the opportunity to present this request this evening.
- Informed that Mr. Stephen Cloud is now the sole owner of R.V. Cloud Co.
- Said that two matters are before the Planning Commission this evening. One is the request for two signs where one is allowed and the second is the request for a reader board sign.
- Pointed out that nothing being asked for is anything greater than is at the Heritage Theatre.
- Stated his belief that this request meets the criteria for several reasons.
- Said that the first is the requirement to find that the use or uses are not adequately identified without the requested signs.
- Explained that they are trying to identify certain sale items as well as to help advertise 17 civic events with this reader board sign.

- Assured that this would be a discrete sign, a quiet sign that is intended to give information to the public.
- Said that they have a top quality showroom on the premises and this sign would help support that.
- Said that the second required finding is that the site is unusually difficult to locate.
- Stated his belief that this signage is required to help patrons locate R.V. Cloud Co. This site is not properly designated. They need this signage to do so.
- Advised that two tenants, Just Tires and South Bay Auto Center, are tenants on site. The sign for Just Tires was installed without consulting with R.V. Cloud Co.
- Explained that when one is headed north along Winchester, drivers cannot see the R.V. Cloud Co. until they are right up close due to existing trees and shrubs.
- Explained that the razor wire was installed at the recommendation of a former Police Chief. Prior to its installation, Police had to be called out two to three times a week to deal with burglaries on site.
- Assured that they are willing to go along with the Planning Commission and staff requirements.
- Pointed out that Mr. R.V. Cloud came to the City of Campbell 42 years ago to open this company. This is a good business and they want it to continue. R.V. Cloud used to be the biggest sales tax generators until Fry's came to Campbell. Now R.V. Cloud is in second place.
- Advised that Mr. Cloud's son, Stephen has now taken over the business.
- Reminded that R.V. Cloud is very supportive of community events. Every charity that has come to R.V. Cloud to solicit funds has received support.
- Stated that R.V. Cloud Co. is a good citizen to this community.
- Reminded that Finding C is deemed by staff to not be applicable in this matter.
- Reported that pursuant to Finding B, this site is difficult to locate.
- Reminded that there are two signs serving the Heritage Theatre. One is located at the corner of Campbell Avenue and Winchester Boulevard. Another monument sign is located further down Campbell Avenue.

- Assured that their proposed signs would not harm the public. They are not dangerous to vehicle traffic or to pedestrians. The R.V. Cloud Co. property is no different than the Heritage Theatre site in that there is a gas station located across the street for both locations.
- Pointed out that the Heritage Theatre's sign includes bursting stars and such while their sign would not include such things. Their sign would consist of only two colors and would be in good taste.
- Said that including a second sign would not be damaging to the public.
- Reminded that they had no control over the Just Tires sign but if this request is approved, they would have that sign removed.
- Said that the legal non-conforming roof-mounted sign would be removed with this approval if necessary. One of two existing wall signs (either B or C) would be removed with this approval. Sign D could be removed if necessary. They also have no problem with removal of Sign E, the fascia signs.
- Reiterated that they would comply with any reasonable request by the City. They are willing to work with the Commission and staff.
- Introduced Jeffrey L. Aran, a Sign Law Attorney, who has studied signage issues.

Commissioner Francois asked Mr. Robert Aguilar for a break down between the wholesale and retail components of R.V. Cloud's business.

Mr. Robert Aguilar, upon consultation of Mr. Cloud, replied that the breakdown is 50-50.

Commissioner Rocha asked whether the site is more retail in appearance or industrial.

Mr. Robert Aguilar replied that the site does not appear to be industrial but could be perceived as a warehouse use. However, it is no different than other retail and looks retail.

Commissioner Rocha disagreed, saying it looks industrial with an inordinate amount of signage. It started as industrial and evolved into a quasi retail use.

Mr. Robert Aguilar:

- Advised that this property was vacant land when it was purchased by Mr. Cloud. The fact that it is now used for both retail and wholesale uses may be the reason why these additional signs are needed.
- Reported that in 1946, this company was the first plumbing outlet in the Santa Clara Valley that sold directly to the public, when it was known as the Fresno Distributing Company.

Mr. Jeffrey L. Aran, Attorney for Applicant:

- Said that he had provided his analysis of the Sign Ordinance.
- Said that the vision of R.V. Cloud Co. for its future demonstrates the importance of these signs to the success and survival of this company, a company that has been of service to the community and the Valley.
- Reminded that there has been tremendous competition from big box retailers and that R.V. Cloud offers an alternative to such businesses as Home Depot and Lowe's. R.V. Cloud recently completed a \$100,000 showroom upgrade.
- Said that this sign request represents a new vision for Winchester Boulevard and would set the tone, pace and standard for the area. If the City takes the position against such a change, it would hamper the ability of R.V. Cloud to survive at this location.
- Reminded that thousands of dollars would be spent for this sign.
- Advised that when this sign goes up, revenues for this business would go up by 20 percent. This business could go forward for another 40 years.
- Pointed out that there are three distinct parcels here although only one Assessor Parcel Number.
- Said that while the Ordinance allows one sign per parcel, this seven plus acre parcel consists of three units. The intent of this Sign Ordinance was not for such a site. It is not intended to limit a business' ability to survive.
- Said that there is no data to support that such a sign would represent a traffic safety issue. No data exists that shows that such a sign has been implicated in traffic accidents.
- Disagreed with staff's contention that this sign is not architecturally compatible.

- Argued that there is no reason not to approve this request.

Chair Gibbons asked if all tenants to this parcel take access from Winchester Boulevard.

Senior Planner Geoff I. Bradley replied that the corner parcel, where the auto repair businesses are located, is accessed from Hacienda Avenue. There used to also be an access from Dell but that no longer exists.

Mr. Carl San Miguel, 393 E. Campbell Avenue, Campbell:

- Said he has been in business in Campbell for 35 years and enjoys Campbell.
- Said he is here this evening as the President of the Campbell Chamber of Commerce.
- Expressed his support for the electronic reader board sign, saying he has seen drawings of the proposed sign.
- Stated that businesses need to advertise in order to survive.
- Reported how frustrating it is when one is searching for a business and cannot see the name and/or address to help located it.
- Said that the proposed reader board sign would enhance R.V. Cloud as well as the City's coffers.
- Encouraged approval.

Mr. Dana Smith, 412 E. Campbell Avenue, Campbell:

- Identified himself as the President of the Downtown Campbell Business Association.
- Stated that he is pro-business.
- Said that this sign request should be approved and reminded that the Heritage Theatre already has such a sign.

Mr. Evan Low, 563 Merrimac Drive, Campbell:

- Said he supports this electronic reader board sign.
- Said that these are hard economic times.
- Disagreed with the concern that this area would look like Las Vegas with this sign.
- Stressed the importance of sales tax revenue.
- Reminded of R.V. Cloud's philanthropic mentality.
- Said that this applicant has bent over backwards to adhere to the City's regulations. There should be no bureaucratic barriers to business.
- Urged support for this request.

Mr. Arthur Low, 621 E. Campbell Avenue, #11-B, Campbell:

- Joked that while Evan used to be known as his son, now he is known as Evan's father.
- Congratulated Tom Francois for his recent honor as Citizen of the Year.
- Said that this request from R.V. Cloud Co. is both reasonable and practical.
- Stated that this sign would increase sales tax revenues and could also advertise community events.

Mr. Robert Kwok, 300 N. Milton Avenue, Campbell:

- Said he speaks on behalf of the Campbell Education Foundation and his own family.
- Pointed out that he has four kids in Campbell schools.
- Identified himself as a do-it-yourselfer who likes to patronize local businesses to help them survive and prosper.
- Recounted that he used to shop at Winchester Hardware and Ace Hardware and can no longer do that since both have closed.
- Said that it is a good idea to beautify this property.

- Said that this is a local business and local businesses support local fundraisers.

Commissioner Ebner asked how the sales increase by 20 percent with this sign was calculated.

Mr. Jeffrey L. Aran replied that a University of San Diego School of Business study found through a mathematical analysis over a three-year period that a 20 percent increase in revenues occurred with sign changes.

Commissioner Ebner pointed out that this does not necessarily require a reader board sign. Any sign could increase revenues.

Mr. Jeffrey L. Aran replied he was not sure. He is speaking of freestanding signs that are visible from traffic.

Commissioner Francois asked if the purpose of the sign is to advertise R.V. Cloud products.

Mr. Jeffrey L. Aran replied that it would advertise products and specials. He added that the study he quoted attempted to distinguish impacts between signs versus other marketing efforts.

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

Commissioner Francois asked City Attorney Seligmann to clarify the difference between content based regulations versus content neutral regulation.

City Attorney William Seligmann replied that content based regulations would consider message content while content neutral regulations would not.

Commissioner Rocha said that content should not be a basis.

City Attorney William Seligmann replied correct.

Commissioner Roseberry:

- Said that the applicant has gone to a lot of work for this sign and clearly really wants it.
- Stressed that this Commission is not trying to penalize this applicant but rather represents the citizens of Campbell at large.
- Stated that he was originally opposed to this request but sees an opportunity here.
- Reminded that R.V. Cloud is willing to bring its site in line with the sign. This request is a catalyst to make changes to bring this property into the future.
- Said that there are reasons to approve and to deny.
- Stated that this is a unique property, in a location that is set back some distance from the road. People must cross a railroad track to access the business.
- Said that this sign request would not open the floodgates to Las Vegas style signs.
- Cautioned that this is not a tax revenue issue.
- Said that this is a time for face lift on this property.
- Said he would be supportive.

Commissioner Francois:

- Said he concurs.
- Stated that this is an excellent opportunity to improve this whole site.
- Said that this offers an opportunity to change what's there and bring it into the 21st Century.
- Advised that he too would support this request.

Commissioner Rocha:

- Said he applauds this applicant's enthusiasm.
- Reported that he called seven local cities and spoke with planners in four of them (Santa Clara, Los Gatos, Cupertino and Saratoga). Three cities did not return calls (Mountain View, Milpitas and Sunnyvale).
- Advised that none of these cities have such reader board signs.
- Added that he drove along The Alameda from San Jose to Mountain View and along Stevens Creek Boulevard from Highway 17 to Highway 85. During that drive, he found no electronic reader board signs, no blinking or moving signs. He did find some temperature signs.
- Explained that the purpose of a Sign Ordinance is to offer a level playing field. The same Sign Ordinance applies to all.
- Reported that his background is in Commercial/Industrial real estate.

- Said that one problem for this site is the placement of its building. This is an on-going industrial complex with a retail overlay. This proposal would not address the retail shortcomings of this site. It needs things such as additional parking.
- Reminded that R.V. Cloud Co. recently obtained a permit for a large canopy on this property. This canopy adds a more industrial component, not less.
- Stated that he is not inclined to support this request. This is not the time nor place for such a sign.

Commissioner Doorley:

- Said that there are two separate issues. One is the desire for a second sign. The other is the desire for a reader board sign.
- Stated that he was okay with the request for a second sign and felt that justifying that request was easy.
- Added that he is conflicted on the reader board aspect.
- Pointed out that not too many people like the Heritage Theatre sign. It is not so great.
- Expressed his surprise that 80 percent of that sign would be the reader board itself and that the R.V. Cloud Co. designation on the sign would be an insignificant part of it.
- Stated that consistency is important.
- Questioned whether similar requests from Home Depot, Fry's and/or Staples would be supportable.
- Said that he is conflicted on this issue.

Commissioner Rocha:

- Said that he contacted two commercial center owners and asked their opinions on having such a sign on their properties. One said he had no interest in having one and the other said he would want one if it were available.

Commissioner Ebner:

- Agreed that the mention of R.V. Cloud on the reader board sign represents a very small portion.
- Said he loves the opportunity to improve this property.
- Cautioned that the issue is not revenue for the City.
- Suggested a compromise.
- Said if a new sign could help this business, there might be another way, but that a reader board sign is not the way.
- Stated he could not support this request at this time.

Chair Gibbons:

- Complimented the other Commissioners on their thoughtful statements.
- Said that the Sign Ordinance is clear on the intent on what is to be achieved as a community.
- Reminded that the City's General plan was updated two years ago and the Ordinances were revised to reflect that update.
- Pointed out that streets such as Campbell and Winchester are entry points to the City and offer significant contributions to the community.
- Said that a reader board sign is clearly not acceptable.
- Agreed that there is a fairly significant opportunity here.
- Said that for other large sites in the City, the Commission has looked at the Master Sign Programs.
- Suggested that for a solid retail image, a uniform appearance is important. This is a great opportunity to work with this applicant.
- Stressed the importance for fairness and consistency.
- Pointed out that there are many other successful businesses here that have thrived. This is a good business-friendly community.
- Said that the problem here is that people do not know what the core business of R.V. Cloud Co. is. Their signs don't identify what they are.
- Said that there is a community standard and she agreed with Commissioner Ebner's concern that 80 percent of the space on the reader board is for advertising rather than to specifically identify this business.
- Said she does not support the specific request before the Commission for two signs and a reader board sign.
- Added that she could support a Master Sign Program for the site.

Director Sharon Fierro:

- Suggested that if a Master Sign Program and site improvements are desired, this application could be referred back to staff to work further with this applicant.
- Cautioned that the reader board is important to this applicant.

Chair Gibbons advised that likely options this evening are to take action on the proposal as presented or refer it back to staff with direction. She said that she would like to be supportive of this business.

Commissioner Doorley suggested that the applicant's preference on what action to take this evening be sought. This is what has been done previously with other applications requiring a continuance.

Commissioner Rocha agreed.

Director Sharon Fierro asked the City Attorney if a continuance is an option.

City Attorney William Seligmann replied yes.

Director Sharon Fierro outlined the options available as being a continuance or the approval or denial of the request. She asked that the Commission be very specific on its expectations if this item is continued. Otherwise, action to approve or deny should occur.

Commissioner Francois asked the City Attorney about First Amendment issues.

City Attorney William Seligmann said that the First Amendment does apply to signs.

Chair Gibbons said that the First Amendment applies to sign content but not to the existence of a sign.

City Attorney William Seligmann reminded that his confidential attorney-client privileged memo provided to the Commission is something that he prefers not to discuss in a public forum.

Chair Gibbons re-opened the Public Hearing for Agenda Item No. 2.

Commissioner Francois asked if the suggestion being put forth is to take the reader board sign off the table.

Chair Gibbons replied yes.

Mr. Robert Aguilar, Applicant's Attorney, asked what is being proposed. Is it no reader board and/or something as an alternative to it?

Chair Gibbons said that what is proposed is the development of a Master Sign Program for the entire site and site improvements which would result in an overall positive image for the businesses on site. This could include one or more monument signs but it appears the consensus is not there for a reader board sign.

Mr. Robert Aguilar said that his client really wants this reader board. He asked the Commission to take its vote and they would take it up on appeal.

Chair Gibbons re-closed the Public Hearing for Agenda Item No. 2.

Motion: Upon motion of Commissioner Rocha, seconded by Commissioner Ebner, the Planning Commission adopted Resolution No. 3641 DENYING a Sign Exception (PLN2004-133) to allow two freestanding signs where one is allowed and the installation of a 14-foot high electronic reader board sign on property owned by Mr. Stephen Cloud et al located at 3000 S. Winchester Boulevard, by the following roll call vote:

AYES: Doorley, Ebner, Gibbons and Rocha

NOES: Francois and Roseberry

ABSENT: Alderete

ABSTAIN: None

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

Chair Gibbons called for a break at 9:05 p.m.

Chair Gibbons reconvened the meeting at 9:10 p.m.

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

- 3 **PLN2004-170** Public Hearing to consider the application of Ms. Jamie Brauer for a Site and Architectural Review Permit (PLN2004-170) to allow a second story addition to an existing single-family residence on property owned by Ms. Jamie Brauer located at **1280 Juanita Way** in an R-1-10 (Single Family Residential) Zoning District. Staff is recommending that this project be deemed Categorically Exempt under CEQA. Planning Commission decision final, unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Sean Gallegos, Planner I*
- Brauer, J.**

Director Sharon Fierro introduced Planner Sean Gallegos to the Commission. He is covering for Planner Melinda Denis who is out on maternity leave. Melinda's baby girl was born on March 23rd.

Mr. Sean Gallegos, Planner I, presented the staff report as follows:

- Advised that the applicant is seeking a Site and Architectural Review Permit approval to allow a first and second story addition to an existing single-story residence. The attached garage would be demolished to allow room for the addition.
- Described the parcel as being located on the southwest corner of Juanita and Burrows. It is surrounded by single-family residences. The property is zoned R-1-10.
- Said that the project is consistent with requirements including setbacks, heights, FAR and parking. No protected trees are to be removed.
- Recommended approval.

Commissioner Roseberry presented the Site and Architectural Review Committee report as follows:

- Reported that SARC reviewed this project on March 22nd and was supportive.
- Said that this is a linear lot which explains the need for a home designed as this one is designed.
- Raised his concern that there was no roof vent on the plans provided for a fireplace that is included.
- Said that SARC is supportive of this project.

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

Mr. Paul Marshall, 1411 Burrows Road, Campbell:

- Said his property is located alongside this one.
- Said he has concerns regarding privacy impacts as windows from this addition will look into his bedroom and backyard from the upper story, which was not possible before.
- Advised that some of his neighbors have also expressed concern.
- Reported that this is a pristine 1950s home that was kept up immaculately.
- Added that he is in support of a property owner being able to do what they want with their property.

Commissioner Ebner asked if the concern is privacy impacts.

Mr. Paul Marshall replied that his bedroom is located at the back of his home. This new second floor will overlook his yard and bedroom.

Commissioner Francois asked if there is mature landscaping on this property.

Mr. Paul Marshall replied that a fence was recently reconstructed at seven feet in height.

Commissioner Francois asked if there are mature shrubs and trees to provide screening.

Mr. Paul Marshall replied yes, there are some that are eight to nine feet tall.

Commissioner Francois pointed out that in a few more years, this landscaping will mature enough to provide privacy.

Mr. Gregory Giradot, Applicant, 1280 Juanita Way, Campbell:

- Said that he lives on this property and kept the original house.
- Advised that a new addition will be placed where the garage was.
- Reported that he has planted three trees to help screen his addition from his neighbor's house. This equals a total of 6 trees. These trees should ultimately achieve a height of 25 feet.

Commissioner Ebner asked where these new trees were located.

Mr. Gregory Giradot said that he wants to ensure privacy for all and worked to keep his addition compatible with this neighborhood.

Commissioner Francois asked if there are plans for additional trees.

Mr. Gregory Giradot replied that these trees would be fully grown within five years.

Commissioner Rocha agreed, saying that he too has a camphor tree. This species grows like a rocket.

Chair Gibbons asked about the building colors.

Mr. Gregory Giradot replied that the color is green grey with white trim and a charcoal roof.

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

Motion: Upon motion of Commissioner François, seconded by Commissioner Doorley, the Planning Commission adopted Resolution No. 3642 approving a Site and Architectural Review Permit (PLN2004-170) to allow a second story addition to an existing single-family residence on property owned by Ms. Jamie Brauer located at 1280 Juanita Way, by the following roll call vote:

AYES: Doorley, Ebner, Francois, Gibbons, Rocha and Roseberry

NOES: None

ABSENT: Alderete

ABSTAIN: None

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

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

- 4 **PLN2005-13 (S)** Public Hearing to consider the application of Ms. Sukkin Fong for a Site and Architectural Review Permit (PLN2005-13) to allow the construction of a new single-family residence and a Tree Removal Permit (PLN2005-28) to allow the removal of three protected trees (a 14-inch diameter Walnut, a 15-inch diameter Walnut and a 15-inch diameter Chinese Tallow) on property owned by Ms. Sukkin Fong located at **1141 S. San Tomas Aquino Road** in an R-1-9 (Single Family Residential) Zoning District. Staff is recommending that this project be deemed Categorical Exempt under CEQA. Planning Commission decision final, unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Stephanie Willsey, Planner I*
- PLN2005-28 (TPR)**
- Fong, S.**

Ms. Stephanie Willsey, Planner I, presented the staff report as follows:

- Advised that the property is developed with a single-story residence. In January 2005 a Tentative Parcel Map was approved to create two residential parcels. Parcel 1 is a standard lot fronting on San Tomas Aquino Road. Parcel 2 is a flag lot.
- Reported that a Site and Architectural Review Permit was approved by the Commission on March 22nd for a house on Parcel 2.
- Added that at this time, the applicant is seeking a Site and Architectural Review Permit to allow the construction of a new house on Parcel 1. This will be a two-story home with a three car garage.
- Added that three trees would need to be removed to accommodate the placement of this house. They will be replaced with 24-inch box trees.
- Recommended that the Commission approve this project.

Commissioner Rocha presented the Site and Architectural Review Committee report as follows:

- Reported that SARC reviewed this project on March 22nd and was supportive.
- Added that SARC had also asked staff to evaluate if the proposed fence would create a line of sight problem when exiting Turner Way. Staff has determined if the first 15 feet of fencing stays at or below 3.5 feet in height, there would be no adverse line of sight impacts.
- Advised that this applicant was responsive to SARC's recommendations.

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

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

Motion: Upon motion of Commissioner Rocha, seconded by Commissioner Roseberry, the Planning Commission adopted Resolution No. 3643 approving a Site and Architectural Review Permit (PLN2005-13) to allow the construction of a new single-family residence and adopted Resolution No. 3644 approving a Tree Removal Permit (PLN2005-28) to allow the removal of three protected trees (a 14-inch diameter Walnut, a 15-inch diameter Walnut and a 15-inch diameter Chinese Tallow) on property owned by Ms. Sukkin Fong located at 1141 S. San Tomas Aquino Road, by the following roll call vote:

AYES: Doorley, Ebner, Francois, Gibbons, Rocha and Roseberry

NOES: None

ABSENT: Alderete

ABSTAIN: None

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

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

The written report of Ms. Sharon Fierro, Community Development Director, was accepted as presented with the following additions:

- Reported Senior Planner Geoff I. Bradley would be out tomorrow celebrating his daughter, Isabella's, 5th birthday.
- Advised that at its last meeting Council took action to approve Bruce Bowen's Planned Development on Hacienda Avenue as well as a parking adjustment for 18 N. Central Avenue in conjunction with an expanded Use Permit.
- Stated that the next Commission agenda would consist of four items.
- Said that staff would prepare a one-hour Study Session on the role of SARC and the Architectural Advisor.
- Asked the Commissioners to provide staff with available dates.

ADJOURNMENT

The Planning Commission meeting adjourned at 9:33 p.m. to the next Regular Planning Commission Meeting of **April 26, 2005**.

SUBMITTED BY: _____
Corinne A. Shinn, Recording Secretary

APPROVED BY: _____
Elizabeth Gibbons, Chair

ATTEST: _____
Sharon Fierro, Secretary