

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

FEBRUARY 27, 2018
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of February 27, 2018, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Rich and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present:	Chair:	Michael L. Rich
	Vice Chair:	JoElle Hernandez
	Commissioner:	Cynthia L. Dodd
	Commissioner:	Mike Krey
	Commissioner:	Maggie Ostrowski
	Commissioner:	Andrew Rivlin

Commissioners Absent: None

Staff Present:	Community Development
	Director: Paul Kermoyan
	Associate Planner: Stephen Rose
	City Attorney: William Seligmann
	Recording Secretary: Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Ostrowski, the Planning Commission minutes of the meeting of February 13, 2018, were approved as presented (5-0-0-1; Commissioner Dodd abstained)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

PUBLIC HEARINGS

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

1. **PLN2016-221** Continued Public Hearing (from the Planning Commission meeting of November 14, 2017) to consider the application of Dan Paustian for an Administrative Planned Development Permit (PLN2016-221) to allow for the construction of a two-story single-family residence with proposed floor area ratio of 67% and a Parking Modification Permit to allow for a reduced number of parking spaces on property located at **250 Grant Street** in the P-D (Planned Development) Zoning District. Staff is recommending that this project be found Statutorily Exempt under CEQA. Project Planner: Stephen Rose, Associate Planner

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

Chair Rich asked if there were questions for staff. There were none.

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

Dan Paustian, Applicant:

- Addressed the issue of the side entrance by saying that it remains on the current submittal but could be removed if the Commission deems it necessary.
- Admitted that they would like to retain that side entrance if at all possible.
- Reminded that the side entrance had at one point (two versions ago) been removed but was returned on the last set of drawings.
- Explained that they feel it is safer for all if that door was there.
- Reported that when he first talked with the Planning Department he was told that this Planned Development (PD) zoned property had no specific FAR standard. The initial guidance he received was not to exceed 75 percent FAR.
- Added that he was never told that the R-D (Multi-Family Residential) standards should be considered as a guideline until two years after starting this project.

- Listed the changes made:
 - Removed 200 square feet from the design down to 1,658 square feet. That is an 11 percent reduction.
 - Reduced the left side of the second floor by ___ feet and the right side by one foot and three inches.
 - Removed the 12 x 6 foot area above the garage to help reduce the massing.
- Admitted that they struggled to meet the goal for a 65 percent FAR as requested by the Planning Commission.
- Pointed out that they would achieve a choppy floor plan if too much square footage is removed. They would have to reduce by 50 square feet to meet the 65 percent FAR goal.
- Assured that they are trying to build a house that looks good in the neighborhood and fits the character.
- Reported that he had tried to reach out to the members of the Planning Commission to discuss his plans but no one accepted the meeting. He had hoped to talk over their design plans to explain their reasoning.
- Described the floor plan on the first floor as consisting of a small half-bath, pantry, small office (since they both work from home), elevator and stairwell (representing 200 square feet combined or 97 square feet each).
- Added that the second floor is where all changes were made. They have a 10 x 10 foot guest room that just leaves room for a bed but no dresser. They removed the separate laundry room (and went with a stack washer/dryer) and a walk-in closet. They also reduced the size of the master bedroom. It is still fairly small and will only accommodate the bed and a dresser.
- Reported that his proposed house fits in line with the houses on either side of it.
- Explained that they added a bay window as they thought that it added more of a craftsman character and articulation.
- Stated that their design is in line with this neighborhood and the architectural style is appropriate. The building height and setbacks are in line with others.
- Reiterated his preference to keep the side door and the bay window as an architectural feature.
- Concluded that he is hoping the Planning Commission will consider their efforts and allow them an extra 50 square feet and the retention of the bay window.

Commissioner Ostrowski asked Mr. Dan Paustian whether he had any intention of closing off the basement space as a separate unit.

Dan Paustian replied no and offered to sign a deed restriction to that effect. He said that they would never give up the use of the basement space as it is needed space.

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

Commissioner Ostrowski:

- Thanked the applicant for working with the Planning Commission and modifying their plans.
- Pointed out that a small lot is a challenge within an existing neighborhood.

- Said that reading the staff report she can understand their confusion. There are conflicting issues.
- Added that the 2.5 parking standard is in line with a Planned Development with more than one unit. It was more of a challenge for the applicant and the Commission since this P-D is just one unit.
- Stated that the design is really nice and appealing. It fits in this neighborhood.
- Admitted that she is comfortable with the current 67 percent FAR.
- Reminded that there are no “hard and fast” guidelines with the P-D zoning.
- Said that this home is just 1,408 square feet excluding the garage. The bedrooms are small at 10 x 10 and 10 x 11. It doesn’t seem justified to reduce it any further.
- Stated that the bay window looks nice and that she was okay with the side door as she could see having that side door would make unloading a car easier.

Commissioner Rivlin:

- Agreed with Commissioner Ostrowski and recalled that he had similar feelings at the last hearing on this.
- Stated that this applicant has worked hard to satisfy staff’s and Planning Commission’s requests.
- Said that he was okay with an FAR of between 65 to 67 percent.
- Said that he is in support as proposed with the execution of a document regarding any potential to create a separate unit in the basement as a result of using the side door as a dedicated door to a separate basement unit.
- Stated that he was sure that these owners won’t decide to create a third party accessory dwelling unit (ADU).
- Concluded that he was supportive.

Director Paul Kermoyan asked what if the applicant sells.

Commissioner Rivlin said that it would be via a deed restriction.

Commissioner Dodd questioned how that restriction would be monitored.

Planner Stephen Rose explained that deed restrictions are disclosed to future buyers. He added that enforcement is complaint driven. Complaints become code enforcement cases.

Commissioner Krey:

- Stated that this applicant has been through the wringer.
- Reported that he watched the previous November meeting on this item.
- Said that this Commission is attempting to work with this applicant.
- Admitted that he likes the architectural design and the inclusion of the bay window.
- Cautioned that these owners bought a small lot. They knew what they were buying.
- Stated that it seems that there is too much proposed for being crammed onto this small lot.
- Advised that he thought a 65 percent FAR was still too high.
- Added that use of a FAR is just one tool available. It is an objective measure.

- Said that he is struggling and feels bad for the applicant.
- Said that he is in support of the staff report recommendations. With the issues of parking, setbacks and FAR, there is simply too much house for this lot.

Commissioner Hernandez:

- Agreed with Commissioner Krey.
- Reported that she has struggled with this and appreciates the applicant's struggles.
- Admitted that despite all that the Commission has tried to do to accommodate this building for this lot, it is a "square building for a round lot".
- Said the applicant is using the PD zoning to try and build something that is not compatible with this small lot.
- Stated that she struggled to support a 65 percent FAR so she is not willing to support anything in excess of that. It's currently exceeding 65 FAR.
- Reminded that even a P-D zoned property has certain restrictions.
- Said that this is a small lot located within an existing residential neighborhood. This property has been vacant for years and there is a reason.
- Said that the Commission has been giving and giving and questioned what the point is.
- Stated that this doesn't feel right and she supports denial of this request.

Commissioner Dodd:

- Acknowledged that 250 square feet being counted against the FAR is for the garage. However, the basement square footage is not counted against the FAR.
- Added that the basement is useable living space.
- Said that she loves the design and adores the bay window but she is not comfortable with the parking modification. She is also not comfortable with the side door even with a deed restriction.
- Said she is not comfortable reducing the FAR any further and cannot support this proposal. She wants to but there are too many things she is uncomfortable with.

Chair Rich:

- Said that there has been a lot of discussion and debate about this proposal.
- Added that Commissioner Ostrowski said a lot of things that he agreed with.
- Said that he agrees with Commissioner Dodd's concerns with the side door.
- Stated that considering the bigger picture this lot has been vacant for many years. This applicant has done all that is reasonable to try and make this lot work. He's not sure what else they can do.
- Admitted to liking the bay window but it goes in the wrong direction by adding to the FAR rather than deducting.
- Agreed that the FAR is the big point.
- Stated that given everything that has been done, this project fits in with this neighborhood. It blends in. He's okay with the 67 percent FAR and willing to discuss the side door issue further.

Commissioner Ostrowski:

- Said that it sounds like a tie vote.

- Stated that it appears that all Commissioners love the bay window. It looks much nicer even though it increases the FAR.
- Said that they must look at this in totality and perhaps make compromises when possible.

Commissioner Rivlin:

- Said that this fits in with the neighborhood and the Downtown.
- Added that he likes the modifications made to the architecture as it ties in to the Downtown feel.
- Reminded that the applicant is willing to remove the bay window if the PC wants them to do so.
- Admitted that he likes the side door.

Commissioner Krey:

- Said that a good point was made that this project could set precedent.
- Questioned, "What if every lot is developed at a 67 percent FAR?"
- Stated this would then be a very different neighborhood.

Chair Rich assured that this would not be a precedent as every application is unique.

Commissioner Ostrowski added that the nearby residences are zoned residential.

Director Paul Kermoyan cautioned that is not correct as there us a large block of P-D zoned properties south of Grant.

Commissioner Dodd:

- Admitted that 65 percent FAR was already a huge compromise on her part.
- Stated the importance of looking at the guidelines and going with them. They are there for a reason.
- Reported that her house had three kitchens, including one in the garage, two of which had to be demolished after purchase.
- Agreed that this is a beautiful home but does it meet the guidelines?

Commissioner Hernandez:

- Agreed that 65 percent FAR was a huge compromise.
- Pointed out that at an earlier meeting the Commission had stated 50 percent maximum FAR. Now we're going back on that.
- Said that this lot was zoned as P-D so it could be used for a different kind of building instead of a house, such as a small office.
- Stated that the Commission seems to be trying to bend the guidelines to fit something that doesn't belong there.
- Added that the Commission doesn't have findings to support that.

Commissioner Rich asked if there is any way to meet the required parking.

Planner Stephen Rose said to reduce the size of the home and/or to include a two-car width driveway in front of a two-car garage.

Director Paul Kermoyan asked the City Attorney if a modification to allow stacked parking is possible or should the parking modification be considered.

City Attorney William Seligmann replied that the parking modification permit is the appropriate process.

Commissioner Rivlin:

- Said that the basement is bonus space not counted against the FAR while the garage space is counted.
- Said that the living space being proposed didn't seem spacious but simply comfortable. This applicant is not asking for a mansion. He is just limited by his small lot.
- Questioned, "If not a home, what goes there?"
- Admitted that he thinks this proposal seems appropriate. He said he couldn't see a two-car garage there. Maybe if it was tandem but the lot is too shallow to accommodate that.

Commissioner Ostrowski:

- Reminded that the setback for the garage itself is 25 feet.

Commissioner Rivlin said this looks appropriate for the neighborhood and offers these owners a nice opportunity to live in the Downtown area.

Commissioner Ostrowski:

- Said that if this lot were used for a small business, it would have a small parking lot with three spaces on it.
- Stated that a single-family residence is better than a business in this lot.
- Pointed out that as to the issue of parking, the neighbors to the left have a long fence against the property line that leaves street parking space along it.

Planner Stephen Rose admitted that for this property rounding up the standard parking requirement works against it.

Chair Rich asked what happens if the Commission remains deadlocked.

Director Paul Kermoyan advised that a 3-3 vote is a non-decision. Options might be to continue discussions to see how it might be possible to get to an approval. If not, this item goes on the book as a non-decision. The applicant can appeal the PC action to the City Council.

Chair Rich asked when the seventh Planning Commissioner might be coming aboard.

City Attorney William Seligmann said that the new Commissioner would have to watch all of the previous PC public hearings on this matter prior to participating in the next hearing in an attempt to reach a majority vote one way or the other.

Chair Rich:

- Asked the three Commissioners currently voting against this application where they stand on the main issues of: Parking, FAR, inclusion of bay window, balcony and architecture.
- If the project reaches the 65 percent FAR can they support the parking modification?

Commissioner Krey said he was okay with the parking.

Commissioner Hernandez said she was okay with the parking modification.

Chair Rich asked if the three are hard set on a maximum FAR of 65 percent.

Commissioner Dodd asked staff if the problem the applicant has in achieving a maximum 65 FAR is the fact this is a modular home.

Director Paul Kermoyan:

- Said the problem is just the house size versus lot size relationship.
- Added that the question becomes what is an appropriate FAR as a justification for a parking modification permit.
- Pointed out that if the applicant removes the side door there would be an increase in useable interior space.

Commissioner Ostrowski asked whether the garage must be 250 square feet at a minimum.

Planner Stephen Rose replied that the minimum garage is 20 feet deep by 9 feet wide. The applicant's current garage is 20 feet deep by 11.1 feet wide.

Chair Rich questioned whether a reduction in the garage would help sway anyone.

Director Paul Kermoyan suggested that rather than the Commission trying to redesign this structure from the dais it would be better to simply instruct the applicant to keep his home to a maximum 65 percent FAR and have the applicant decide how to achieve that.

Commissioner Dodd said she could support a project that has the maximum of a 65 percent FAR and with the elimination of the side door.

Planner Stephen Rose said that staff will return with findings for approval.

Director Paul Kermoyan advised the Commission that staff doesn't provide competing resolutions within a staff report. The draft resolution provided was for denial. With a continuance the applicant can reduce their FAR to a point that the Planning Commission requests.

Commissioner Rivlin:

- Said that the 65 percent FAR is just "a line in the sand."

- Pointed out that the applicant is not adding a third story, isn't changing the structure of the home and his design works in this neighborhood and won't appear any different from the surrounding homes as seen from the street.
- Added that he could go either way on the side door and the bay window.
- Asked if the stairs and elevator also were counted against the FAR.

Planner Stephen Rose replied yes.

Commissioner Hernandez pointed out that these are the same instructions given to this applicant at the last hearing – take out the side door and achieve a maximum 65 percent FAR. How is the result going to be any different going forward with a continuance?

Chair Rich re-opened the Public Hearing for Agenda Item No. 1 and asked the applicant to return. He pointed out that the Commission is once again asking for what they had previously requested. If this item goes back to Mr. Paustian for revision, will it still be problematic to achieve what is being asked for? Is Mr. Paustian confident he can come to a maximum 65 FAR?

Don Paustian said the side door elimination was an option although he thinks it's safer to have it and it looks better.

Chair Rich asked Mr. Paustian again if he can get to the requested 65 percent FAR.

Dan Paustian said that the design might be uglier or they may have to lose a bedroom, bathroom or have a smaller living room. He said they could try again.

Chair Rich asked Mr. Paustian how he feels about a reduction in the garage.

Dan Paustian replied that he didn't know that was even an option. He said he was okay with reducing the garage.

City Attorney William Seligmann advised Chair Rich not to close the public hearing since this item will be continued.

Commissioner Krey said that a 65 percent FAR is high but 60 percent is a good compromise. However, he could go along with the 65 percent. This is lots of house for a small lot and is pushing the envelope.

Motion: Upon motion of Commissioner Hernandez, seconded by Commissioner Krey, the Planning Commission CONTINUED TO A DATE UNCERTAIN the consideration of an Administrative Planned Development Permit (PLN2016-221) to allow for the construction of a two-story single-family residence with proposed floor area ratio of 67% and a Parking Modification Permit to allow for a reduced number of parking spaces on property located at 250 Grant Street, with the following instructions for the staff and the applicant:

- Staff shall return with a draft resolutions with findings to approve; and
- require specific revisions to the design by the applicant to achieve a 65 percent maximum FAR (floor area ratio) and to remove the side door (on the east side of the home);

by the following roll call vote:

AYES: Dodd, Hernandez, Krey and Rich

NOES: Ostrowski and Rivlin

ABSENT: None

ABSTAIN: None

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan provided the following additions to his written report:

- Said that the March 13th meeting agenda will include four items, one of which is a pre-application.
- Added that as a result of the Commission’s preference, study sessions are included as an item on the regular meeting agenda under new business.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:55 p.m. to the next Regular Planning Commission Meeting of **March 13, 2018**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael L. Rich, Chair

ATTEST: _____
Paul Kermoyan, Secretary