

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

7:30 P.M.

TUESDAY

MARCH 12, 2019
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of March 12, 2019, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Hernandez and the following proceedings were had, to wit:

INTRODUCTION

Chair Hernandez offered a brief introduction prior to the start of the agenda as follows:

- Stated that the members of the Planning Commission all live in Campbell and are volunteers who have been appointed by the City Council for four year terms.
- Added that the role of the Commission is to review and take action on land use as well as working on zoning code updates such as the ADU Ordinance on the agenda this evening and will also provide recommendations to Council on special projects.

ROLL CALL

Commissioners Present:	Chair:	JoElle Hernandez
	Vice Chair:	Andrew Rivlin
	Commissioner:	Stuart Ching
	Commissioner:	Terry Hines
	Commissioner:	Mike Krey
	Commissioner:	Maggie Ostrowski
	Commissioner:	Michael L. Rich

Commissioners Absent: None

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

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Rich, the Planning Commission minutes of the meeting of February 26, 2019, were approved as submitted. (6-0-0-1; Commissioner Ching abstained from this vote as he had a conflict of interest for one item from the February 26th agenda.)

COMMUNICATIONS

Director Paul Kermoyan listed the following items:

1. Two handout packets
2. A matrix form for use during Agenda Item 5 (ADU Ordinance Study Session).

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Karen Peterson, Resident on Almarida Drive:

- Raised the topic of the In-N-Out Burger project and the corresponding Draft EIR.
- Gave several of her impressions on the Draft EIR for the In-N-Out Burger project that was discussed at the last meeting. She reminded that she had raised the issue that Almarida is indicated as one lane of traffic per direction when it is actually two.
- Added that the DEIR disclosure on noise impacts suggested posting signs in the parking lot asking customers not to make noise that disturbs the adjacent residents. That was just a recommendation and not a mitigation measure.
- Opined that this location (499 E Campbell Ave) is an impossible one for In-N-Out.
- Pointed out that the City of Campbell currently has no policy in place on drive-thru restaurants. That is unlike most other cities.
- Suggested pedestrian-friendly and transit-oriented uses in this area moving forward.
- Declared that this is a reckless proposal for this area.

PUBLIC HEARINGS

Commissioner Krey recused from participation on Agenda Item 1 due to the personal conflict of interest that exists as he is close friends with the property owners adjacent to the project site. He left the dais and chambers.

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

1. **PLN2018-198** Continued Public Hearing (from the Planning Commission meeting of November 13, 2018) to consider the revised application of Daniel Warren for a Site and Architectural Review Permit (PLN2018-198) to allow the construction of a new two-story single-family residence with attached garage and Tree Removal Permit to remove three protected trees on property located at **1384 Munro Avenue**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Project Planner: *Cindy McCormick, Senior Planner*

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

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

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

Daniel Warren, Project Designer and Applicant:

- Thanked the project site neighbors for their input and participation.
- Reminded that much of the neighbor feedback was concerns about the height of the proposed roof. He said he believes that it has been resolved.
- Reported that they have reduced their proposed maximum ceiling heights for both the first and second floors. They also changed their foundation type, which results in a height reduction by six inches.
- Said those changes reduces this home to a 1 ½ story design that is under 25 feet.

Chair Hernandez asked if there were questions for the application. There were none.

Geoff Bradley, Adjacent Neighbor to the Project:

- Stated that his wife and he appreciated the direction that was provided to this applicant by the Planning Commission at the previous hearing.
- Added that they are grateful that the director and staff worked with the applicant.
- Admitted that this design is much improved.
- Stated that the applicant did a great job meeting with the neighbors and keeping the lines of communication open.
- Said he has one request. The garage got bigger due to the roof slope so he asked the applicant to look at that elevation that compared to his house appears to be massive.
- Added that if it is not feasible to lower the roof perhaps add a gable vent or window to break it up a bit.
- Conclude that was his only request at this time.
- Expressed his thanks to everyone involved for helping us to get to this point.

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

Commissioner Hines:

- Said that he was very impressed with the work that has been done by this designer in working with the neighbors.
- Stated that in comparison with 1386 Munro, which is right next door, he felt this home was consistent. It's also consistent with the San Tomas Area Neighborhood Plan (STANP) and the General Plan.
- Concluded that this was great work reaching this point.

Planner Cindy McCormick said that in regards to the concern raised about the roof over the garage one option could be a hip roof.

Commissioner Rich:

- Said that a lot of great work has been done here.
- Stated that this home blends in quite well with this neighborhood.
- Reminded that it can be a balancing act between a new property owner and those within an existing neighborhood.
- Advised that he has no remaining concerns based on what the applicant has done and can approve this proposal as it is.

Commissioner Ching admitted that he didn't particularly notice the elevation of the garage until Mr. Bradley pointed it out. He said that if something can be done to address concern he would be in favor of adding a condition.

Commissioner Ostrowski:

- Stated that this current design reflects a big improvement over what we saw at our last meeting.
- Supported the idea of doing something about the garage roof.
- Reminded that it was a hip roof before. It might be work considering returning to a hip roof to help reduce that massing.

Commissioner Rivlin:

- Said that this revised design is fantastic and addresses issues raised by the Commission and the public at the first hearing.
- Added that the change to slab foundation made sense.
- Admitted that the garage as designed doesn't bother him but he would be okay if they were to add a vent.
- Stated that the whole thing works and meets his expectations based on the direction provided by this Commission.

Chair Hernandez:

- Thanked the property owner, the project designer and the neighbors for working with staff.
- Added that their efforts have been responsive to the requests made by the Planning commission.
- Opined that as the applicant has made a lot of changes that were asked of them she said the garage can stay as currently designed.
- Stated that it might actually look odd with a gable. Perhaps unbalanced. This way looks more balanced.

Commissioner Rivlin said that perhaps the inclusion of a decorative or even faux vent could be added. He added that he prefers the garage roof as it is now.

Commissioner Ostrowski agreed.

Commissioner Ching said he supports leaving it to the applicant to soften that elevation if so inclined.

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Ching, the Planning Commission adopted Resolution No. 4484 approving a Site and Architectural Review Permit (PLN2018-198) to allow the construction of a new two-story single-family residence with attached garage and Tree Removal Permit to remove three protected trees on property located at 1384 Munro Avenue, by the following roll call vote:**

AYES: **Ching, Hernandez, Hines, Ostrowski, Rich and Rivlin**
NOES: **None**
ABSENT: **None**
ABSTAIN: **Krey**

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

Commissioner Krey returned to the chambers and dais following the conclusion of Agenda Item No. 1.

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

- 2. PLN2019-09** Public Hearing to consider the application of Eaton Hall Architects for a Modification (PLN2019-09) to a previously approved Site and Architectural Review Permit (PLN2016-76), including a Historic Resource Alteration Permit (Tier 1), to allow a revised window and door design for an ongoing façade restoration and seismic retrofit of a Structure of Merit commonly known as the **Second Bank of Campbell Building** on property located at **360 E Campbell Avenue**. Staff is recommending that this project 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 Hernandez asked if there were questions for staff.

Commissioner Ching asked who requested these changes to the approved plan.

Planner Daniel Fama replied that staff did. He reminded that this project originally started as a seismic retrofit. With that goal in mind two large columns would have been required that would have to be placed at the sidewalk. He added that the architect is here to answer any questions.

Commissioner Ching referenced the communication from Mr. Heinrichs in which he indicates that this proposed design makes this building less pedestrian-friendly oriented.

Director Paul Kermoyan:

- Said that the retrofit to this building is required.
- Reiterated that as designed keeping the existing window and door setup there would be need to install two I-beams that would encroach onto the sidewalk.
- Pointed out that in 2006 a similar window design occurred across the street.
- Assured that the other location is a viable space and that this location would also allow viable use of the space.
- Added that they are inching their way back to the historic roots of this building.
- Assured that this is a subtle change to this project.

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

Chris Hall Applicant, Eaton Hall Architects:

- Stated that he was available for any questions.

Commissioner Rivlin asked if the entry door sidelights are asymmetric or not.

Chris Hall replied that both flank the door itself.

Planner Daniel Fama advised that the Building Official required the current configuration due to ADA (Americans with Disabilities Act).

Chris Hall clarified that there is a minimum clearance space requirement of 18 inches on the pull side and a minimum clearance space of 12 inches on the push side.

Kirk Heinrichs, Resident on Lovell Avenue:

- Admitted that he was dumbfounded when he saw the work under way while he was in Downtown for coffee.
- Opined that this building as modified has lost its appeal. That's pretty unfortunate.
- Added that while it may work for a restaurant the City has been trying for years to encourage retail and this space is less conducive for future retail uses.
- Stated that retail in Downtown is tough as it is.
- Said that he understands that there are about a half-a-dozen historic buildings in the Downtown that have been renovated.
- Stressed the need to engage pedestrians to encourage retailers.

- Said that this change is a mistake and he'd hate to see this as a pattern in Downtown Campbell.

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

Commissioner Ching:

- Said that he wasn't involved in the original approval.
- Admitted that he shares Mr. Heinrich's concerns that this building's modified frontage will not be appropriate for retail shops in the future.
- Said that he might abstain from the vote on this one.

Chair Hernandez advised Commissioner Ching that he is not required to abstain from the vote but rather should vote as he sees appropriate.

Commissioner Krey:

- Said that he sees this as a minor change for which he sees no problems.
- Added that while it may not be a great design for future retail uses it can and has been a good location for restaurants.
- Stated that perhaps in the future someone may come to us with another proposal for this location.

Commissioner Rich:

- Said that great points were made by Mr. Heinrichs and Commissioner Ching but he looks at this proposal as minor changes for which he has no major concerns.
- Concluded that he is okay as proposed.

Commissioner Ostrowski:

- Said that she does support these proposed changes.
- Added that the larger sidelights will help bring light and visibility into the building.
- Expressed her appreciation for the comments made.
- Pointed out that in looking at the photo of the original building the windows looked longer and taller than what is going in there.
- Concluded that the changes are an improvement.

Commissioner Rivlin:

- Admitted that the asymmetric windows were a concern for him but he understands the plan for a required lift to meet ADA access requirements.
- Said that he agrees that street front windows help create a pedestrian connection.
- Concluded that he supports the findings for this project.

Commissioner Hines:

- Said that he considered the draft resolution and the findings therein.
- Added that he walked into the storefront and it didn't feel right but now he has a more historical view to consider.

Chair Hernandez:

- Stated that as it pertains to the issue we are here to discuss tonight, she supports this request.
- Said that it will benefit the design and bring it more in line with the building's historic character.
- Opined that it won't be detrimental to being used for either a restaurant or a retail use.

Motion: **Upon motion of Commissioner Krey, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4485 approving a Modification (PLN2019-09) to a previously approved Site and Architectural Review Permit (PLN2016-76), including a Historic Resource Alteration Permit (Tier 1), to allow a revised window and door design for an ongoing façade restoration and seismic retrofit of a Structure of Merit commonly known as the Second Bank of Campbell Building on property located at 360 E Campbell Avenue, by the following roll call vote:**

AYES: **Ching, Hernandez, Hines, Krey, Ostrowski, Rich and Rivlin**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

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

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

3. **PLN2019-05** Public Hearing to consider the application of Payman Farzaneh for a Site and Architectural Review Permit (PLN2019-05) to allow the construction of a new one-story single-family residence on property located at **1107 Bucknam 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: *Naz Pouya, Assistant Planner*

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

Commissioner Krey provided the Site and Architectural Review Committee report as follow:

- SARC found this to be a good project that is in keeping with its neighborhood.
- Concluded that SARC found no major issues.

Chair Hernandez pointed out that this home has four bedrooms each with its own bathroom.

Commissioner Rivlin said that issue was brought up by a member of the public who attended SARC.

Commissioner Krey clarified that the house actually has 4 ½ bathrooms.

Chair Hernandez asked if there was no concern about the potential for unpermitted uses of this single-family residence.

Director Paul Kermoyan:

- Said that it is unusual but it is a choice they can make. It's a life choice.
- Admitted that they may decide at some point to rent out rooms and that is allowed as long as this home does not include more than one kitchen.
- Concluded that staff is not concerned.

Commissioner Rivlin pointed out that there is just one main entry. He added that one member of the public had concern about a tree removal.

Planner Naz Pouya reported that tree in question is a fruitless avocado that is not protected.

Commissioner Rivlin:

- Said that SARC had brought up the need for delineation between the walkway and the driveway with concerns that the walkway could end up being used as part of the driveway for parking cars.
- Added that SARC also discussed lighting for the front of the home.
- Said that there were no great concerns. As this is a single-story home there were no privacy impact concerns raised.

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

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

Payman Farzaneh, Applicant, said he was available for any questions. There were none.

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

Motion: **Upon motion of Commissioner Krey, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4486 approving a Site and Architectural Review Permit (PLN2019-05) to allow the construction of a new one-story single-family residence on property located at 1107 Bucknam Road, by the following roll call vote:**

AYES: **Ching, Hernandez, Hines, Krey, Ostrowski, Rich, Rivlin**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

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

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

4. **PLN2018-298** **Note:** This item will be continued to April 9, 2019.

Public Hearing to consider the application of Ayesha Sikandar for a Site and Architectural Review Permit (PLN2018-298) to allow the construction of a new two-story single-family residence on property located at **1113 S. San Tomas Aquino Road**. Staff is recommending that this project 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, Assistant Planner*

Ms. Naz Pouya, Assistant Planner:

- Reported that this request is for a Site and Architectural Review Permit to allow the construction of a new two-story single-family home.
- Added that staff and SARC provided comments to the applicant that resulted in the applicant requesting additional time to make changes.

Commissioner Rivlin asked if the project would return to SARC.

Planner Naz Pouya replied that it would go back to the Commission.

Director Paul Kermoyan added that is unless SARC wants it back prior.

Planner Naz Pouya said that there was no request to bring it back to SARC by SARC.

Director Paul Kermoyan said that if staff has concerns once the revisions are received and reviewed by staff this project could still be referred back to SARC.

Commissioner Krey reported that the applicant was amiable to the changes that were proposed by SARC.

Director Paul Kermoyan reminded that this house's frontage was originally oriented onto Munro Avenue. Now it will be oriented to S. San Tomas Aquino Road. He questioned whether that is a "minor" change.

Chair Hernandez suggested that maybe this should go back to SARC.

Commissioner Rivlin said it would be best if staff reviews the change and makes the determination whether it needs to come back to SARC.

Director Paul Kermoyan suggested the continuance be made to a “date uncertain” to allow ample time and opportunity to send the revised plans back to SARC if deemed necessary before coming to the Commission.

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

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Rivlin, the Planning Commission CONTINUED TO A DATE UNCERTAIN, the consideration of a Site and Architectural Review Permit (PLN2018-298) to allow the construction of a new two-story single-family residence on property located at 1113 S. San Tomas Aquino Road. (7-0)**

NEW BUSINESS

5. **PLN2017-375** **Study Session to review potential changes to the Accessory Dwelling Unit Ordinance. Project Planner: Daniel Fama, Senior Planner**

Chair Hernandez disclosed that she has met with a few neighbors after the last meeting about ADU's.

Commissioner Ching disclosed he too had met with members of the public about ADU's.

Mr. Daniel Fama, Senior Planner, provided the staff report as follows;

- Said that there are table items including two emails and a letter from Robson Homes.
- Advised that there are additional legislative updates pending on the subject of ADU's.
- Reminded that the Planning Commission previously considered major rewrite to the ADU Ordinance in November 2018. The Planning Commission directed staff to bring back further information to assist in the review.
- Stated that there is not just a single right way to do this update.
- Advised that the need to accommodate more ADU's state wide is due a desire to create additional housing to help with the existing housing shortages.

Director Paul Kermoyan:

- Reminded that in the past ADU units were discretionary and required a Conditional Use Permit.
- Cautioned that added units to a property and/or neighborhood changes that neighborhood.
- Reported that the State felt that cities were not approving these ADU's often enough to help deal with this existing housing crisis.
- Recounted that he has been in the Planning field since 1988 and throughout that time there has been a housing crisis.

- Pointed out that State laws apply to all cities in California.
- Said that if the Commission wanted to create a Code that allows an ADU on every property within its boundaries that Code could be created in 15 minutes.

Chair Hernandez:

- Said that no one Ordinance will make everyone happy. It is hard to do so.
- Stated that the goal is to find what's best for Campbell as a whole. What's best for the City and for its neighborhoods? It cannot be done in a vacuum.
- Added, "That's why we're here."

Chair Hernandez opened the Public Hearing for Agenda Item No. 5.

Huascar Castro, Representing, Silicon Valley at Home:

- Said that this ADU Ordinance update will provide an important tool to help in adding housing.
- Asked that this ADU Ordinance be passed soon.

Geoff Bradley, Property Owner, Munro Ave, Campbell:

- Thanked the Commission for taking this on.
- Agreed that we can't make everyone happy but it is important that we make the State of California happy.
- Stated that the most important factor is the minimum lot size to allow for an ADU.
- Recommended that the ADU Ordinance be as least restrictive as possible.

Shirley Chen, Campbell Resident:

- Said that she appreciates the City being invested in the ability to offer more affordable housing.
- Agreed that one ordinance cannot make everyone happy.
- Stress the need to consider the continued growth in this area and how it will look in 10 to 20 years from now.
- Said she wants to address a couple of items. First item, setbacks. She struggles to understand the proposed rear setback of 10 feet. She's seen townhomes with less of a setback than is being required for ADU's. Her second item is second story ADU's above a detached garage. There is currently height limitation of 14 feet for an ADU.
- Suggested that a property with a two-story main home on it should be allowed to have a two-story ADU that is no taller than the house itself.
- Declared the 10-foot rear setback to be a burden that doesn't make sense to her.
- Recommended the minimum rear setback be reduced to 5 feet.
- Reminded that the intent and/or spirit of the State's efforts are to increase ADU's in the community and provide more affordable housing. That 10-foot proposed rear setback makes it difficult.
- Asked the Commission to consider the reality of how this is going to happen.

Marla Rae Richards, Resident on Longfellow Ave:

- Reported that she originally had a townhouse as that was all she could afford at that time.

- Questioned how one measures what's "affordable."
- Stated that setbacks are a good concern. She is now the owner of a larger property with large setbacks and privacy. She loves that.
- Cautioned that having an ADU located closer to the main house means that ADU will be further from the adjacent properties.
- Said she is concerned as there are no ADU's in her neighborhood right now. However, the trend is for adult children to return to their parents' home to live due to the cost and limitations of available housing. As a result her neighborhood is experiencing many added cars in the neighborhood.
- Reported that one neighbor has placed a pergola at the fence line.
- Admitted that that sort of proximity is not what she bought her house for.
- Thanked the Commission for hearing her comments.

Sarah Robinson, Resident on W. Latimer Ave:

- Said that she would like to see more ADU's.
- Admitted that she doesn't want to see her adult children returning to live in her house but would rather have an ADU they can use instead. They can't afford to live here. They have student loans.
- Stated that previous speakers have made valid points about the setbacks.
- Suggested that as a compromise that screening trees be planted to create privacy between neighbors.
- Stressed that privacy has to be addressed.
- Said that the car issue won't be much of an issue.
- Pointed out that she lives in a home and has just one car.

Buddhadeb Bac:

- Admitted that he was hoping to see a bigger turnout.
- Pointed out that this ADU Ordinance Update has been underway for several years now.
- Said that per Planner Daniel Fama there have not been a lot of applications for ADU's.
- Opined that having more ADU's will bring down the cost of housing in the community.
- Recounted that as he walks his neighborhood he sees a lot of ADU's albeit illegal ones.
- Pointed out that the City is reactive not proactive in enforcement of illegal ADU's.

Mi Nguyen, Resident on White Oaks Road:

- Said that she has been coming to meetings since 2017 and is on the notification list to stay informed on the next meeting on this issue.
- Stated that ADU's are needed for parents and for adult children.
- Asked that there be no requirement to deed restricts ADU's as Below-Market-Rate units.
- Raised the question, "If a five-foot setback is enough for side setback, then why is it not enough for the rear setback?"
- Opined that a five-foot setback makes sense.
- Suggested a change.org petition.

- Stated that most of her concerns have already been captured by Planner Daniel Fama.
- Thanked staff and the Commission for their work on this Ordinance.
- Stated that compliance with State law is what residents are asking for.

Chuck Yoders, Resident on White Oaks Road:

- Recounted that the Building Department issued permits for a second garage only to later learn that the structure cannot be used as a garage.
- Added that he is now trying to turn it into an ADU.
- Reminded that this is a “legal” structure as his partner’s father needs to move in.

Loren Due, Resident on Central Ave:

- Asked if the provision to have BMR status for an ADU being tied to the deed is still in the draft ordinance.
- Pointed out that when one goes to sell that house that restriction will limit options for the new owner and make that property less desirable for future owners.
- Advised that he is a Code Enforcement Inspector for the City of San Jose.
- Added that some ADUs are built very unsafely. It is best to have them legally constructed so they are safe.
- Stated that we have been waiting for three years now to get this ordinance.
- Reported that at some point he we having in laws to come stay with his family.

Chair Hernandez closed the Public Hearing for Agenda Item No. 5.

Director Paul Kermoyan:

- Said that we have received some good public comments that can be included in the Commission’s deliberations.
- Said that the setback for a main house is 20 feet from the property line.
- Added that difference between a five foot and 10 foot setback for an accessory unit should be discussed.

Chair Hernandez said she supports having a 10-foot setback between a main house and an ADU as well as a 10-foot setback between an ADU and the back property line.

Director Paul Kermoyan:

- Said that the question should be debated as to what setback we want.
- Stated that there are options for privacy such as planting trees. Trees grow in tight spaces and sometimes outgrow their space and damage the structure. There can be consequences with tree placement.
- Added that he appreciated the comments of Loren Due about the impacts of illegal ADUs.
- Said that many other unpermitted improvements are generally caught at some point. There are a lot of code cases.
- Reported that we have been holding back on ADUs now but know where some of the unpermitted ones are.
- Said that complaints about pergola placements are received all the time

- Stated that the issue of setbacks should be considered, including if five feet is enough for a side setback why would 10-foot be required at the rear?
- Explained that there are reasons why a city has setbacks. They related to relationships between structures. Rear yard setbacks deal with privacy needs there. If there are two backyards back-to-back, two 10-foot rear setbacks create more private space between the two properties.
- Admitted that what tends to be more disturbing to residents in the introduction of a flag lot within an existing neighborhood.
- Added that some cities prohibit flag lots.

Planner Daniel Fama discussed the first criteria – **MINIMUM LOT SIZE:**

- Said that the last Housing Element was updated in 2014. At that time, the City opted not to reduce the minimum lot size for an ADU. That was not an oversight.
- Reported that State law does not preclude a City from establishing a minimum lot size for an ADU in its residential districts.

Commissioner Rich said that he'd like to see a change in minimum lot size but doesn't want to go as far as having no minimum lot size established. There needs to be some minimum established lot size. There is no right or wrong answer. He said he leans to a 6,000 square foot minimum lot size to allow an ADU.

Director Paul Kermoyan cautioned that even if a reduced minimum lot size to allow an ADU is adopted there is someone who will come in with a parcel just under that minimum who will object.

Commissioner Rich said he understands that but there needs to be a minimum lot size.

Chair Hernandez advised that when she is working on drafting codes she works under the assumption that everyone will want to take advantage of that code. If it's available, people will do it.

Commissioner Rich asked whether not establishing a minimum lot size would mean that lot coverage issues go away.

Director Paul Kermoyan said that the City can control that with other standards including lot coverage, setbacks and heights.

Commissioner Rivlin said that with the .45 FAR standard in the R-1-6 zoning it would not matter if you built two structures as long as the .45 FAR is met.

Commissioner Rich rhetorically asked whether we want to see to smaller (700 square foot) buildings on a single-family lot.

Chair Hernandez said that if someone can do it they will.

Commissioner Ostrowski:

- Said that they should be considered together rather than separately. With two small houses the building heights could be lowered.
- Admitted that she is more in favor for not establishing a minimum lot size but rather establishing lot coverage standards.

Commissioner Rivlin gave the example of a 3,000 square foot residential lot that has an existing 1950's bungalow that is 800 square feet.

Commissioner Ostrowski said that even if allowed that doesn't mean everyone will have an ADU.

Chair Hernandez said that we have to think they will if they can simple to be prepared for that.

Commissioner Ching asked if the Planning Commission would approve these ADU's.

Director Paul Kermoyan:

- Said that it depends on where in the community the property is located.
- Added that if a property is in an area with its own Area Plan they may have to get approval.
- Stated that otherwise the review of ADUs would be a ministerial act.

Commissioner Hines asked if an ADU proposed on an R-1-8 lot would still have to match the established FAR.

Planner Daniel Fama replied yes. He added that the City Council made it clear they still wanted some control. He pointed out that an ADU can also be attached to the main house.

Director Paul Kermoyan said it is not clear why the City picked the 10,000 square foot minimum lot size to allow for ADUs.

Chair Hernandez:

- Reported that she lives in an area with 6,000 square foot single-family lots.
- Added that lots of these homes have more than two cars to park and/or their garage is full.
- Stated that these days they are seeing more cars parked along their street. For some households people with adult children are seeing them return home and some have up to six cars associated with one household. This is creating an issue.
- Reminded that we cannot regulate the provision of parking when processing an ADU.
- Stressed the need for open space, privacy and the look and feel of our neighborhoods.
- Said that she would choose the 6,000 square foot lot size as the minimum size to allow for ADUs to allow for more consistency.

Commissioner Hines said that any lot size with a house currently on it could be torn down and rebuilt to fit the lot size.

Commissioner Krey:

- Said that the report by staff was good.
- Added that the State is trying to encourage more ADUs as we need more housing at a lower cost. The State is now mandating ADUs be allowed.
- Cautioned that we still need to regulate.
- Suggested that no minimum lot size is needed but rather the natural restrictions imposed by the FAR standards will dictate what is possible.

Commissioner Ching:

- Said Commissioner Krey hits the nail on the head.
- Agreed that more housing and affordable housing is needed.
- Stated that FAR standards will control the size of a proposed ADU.
- Pointed out that the problem with parking exists already.
- Stated his support for no minimum lot size and use of FAR standards to control ADU size.

Commissioner Rivlin said he too supports no minimum lot size and admitted he sees no “negative” to having two small houses on a lot.

Commissioner Rich:

- Said he would not use the word “negative”.
- Admitted that his vision for Campbell is not two small houses on a lot but rather is larger lots.
- Concluded that there is no right or wrong.
- Said when he considers what is his vision and what he wants to see Campbell look like he thinks of 6,000 square foot lots minimally.

Commissioner Rivlin asked if only one ADU would be allowed per lot.

Planner Daniel replied that is correct. He said that with Junior ADUs they could maybe have more than one. He pointed out that 6,000 is the most common lot size.

Commissioner Hines asked staff what feedback from the community is there.

Planner Daniel Fama said that comments tend to come from people who want ADUs. For the most part, those comments received don't necessarily reflect those people who may not support ADUs due to fears loss of neighborhood standards.

Commissioner Hines said he is leaning toward leaving the minimum lot size at the current 10,000 square feet.

MINIMUM LOT SIZE:

Name	Option 1 No Minimum	Option 2 Establish 6,000 s.f. min lot residential districts	Option 3 Other
Chair Hernandez		X	
Vice Chair Rivlin	X		
Commissioner Ching	X		
Commissioner Hines			X – 10k s.f.
Commissioner Krey	X		
Commissioner Ostrowski	X		
Commissioner Rich		X	

Planner Daniel Fama discussed the second criteria – **MAXIMUM ADU SIZE:**

- Said that there are a few options. We can look at minimum lot size. We can consider an additional tier such as 8,000 square foot minimum lot with a maximum ADU of 600 square feet. We can consider FAR and/or lot coverage.

Director Paul Kermoyan added establishing an “up to” standard if other standards are qualified.

Commissioner Ostrowski suggested the standards of comparable zoning.

Director Paul Kermoyan said that he majority use the State maximum. He questioned how to use maximum in a P-D (Planned Development) Zone.

MAXIMUM ADU SIZE:

Name	Option 1 State Maximum of 1,200 s.f.	Option 2 Other
Chair Hernandez	X	
Vice Chair Rivlin	X	
Commissioner Ching	X	
Commissioner Hines	X	
Commissioner Krey	X	
Commissioner Ostrowski	X	
Commissioner Rich	X	

All seven Planning Commissioners voted for the State maximum.

Planner Daniel Fama raised the next criteria – **PRIMARY DWELLING TYPE:**

Name	TYPE	OPTION
Chair Hernandez	Single Family	1
Vice Chair Rivlin	Single Family	1
Commissioner Ching	Single Family	1
Commissioner Hines		2
Commissioner Krey	Single Family	1
Commissioner Ostrowski	Single Family	1
Commissioner Rich	Single Family	1

The vote for Primary Dwelling Type was 6-1 for Single Family – Option 1

Chair Hernandez called for a break at 10:09 p.m.

Chair Hernandez reconvened the meeting at 10:18 p.m.

Planner Daniel Fama raised the next criteria – **DETACHED ADU SETBACKS:**

Name	Rear	Interior	Streetscape
Chair Hernandez	10	5	12
Vice Chair Rivlin	5	5	12
Commissioner Ching	5	5	12
Commissioner Hines	No change	No change	No change
Commissioner Krey	10	5	12
Commissioner Ostrowski	Recused*		
Commissioner Rich	5	5	12

**Since Commissioner Ostrowski represented the Campbell Village Neighborhood on the issue of setbacks when their Neighborhood Plan was developed and adopted she elected to recuse herself on this issue and left the dais and chambers during the votes on establishing these setbacks. She will return for the rest of the standards.*

Planner Daniel Fama raised the next criteria – **BUILDING SEPARATION BETWEEN MAIN HOUSE AND ADU:**

Name	Rear	Side
Chair Hernandez	10	5
Vice Chair Rivlin	10	5
Commissioner Ching	10	5
Commissioner Hines	5	5
Commissioner Krey	5	5
Commissioner Ostrowski	Recused*	
Commissioner Rich	10	5

**Since Commissioner Ostrowski represented the Campbell Village Neighborhood on the issue of setbacks when their Neighborhood Plan was developed and adopted she elected to recuse herself on this issue and left the dais and chambers during the votes on establishing these setbacks. She will return for the rest of the standards.*

Commissioner Ostrowski returned to the chambers and dais to participate for the remainder of this discussion.

Planner Daniel Fama raised the next criteria – **GARAGE SIZE RESTRICTIONS (currently 400 square feet):**

Name	Option 1 No Restriction	Option 2 Specific Number
Chair Hernandez	X	
Vice Chair Rivlin	X	
Commissioner Ching	X	
Commissioner Hines	X	
Commissioner Krey	X	
Commissioner Ostrowski	X	
Commissioner Rich	X	

All seven Planning Commissioners voted for Option 1 – No restriction.

Planner Daniel Fama raised the next criteria – **HEIGHT (currently 14 feet for a detached accessory structure):**

Name	Option 1 Current	Option 2 Greater	Option 3 Match roof pitch of main res or less*
Chair Hernandez	X		
Vice Chair Rivlin		16 feet	
Commissioner Ching	X		
Commissioner Hines			X
Commissioner Krey			X
Commissioner Ostrowski			X
Commissioner Rich			X

**Not to exceed the pitch of the roof height (primary residence) but can go lower*

Planner Daniel Fama raised the next criteria – **SECOND STORY OPTIONS:**

Name	Option 1 Existing second story	Option 2 New second story	Option 3 Detached above garage	Option 4 Not allowed
Chair Hernandez				
Vice Chair Rivlin				X
Commissioner Ching				
Commissioner Hines	X	X	X	
Commissioner Krey				
Commissioner Ostrowski				
Commissioner Rich	X	X	X	

Due to the lateness of the hour (12:01 a.m.) the Commission decided to stop at this point prior to reaching a full vote on Second Story Options and to continue consideration of the balance of this ADU Study Session material until the next meeting on March 26, 2019.

Chair Hernandez reopened the Public Hearing for Agenda Item No. 5.

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Krey, the Planning Commission CONTINUED TO A DATE CERTAIN OF MARCH 26, 2019, the Study Session to review potential changes to the Accessory Dwelling Unit Ordinance. (7-0)**

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 12:10 a.m. to the next Regular Planning Commission Meeting of **March 26, 2019**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
JoElle Hernandez, Chair

ATTEST: _____
Paul Kermoyan, Secretary