

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

7:30 P.M.

TUESDAY

MAY 28, 2019
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of May 28, 2019, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Rivlin and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present: Chair: Andrew Rivlin
Commissioner: Stuart Ching
Commissioner: Terry Hines
Commissioner: Mike Krey
Commissioner: Michael L. Rich

Commissioners Absent: Commissioner: Maggie Ostrowski

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

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Hines, the Planning Commission minutes of the meeting of May 14, 2019, were approved as submitted. (4-0-1-1; Commissioner Ostrowski was absent and Commissioner Rich abstained)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

PUBLIC HEARINGS

Chair Rivlin asked if there were any disclosures from members of the Commission.

There were none.

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

1. **PLN2019-04** Public Hearing to consider the application of Dave Lazares for a Site and Architectural Review Permit (PLN2019-04) to allow the construction of a two-story single-family residence on a vacant property located at **1212 Steinway 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 Rivlin asked if there were questions for staff.

There were none.

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

Greg Zerman, Project Representative:

- Said that they have been working with staff to develop this landlocked parcel.
- Added that they have achieved their proposal with required fire department turnaround and neighbor cooperation.
- Stated that he was available for any questions.

Commissioner Hines asked if the access easement is considered a road.

Chair Rivlin asked staff for verification that this access easement cannot be revoked.

Planner Daniel Fama replied yes.

Greg Zerman added that the access easement is actually recorded for the properties.

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

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

- Stated that SARC had few issues.
- Added that this is a funky lot – crazy in the back there.

Chair Rivlin asked about two pine trees slated for removal.

Commissioner Krey said that SARC had no tree issues.

Commissioner Hines stated that this is a very effective use of an empty lot that they have found a creative way to make it workable. It is a good use for this land.

Commissioner Rich said he had no concerns with the easement.

Commissioner Krey said that this request is pretty straightforward.

Commissioner Ching agreed.

Chair Rivlin said that project has met all requirements and works. The architecture seems fine.

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Ching, the Planning Commission adopted Resolution No. 4503 approving a Site and Architectural Review Permit (PLN2019-04) to allow the construction of a two-story single-family residence on a vacant property located at 1212 Steinway Avenue, by the following roll call vote:**

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

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

Chair Rivlin asked if there were any disclosures from members of the Commission.

There were none.

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

2. **PLN2018-360** Continued Public Hearing (from the Planning Commission of March 26, 2019) to consider the application of Ken Chitgar for a Site and Architectural Review Permit (PLN2018-360) to allow the construction of a new two-story single-family residence on property located at **620 Kenneth Avenue**. Staff is recommending that this project be deemed Categorically 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.

Chair Rivlin asked if there were questions for staff.

There were none.

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

Lidy Chitgar, Applicant:

- Reported that as a result of the comments received during the March meeting they have made adjustments that include removing a balcony from the master bedroom.
- Added that they also removed two windows and brought the footprint upstairs inward. As a result they lost one bedroom upstairs.
- Advised that they have removed an additional 170 square feet of living space.
- Cautioned that it is not that easy to remove more square footage. Doing so would require them to relocate every window upstairs.
- Reported that this home is their dream home. They are planning to start their family next year.
- Said that this home consists of a very specific design.
- Said that they are currently paying two mortgages and hope that this home can be approved tonight.

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

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

- Reported that this home was reviewed by SARC twice and a long and nice discussion was had.
- Stated that the applicants did a lot of great work.
- Admitted that the project would be fine.
- Said that the question remains whether they went far enough in reducing the size but SARC didn't specify a recommended size.
- Added that he would still like to see a slightly smaller house.

Commissioner Hines asked staff what the percentage of reduction was based upon.

Planner Naz Pouya replied that it represents a home that would be 10 percent greater in size than the currently largest home in that area.

Commissioner Hines:

- Said that this is a beautiful home that fits within the San Tomas Area Neighborhood Plan (STANP) requirements as well as zoning requirements.
- Stated that he doesn't see any problems as proposed and is able to support this application.

Commissioner Rich:

- Reminded that there were no architectural design issues with SARC.
- Said that it seems the issue is the size and magnitude of this home in relation to its neighborhood.
- Stated that in his opinion it is important to look at the surrounding area but to be sure that the architecture is within the theme of the neighborhood as well as within the FAR and lot size.
- Pointed out that this couple is building their dream house in order to build a family and asking them to limit their home arbitrarily is not the message we want to send.
- Stated that this home's proposed architecture meets the existing architecture.
- Concluded that it is hard to tell them their dream home is not accepted in this neighborhood and he will support it as is.

Commissioner Ching questioned how a 10 percent reduction would impact the home's appearance as seen from the street. He cautioned that the next home proposed will likely be even bigger.

Commissioner Rich:

- Admitted that if the architecture, FAR and lot size can accommodate a home larger than this one he would be okay with that.
- Reiterated that one question to ask is what a larger family requires.
- Questioned what if someone merges two properties in order to build a very large home. What then?

Commissioner Krey:

- Stated that there is a lot of subjectivity in the STANP especially when considered the perceived scale and mass of a home should be compatible with a neighborhood.
- Admitted that there is not a lot to go on and he is looking for a frame of reference.
- Reiterated his preference for this home to be just a little smaller as it will likely set a reference point for the next application.
- Suggested that they keep it down a little bit and more in keeping with the smaller scale in Campbell.
- Said that the design itself is fine and the changes made are great.
- Suggested that either the STANP be made less subjective or decide where "too big is too big."
- Said that this home is quite a bit off the scale of the next largest home.
- Said that in general the Planning Commission is pretty accommodating.

- Stated that he has been thinking about this for a couple of weeks since SARC.
- Reiterated that a slightly smaller building would be beneficial.

Director Paul Kermoyan:

- Explained that staff's recommendations are based on original SARC recommendations and staff analysis of this house with its neighborhood.
- Reported that nothing requires homes to be the same size but it is important to maintain consistency within a neighborhood.
- Cautioned that if one only considers standards that equates to no design review.
- Asked whether having 20 people here in opposition would change the Commission's opinions.
- Stressed the need to look how a home fits within a neighborhood. This neighborhood is primarily one-story and two-story homes tend to be larger.
- Said the question remains, "How does this project fit in?"
- Advised that staff recommendations are just suggestions. The Planning Commission can go in different directions.

Chair Rivlin:

- Said that this is a fine home.
- Pointed out that an existing large Elm tree does somewhat mask the house so this house will not be extremely dominant on this street. The homes on either side are one-story.

Commissioner Ching said that while he has concerns about the subjective spirit of the STANP he has no problems with a big house. He said he remains on the fence either way (with the house "as is" or being reduced slightly). This proposed house has nice design and architecture.

Commissioner Rich:

- Said that it's not just FAR and lot size. Some homes would not fit in Campbell such as the "Flintstone" house.
- Stated that this proposed architecture fits.
- Pointed out that 50 years ago homes were constructed with one-car garages. At some point people began putting in two-car garages.
- Said that neighborhoods evolve.
- Admitted that he personally would hate to lose things from his plans such as a bathroom such as these owners have here.
- Concluded that we have to give people a way to get their dream house. We need to be flexible in what is reasonable.

Commissioner Hines:

- Pointed out that the applicant has made significant changes including to second floor windows to ensure privacy as a significant deference to the adjacent one-story neighbors.
- Added that the applicant has made a concerted effort to work with SARC and staff.
- Said that in reality in five years' time there will be fewer smaller 50 to 60-year-old homes remaining on 12,000 square foot lots. Campbell is going to evolve this way.

- Stated that consideration of the applicant's desires against public feedback we have come to a good and beautiful house.

Chair Rivlin said that he would support this project, feels the Elm helps screen the mass, and that the large back yard helps to separate this new home from its surrounding neighbors and asked for a motion.

Motion: Upon motion of Commissioner Rich, seconded by Commissioner Hines, the Planning Commission adopted Resolution No. 4504 approving a Site and Architectural Review Permit (PLN2018-360) to allow the construction of a new two-story single-family residence on property located at 620 Kenneth Avenue, by the following roll call vote.

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

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

Chair Rivlin asked if there were any disclosures from members of the Commission.

There were none.

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

3. **CIP2020-2024** Public Hearing to consider the **City of Campbell's 2020-2024 Capital Improvement Plan** for citywide projects for consistency with the City's General Plan. Staff is recommending that the project be deemed exempt under CEQA. Tentative City Council Meeting Date: June 4, 2019. *Project Planner: Cindy McCormick, Senior Planner*

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

Chair Rivlin asked if there were any questions for staff.

Commissioner Hines asked, given there is not an unlimited budget, how the City approaches the prioritization of these CIP projects.

Mr. Al Bito, Deputy City Manager:

- Said that a Committee works to rank the priority of CIP projects based upon issues such as funding sources.
- Stated that Public Safety is a top priority as well as consideration of any potential consequences in not doing a project.

- Advised that the Committee deems importance until a funding source can be found.

Commissioner Ching asked when Year 1 of this CIP begins.

Deputy City Manager Al Bito replied that Year 1 starts on July 1, 2019.

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

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

Commissioner Krey said he has no issues.

Commissioner Hines said that he gives tribute to the concentration on safety and finding funding sources. He is in total favor.

Chair Rivlin agreed and said if these projects are funded to benefit the City there is nothing contrary to the General Plan.

Commissioner Rich:

- Stated that he will also support this CIP.
- Added that as a citizen of Campbell he has a vested interest in some of these projects.
- Pointed out that the pool at the Community Center has moved up on the list.
- Said that he is in favor and finds this to be an interesting process that he suggests could be improved.

Chair Rivlin said that the trail improvements are of particular interest to him.

Motion: **Upon motion of Commissioner Krey, seconded by Commissioner Rich, the Planning Commission took minute action to find the City's proposed Capital Improvement Plan 2020-2024 consistent with the City's General Plan and to forward a recommendation that the City Council adopt said Capital Improvement Plan 2020-2024 and also found the CIP to be Exempt from CEQA as it does not represent a specific project, by the following roll call vote:**

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

Chair Rich advised that this item would be considered by the City Council for final action at its meeting on June 4th.

Chair Rivlin asked if there were any disclosures from members of the Commission.

There were none.

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

4. **PLN2018-215 (PD)** Public Hearing to consider the application of D. Kishnani for a
PLN2018-236 (TSM) Zoning Map Amendment (PLN2018-237) to amend the
PLN2018-237 (ZMA) Campbell Zoning Map to rezone the project site from R-1-6
PLN2018-238 (CEQA) (Single-Family Residential) to P-D (Planned Development);
PLN2018-239 (TRP) Planned Development Permit (PLN2018-215) to allow
construction of six two-story single-family homes, a new private
street and associated site and landscaping improvements;
Tentative Subdivision Map (PLN2018-236) to create six private
lots and one common lot and allow the vacation of excess
public right of way; and Tree Removal Permit (PLN2018-239) to
allow removal of on-site protected trees on property located at
1429 and 1445 Westmont Avenue. Staff is recommending the
adoption of a Mitigated Negative Declaration. Tentative City
Council Meeting Date: June 18, 2019. *Project Planner:*
Stephen Rose, Associate Planner

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

Chair Rivlin asked if there were any questions for staff.

There were none

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

- Said that he remembers the tree and that there were no major issues.

Chair Rivlin said that for the most part they meet the requirements.

Commissioner Hines asked about the Mitigated Negative Declaration.

Planner Stephen Rose:

- Advised that a Mitigated Negative Declaration is an expanded environment review and is responsible for about an additional 200 pages in this project's staff report.
- Added that with a Mitigated Negative Declaration there are mitigations available to deal with any associated impacts from a project.
- Said that the next step up in environmental review is an EIR (Environmental Impact Report), if there are impacts for which there are no mitigations possible.

Commissioner Ching pointed out that a P-D project normally provides for some special asset for the community at large. It doesn't seem to be so in this case.

Planner Stephen Rose:

- Indicated in the distant past cities required public amenities with a P-D project such as a pocket park.

- Added that these days we have park in-lieu fees charged against a project that go into a fund to pay for parks.
- Reported that there typically not public amenities on private P-D sites due to concerns over liability.
- Said that this is a smaller development and HOA overseeing one common lot. The responsibilities will be the maintenance of the shared site infrastructure such as maintenance of the private street and bio-swales.

Commissioner Hines referenced page 2 of the report and asked if the project development data is fixed. Would it not be brought back to SARC or the PD?

Planner Stephen Rose replied "correct". This lot subdivision and the P-D Permit include the six architectural designs for the homes. They meet the standards.

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

Mr. Matthew Clark, Resident on Harriet Ave:

- Said that he is a 20 year resident that has so many issues with this project.
- Opined that the FAR and lot coverage standards included in the STANP are at least 5 percent too high.
- Discussed trees, saying that his home currently has privacy being provided by existing mature Walnut trees and a Plum tree. His bed and bathrooms face those trees.
- Stated that use of a private driveway seems to be a security threat to the homes along Jasmine Court by the potential to be used by criminals to access back fences, jump that fence and commit crimes.
- Declared that he has a problem with how the City deals with this area.
- Pointed out that a private HOA-controlled street doesn't connect to the greater community.
- Reported that on the north side of the property there is a temporary wetland created each year by ponding water that draws lots of frogs, ducks and other birds.
- Explained that he is a registered Civil Engineer and said that the sump pump system doesn't work and will become a maintenance problem for the HOA to deal with.

Commissioner Hines thanked Mr. Clark for his feedback.

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

Commissioner Rich said that the privacy concerns raised need to be validated and/or mitigated. He said that the question raised is whether there is a potential for impact when a shared private driveway along a property line with a fence that represents the back fence of homes the next street over.

Chair Rivlin pointed out that there is potential for access to backyards from homes located along a street at corner properties. He asked staff about the fence.

Planner Stephen Rose said that this is an existing fence that will remain with added landscaping buffer and car parking spots. He said that this project has tried to be responsive to concerns raised by the Jasmine side.

Commissioner Rich asked what type of landscaping would be installed. Is it trees? Bushes?

Chair Rivlin asked the specific responsibility of the HOA. He said that the issue of an existing wetland is a concern and admitted he didn't remember reading about that.

Planner Stephen Rose said that the issue of migrating Egrets would be addressed by Mitigation Measure Bio-2, which requires a Nesting Migratory Bird Survey.

Chair Rivlin asked what P-D benefit this project gives to the community at large. He pointed out that there will be one additional tree planted per yard in excess to help enhance the natural ecology of the site.

Planner Stephen Rose agreed that one additional tree would be installed in each backyard. He added that the landscaping would incorporate bio-retention area with tall grasses and shrubs.

Commissioner Krey asked whether Jasmine Court has bio-retention systems given they are a public street.

Planner Stephen Rose said Jasmine Court does indeed have bio-retention and the street is public. He pointed out that the City doesn't actually want additional new public streets due to ongoing maintenance costs.

Commissioner Krey said that these proposed six houses are similar to those on Jasmine Court.

Commissioner Ching asked about the Mitigated Negative Declaration in reference to birds.

Planner Stephen Rose:

- Clarified that this property is not a "wetland".
- Reported that a Biologic Resource Study was provided that found no unique or special hydrologic issues.
- Reminded that this is an infill site. It is a residentially zoned property with single-family homes on all sides.

Director Paul Kermoyan:

- Advised that the General Plan has a Conservation Element that considers typography or geology worthy of retention.
- Said that existing Coastal Live Oaks survive on this property and they don't like "wetlands".
- Stated that he lives in the County and when it rains he has wet clay.

Chair Rivlin:

- Stated that the SARC and the architect discussed the proposed architecture.
- Admitted that the architecture on one home seemed dated to him.
- Said that their response was to provide varied architecture as seen in the surrounding neighborhood.
- Concluded that he felt the architecture of the six proposed homes were sufficiently different and separated.

Commissioner Ching said the architecture is varied enough. He's not madly in love but they are acceptable.

Commissioner Krey said he felt the design was pretty good.

Commissioner Hines:

- Clarified with staff that Lot 1 runs along Westmont and that the home on that lot would front on Westmont.
- Stated that this project is taking fallow land.
- Added that the proposal seems to be consistent with the General Plan as well as the San Tomas Area Neighborhood Plan (STANP).
- Concluded that he is in favor.

Chair Rivlin said that the FAR is just shy.

Planner Stephen Rose clarified that in this case the homes within this Planned Development Permit must actually meet all standards of FAR and lot coverage per the requirements of the STANP.

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Ching, the Planning Commission took the following actions:**

- **Adopted Resolution No. 4505 recommending that the City Council adopt a Mitigated Negative Declaration (PLN2018-238):**
- **Adopted Resolution No. 4506 recommending that the City Council adopt an Ordinance approving a Zoning Map Amendment (PLN2018-237):**
- **Adopted Resolution No. 4507 recommending that the City Council approve a Planned Development Permit (PLN2018-215):**
- **Adopted Resolution No. 4508 recommending that the City Council approve a Tentative Subdivision Map (PLN2018-236): and**
- **Adopted Resolution No. 4509 recommending that the City Council approve a Tree Removal Permit (PLN2018-239):**

by the following roll call vote:

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

Chair Rivlin advised that this item would be considered by the City Council for final action at its meeting on June 18th.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Kermoyan had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:46 p.m. to the next Regular Planning Commission Meeting of **June 11, 2019**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Andrew Rivlin, Chair

ATTEST: _____
Paul Kermoyan, Secretary