

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

SEPTEMBER 25, 2018
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of September 25, 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: Stuart Ching
Commissioner: Cynthia L. Dodd
Commissioner: Andrew Rivlin

Commissioners Absent: Commissioner: Mike Krey
Commissioner: Maggie Ostrowski

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

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Ching, seconded by Commissioner Hernandez, the Planning Commission minutes of the meeting of September 11, 2018, were approved as submitted. (5-0-2-0; Commissioners Krey and Ostrowski were absent).

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Ms. Jo-Ann Fairbanks, Campbell Resident:

- Thanked Commissioner Dodd for her years of service on the Planning Commission.
- Expressed her appreciation for Commissioner Dodd's perspective, her care for the community, her attention to both the "Big Picture" such as the General Plan as well as to the details.

PUBLIC HEARINGS

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

1. **PLN2017-97** Public hearing to consider the application of Trieu Nguyen for a Site and Architectural Review Permit (PLN2017-97) to allow construction of an approximately 5,550 square-foot two-story single-family residence on property located at **321 W. Sunnoaks Avenue**. Staff is recommending that this item 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 Rich asked if there were questions for staff.

Commissioner Hernandez asked staff about SARC's concerns about grading information. What happened?

Planner Naz Pouya advised that she verified that the grading plan had been properly provided by the applicant.

Commissioner Hernandez provided the report of the Site and Architectural Review Committee meeting as follows:

- Said that in her report, Planner Naz Pouya had addressed many of the questions and concerns that SARC had.
- Reminded that SARC had concerns about massing and scale and found the project appeared bulky.

- Added that at SARC Senior Planner Daniel Fama had recommended that the applicant consider reducing the second story and bring that square footage down to the first floor.
- Stated that the applicant has made changes to the front elevation as requested by SARC including an added window.
- Reported that SARC made comments about the “busy-ness” of the materials and the applicant made some changes in that as well.
- Advised that SARC had comments about the balconies located at the front of the house, which are seen as a positive given they impact neighbor privacy less than if placed at the back.

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

Quinn Tran, Project Architect:

- Thanked the Commission for their consideration.
- Stated his willingness to hear any recommendations from the Commission and he is willing to iron out what the Planning Commission is expecting to see for this area.
- Assured that this home was designed to match the area using a California Bungalow style.
- Added that he tried to be sympathetic to the area.
- Reminded that this is a very large lot and they are covering just 26 percent of the lot with a .40 FAR.
- Said that they tried to use colors that blended in with the area.
- Concluded that he is available for any questions.

Jo-Ann Fairbanks, Campbell Resident:

- Thanked Commissioner Hernandez for her question about grading.
- Said that she appreciates the applicant’s changes.
- Stated that as a resident of the San Tomas Area, she asks the Commission “not” to approve this application.
- Said that this home does not match the neighborhood of one-story homes.
- Added that second-story balconies don’t match the neighborhood and are not counted as FAR. Therefore, they are adding bulk but not measured as such.
- Stated that these balconies would allow these residents to look into the pool of the neighbor to the east.
- Asked the Commission to stop approving second-story balconies as they steal privacy from adjacent one-story homes.

Adam Buchbinder, Resident on Almarida Drive:

- Said this proposed home is beautiful and complies with the rules.
- Pointed out that this larger property is just a 15-minute walk from the VTA Station.
- Added that it now costs \$1.5 million to buy land to build a home.
- Suggesting that allowing one big house on this property creates a “cost of a road not taken.”
- Stated that “every big home we build takes us further into this existing housing crisis.”

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

Commissioner Ching:

- Said that this proposal conforms to the guidelines and zoning.
- Admitted he is more liberal when considering architectural design in that he could support a more modern approach to architecture.
- Advised that he drove around the area and found it to be predominately a single-story neighborhood but with two-story homes found as well.
- Asked staff if they had received any neighbor complaints about perceived privacy impacts.

Planner Naz Pouya said that two notices were sent. A courtesy notice is mailed upon receipt of an application for early awareness. The public hearing notification is sent 10 days before the item comes before the Commission. No public comments were received.

Commissioner Ching said that the concerns about the use of this larger parcel for just one home when there is a housing crisis as expressed by Mr. Buchbinder should more appropriately be considered with the General Plan Update rather than with this specific project.

Commissioner Rivlin:

- Expressed his appreciation for the adjustments made to the project by the applicant in response to SARC's concerns.
- Added that he supports a landowner's right to develop his property.
- Reminded that this parcel is privately owned.

Commissioner Dodd:

- Agreed with Commissioner Rivlin on property rights.
- Admitted that she is surprised that there were not more comments from the community.
- Said that the San Tomas Area Community Coalition (STACC) usually has been more vocal on projects in the STANP area.

Chair Rich said he agrees with the points made by Commissioner Ching.

Motion: Upon motion of Commissioner Ching, seconded by Commissioner Hernandez, the Planning Commission adopted Resolution No. 4461 approving a Site and Architectural Review Permit (PLN2017-97) to allow construction of an approximately 5,550 square-foot two-story single-family residence on property located at 321 W. Sunnyoaks Avenue, by the following roll call vote:

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

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

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

2. **PLN2018-249** Public Hearing to consider the application of Dusan Nenadic for a Conditional Use Permit and Administrative Planned Development Permit (PLN2018-249) to allow general alcohol sales for off-site consumption at an existing grocery store (Hamilton Euromarket) on property located at **785 W. Hamilton Avenue**. 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.

Chair Rich asked if there were questions for staff.

Commissioner Rivlin sought clarification from staff that alcohol sales would only be for off-site use and not for on-site consumption.

Planner Naz Pouya replied yes.

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

Dusen Nenedic, Applicant and Business Owner, Hamilton Euromarket:

- Advised that he has been at this location for 10 years now.
- Said his market is a specialty store and alcohol will just be a small portion of his space at the back of the store.
- Assured that they will remain a specialty market but with some liquors coming from Europe that are not typically available here.
- Said he was available to answer any questions.

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

Commissioner Dodd:

- Sated that she goes to this store.
- Added that every time she does go there it is clean and service is good. The store is well stocked.
- Advised that she buys meat and sausages there that are not found elsewhere.
- Admitted that she would appreciate the availability of alcohol at this store that is not available somewhere else.

Chair Rich asked if there is not some way for the Commission to place limits on the amount of alcohol that can be stocked and sold from this location.

Director Paul Kermoyan said they could.

Commissioner Dodd pointed out that the percentage of the floor space is indicated on the site plan.

Planner Naz Pouya added that there is a condition of approval that limits alcohol sales area to 10 percent of the floor plan.

Chair Rich clarified that if this business were to sell to another owner the next use would have to stick to that 10 percent.

Director Paul Kermoyan replied yes.

Commissioner Dodd:

- Referenced page 2 that reads “no more than 10 percent of the gross floor area.” It is the second to last paragraph.
- Added that it is nice that all Commissioners had the same concerns.

Motion: **Upon motion of Commissioner Hernandez, seconded by Commissioner Dodd, the Planning Commission adopted Resolution No. 4462 approving a Conditional Use Permit and Administrative Planned Development Permit (PLN2018-249) to allow general alcohol sales for off-site consumption at an existing grocery store (Hamilton Euromarket) on property located at 785 W. Hamilton Avenue, by the following roll call vote:**

AYES: **Ching, Dodd, Hernandez, Rich and Rivlin**

NOES: **None**

ABSENT: **Krey and Ostrowski**

ABSTAIN: **None**

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

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

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

- Advised that attendance by all remaining members of the Commission at the next meeting on October 9th is imperative given that two Commissioners (Hernandez and Rivlin) will be away attending the CalAPA Conference in San Diego as will three staff members.

ADJOURNMENT

The Planning Commission meeting adjourned at 7:58 p.m. to the next Regular Planning Commission Meeting of **October 9, 2018**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael L. Rich, Chair

ATTEST: _____
Paul Kermoyan, Secretary