

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

MAY 24, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of May 24, 2016, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Dodd and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present:	Chair:	Cynthia L. Dodd
	Vice Chair:	Yvonne Kendall
	Commissioner:	Ron Bonhagen
	Commissioner:	Pamela Finch
	Commissioner:	Philip C. Reynolds, Jr.
	Commissioner:	Michael L. Rich
	Commissioner:	Donald C. Young

Commissioners Absent: None

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

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission minutes of the meeting of May 10, 2016, were approved as submitted. (5-0-0-2: Commissioners Kendall and Bonhagen abstained)

COMMUNICATIONS

1. Email from Edward & Roxanne Melinat in opposition of Item 2 (proposed flag lot for 44 El Caminito Avenue).

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Michael Boche, Resident on West Valley Drive:

- Stated that he is with the Santa Clara County Office of Education and a Teacher.
- Asked that the City take a stand for keeping family-friendly businesses in its Downtown. He gave as examples a grocery or hardware store.
- Declared that there are enough bars and restaurants in Downtown Campbell.
- Added that it is difficult for children to find things of interest in the Downtown given the losses of businesses such as the Toy Store and 23 Skidoo, which his children enjoyed patronizing.

CONSENT

There were no consent items.

DISCLOSURES

Chair Dodd and Commissioners Bonhagen and Young disclosed that in preparation for this evening's continued hearing on 44 El Caminito (Agenda Item 2), they each had viewed the video of the original hearing, read the meeting staff report and minutes of that meeting and conducted individual site visits.

PUBLIC HEARINGS

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

1. **PLN2016-88** Public Hearing to consider the application of Leopold Vandeneynde for a Site and Architectural Review Permit (PLN2016-88) to allow a 77 square foot addition to an existing single-family residence on property located at **879 Sweetbriar Drive**. Staff is recommending that the project be deemed exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. *Project Planner: Naz Pouya, Staff Planner*

Ms. Naz Pouya, Project Planner, presented the staff report.

Chair Dodd asked if there were questions of staff. There were none

Commissioner Rich gave the Site and Architectural Review Committee report as follows:

- SARC reviewed this proposal and was supportive as presented.

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

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

Motion: Upon motion of Commissioner Finch, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4295 approving a Site and Architectural Review Permit (PLN2016-88) to allow a 77 square foot addition to an existing single-family residence on property located at 879 Sweetbriar Drive, subject to the conditions of approval, by the following roll call vote:

AYES: Bonhagen, Dodd, Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: None

ABSTAIN: None

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

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

2. **PLN2016-46** Continued Public Hearing to consider the application of Velimir Sulic for a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision on property owned by Shahin Jahanbani located at **44 El Caminito Avenue** in the R-1-6 (Single-Family Residential) Zoning District. Staff is recommending that this project be deemed Categorically Exempt under CEQA. Planning Commission decision final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Stephen Rose, Associate Planner*

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

Chair Dodd asked if there were questions of staff.

Commissioner Kendall sought clarification on her understanding that if this lot is not split, the owner can still build a large house at the back, which they could use themselves and/or rent out. She asked if it could be rented as an AirBnB.

Planner Stephen Rose cautioned that AirBnb's are a whole different issue. He clarified that one of the two homes on the property could be rented but not both units. The property owner would be required to reside in one of the units.

Commissioner Finch asked for clarity on the fact that a second home constructed on this property could be a fairly large home of several thousand square feet.

Planner Stephen Rose advised that since this parcel is 250 percent the size of the standard minimum lot size for the zoning district it is possible for two full sized homes to be located on this property but that neither home could be sold to a separate property owner.

Director Paul Kermoyan added that another aspect that could limit the size of a proposed second home at the back would be the physical dimensions of the lot itself as it relates to meeting setbacks.

Planner Stephen Rose added that the maximum height would be 14-feet for a home constructed at the back if this parcel is not subdivided.

Commissioner Finch referenced a similar request on Latimer Avenue and questioned how large that lot was.

Planner Stephen Rose said he was not personally involved with that project and is not familiar with that lot's size.

Director Paul Kermoyan said he recalls the Latimer location to be smaller than this lot and within a different zoning designation.

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

Barton Hechtman, Esq., Attorney for Applicants, 848 The Alameda, San Jose:

- Distributed a document to the members of the Commission.
- Advised that he is here this evening with the applicant and property owners.
- Encouraged the Planning Commission to adopt staff's recommendation to approve this lot split.
- Added that this request is consistent with the City's zoning standards and General Plan as well as the Parcel Map development standards. The site is subject to the R-1-6 standards.
- Pointed out that flag lots are expressly allowed by Cody Codes. There are five flag lots in this neighborhood currently and eight more properties are of a sufficient size to consider subdividing into flag lots. At this time, current owners have indicated that they have no plans in the foreseeable future to split their larger lots.
- Stated that while it may be possible for the City to change its regulations that currently allow flag lots that has not yet been done so they remain possible.
- Said that the original houses in this neighborhood were smaller (between 1,100 and 1,500 square feet). As these smaller homes are being remodeled, they are

being expanded to include second stories. On some parcels second living units are being added. As a result, this neighborhood is intensifying.

- Suggested that there is the same impact to the neighborhood resulting from homes adding bedrooms.
- Reminded that all property owners have rights including this owner.
- Stated that there is no justification to deny his clients and encouraged the Planning Commission to adopt staff's recommendation.

Chair Dodd asked if there were questions of this speaker. There were none.

Lee-Ann Farley, Resident on El Caminito Avenue:

- Said that her home is right next door to this site.
- Said that she has concerns and objections to this proposal to split 44 El Caminito into a flag lot.
- Pointed out that a chief purpose of the City's General Plan is to enhance its neighborhoods. This proposed lot split will not improve this neighborhood.
- Stated her fears that this could actually decrease the value of her property, which would then be next door to a flag lot parcel.
- Reported that her home is set back from the street by 50 feet. The existing home at 44 El Caminito is currently set back 40 feet. If the property is split and new home constructed on both parcels, the home on the front parcel could conceivably be set back much less than 40 feet.
- Advised that her primary concern is that this proposal would detract from their neighborhood. The flag lot configuration does not add to anyone's privacy.
- Recounted that she also has a second property on Sunnyside, which over time has become a much more densely developed area. Her El Caminito property is within the character of its neighborhood while allow 44 El Caminito to split into a flag lot is in conflict with the General Plan.

Commissioner Kendall asked Ms. Farley how she knows where a new residence on 44 El Caminito might be placed.

Lee-Ann Farley replied that there was a sample layout drawing prepared.

Commissioner Kendall cautioned that the existing house on 44 El Caminito could become a two-story structure without the requirement for a public hearing.

Director Paul Kermoyan:

- Explained that when the Commission looks at a subdivision it is not just a land division but also reflects the potential for development. This applicant had provided a theoretical example.
- Stated that it is possible that if a new home is constructed on the front lot it could be situated closer to the street than the existing home.
- Agreed that most homes on this street do have larger setbacks.

LeeAnn Kuntz, Resident on El Caminito:

- Stressed the need to maintain and support the existing development pattern of their neighborhood.
- Pointed out that most homes on the street have 30 or more foot front setbacks.
- Stated that people chose this neighborhood based on its larger lots.
- Gave the example of a neighbor that recently remodeled his home and did so in a manner that was compatible to the neighborhood.
- Reminded that the Municipal Code calls for the preservation of existing neighborhoods.
- Asked for the denial of this request.

Joanne Danforth, Resident on El Caminito:

- Read from the Campbell Municipal Code of the intent to “preserve and enhance...” existing residential neighborhoods.
- Suggested that Campbell has met its requirements for higher density housing.
- Asked that the Commission ensure compatibility of this site with its neighborhood.
- Pointed out that the applicant’s conceptual plan included two 1,600 square foot two-story homes. It is possible that the new homes on these lots could range in size from 2,800 to 3,100 square feet and two-story as well.
- Said that this proposal is not in keeping with this neighborhood nor does it meet the intent of the Campbell Municipal Code.

Commissioner Rich asked Ms. Danforth whether she thought that the sections she had read aloud from the Code were subjective or objective standards.

Joanne Danforth replied that she was not certain.

John Meduri, Resident on El Caminito:

- Explained that he lives diagonally across the street from this property.
- Added that he sees four existing flag lots.
- Pointed out that a recent lot split on California Street was approved without a public notice or opportunity to speak about it. He said he was not sure how that happened.
- Stated that what is proposed for 44 El Caminito is not in keeping with this neighborhood.
- Predicted that he would be able to see any home constructed on this new flag lot from his property across the street.
- Said that since the average lot size in their neighborhood is about 12,000 square feet he wonders why the zoning is only R-1-6.

Director Paul Kermoyan reported that the lot on California Street simply processed a lot-line adjustment, a process which does not require a noticed hearing. That is consistent with State law.

Russell Pfirrmann, Resident on California Street:

- Said that goals of preserving and enhancing the community are common themes within the General Plan.

- Added that splitting such lots as this one means that they are gone forever. It destroys them forever.
- Reported that there is the potential to have a two-story home constructed on each of these two lots if the lot is split.
- Said that this proposal changes this neighborhood and devalues its adjacent properties.
- Urged the Commission to deny this request.
- Opined that even if the “minimum” guideline standards may be met here that doesn’t mean that this is the best option.

Al Lowder, Resident on California Street:

- Referencing a detailed map that was provided this evening, he asked the Commission whether this was what they would want to see happen if this proposal was within their own neighborhood.
- Stated that this is a nice neighborhood.

Bart Hechtman, Attorney for Applicant:

- Spoke in rebuttal to some comments made this evening.
- Reported that he often hears claims of loss in property values as a concern.
- Opined that in reality, investment in a new home increases values in a neighborhood.
- Said as to the question of compatibility, there are a variety of architectural styles and front setback distances in this neighborhood.
- Questioned the claim made by one neighbor that the average lot size in this neighborhood is 12,000 square feet. If that was the case than half of all lots on the street could likely be split.
- Rebutted the concerns about the need to preserve this neighborhood, this proposal is for low-density residential within a low-density residential neighborhood.
- Said that there is an evolution within a neighborhood and everyone’s interests are guarded by the City’s General Plan and its Zoning Code, which frames the intensification that is allowed.
- Reminded that this property is located adjacent to a higher density site. Creating this flag lot configuration at this location actually helps to “feather” in the pending mixed-use project with the low density residential along this street.

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

Commissioner Bonhagen:

- Thanked all of the neighbors who spoke. It was helpful to have heard from them, especially those who live near this location.
- Reported that this is an “easy” and unemotional decision for him.
- Advised that he has been a real estate broker for about 10 years and he doesn’t believe that this proposal for a lot split devalues real estate values of nearby properties in any way.
- Reminded that right now there is an older home at the front. It will likely be demolished when the property is split to create two parcels and two new homes

may be constructed, one per parcel. That will increase values in the surrounding neighborhood.

- Said he also hears concerns about setbacks.
- Said that this is the first house in the neighborhood that is off Winchester, this site could serve as a buffer between the mixed-use development underway adjacent to this project site.
- Reminded that in this neighborhood only three parcels can be developed with flag lots. One owner has already indicated that he would not split his parcel.
- Stated that El Caminito is a beautiful neighborhood with beautiful homes.
- Said that on the other hand, Budd Avenue is a very different neighborhood than is El Caminito. Budd is a thoroughfare. There is the potential for five flag lots on Budd Avenue.
- Concluded that he would support this request.

Commissioner Rich:

- Reminded that he was here for the first hearing on April 26th.
- Admitted that he struggled with the differences between subjective and objective criteria. The opposition that has been articulated is subjective in nature while objective criteria are pretty clean cut.
- Agreed that this is a beautiful neighborhood.
- Pointed out that only a few lots on the street could split into flag lots.
- Said that based on those facts, he is going to reverse his vote from the last meet and now is in favor of approving this request.
- Said that he cannot refute this request if the lot sizes created meets the criteria.

Commissioner Kendall:

- Said that she felt the emotional bond of these neighbors.
- Stated that the General Plan clearly says that the owners should be able to split this property.
- Suggested perhaps relocating the driveway to the other side with the two driveways side to side.

Commissioner Young said that the Commission could impose limits as to the driveways.

Commissioner Kendall:

- Suggested that the Deodar Cedars be preserved and retained via conditions of approval.
- Said that while they are proposing two driveways perhaps one common driveway might be considered instead.
- Admitted that she is reluctant to put height limitations or restrict to just a single-story home.

Commissioner Finch:

- Stated her agreement with the comments by Commissioner Bonhagen.
- Advised that she has been a Certified Appraiser for more than 26 years.

- Said that she can agree that property values are enhanced and not decreased with improvements on nearby parcels.
- Added that the feathering effect of this lot split as a buffer between single-family and the mixed-use development beginning construction at the corner with Winchester may be a plus for the homes further down the residential street.
- Suggested that this owner is actually “taking one for the neighborhood.”
- Referenced a flag lot configuration on Union Avenue that includes a number of houses at the back of the flag and the inclusion of a whole lot of concrete area.
- Referenced an existing flag lot configuration on Union Avenue that includes a number of houses at the back of the flag and the inclusion of a whole lot of concrete area as a much less desirable example of a flag lot.
- Reiterating her belief that adjacent properties will not see a decrease in their property values if this flag lot is created.
- Stated that her concern is the driveway(s) and her desire not to see too much concrete in one area as seen from El Caminito.
- Suggested separating the two with the existing cedars in the middle.

Commissioner Young:

- Said that in evaluating this proposal he considered the questions asked by staff.
- Said that one question is whether there is a Special Pan for the Central Campbell Area. The answer is no.
- Stated that another question is whether what is proposed is incompatible. The answer is no.
- Suggested that the proposed flagpole driveway might actually result in safer egress for vehicles leaving this site that is so near this corner and the mixed-use development site currently under construction. Vehicles will be coming out head first rather than backing out onto El Caminito, which will provide better visibility. The same driveway exiting will occur from the adjacent mixed-use site.
- Said that there are “no worries” about existing infrastructure being able to absorb this flag lot. The proposal is aligned with the General Plan land use designation. It is not an increase in density. It is a consistent development pattern to the existing neighborhood.
- Stated that the three-story mixed-use development under construction will be somewhat buffered down if there are two-story homes on the new flag lot and the lot at the front of this site.
- Concluded that the draft findings are supportable. The right thing to do is approve this based on the law and the Codes.
- Added that setbacks can help optimize yet minimize the impact of the second story.
- Suggested the maximum retention of open space per the conditions of approval.
- Concluded that this is the best of both worlds and it is important to be sure that integrity of this neighborhood is maintained.

Commissioner Reynolds:

- Said that the applicant’s attorney said that the laws are applicable and should be followed.
- Stated that is open to interpretation.

- Pointed out that the community has shown up tonight. They've interpreted the General Plan in the interest of preserving their neighborhood.
- Added that the General Plan is a living document that changes over time. Our community is evolving and density is increasing like never before. These residents are seeing their neighborhood change right before their eyes.
- Assured that he too wants to see their neighborhood preserved.
- Said that the neighbors see this as an encroachment into their neighborhood.
- Agreed that the General Plan is intended to enhance and preserve our community.
- Admitted that he probably would not have approved the other flag lots already in this neighborhood. It's up to the Planning Commission to "stop the bleeding".
- Advised that he supports personal property rights and that those who spoke up this evening have those same rights.
- Declared that he would be opposing this request once again and stick to his original decision to deny this lot split.

Chair Dodd:

- Reported that she was not at the April 26th original hearing on this request but has since watched that meeting's video and read everything related to the project.
- Said that she evaluates how a project is going to become a part of a neighborhood.
- Said that this may not decrease property values but impacts existing neighborhood in a long-term effect.
- Stated that she didn't want to be a part of a decision that she later regrets.
- Said that parcels on El Caminito don't have a lot of concrete currently. There is a lot of open space, green space and trees.

Commissioner Kendall:

- Agreed with Chair Dodd.
- Said that is the reason that she suggested a shared driveway to reduce concrete.
- Pointed out that some homes on this street have improved materials driveways such as pavers.

Director Paul Kermoyan:

- Advised that the lot split is the document that imposes conditions.
- Added that conditions such as maintaining the appearance of staggered driveways. Perhaps impose a condition requiring one shared driveway.
- Said if an issue is privacy at the rear lot, a condition can be imposed that the structure be no higher than a specified number of feet in height.
- Stated that the Commission can identify its issues and justify each one with appropriate conditions of approval.

Commissioner Kendall also suggested imposing a specified minimum front setback. Perhaps if a two-story is proposed it can be an architectural style of home with a single roofline such as a Cape Cod.

Commissioner Young:

- Said that it would be helpful to find a number for the minimum setback that makes sense.

- Pointed out that setbacks will help accomplish the open space requirements.
- Asked that staff help the Commission by developing some of these ideas into draft conditions.

Commissioner Bonhagen:

- Stated that the Commission needs to be careful not to place too many restrictions at the Commission meeting level.
- Said that as a realtor shared driveways are a big concern and issue.
- Agreed that use of pervious pavers in lieu of concrete for the driveway(s) is a great idea.
- Said that in his opinion this one flag lot does not change anything in this neighborhood. If every property had the potential for a flag lot that would be different. That's not the case here. Only three lots can possibly have a flag lot and two owners are currently against it for their properties.
- Agreed that this is a great neighborhood. While he would not want flag lots throughout this neighborhood, this one at the end of El Caminito next to a mixed-used development he can support.

Director Paul Kermoyan said that staff could canvass the street and determine the patterns of the existing front setbacks.

Commissioner Rich:

- Said that he was leaving the issue of setback recommendations to staff.
- Added that the spacing of driveways should be considered further.
- Listed a few outstanding issues including whether the second (flag) lot should be allowed a two-story structure or require to be developed with just a single-story home.

Commissioner Finch:

- Pointed out that a fence will separate the front and back lots here.
- Added that there will be plenty of landscaping.
- Said that the driveway as depicted is less than 18 feet wide.
- Agreed that the existing cedar trees are spectacular and it is important to make sure that they are preserved.
- Suggested that if a two-story home is allowed on the front lot one should also be allowed on the flag lot. If the front lot is limited to a single-story home than so should the flag lot be so limited.
- Pointed out that you cannot always see the back (flag lot) house from the street.
- Opined that this split with new homes on each lot will increase nearby property values.
- Said that he dislikes the density discussion in this case.
- Stated that the lots on Cherry are well under an average of 9,000 square feet.

Commissioner Kendall proposed a motion that includes continuance to a date uncertain, ask staff to research and make recommendations on the opportunities to optimize front setbacks and to minimize second story impacts as well as the maintenance of the two large cedar trees.

City Attorney William Seligmann said that if the continuance is to a date uncertain this item would need to be re-noticed. However, if continued to a specific meeting date, no re-noticing would be necessary.

Director Paul Kermoyan pointed out that the next agenda on June 14th already has seven items on it.

Commissioner Kendall asked about the June 28th meeting instead.

Director Paul Kermoyan said that June 28th should work.

Motion: **Upon motion of Commissioner Kendall, seconded by Commissioner Finch, the Planning Commission CONTINUED TO ITS MEETING ON JUNE 28, 2016, the consideration of a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision on property located at 44 El Caminito Avenue, to allow staff to do additional research and draft conditions to help deal with concerns raised by the neighbors and Commission, by the following roll call vote:**

AYES: **Bonhagen, Dodd, Finch, Kendall, Rich and Young**

NOES: **Reynolds**

ABSENT: **None**

ABSTAIN: **None**

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

3. **PLN2016-115** Public Hearing to consider the City-Initiated Revocation (PLN2016-115) of a previously modified Site Approval (S 69-07) on property located at **665 E. McGlincy Lane** due to a lack of compliance with conditions of approval. Staff is recommending that the project be deemed exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days.
Project Planner: Stephen Rose, Associate Planner

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

Chair Dodd asked if there were questions of staff.

Commissioner Rich asked if the inspections of this site were scheduled or non-scheduled.

Planner Stephen Rose replied that they were unscheduled and involved driving past the site.

Commissioner Rich asked if there was associated parking occurring on McGlincy.

Planner Stephen Rose replied that it was actually on Foreman.

Commissioner Bonhagen said that he thought that Option 3 was the least that should be taken.

Planner Stephen Rose advised that the staff recommendation is the revocation. Of the alternatives, staff would prefer Option 1 or 2 as Option 3 would place an on-going burden on Code Enforcement staff.

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

Steven Barber, Attorney for Pete Bovenberg (owner of MBO):

- Said that they ask that the Planning Commission to choose either the first or second alternative rather than revocation. Revocation is a drastic measure to take.
- Pointed out that MBO cannot control the actions of third parties when it comes to street parking.

Pete Bovenberg, Business Owner, MBO:

- Advised that he is 35-year resident of Campbell and has owned commercial property in the city for 30 years.
- Said that while staff indicates the intent to protect the public, they are dealing with complaints from just one reporting party.
- Added that per the City's Code Officer there have been no complaints and per the Campbell Police Department there have been none.
- Opined that it is not in the best interest of the City to revoke MBO's permit. This has been a good and solid business in this location over the last 30 years.
- Reported that the reporting party goes directly to the City Manager to complain. The City Manager had 2-hour parking signs installed without due process and Campbell PD sends someone by every two hours to ticket.

Commissioner Reynolds:

- Said that that this Commission looks at the success of this business but asked Mr. Bovenberg whether his business may have outgrown its location.
- Asked what Mr. Bovenberg has done to consider expanding or relocating.

Pete Bovenberg:

- Reported that his business has actually been reduced in half.
- Added that he has gone from a previous employee count of 13 down to 7.
- Declared that his business has no parking situation.
- Reminded that there is a gym nearby that makes demands on street parking.

Commissioner Rich:

- Asked Mr. Bovenberg what his understanding is of the parking regulations.

Pete Bovenberg:

- Explained that until a customer authorizes them to do work, they have no control where they park their vehicle, including on the street.
- Stated that for the past year they have been perfect and there have been no complaints.
- Added that just recently new complaints have led to this second revocation hearing.

Planner Stephen Rose:

- Reported that there have been two incidences of violations plus four others as documented by staff.
- Advised that at the time of the original revocation hearing conducted in 2015, there were four different reporting parties at that time.

Director Paul Kermoyan:

- Reported that numerous emails have been received.
- Added that three complaints brings this back to the Planning Commission. That's why we are here.
- Added that lots of things have been accomplished by Mr. Bovenberg but there remain some operational use issues. He needs to control his use so it doesn't flow over onto the street. There are some "hiccups". That's why we're here.

Commissioner Rich asked if there are more than three confirmed complaints.

Director Paul Kermoyan replied yes, there are at least four.

Commissioner Bonhagen reminded that Mr. Bovenberg is claiming that there is just one reporting party.

Director Paul Kermoyan said that any complaint has to be verified by the City and staff goes out to observe.

Nathan Lambert, Business Owner on McGlincy:

- Identified himself as one citizen who has been in this area for the last 45 ½ years and a neighbor to MBO for the last 24 years.
- Advised that he is in favor of the staff's recommendation.
- Stated that past history indicates that MBO will be a problem again. They tend to clean up for a while and then fall back to their problematic behavior.
- Pointed out those items beyond the border of the MBO property are what concerns him.
- Stated that the City's Code Enforcement seems to struggle to enforce these MBO issues unless the City Manager gets involved. The problems persist.
- Suggested that Code Enforcement may simply be under-staffed.

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

Commissioner Reynolds:

- Stated that 27 years' worth of violations is long enough.

- Added that while he is pro-business and supports businesses in Campbell, he also draws the line at a business that cannot be a good neighbor.
- Stressed that it is not too much to ask a business to be a good neighbor. That is a reasonable request.
- Said that it appears that MBO doesn't feel that regulations apply to them.
- Advised that he would support the revocation of this Use Permit.

Commissioner Kendall stated her agreement with most of what Commissioner Reynolds has said. There is a long-established pattern of violations so she will support the revocation.

Commissioner Bonhagen:

- Agreed with Commissioners Reynolds and Kendall.
- Said that he hates having to take a drastic measure such as this. He is sorry to see this use back before the Commission once again.
- Stated that this use is not being a good neighbor and the Commission must become the "enforcer" here.

Commissioner Young said that in looking at the findings, MBO cannot comply with them. The findings are detailed and accurate.

Commissioner Finch:

- Agreed with the other members of the Commission.
- Said that she hates to pull a Use Permit and thus force someone to shut down operations and/or go out of business.
- Stated her agreement with Commissioner Young's assessment and review of the findings.

Chair Dodd said that she appreciates the alternatives offered by staff for consideration by the Commission and called for a motion.

Motion: **Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4296 approving the City-Initiated Revocation of a previously modified Site Approval (S 69-07) on property located at 665 E. McGlincy Lane, subject to the conditions of approval, by the following roll call vote:**

AYES: **Bonhagen, Dodd, Finch, Kendall, Reynolds, Rich and Young**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

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

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

4. **CIP2017-2021** Public Hearing to consider the City of Campbell's **2017-2021 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 7, 2016. *Project Planner: Cindy McCormick, Senior Planner*

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

Chair Dodd asked if there were questions of staff.

Commissioner Finch asked why salary is included as an expense for one of the CIP projects. Staff is existing and already budgeted.

Director Paul Kermoyan said that he couldn't say for sure but it is his understanding that some of the City's staff expenses can be recouped from applicable CIP project-specific grant funds.

Commissioner Rich asked what scope the Commission's review includes.

Director Paul Kermoyan said that the Planning Commission makes the determination of conformance of the CIP projects with the City's General Plan.

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

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

Motion: Upon motion of Commissioner Bonhagen, seconded by Commissioner Finch, the Planning Commission took minute action to find the City's proposed Capital Improvement Plan 2017-2021 consistent with the City's General Plan and to forward a recommendation that the City Council adopt said Capital Improvement Plan 2016-2020 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: Bonhagen, Dodd, Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: None

ABSTAIN: None

Chair Dodd advised that this item would be considered by the City Council at its meeting of June 7, 2016, for final action.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan added the following information to his written report:

- Advised the Commissioner that the next Planning Commission agenda will consist of seven public hearing items. Additionally, there will be two to three items on the Site and Architectural Review Commission agenda. This will be a “marathon” meeting. One item is proposed amendments to the Density Bonus Ordinance to bring it current with State law.

ADJOURNMENT

The Planning Commission meeting adjourned at 10:15 p.m. to the next Regular Planning Commission Meeting of **June 14, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary