

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

AUGUST 9, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of August 9, 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 Reynolds, seconded by Commissioner Young, the Planning Commission minutes of the meeting of July 26, 2016, were approved as submitted. (5-0-0-2; Chair Dodd and Commissioner Bonhagen abstained)

COMMUNICATIONS

Director Kermoyan listed the desk item(s):

1. Additional applicant info relating to Agenda Item 3.

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

CONSENT

None

PUBLIC HEARINGS

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

1. **PLN2016-160** Public Hearing to consider the application of Ashley and Cesar Lozano for a Site and Architectural Review Permit (PLN2016-160) to allow the construction of a new 2,309 square foot, two-story, single-family residence on property located at **1655 Walters 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: *Stephen Rose, Associate Planner*

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

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

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

- SARC reviewed this item on July 12th.
- Advised that at SARC's suggestion the applicant agreed to install a mudroom door that is similar in style to the front facing door.
- Added that SARC also found that there was a lot of hardscape proposed for the front yard and the applicant changed that.

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

Cesar Lozano, Applicant and Property Owner:

- Thanked the Commission for its time and consideration and said that these are their "dream" house plans.

- Advised that they have been a part of the Campbell community for some time now and the City is very dear to them.
- Concluded that they cannot wait for their new home to be completed.

JoAnn Fairbanks, Resident on Hacienda:

- Requested the Commission consider asking the applicant for a redesign specifically of the proposed carport.
- Opined that a carport is not compatible with surrounding homes. Most have two or three-car garages.
- Said that use of a carport gives one the impression that the owner cannot afford a fully enclosed garage.
- Pointed out that a carport, if used for storage of any kind, can often result in unsightly storage.
- Admitted that she would love to see that proposed carport redesigned.
- Pointed out that the easterly facing windows have been really well designed. They are high sill and allow light in while not interfering with neighbor privacy.
- Reiterated her belief that the proposed carport is incompatible with this area.

Audrey Kiehtreiber, President of San Tomas Area Community Coalition:

- Reminded that she had submitted a comment letter that was part of the staff report.
- Said that this applicant has been challenged by his deep but narrow lot when designing his home.
- Pointed out that the area prefers that the building frontage along the street not be all garage. This proposed carport actually fits in. Additionally, they are “not” putting a tile roof on it. It is not cookie-cutter.
- Admitted that she prefers a two-car garage to a carport but this is the best practice possible for these applicants.
- Added that she appreciates the fact they have added a nicer mudroom door.
- Concluded that she appreciates the Commission’s consideration and hopes they will approve this applicant’s new home.

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

Commissioner Finch:

- Agreed with Ms. Kiehtreiber that this is an unusually narrow lot.
- Extended her “kudos” to the SARC members for catching that mudroom door.
- Said that she too shares Ms. Fairbanks hopes that no storage will occur within the carport.
- Concluded that otherwise the design of this home is great.

Commissioner Rich:

- Assured the rest of the Commission that the lack of a garage was discussed fully by SARC.
- Agreed that he too is not much of a fan of carports but in this case a carport was necessary due to this applicant’s needs for their new home and the constraints of the lot.

- Stated that SARC had discussed and considered other options. Proper attention to the carport/garage issue was paid by SARC.
- Said that he would be supportive as this project stands.

Commissioner Kendall:

- Pointed out that this applicant is putting in a larger number of trees than are required with many of them to be placed at the front of the house.
- Said that the carport would be minimized.
- Advised that there is enclosed storage space available at the back.

Motion: **Upon motion of Commissioner Reynolds, seconded by Commissioner Kendall, the Planning Commission adopted Resolution No. 4316 approving a Site and Architectural Review Permit (PLN2016-160) to allow the construction of a new 2,309 square foot, two-story, single-family residence on property located at 1655 Walters Avenue, 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. **PLN2016-65** Public Hearing to consider the application of Sue Grover, on behalf of St. Lucy School, for a Sign Exception (PLN2016-65) to allow three building/wall signs on property located at **76 Kennedy Avenue** (St. Lucy School). 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: *Cindy McCormick, Senior Planner*

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

Chair Dodd asked if there were questions of staff.

Commissioner Rich asked staff to elaborate on the 40 square foot limitation on signage. Is it based per building or per parcel?

Planner Cindy McCormick said that it is per use or institution.

Commissioner Rich sought clarification from staff that it doesn't matter if there are a greater number of buildings on site or if the parcel itself is one that is larger in size?

Planner Cindy McCormick replied yes.

Commissioner Kendall asked if the sign depicted on the gate there is new.

Planner Cindy McCormick said that while the gate is already there, the signage depicted is proposed.

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

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

Commissioner Rich reported that he once went to St. Lucy to attend an open house for the school and found a lack of signage to be confusing in locating the exact meeting space. He said he would be supportive of this request.

Commissioner Reynolds said that he is also supportive. This signage will be an excellent addition to this parcel. There are many events held at this location. He welcomes these signs.

Commissioner Kendall said that this sign proposal is nicely done and will fit in well. It is an appropriate amount of signs and will add to the site.

Chair Dodd admitted that it can be difficult to find where one needs to go at this location.

Commissioner Finch said that she found it surprising that for such a large lot, which has so many buildings on it and serves three different uses, is so limited in the amount of allowed signage. She said that she is totally in favor of this request. This signage will be non-invasive.

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Kendall, the Planning Commission adopted Resolution No. 4317 approving a Sign Exception (PLN2016-65) to allow three building/wall signs on property located at 76 Kennedy Avenue (St. Lucy School), 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. 3 into the record as follows:

3. **PLN2016-200** Continued Public Hearing to consider the Appeal (PLN2016-200) of Sarbajit and Sanhita Ghosal of a Fence Exception approved for a reduced setback (PLN2016-98) to allow a seven foot tall fence with a zero setback on the street side property line and retention of the front yard fence at a corner lot located at **1071 Lovell 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, Project Planner*

Note: This item was originally discussed at the July 12, 2016, Planning Commission meeting and continued to a date uncertain. It was properly re-advertised for this meeting date.

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

Chair Dodd asked if there were questions of staff.

Commissioner Rich asked staff to clarify that the point of the appeal is the side fence.

Planner Naz Pouya:

- Reported that the appellants' original request was to have the side fence remain as it is. Their second request was to have this side fence to be allowed to be placed on the property line. At the July 12th meeting, they were asking for placement no more than 1.5 feet from their property line.

Chair Dodd said that they wanted to not have to move the front fence all the way back.

Commissioner Kendall said that since their latest communication (letter) arrived late, it is not pertinent to this evening's conversation. Is that right? The question for the Commission is, "Do we like the decision we made at the last hearing (July 12, 2016) and are we willing to move forward with it with the drafted findings staff has prepared."

Director Paul Kermoyan:

- Clarified that the Planning Commission made its decision on July 12th and directed staff to come back to the Commission with the necessary findings drafted to support their decision.
- Cautioned that the Commission cannot change its decision this evening without the applicant first submitting a new application with their new request.
- Said that the question for the Planning Commission this evening is whether the draft findings adequately match the Commission's decision.

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

Audrey Kiehtreiber, President of the San Tomas Area Community Coalition:

- Said that she submitted a letter on behalf of STACC.
- Pointed out that there are lots of other 3.5-foot tall solid front yard fences in this neighborhood.
- Stated that the front fencing in this case seems to meet the standards of the San Tomas Area Neighborhood Plan (STANP).
- Pointed out that this is a very busy street corner so a solid fence is preferred in that situation.

Sarbajit Ghosal, Appellant, 1071 Lovell Avenue:

- Reported that they had had a survey prepared.
- Said that the issue remaining is the 1.5-foot setback required due to clearance concerns of the utility pole as well as concerns for adequate visibility for pedestrians.
- Advised that he has new information since the last meeting.
- Reported that his reason for preferring a small setback for their side fencing is that currently the space outside of the fencing is a space where trash is always accumulating. Additionally, he would have to redo his irrigation piping if he must move this fence.
- Stated that he has learned that the pole in question is actually an AT&T cable pole and not a PG&E electrical pole.
- Said that they have developed a better design for their side fencing by creating a large notch by the corner and driveway to help create visibility.
- Stated that they want to create a maximum sized fenced-in yard area for their family's use as created by this side property fencing.
- Asked that the Commission allow them to move this side fence just to their property line rather than 1.5-feet inside the property line.

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

Commissioner Finch:

- Reiterated her understanding that the Commission cannot discuss the side fence since the Commission's decision has been made on that.
- Added that what's before the Commission at this time is the front fence.

Chair Dodd said that the Commission is to ensure that the drafted findings are correct.

Commissioner Finch asked about a continuance.

Director Paul Kermoyan advised that the intent this evening is to have the Commission confirm the adequacy of the findings as being consistent with its decision. The Commission already made its decision for both the front and side fences.

Chair Dodd added that the only option this appellant has to reconsider other possible exceptions is for them to file another application. Another option is to appeal this decision by the Planning Commission onward to the City Council.

Commissioner Finch said that requiring the side yard fence to be setback by a minimum of 1.5-feet is the right thing to do. It mirrors what was done on the other side of the street, which is also a side yard fence.

Chair Dodd said that the only thing the Commission can do is determine that the findings are correct. The option for this appellant is to appeal what the Commission has decided.

Commissioner Kendall read aloud from the draft findings and said that they seem accurate.

Commissioner Reynolds:

- Stated for the record that on the last vote he supported the exception.
- Added that he is still supporting placement of the side yard fence on the property line with sufficient room for the post to remain entirely on private property.
- Said that it is important for this family to have private play space for their children.

Chair Dodd asked Director Paul Kermoyan about the permit expiring after one year from the date of approval. She asked for clarification that a Fence Exception stays with the property.

City Attorney William Seligmann clarified that per the conditions the appellants have to exercise their rights for this Fence Exception within one year of approval or it will expire. He added that the Fence Exception does run with the land.

Motion: **Upon motion of Commissioner Finch, seconded by Commissioner Rich, the Planning Commission adopted Resolution No. 4318 upholding the appeal of a Fence Exception approved for a reduced setback (PLN2016-98) to allow a seven foot tall fence with a zero setback on the street side property line and retention of the front yard fence at a corner lot located at 1071 Lovell Avenue, subject to the conditions of approval, by the following roll call vote:**

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

NOES: **Reynolds**

ABSENT: **None**

ABSTAIN: **None**

Chair Dodd 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 had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:17 p.m. to the next Regular Planning Commission Meeting of **August 23, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary