

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

AUGUST 23, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of August 23, 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
	City Attorney: William Seligmann
	Recording Secretary: Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Rich, seconded by Commissioner Reynolds, the Planning Commission minutes of the meeting of August 9, 2016, were approved as submitted. (7-0)

COMMUNICATIONS

Director Kermoyan listed the desk item(s):

1. Revised conditions of approval for Agenda Item 1.
2. Communications for Agenda Item 2 (letters from Jo-Ann Fairbanks and the applicant and an email from the appellant).

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Audrey Kiehtreiber, President of San Tomas Area Community Coalition:

- Asked the Commission and staff to consider scheduling residential projects at the beginning of its agenda in future.
- Reported that this issue was brought up several times both with the Planning Commission and the City Council.
- Said that larger projects could then be considered after residential applications.

CONSENT

None

PUBLIC HEARINGS

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

1. **PLN2016-34 (PD)** Public Hearing to consider the application of Omid Shakeri for
PLN2016-35 (ZC) a Planned Development Permit (PLN2016-34) to allow the
PLN2016-36 (TPM) construction of four residences; a Zoning Map Amendment
PLN2016-37 (PMP) (PLN2016-35) to change the zoning from R-1 (Single Family)
to P-D (Planned Development); a Tentative Subdivision Map
(PLN2016-36) to allow the creation of four residential lots and
one common lot; and a Parking Modification Permit (PLN2016-
37) to allow for the provision of uncovered parking spaces in
lieu of required covered parking on property located at **1323
Parsons Avenue**. Staff is recommending that a Mitigated
Negative Declaration be adopted for this project. Tentative
City Council Meeting Date: September 6, 2016. 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 22, 2016.
- Advised that SARC offered several suggestions:
 - Incorporating the small sliver of driveway into the common area.
 - Adding two evergreen trees for each lot and remove a dying apple tree.
 - Including some type of amenity feature on the left area of the common open space beyond the parking area, which is currently showing as a barbecue.
 - Suggested relocating second story windows on Unit 2 to the northern elevation to minimize privacy impacts to the western properties. This has been revised on the plans.

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

Omid Shakeri, Applicant:

- Advised that he has been working with staff for a few months and is excited that they have put together a good project.
- Requested that they be allowed to put in Crape Myrtle trees as Redwoods get too large for the proposed area available. Crape Myrtles are more compact and fit the area better.
- Reported that Mrs. Ott, owner of 223 Sharp, is concerned about the impacts from smoke if a barbecue were to be placed as proposed in the outdoor common area. He said that as a result, they have agreed to drop the inclusion of a barbecue and instead put benches to create an outdoor seating area.
- Said that he is available for any questions.

Commissioner Finch asked Mr. Shakeri if there would be a homeowner's association (HOA) with this project.

Omid Shakeri replied yes. There will be an HOA and adopted CC&R's that will address maintenance of the common areas.

Commissioner Kendall said that SARC had suggested perhaps installing a play structure in the common area as they would like to see the area enhanced somehow.

Omid Shakeri said that including a play structure would result in a costly insurance liability that would be difficult on such a small HOA. The cost of installation is not the issue but the costs of insuring in the future would be a burden on such a small project.

Mrs. Ott, Resident on Sharp Avenue:

- Questioned just how far this proposed common area would be from her back fence.

Planner Stephen Rose replied that it would be about 25 feet away from the property line. He advised the Commission that if it is decided not to include the barbecue that change would need to be reflected in the conditions of approval as well.

Mrs. Ott asked why the common open space isn't located closer to these new homes within this development than it is to her existing home.

Planner Stephen Rose said that this area is underutilized. It was the recommendation of SARC to beautify the area a little bit.

Mrs. Ott asked if it is intended solely for the use of people living there.

Chair Dodd explained that this currently empty concrete area is something that SARC wanted to see made more attractive by placing something there.

Mrs. Ott asked if it would become a gathering place.

Chair Dodd said that the Commission cannot say specifically how it will be used.

Planner Stephen Rose explained that a typical single-family residence would be the same distance from her property as is proposed here.

Director Paul Kermoyan added that this project will improve the situation from the current conditions.

Mrs. Ott said that she was still not happy with a 20-foot distance from her property.

Chair Dodd said that the Commission will take her concerns into consideration as it deliberates.

Al Hibe, Resident:

- Said that he is concerned about parking.
- Reported that at the corner there is an H&R Block office and a hair salon that brings parking onto their street. Additionally there is a convalescent hospital on the corner with parking impacts. Beside that there is a U-Haul facility that has nine cars parking on the street. This area of Camden is used by many commuters.
- Added that there is just one way into their neighborhood off Camden.
- Stated that he would like to see permit parking established in this area. It is currently so over-parked that they cannot find adequate space to put out their garbage containers for collection each week.

Director Paul Kermoyan said that these issues represent current issues with current commercial businesses who cause overflow parking onto this nearby residential street. The question for the Commission is whether this proposal for four new homes would contribute to that problem.

Chair Dodd asked staff to elaborate on the on-site parking that will be part of this proposed development.

Planner Stephen Rose advised that there will be two-car garages for each unit with uncovered guest parking spaces on site. The provided parking exceeds parking requirements.

Director Paul Kermoyan said that he would discuss what's happening regarding street parking in this neighborhood with the Public Works Director to see if there are solutions possible.

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

Commissioner Young:

- Advised that he visited this project site yesterday.
- Added that some new neighbors were moving in at 1340 Parsons and expressed their concerns to him about what is proposed for this location.
- Said that he suggested they come to this Planning Commission meeting to discuss their concerns.

Commissioner Rich:

- Said that the proposed outdoor seating area is actually less invasive than the current condition.
- Said that concerns about parking represent current conditions. This project exceeds parking requirements.
- Added that the desire of nearby neighbors to initiate on-street permit parking is a separate issue from this development.

Commissioner Finch:

- Said that she agreed with Commissioner Rich that this project exceeds the requirements for provision of parking so she doesn't see a problem there.
- Added that as to the common area, she can understand the cost to insure a play area can be a burden on a small HOA.
- Said that she would rather see grass and a fence. That would be no different than a backyard being there.
- Advised that her home is about 20 feet away from her back fence. This is no worse.
- Said that the common area will beautify that area of the property. There are fairly good sized yards per unit.
- Said that she is in favor of grass and benches and agrees with the Mr. Shakeri about use of Crape Myrtles rather than Redwoods. Redwoods over time would be too big for this size area and nothing would grow beneath them. Crape Myrtles would be much better.

Commissioner Kendall:

- Admitted that she was the main "driver" for the side area being used as a park-like area for this development.
- Added that Planned Developments are created to maximize open space. This area will provide an entry way to a small neighborhood of its own and helps create a sense of community.
- Advised that as an insurance broker she knows that there is no difference in insurance cost between a pool, barbecue, bench or other such commonly shared amenity.

- Stated that having a stand of Redwoods would perhaps bring a presence to this development and make it unique.

Commissioner Young:

- Said that he has no issue with the findings supporting the Negative Declaration.
- Added that the project is requesting a Parking Modification Permit to allow 13 spaces where 12 are required but also allowing them to be uncovered spaces rather than covered.
- Said that he has no issue with the Zone Change.
- Stated that the Tentative Subdivision Map makes sense. There is enough space to serve the development including fire access being provided.
- Said that the utilities will be underground and there are conditions of approval to address that requirement.

Planner Stephen Rose said that they will be underground from the project site to the street. However, the applicant is not responsible for undergrounding the neighbors' utilities.

Commissioner Young suggested that be investigated as part of the approval.

Director Paul Kermoyan:

- Reminded that the Commission's action this evening will be a recommendation onward to Council.
- Said that the bulk of this property will be used for the four homes for which their utilities will be undergrounded to the street. At the street the riser goes up.
- Said that staff will investigate the probability for that.

Commissioner Young said that consideration would be satisfactory to him.

Commissioner Reynolds:

- Said that the question comes up as to which side of the property line the poles are located if they are serving homes on both sides of the pole.
- Added that the question is whether the existing homes on the other side of the proposed project are fed aurally.
- Said that Commissioner Young has made valid points.
- Stressed the need to be able to reach HOA leaders.
- Recounted that in his work he is required to find HOA leaders for outreach and has been finding it difficult to do so. Most cities don't collect that information. What if there is need for emergency access?
- Suggested that the Commission recommend that the City Council consider starting a registration database of HOA leaders for urgent but not emergency situations.
- Asked the City Attorney if that was appropriate.

City Attorney William Seligmann said that there is no legal issue associated with that.

Commissioner Reynolds suggested adding a condition of approval requiring that the CC&R's call for keeping their leaders' contact information on file with the City.

Chair Dodd said that she prefers that recommendation be handled by having Director Kermoyan investigate that issue. She said she appreciates the idea.

Director Paul Kermoyan said that was a good suggestion but more of an administrative program than a part of a private project. However, requiring HOA leader contact information could be outlined in the project's CC&R's.

Chair Dodd said she would rather first see if such a program is supported before conditioning it on a project.

Director Paul Kermoyan agreed that it is a program rather than a condition of approval.

Commissioner Reynolds:

- Said that in the past he has been against flag lots. This is a different situation. These lots are larger and make up a new neighborhood much like townhome projects that are developed throughout the area.
- Said that he would support this project as recommended by SARC.

Commissioner Finch:

- Said that she would differ with Commissioner Kendall on the issue of insurance.
- Stated that HOA fees are always higher when there is a pool in a PD than when there is not one.
- Supported the inclusion of a common area that consists of a grassy area with a table and/or just park benches.
- Added that her experience when it comes to HOA's is that the boards change on a regular basis. This small development will likely be self-run by the four homeowners. It may be difficult to keep track.
- Questioned whether the five guest spaces would be kept strictly for guest use. What if residents park in those guest spaces?
- Suggested that there be some sort of restriction preventing residents from using up the assigned guest parking so that they remain available for guest use.

Planner Stephen Rose said that they are intended to be used by guests. A revision to the plans could incorporate signs that indicate "Guest Parking Only". He added that a CC&R requirement can be included to advise that the designated guest parking spaces be kept free and clear for guest use only.

Commissioner Rich:

- Said that he advocates to allowing the future homeowners to decide after the fact on what will be placed within the open area/common space.
- Added that there should be some flexibility depending upon who the ultimate residents are and what common amenities they would actually use.
- Said that it is a great idea to have appropriate signage designating the guest parking.

Commissioner Bonhagen:

- Agreed that a database of HOA leaders is a great idea.
- Added that there is a difference between an owner-managed HOA and professional management companies.
- Said that most HOA's are managed by professional management companies.

Commissioner Young:

- Said that Commissioner Reynolds is asking for collection of HOA contacts to facilitate when utilities need to come on site to manage their equipment. However, utilities can come on site as necessary as they have easement rights.
- Suggested that staff work with the applicant and utilities.

Commissioner Kendall:

- Said that it is self-defeating. If the owners have more cars they will end up parked on the street.

Chair Dodd asked staff if the Commission is imposing too much management on the HOA.

Director Paul Kermoyan replied that adding a condition that is duplicating a City Code is not a bad thing. Dictating an HOA on issues such as no overnight parking may be imposing. If the Commission feels there is a parking problem, it can feel free to structure a condition.

Chair Dodd said that the parking issue is an existing condition in this neighborhood. There are existing codes to deal with them.

Commissioner Kendall said that she agrees wholeheartedly that the street is available for public parking.

Director Paul Kermoyan:

- Referenced Attachment 5, Condition 16, of the Tentative Subdivision Map, as where any changes to the CC&R's should be added.
- Referenced Attachment 7, Condition 3-C, as the place to add any recommendation between the inclusion of either Redwood or Crape Myrtle trees.
- Referenced Attachment 7, Condition 8, is where any proposed signage for guest parking should be added.
- Said that Condition 3 is recommending an 8 to 9-foot-high wall as per the acoustical study done.

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

- **Adopted Resolution No. 4319 recommending that the City Council adopt a Mitigated Negative Declaration (PLN2016-37);**
- **Adopted Resolution No. 4320 recommending that the City Council approve a Zoning Map Amendment (PLN2016-35) to**

- change the zoning from R-1 (Single Family) to P-D (Planned Development);
- **Adopted Resolution No. 4321 recommending that the City Council approve a Tentative Subdivision Map (PLN2016-36) to allow the creation of four residential lots and one common lot, as modified;**
 - **Condition 16-O – provide contact info for local utilities and HOA leadership;**
 - **Condition 31 – staff will investigate utilities’ requirements for undergrounding;**
 - **Condition 3 – a 9-foot fence/wall in the location per desk item;**
 - **Adopted Resolution No. 4322 recommending that the City Council approve a Planned Development Permit (PLN2016-34) to approve site configuration, architectural design and lots without street frontage to allow the construction of four residences;**
 - **Adopted Resolution No. 4323 recommending that the City Council approve a Parking Modification Permit (PLN2016-37) to allow for the provision of uncovered parking spaces in lieu of required covered parking, as modified:**
 - **Attachment 7, Condition 8, designation of guest parking;**
 - **Attachment 7, Condition 3-C – allow the planting of Crape Myrtle deciduous trees rather than evergreen Redwoods;**
- on property located at 1323 Parsons 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 item would be considered by the City Council for final action at its meeting on September 6, 2016.

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

2. **PLN2016-223** Public Hearing to consider the Appeal (PLN2016-223) of Sanjaya Srivastava & Shalini Shrivastava of an Administrative Site and Architectural Review Permit (PLN2016-102) approval that allowed the construction of a second-story addition on an existing home located at **1266 W. San Tomas Aquino 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: *Cindy McCormick, Senior Planner*

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

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

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

Chair Dodd invited the appellants to speak first. They declined.

Chair Dodd invited the applicants to speak.

Brian Pirkl, Applicant:

- Thanked the Commission and staff for working with them on several iterations of their proposal.
- Said that they have worked with the neighborhood association (STACC) and received a positive recommendation of support.
- Said that they have considered the appellants' concerns and addressed some of them.

Commissioner Kendall asked Mr. Pirkl to give his reasoning for not flipping his home design as he had explained at SARC.

Brian Pirkle said that flipping the home's design would bring considerable changes to the scope of the project and become essentially a tear down of the existing home. Additionally, there is a large cedar tree on the lower left corner that would have to come down along with another large camphor tree.

Audrey Kiehtreiber, President of San Tomas Area Neighborhood Coalition:

- Extended congratulations to both the applicant and appellants for their polite and friendly disagreement. STACC encourages that.
- Reported that STACC reviewed this project and understand the appellants' concerns about loss of light and privacy. As a result, the applicants have made changes to their windows to deal with privacy concerns.
- Reminded that the City does not have sunlight impact standards so this project meets City requirements and fits in well. There are other homes on this street with a similar second story.
- Concluded that STACC has provided a letter of support for this proposed home addition.

Sanjaya Srivastava, Appellant:

- Stated that he appreciates being heard by this Commission.
- Said that the garage could be left and add to the other side instead.
- Asked that the Commission look at this objectively and see what is best for the community.

Commissioner Rich said that the privacy concerns have been adequately addressed by window changes.

Sanjaya Srivastava agreed.

Commissioner Rich said that it seems that sunlight issues remain. He asked Mr. Srivastava if he had met with his neighbor.

Sanjaya Srivastava said that they had not been able to get together with these neighbors due to a family emergency, which is also the reason his wife is not able to be present this evening.

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

Commissioner Reynolds:

- Said that this applicant is trying to create his dream house while the appellant is trying to protect their dream house.
- Reminded that the issue is an appeal and not the design.
- Reported that he could not find anything that violated City Ordinances.
- Stated that what it boils down to using the Ordinances we have to make decisions.
- Said that he would uphold the Director's decision and deny the appeal.

Commissioner Young:

- Agreed that findings can be made to support this approval.
- Said that what we have we're aligned with. The Community Development Director's decision was accurate.

Commissioner Rich:

- Said that there was a lively discussion at SARC and privacy and sunlight were the two issues that were debated.
- Admitted that SARC had hoped that the appellants and applicants could meet to discuss options.
- Said that he would vote to deny the appeal and uphold the Community Development Director's decision.

Motion: Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4324 denying an Appeal (PLN2016-223) and upholding the Community Development Director's approval of an Administrative Site and Architectural Review Permit (PLN2016-102)

approval that allowed the construction of a second-story addition on an existing home located at 1266 W. San Tomas Aquino, 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.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report.

Chair Dodd pointed out that this evening represents Commissioner Finch's final meeting as a member of the Planning Commission as her four-year term has expired. She said that Commissioner Finch was most helpful to her fellow Commissioners during her time on the Commission. She read a written proclamation aloud.

Commissioner Finch:

- Joked that she would be giving a "little bit of a speech."
- Said that it has been an honor and privilege to serve on the Planning Commission.
- Reported that she had been approached by both then-Councilmember, Rich Waterman, and then-Planning-Commissioner, Paul Resnikoff, now a Councilmember, to apply to serve on the Planning Commission.
- Said that she submitted her application to then-City-Clerk, Anne Bybee, at 4:55 p.m. on the filing deadline.
- Fondly remembered Bob Roseberry, one of the greatest Planning Commissioners we have ever had. She reminded that she stepped in as PC Chair after his death.
- Stated that staff has been wonderful in answering her many questions.
- Thanked her husband, Pat, for putting up with her schedule and the late returns home after a long meeting.
- Admits that service as a Commissioner involves a lot of work.
- Assured that anyone who is interested in the goings on of our City would find service on the Planning Commission a great way to do so.
- Reported that she got her fair share of "hate email" based on positions taken on items under consideration by the PC.
- Stated that what this Commission does here is for the good of the City. It involves putting personal agendas aside and looking at what's good for the City to make it a better place. For the last four years, she's been a part of that.
- Said that she is excited by the things happening in the City. This is a very special place and we need to preserve it.
- Stated that some decisions are tough.

- Concluded that she would miss all of her fellow Commissioners and may have to start watching the meetings on television from home.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:58 p.m. to the next Regular Planning Commission Meeting of **September 13, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary