



**CITY OF CAMPBELL
Planning Commission Minutes**

7:30 P.M.

TUESDAY

February 14, 2023
PLANNING COMMISSION REGULAR MEETING
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting on Tuesday February 14, 2023, was called to order at 6:00 p.m. in the Council Chambers of City Hall, 70 N. First Street, Campbell, CA, by Chair Ching and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present: Chair: Adam Buchbinder
Vice Chair: Alan Zisser
Commissioner: Matt Kamkar
Commissioner: Michael Krey
Commissioner: Maggie Ostrowski
Commissioner: Davis Fields

Commissioners Absent: Commissioner: Stuart Ching

Staff Present:

Director: Rob Eastwood
City Attorney: Bill Seligmann
Senior Planner: Daniel Fama
Senior Planner: Stephen Rose
Associate Planner: Tracy Tam
Admin Analyst: Ken Ramirez

APPROVAL OF MINUTES

Approved January 24, 2023 meeting minutes.

COMMUNICATIONS

None.

AGENDA MODIFICATIONS OR POSTPONEMENTS

- Item 1. Revised plan and additional email
- Item 3 . Letters received regarding MFDDS

ORAL REQUESTS

Disclosures: Krey, Zisser, and Buchbinder visited the site.

Chair Buchbinder opened public comments

Hearing none, Chair Buchbinder closed public comments.

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

PUBLIC HEARINGS

1. **PLN-2022-101** Public Hearing to consider the request of Yanjun Wang for property located at **68 Page Street** to allow construction of an approximately 1,053 square-foot one-story single-family dwelling, inclusive of a 313 square-foot junior accessory dwelling unit (JADU), with a 529 square-foot attached accessory dwelling unit (ADU), with substandard front- and street-side setbacks (14 ½-ft and 3-ft respectively), including retention of an existing detached non-conforming garage. File No.: PLN-2022-101. Staff is recommending that this item be deemed Categorically Exempt from CEQA. Planning Commission action is final unless appealed in writing to the City Clerk within 10 calendar days. *Project Planner: Daniel Fama, Senior Planner.*

Senior planner presented staff report Hearing to consider the request of Yanjun Wang for property located at **68 Page Street** to allow construction of an approximately 1,053 square-foot one-story single-family dwelling, inclusive of a 313 square-foot junior accessory dwelling unit (JADU), with a 529 square-foot attached accessory dwelling unit (ADU), with substandard front- and street-side setbacks (14 ½-ft and 3-ft respectively), including retention of an existing detached non-conforming garage.

Commissioner Fields asked about property size minimums and what constitutes a single-family home and standard ADU.

Senior Planner Fama clarified that Campbell does not have a specific standard that speaks to both.

Commissioners stated that letters received show concern about the back setback chosen in the project plan details, also questioned the number of doors used within the project, the lack of green space, whether the owner was required to reside in the property , and what implications would result due to not approving the variance.

Senior Planner Fama stated if the variance is not approved the Planning Commission need to provide reasoning for establishing the findings.

Planning Commissioners asked how boarding house concerns manifested and whether the city can be fined or held liable against HAA if denied. City Attorney confirmed that the City could be.

Applicant spoke and stated that they would be living on the property with a parent residing in the ADU. Applicant plans on installing solar as well.

Public Comment regarding Public Hearing item opened.

Ed Barrera – was not in support of plan. Stated that if this plan was approved then you would for other surrounding homes to make similar investments. JADUs and ADUs here are defined as interim housing.

Patrick Gasaway – stated having a 6200 sq. ft. lot and that they will apply for this variance. Asked questions about the impact to the infrastructure. Stated that this would result in a slippery slope of other applications or issues.

Lauryn Ash – emphasized the importance of protecting the infrastructure of the city. Asked if everyone who did this would be allowed. Also asked how Planner originally declined certain project details but allowed the project to continue. Stated that this project was not in the best interest of Campbell and was concerned that there would be no place for kids to play in the neighborhood.

Pat Clark – stated that making the exception to the variance is wrong. There is a risk for everyone driving through the neighborhood. Making the house three times as large as what it used to be is not right because it is a corner house and vehicles cannot see incoming cars in that intersection and as a result to this project would see even less due to the restricted view.

Brittany Souza – Stated being shocked that with their combine income that they will be living in this place. Stated that it was an obvious attempt to take advantage of the situation. Stated that this was not a normal and did not fit in the neighborhood. Emphasized that the project will reduce the cost of homes in the area.

Russ Biswell – stated not being opposed to ADUs but is against single room occupancy in tiny lots. Saw that the request was an approval is for variance in new construction when new construction is not grandfathered but it is obvious that it is an SRO construction. Asked the Planning Commission represent the residents by denying the variance.

Yolanda Ferrera – stated that approving this would create other homes buying and renting out the property for 60 days.

Raja Pallela – did not believe the Project application was in fact a real variance. Did not see difference in lot elevation. Appalled that they were allowing people to make comments of the applicant. Is not sure why they Planning Commission is discussing

ADUs. Does not believe that is a good use of time to discuss the application for a variance. Stated that the Planning Commission has a duty to inform themselves.

Christopher Hersh – stated that he would not have a problem if the proposal had the same land use. Issue is with the extension. Also concerned with fire and safety. Emphasized that there should be consideration for alternative ways for looking at this square footage. Requested that it not be approved.

Mark V – concerned with doors disappearing and coming back and the how close the doors will be to the street. Believes that the house looks like a boarding house rather than a hotel.

Public comment closed.

Commissioner Krey – does not believe that approval is needed for this, the state has opened the doors for projects like this. Stated that every community in the country is working on grappling this. Hopes that approval of this does not degrade the quality of life. Open to hearing fellow commissioners. Does not see how they could disapprove the variance even if they wanted to.

Commissioner Kamkar – sees both sides and is conflicted. Hands are partially tied. Believes that property could have had a second floor. Could have had more green space on the property and believes the project has too many doors opening on the street side. Believes that preventing a precedence to for this to happen in other parts of the city is provides enough rationale to deny the variance. Still unsure and wants to hear from colleagues.

Commissioner Ostrowski – agrees with previous comments from other commissioners that this is not an easy decision. Much of the ability and direction to build ADUs and JADUs comes from the State. Seems that variance would be allowed based on strict interpretation of the definition from the state. There were alternatives that could have been explored by the applicant like adding a second story, adding balconies, repositioning the location of the ADU. Seems somewhat reasonable, as variance is part of the state law based on uniqueness of the property. Front door amounts and locations are outside the purview of what is discussed.

Commissioner Fields – understands role and state law. Have not heard reason enough to deny and finding substantial findings to deny the variance.

Vice Chair Zisser – would have preferred to have seen a house with one ADU in the space. Recognizes that applicant has a legal right to put in a JADU. Emphasized that public has a right to speak and give their opinion. Reiterated that there are constraints on decisions based on state law and has become painfully aware of the state mandates. There is no code against the number of doors. Stated that he was not completely comfortable with the setbacks. There is speculation about what it will be used for but heard from applicant and will trust that the applicant is being truthful. Received confirmation from the City Attorney that the owner would need to occupy the property indefinitely. Concern was expressed about rejecting things that the state would not

approve and will hold City liable. Maybe they should cut down the size of the bedroom to give more space on maple. Understand where public comments are coming from.

Commissioner Kamkar asked whether the owner needed to occupy residence and its primary residence.

City Attorney clarified that the owner needs to live there but it does not need to be its primary residence.

Chair Buchbinder – stated that the State of California wants you to put an ADU in your yard and so does the city. Important to have an interim option when people can't afford the purchase of a home. Mentioned that there was a sense of mistrust, that the city is not good for their word and owner is not good for their word. Reiterated that the city has enforcement procedures if homes and spaces are not used for what they are intended for. City also has neighborhood traffic calming programs. Stated that, generally speaking, things are changing and have been changing. Acknowledging that housing affordability and property values conflict with each other

Vice Chair Zisser commented that 50% of Campbell residents are renters. Expressed an appreciation for both sides and that several points of this that can be looked at in a positive way.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4663 approving a Variance to allow construction of an approximately 1,053 square -foot one-story single-family dwelling, inclusive of a 313 square-foot junior accessory dwelling unit (JADU), with a 529 square-foot attached accessory dwelling unit (ADU), with substandard front - and street-side setbacks, including retention of an existing detached non-conforming garage for property located at 68 Page Street. (PLN-2022-101), as per the corrected plans included in the desk item, by the following roll call vote:

AYES: Fields, Ostrowski, Krey, Buchbinder

NOES: Kamkar

ABSENT: Ching

ABSTAIN: Zisser

STUDY SESSION

- 2. PLN-2022-160** Study Session to consider the preliminary request of DeNardi Wang Homes for property located at **832, 842, 852, and 864 S. San Tomas Aquino Road** for a 13-lot residential development, consisting of eight townhomes and four detached "small-lot" single-family homes (with one ADU), utilizing State Density Bonus for waivers from the R-M Zoning District development standards, a concession to allow an

increase in building height, and a reduced parking requirement. The application under consideration is a Preliminary Application. File No.: PLN-2022-160. Project Planner: *Daniel Fama, Senior Planner*

Senior Planner presented Study Session to consider the preliminary request of DeNardi Wang Homes for property located at **832, 842, 852, and 864 S. San Tomas Aquino Road** for a 13-lot residential development, consisting of eight townhomes and four detached "small-lot" single-family homes (with one ADU)

Commissioners asked whether units would be single-family or multi-family, number of guest parking spaces, adjacency standards.

Senior Planner Fama clarified that these were single-family homes as a single unit on a single lot, and that 7 guest parking stops would be provided because each unit has a 2-car garage.

Jamie Matheron – architect – stated that there would be lighting along pedestrian path and frontage. Was not concerned about design standards. Project was designed in such a way that it could be approved in many other cities.

Applicants– Kevin DeNardi and Albert Wang look forward to working with the city on next steps.

Commissioners asked why they opted to build 13 homes when the project could have supported 23 units.

Applicant stated that the density was not there.

Planner Fama stated that the site was not a housing opportunity site.

Chair opened for Public comment

Leslie Caparelli – stated that there were no reference to trees on site. There was also no reference to displacing the current occupants. Recommends having an agreement in writing for current tenants to have time to relocate and something regarding financial compensation.

Raja Pallel- stated that project was a good example of housing for the missing middle. State has clear direction on reducing adjacency standards and that the City be considerate of that. Stated that windows are needed in every room for egress.

Brian Clausen- 895 S San Tomas Aquino Road submitted public comments. Encouraging looking at properties. 3-story developments will loom over properties. Designs look beautiful but they don't belong in the proposed project area. There are existing parking issues during the day. Project area is very unsafe environment for the children.

David Jebens – expressed concern with the development. Primarily with parking and

traffic. Dangerous to cross traffic and has almost been hit twice this year.

Chair closed public comment.

Commissioners were in favor and stated that it was a good and reasonable way to put a reasonable amount of people in homes. Suggested non-uniform colors for homes. Commissioners acknowledged concerns regarding parking and traffic safety. Were in favor to 3-story development of homes but recommended having EV charging units installed. Commissioners also recommended having residents look into the City's traffic calming programs.

Applicant stated that an affidavit to the City was provided that no one resides in a protected unit.

Chair called for a break.

Meeting resumed.

3. **PLN-2022-90** Study Session to review and provide feedback on the draft Multi-Family Development and Design Standards. (File No.: PLN-2022-90).

Director Eastwood walked through the structure of the MFDDS review efforts and study session meeting. Stressed that the intent of the review was to provide thoughtfulness of area plan.

Feedback on the Administrative Draft of the MFDDS

Since the public release of the Administrative Draft of the MFDDS, staff held meetings with the community and developers to solicit feedback on the standards.

The focused summary below includes feedback from Planning Commission as noted.

Draft Form-Based Zone Map (e.g., T3, T4, T5)

- Allow a greater number of stories for select properties subject to the T4 Main Street and T5 zones where contextually appropriate (e.g., Frys, Pruneyard).

❖ Feedback from the Planning Commission:

- Supportive of these changes.
- Amend the form-base zones for 320 Virginia Avenue and 251 Llewellyn Avenue from T4N.S to T4N.M to allow for 3-story product, and for six connected units within one building.

❖ Feedback from the Planning Commission:

- Supportive of allowing 75-foot heights for the T5 form-based zones, and not regulating the height of buildings over three-stories.

Commercial Ground Floor Requirement

- While the public expressed interest in requiring commercial uses and amenities which support pedestrian activity in the areas depicted on the Draft Form-Based Zone Map, developers opposed requiring a ground-floor commercial component, particularly along long stretches of commercial corridors or on shallow lots, citing their difficulty to construct and lease these commercial tenant spaces.

❖ Feedback from the Planning Commission:

- Supportive of areas identified on the form-based map and depicted as the yellow line for required ground-floor non-residential uses.
 - Supportive of non-residential uses on the ground floor to allow for increased walkability and a variety of services within walking distance.
- Allow leasing offices, lounges, or similar resident serving uses to satisfy the ‘non-residential’ requirement.

❖ Feedback from the Planning Commission:

- Supportive of staff’s suggestion to allow for pedestrian rest areas and public art features as an alternative compliance option for smaller properties.
- Reduce the required depth of the non-residential area to 15-feet, or 25-feet, instead of 30-feet as required.

❖ Feedback from the Planning Commission:

- Expressed interest in reducing the required 30-foot depth for non-residential ground-floor for certain building product types.
- Reduce the non-residential floor height from 15-feet to 12-feet.

❖ Feedback from the Planning Commission:

- Rather than recommending a change to the required floor height at this time, the Planning Commission emphasized the need to routinely revisit the standards, following their adoption, to ensure that they achieve intended outcomes.

Large Site Standards

1. Developers expressed concerns that requiring new streets, or civic areas, would diminish the buildable area of a properties and result in the production of fewer residential units. Developers expressed a concern that the requirement to provide at least 10% of the development area as new civic space may be too high.

❖ Feedback from the Planning Commission:

- Stressed the importance of civic spaces and community space within these larger developments to ensure future residents have access to amenities and gathering spaces.
- Emphasized that civic and community space should be placed near the street to ensure visibility and ease of access for the public.

2. Developers expressed concern with making civic spaces open to the public, indicating that it may be difficult or costly to get insurance for such areas.

❖ **Feedback from the Planning Commission:**

- Questioned whether roof top decks would count towards civic spaces.

Building Type Standards

1. Developers requested increasing the maximum allowable building footprint sizes prescribed under the standards, stating that the standards will require new housing development projects to build multiple buildings, as opposed to one large building which is more cost effective and can produce more units.

❖ **Feedback from the Planning Commission:**

- Expressed interest in requiring the minimum size of a design site to be decreased in higher intensity form-based zones (T4 and T5 form-based zones) to allow for narrower/shallower buildings.

2. Developers requested that the T4 Neighborhood.Small (T4N.S) zone standards be amended to allow for taller townhomes (i.e., 3-stories instead of 2.5 stories) and longer connected rows of units (i.e., 6 instead of 4) which are more cost effective to build. Alternatively, they requested certain sites to be redesignated to T4 Neighborhood.Medium (T4 N.M) instead which allows for 3 story tall townhomes, and longer rows of connected units.

❖ **Feedback from the Planning Commission:**

- Expressed interest in allowing 3-story townhomes in certain form-based zones (T3N and T4N.M specifically) citywide (presently allows 2.5 stories) and not precluding certain areas such as the San Tomas area.

3. Developers requested that the vehicular access standards be amended to allow for direct access onto a public street (i.e., allow multiple curb cuts into the public right-of-way, rather than through a consolidated private driveway), or allow for the primary façade of units to be the garage.

❖ **Feedback from the Planning Commission:**

- Expressed preference for not allowing additional curb cuts onto the public right-of-way and requiring developments to have limited vehicular access points by requiring consolidated driveways for the development.

Architectural Standards

1. Developers requested increasing the length of a building wall (i.e., 150-feet or longer instead of 120-feet) before being required to provide a separate façade design/module to differentiate the architectural design of a large building.

❖ **Feedback from the Planning Commission:**

- Stated the architectural standards should be more flexible to ensure development feasibility while also providing for eclectic design, particularly in higher intensity areas.
- One Commissioner opined that the standards should emphasize unit production over appearance.
- Generally stated that changes in building form can be costly to build and should not be required for higher intensity form-based zones (T4 and T5).

Adjacency Standards

1. Whereas the public stressed the need for adjacency standards to account for impacts to offsite uses, some developers recommended eliminating the adjacency standards since they limit the stacking of units (which is more cost effective to build) and may reduce the size or number of units.

❖ Feedback from the Planning Commission:

- Emphasized the need for adjacency standards to offset impacts.
- Recommended reducing adjacency standards for properties which abut higher intensity land uses or form-based zones.
- Allow adjacency standards to consider existing physical conditions such as tall trees, to address privacy concerns to reduce requirements.
- If privacy impacts can be mitigated without adjacency standards, do not require adjacency standards in those specific circumstances.

Adjustments to Standards

1. The standards should provide for greater flexibility, including allowing for tree removals when a tree is preventing the ability to layout the site in the most ideal manner or achieve an allowable density.

Chair Buchbinder opened public comments -

Dave Hopkins stated that he was involved in building Parkton Place and built all over the bay area. Want to focus on architectural design standards. Stated that Eclectic is ok in downtown but there are limitations with 120 ft modules are built with 6 modules.

Pete Barrack – Bay West Development wants to provide feedback to MFDDS, related to San Tomas Plaza. T4 compared to T5 lot. Has questions about the defined standards. Participated in development roundtables. Recommends having working sessions around the sites. Recommends that the city spend time on those sites. Would like for those sites to be considered.

Director Eastwood reiterated that the intent is that the standards be reasonable and understandable. Acknowledged the importance of sitting down with key stakeholders to explore options. Will continue to have working sessions with key stakeholders.

Sarah Chaffin – stated that she is working on workforce housing on property located 1657 Bascom Ave. Want to confirm from the City whether her project site is part of the upzone. At six stories it might not be possible. Other sites with adjacency standards, make it difficult to

build on. Council identified “Hick’ry Pit” area for larger development. Not the highest and best use of all that land. Because of the way adjacency is shaded, it limits project and the parcel does not take into account fire truck turn around. Parapit standard is for 3ft but parapit equipment is more than 3ft tall. Want to bring attention to the City and Planning Commission that Fire Dept standards could impact all the standards.

Raja Pallela stated that he did not understand the difference between T3N and T4N. Would like to challenge Opticos to test fit some of these lots. Believes that if you are putting adjacency standards you are saying you can go up but you can’t actually because of the height limit. Not feasible given the square footage and the cost to build. Recommends removing adjacency requirements. T3 should go to 3 floors don’t understand what is stacked unit and going for 5 connector units from 4 connector units. Look recommend the Planning Commission look at sections where the staff are recommending no changes.

Matt Weber – Ellis Partners, stated that standards are very robust. Ground floor non-residential heights. Recommend city consider 15 ft heights for ground floors. Depths and setbacks, 30 ft ground floor depth. Recommend 25 ft deep setback and 10 ft on front street frontages. Side street setback of 35 ft, recommend being clarified to 10ft. 5ft to 0ft at the rear. T4MS has zero ft. Would like to offer the to offer architectural feedback.

Jason Laub – Campbell Technology Park, submitted letter as a desk item. Expressed concerns about architectural standards, that have additional costs to development and render it not fiscally feasible for development. Happy to dedicate time with architect partners and provide the City constructive help and feedback.

Brett Feuerstein- understands that city wants housing in a smart and efficient way. Want to be a community partner in all steps in the process.

Chair closed public hearing .

Commissioners would like to see a firm defense as to why we are not going to move forward with recommended changes. Reiterated not wanting to build uniform looking boxes throughout the city, would like to see that different options look like. Commissioners do not believe that compromises should not be made on community spaces that will be a community benefit. Higher density means more places for community building. Also stressed that adjacency standards are an issue and that the City should look at adjacency for different parcels.

Chair closed for break.

Reopened study session after break.

Discussed next steps:

- February 21st – City Council Meeting on Key Issues
- March 16th – Planning Commission Meeting for recommendations
- Late March – City Council meeting for adoption with General Plan Update and Housing Element.

Summarizing feedback and providing it to City Council on February 21, 2023.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

HCD reviewed submitted Housing Element report. Only small changes were requested, and report was resubmitted to HCD. HCD will give letter on or around February 24, 2023, to certify document pending adoption.

ADJOURNMENT

The Regular Planning Commission meeting adjourned at 11:30 p.m. to the next Regular Planning Commission Meeting on **Tuesday, February 28, 2023**, at City Hall, Council Chambers, 70 N. First Street, Campbell, CA.

SUBMITTED BY: Ken Ramirez
Ken Ramirez, Administrative Analyst

APPROVED BY: Adam Buchbinder
Adam Buchbinder, Chair

ATTEST: Rob Eastwood
Rob Eastwood, Secretary












2-14-23 meeting minutes

Final Audit Report

2023-04-17

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