



**CITY OF CAMPBELL
Planning Commission Minutes**

7:30 P.M.

TUESDAY

April 26, 2022
PLANNING COMMISSION MEETING

The Planning Commission meeting on Tuesday, April 26, 2022, was called to order at 7:30 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: Stuart Ching
Vice Chair: Adam Buchbinder
Commissioner: Matt Kamkar
Commissioner: Michael Krey
Commissioner: Andrew Rivlin
Commissioner: Alan Zisser

Commissioners Absent: Maggie Ostrowski

Staff Present: Community Development
Director: Rob Eastwood
Senior Planner: Daniel Fama
Associate Planner: Tracy Tam
City Attorney: William Seligmann
Exec. Assist. to the Com. Abby Jones
Development Director:

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Buchbinder, the Planning Commission minutes of the meeting of April 12, 2022, were approved as submitted. (6-0-1; Commissioner Ostrowski was absent)

COMMUNICATIONS/AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

OLD BUSINESS

Chair Ching asked if there were any disclosures from the Commission.

Commissioner Zisser reported that he visited the site and he spoke to the owner and had a conversation about the tree.

Vice Chair Buchbinder stated he also visited the site.

Commissioner Kamkar stated he also visited the site but did not speak to the resident.

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

- 1. PLN-2021-95** Public Hearing to consider the application (PLN-2021-137) of Brad Cox for a Conditional Use Permit to allow a new veterinarian clinic and animal hospital use within an existing building located at 2020 South Bascom Avenue Suite C, D, and E. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action is final unless appealed in writing to the City Clerk within 10 calendar days Project Planner: Tracy Tam, Associate Planner

Associate Planner Tracy Tam gave background on the property and what the applicant is proposing.

The Commissioner's asked general questions related to the staff presentation.

Chair Ching opened the hearing to the public and asked if anyone wished to speak.

Brad Cox, Project Architect stated that he is here on the owner's behalf to take any questions the Commission or public may have.

Seeing no one else wishing to speak, Chair Ching closed the public hearing.

Commissioner Zisser stated support for the project.

Commissioner Rivlin stated he is in support and would like to see something in the area.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Rivlin, the Planning Commission adopted revised Resolution No. 4638 approving a Site and Architectural Permit to legalize an increased wall height for an existing substandard side-yard setback in association with an under-construction remodel, including the desk item No. 1.

Motion was adopted by the following roll call vote:

AYES: Rivlin, Zisser, Kamkar, Krey, Buchbinder, Ching
NOES: None
ABSENT: Ostrowski
ABSTAIN: None

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

- 2. PLN-2021-137** Public Hearing to consider the Appeal by of the Community Development Director's denial of a Tree Removal Permit (PLN2021-137) to remove one (1) Redwood tree with a diameter of 47 inches located in the side/rear yard of property located at 1240 Abbott Avenue. Staff is recommending that this item be deemed Statutorily Exempt under CEQA. Planning Commission action is final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: Tracy Tam, Associate Planner

Associate Planner Tracy Tam presented the background information on the tree removal application and the scope of the appeal. Staff is recommending that the Planning Commission adopt a resolution denying the appeal and upholding the Community Development Director's denial of a Tree Removal Permit.

The Commissioner's asked general questions related to the tree.

Chair Ching opened the hearing to the public and asked if anyone wished to speak.

Owner Paul Huang gave a presentation on the appeal and stated they've experienced storms that scared them, and the tree was swaying and falling. Mr. Huang mentioned the tree is too big. They cannot park in the driveway because they are afraid of the tree falling onto the car. Mr. Huang shared a video of the tree. Mr. Huang stated another tree in the area was removed and requested the same.

Commissioner Kamkar asked the owner if there were other reasons to remove the tree other than safety.

Mr. Huang stated he would like to appeal the denial and remove the tree. It's a large tree and not suitable for a house. He is willing to put another tree in place if the appeal was granted.

Jack Banfield, Campbell resident, stated he's lived in the house near Mr. Huang since 1975 and the tree has been contentious for some time. He stated both homes are small, so the tree looks bigger than he remembers and it's too big for the area. He stated he's seen branches come off into the neighbor's yard. He supports Mr. Huang in his efforts to try to have the tree removed.

Meera Sankaran, Campbell resident, are in support of the tree removal, they have small kids and have seen huge branches fall into the yard. They avoid structure damage to their

property by not parking there at all. She stated that the tree is a danger. The previous homeowners have had maintenance done to the tree. The last few windstorms have been wild and she urges the Commission to consider the granting the appeal.

Randy Kunselman stated the tree does not pose a threat to them, but they have witnessed branches come off the tree. If lightening were to hit the tree it will go through someone's home. If the tree were to fall, they would reach the power lines.

Seeing no one else wishing to speak, Chair Ching closed the public hearing.

Commissioner Kamkar stated when he visited the site the tree goes straight up and leans on the Abbott Ave side of the house. He suggested replacing it with two 36-inch trees.

Commissioner Zisser stated there are many redwoods in the city. He understands the safety concern. Objectively say don't remove the tree and maybe the reason it may be affected by the wind is because it sits so high.

Commissioner Rivlin stated the municipal code ordinance is written to protect the tree. He is sympathetic but cannot see a way to overturn the decision and will be in favor of denial.

Chair Ching stated he is supportive of denying the appeal.

Commissioner Zisser stated if the appeal is denied he would encourage the applicant to appeal the decision with the City Council.

Vice Chair Buchbinder requested more clarification from the City Council on this issue. The current city code does not provide for any kind of hazard other than danger of the tree falling.

After discussion among the commission on the possible threats the tree may pose, they motioned the following:

Motion: Upon motion by Commissioner Zisser, seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 4639, denying the Appeal (PLN-2021-137) and upholding the Community Development Director's denial of Tree Removal Permit (PLN-2021-137) for the removal of one (1) Redwood tree with a diameter of 47 inches on the subject property, by the following roll call vote:

AYES: Rivlin, Ching, Zisser, Buchbinder
NOES: Kamkar, Krey
ABSENT: Ostrowski
ABSTAIN: None

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

- 3. PLN-2022-2** Public Hearing to consider the Application (PLN-2022-2) of Michelle Ciabattoni for a Site and Architectural Permit to legalize an increased wall height for an existing substandard side-yard

setback in association with an under-construction remodel of an existing single-family residence on property located 1830 Montemar Way. Staff is recommending that this item be deemed Categorical Exempt under 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 Daniel Fama provided his report to legalize a substandard setback for property located at 1830 Montemar Way. The proposal is to increase the building by 2 feet. It will normally need a setback of 11 ft and the current setback is 5. Less than 1 ft it's still worse than non-conforming situation that can't be maintained. The zoning code does allow the Planning Commission through approval of a signed architectural review permit to effectively grant reduction to setback. Staff is in support of the applicants request to legalize the existing increased building wall height.

Chair Ching asked if there were any Commission questions.

In response to an inquiry, Senior Planner Fama stated due to staffing constraints, applications have been waiting longer than normal to have a hearing.

Commissioner Kamkar asked if the applicant would have to take the entire roof down or just enough of the roof to meet the required setback.

Senior Planner Fama stated the building has a level ridge line they can bring it down but it's probably not an option they'd choose.

Commissioner Rivlin asked if there anything in upcoming housing work or General Plan adjustments that enable this to proceed in the future.

Senior Planner Fama replied that in the future this is probably a type of request that would no longer be appropriate. This is an entirely subjective determination and in the future the idea would be to have objective criteria. If in the future you would have differing setback requirements, when those setback requirements apply would need to be objectively based so you would not need to have a public hearing well the objective basis is the height of the building isn't that objective correct but even an exception.

Chair Ching opened the hearing to the public and asked if anyone wished to speak.

Homeowner Steve Ciabottoni had no knowledge of the setback, they used an architect for the project, and got City approval. Neighbor is aware and they are in support of the increase of height.

Seeing no one else wishing to speak, Chair Ching closed the public hearing.

Commissioner Zisser was supportive of allowing the variance.

Commissioner Rivlin stated he cannot make the findings to allow it and would rather see the applicant make the change.

Director Rob Eastwood stated that this item is not a variance and clarified that it is a Site and Architectural Permit and there are findings to justify that.

City Attorney Seligmann clarified that the side setback will not be detrimental to the health, safety, peace or comfort or general welfare of persons in the neighborhood.

Commissioner Krey stated he would be supportive of the extra 2 feet and what is being proposed.

Commissioner Kamkar stated he is supportive of the additional height.

Vice Chair Buchbinder stated support for the proposal.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Kamkar, the Planning Commission adopted Resolution No. 4640 Resolution (reference Attachment 1). Approving a Site and Architectural Permit to legalize an increased wall height for an existing substandard side-yard setback in association with an under-construction remodel. by the following roll call vote:

AYES: Rivlin, Zisser, Kamkar, Krey, Buchbinder, Ching
NOES: None
ABSENT: Ostrowski
ABSTAIN: None

REPORT OF THE COMMUNITY DIRECTOR

Director Rob Eastwood reported that the department work backlog is decreasing due to the new staff hired onboard. Associate Planner, Tracy Tam and Assistant Planner, Larissa Lomen are collectively helping to get queue times down.

Director Eastwood reported that staff is in the final stages of recruiting for a Planning Technician which will also help the department in reviewing building permits. A new Administrative Analyst position for the department has opened, they will work on grant funding, fee studies, managing consultants and supporting Planning and Building Tech staff.

The City is open for both in-person and virtual appointments, we do highly encourage the public to make virtual appointments but walk-in's are also welcomed.

Council Items:

The City Council approved a Request for Proposals (RFP) for consultant services to perform an Objective Standards update, with the work scheduled to start in June. Staff's goal is to have the Objective Standards adopted close to final adoption of the General Plan and Housing Element.

Director Eastwood provided a Parklet update stating staff is in the process of converting the semi-permanent parklet program to a permanent parklet program with up to 30 parklets, scheduled for completion by this winter.

Director Eastwood reported that the Cal/Poly Students and Team will return to the Planning Commission May 31, 2022 to give their presentation.

ADJOURNMENT

The Planning Commission meeting adjourned at 9:30 p.m., to the next Regular Planning Commission Meeting on Tuesday, May 10, 2022, at City Hall, Council Chambers, 70 N. First Street, Campbell, CA.

PREPARED BY: Abby Jones, Executive Assistant