



**CITY OF CAMPBELL  
Planning Commission Minutes**

7:30 P.M.

TUESDAY

April 11, 2023  
PLANNING COMMISSION REGULAR MEETING  
CITY HALL COUNCIL CHAMBERS

The Planning Commission regular meeting on Tuesday April 11, 2023, was called to order at 7:30 p.m. in the Council Chambers of City Hall, 70 N. First Street, Campbell, CA, by Chair Buchbinder 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: Stuart Ching  
Commissioner: Davis Fields

Commissioners Absent: Maggie Ostrowski

Staff Present:

Director: Rob Eastwood  
City Attorney: Bill Seligmann  
Senior Planner: Daniel Fama  
Admin Analyst: Ken Ramirez

**APPROVAL OF THE MINUTES**

PC Special meeting – March 27, 2023  
PC Regular Meeting – March 28, 2023

All approved with minor modification to pg. 31 of March 28, 2023 Regular meeting minutes.  
Commissioner Ching abstained. Commissioner Ostrowski absent.

**COMMUNICATIONS**

Supplemental piece of information was provided by Vice Chair Zisser regarding Item 1.

**AGENDA MODIFICATIONS OR POSTPONEMENTS**

None

**ORAL REQUESTS**

This is the point on the agenda where members of the public may address the Commission on items of concern to the Community that are not listed on the agenda this evening. People may speak up to 5 minutes on any matter concerning the Commission.

**PUBLIC COMMENT**

Chair Buchbinder opened for public comment

Hearing none, Chair Buchbinder closed public comment.

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

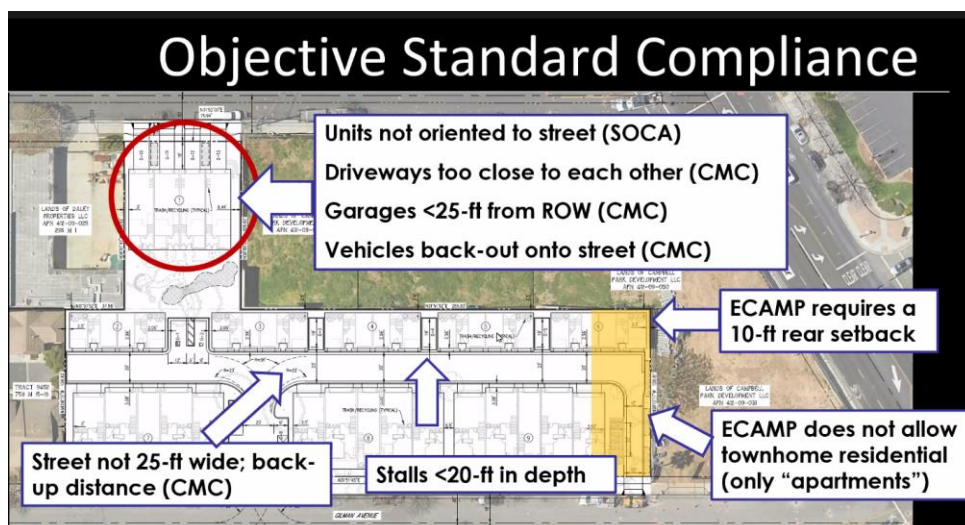
**STUDY SESSION**

**1. PLN-2022-37**

Study Session to consider the Preliminary Application request of Robson Homes, LLC, for a 29-unit townhome housing development project, for property located at **57-101 Gilman Avenue & 60 Dillon Avenue**. File No.: PLN-2023-37. Project Planner: *Daniel Fama, Senior Planner*

Senior Planner Daniel Fama presented to consider the Preliminary Application request of Robson Homes, LLC, for a 29-unit townhome housing development project.

Staff will be seeking HCD guidance on this project. Below is a preliminary analysis , highlighting the ways the project should proceed with change.



Commissioner Fields asked staff what and when they expected to hear from HCD

Director Eastwood clarified that HCD takes about a month to respond but will be requesting a prompt response due to the SB330 application.

Commissioner Fields asked if they will be asking the applicant to change the garage and driveway.

Senior Planner Fama clarified that the building is not easily redesigned and would require significant changes to the site plan layout.

Commissioner Ching asked staff if they have elevations facing the street.

Senior Planner Fama clarified that he did not have elevations facing the street because homes are inverted and the pictures displayed show the buildings facing the back.

Commissioner Krey received confirmation from staff that if HCD does state that SB330 cannot be used to lock in the density from the applicant then the City cannot approve the project.

Commissioner Krey asked if the fire department had any issues and received confirmation that there were no issues listed in the report from the Fire Department.

Commissioner Kamkar asked the townhomes can be configured as condos.

Senior Planner Fama clarified that condos are allowed to be constructed only in certain zones.

Vice Chair Zisser asked if there is an alternative solution with a density bonus.

Senior Planner Fama stated that they have two paths to a resolution to this issue. They can build an apartment building on the corner of the site or they could use density bonus to seek a concession but the applicant may not be interested in a density bonus.

Chair Buchbinder asked about maximum FAR allowed in the zoning district of the proposed project.

Senior Planner Fama clarified that because the project is within a PD zoning district there is no maximum FAR limit.

Chair Buchbinder asked how objective standards could be enforced if they make construction infeasible.

Senior Planner Fama explained that applicant can seek waivers and concessions through density bonus but if there is a clear, identifiable, adverse health and public safety impact it could be enforced. The Dillon Avenue building certainly represents an adverse health and public safety impact which is why vehicles are required to not back out into the street and also require driveways to be separated in its traffic safety. Staff would oppose applicant trying use concession for that configuration.

Commissioner Ching asked whether an increase to the density bonus by the applicant, negate the city's ability to deny based on health and safety reasons.

Senior Planner Fama explained that the health and safety exception to waivers or concessions is the limited basis for the city to deny the request. The Dillon building is an example of that as the driveways are very close to each other and very close to the sidewalk.

City attorney clarified that exemption that Senior Planner Fama was alluding to is part of the density bonus law.

Chair Buchbinder opened for Public Comment.

Applicant, Mark Robson, stated that a recent town home development helped subsidize a podium development. Believes that the density that they are building is higher than what is being proposed in the General Plan. Have been working on the project with the assumption that the developed product is compatible with the neighborhood and what had been built in the past within the neighborhood.

Applicant stated that they could change orientation of the building so that it faces the street.

Applicant stated that they are maximizing the density of the project. Believe that it is compatible with the neighborhood and can start development immediately with the proposed recommendation. States that SB330 is about increasing residential unit development and expediting the process. He has a plan to put 47 homes including ADUs on the site without a podium. Does not believe that podium developments will help the city meet its housing need because they are expensive and the geometry for the development does not work.

Applicant wants to protect his rights and does not intend to change project unless he absolutely has to. Has every intention to proceed with project as is.

Commissioner Krey asked applicant if they could build 51-68 units on site.

Applicant Mark Robson stated that it is not feasible based on the returns that they would receive on that type of development.

Commissioner Krey recognized that the project started in 2016 and that laws often changed and have changed since then, asked applicant what they would do if HCD does not approve the SB-330 pre-application.

Applicant Mark Robson stated that they would continue to lease the buildings and not build a project that loses money.

Commissioner Kamkar asked what would be the possibility of an apartment building development on the Dillon project.

Applicant Mark Robson stated that part of their solution was to replace 4 units with 10 units on that side of the project. Total number of units built would not be exactly 51 units but the 47 units built would count toward the city's RHNA numbers. Concrete podiums on sites like this don't work. On a 27 unit development only 4 units would be BMR.

Vice Chair Zisser asked if the proposed ADUs be attached ADUs.

Applicant Mark Robson stated that the ground floor units would be attached ADUs and that 12 of the for sale units would have ADUs.

Commissioner Fields asked applicant what he would be willing to do and would like to happen.

Applicant Mark Robson stated that they can meet requirements. Will build more affordable units, use density bonuses, flip the building around, and meet the setbacks. Delayed housing is denied housing.

Chair Buchbinder asked if it would be possible for applicant to go with a community benefit project at 47 units.

Senior Planner Fama clarified that applicant is able to do so under the new General Plan and not applicable under current situation. Materials presented are the formal application under SB330. Other things discussed have not been formalized yet. Applicant can submit a formal application with an increased unit count. The new General Plan demands more unit production than what the applicant wants to do.

Commissioner Krey asked staff to clarify what they would need to be approved absent HCD issue.

Senior Planner Fama specified that they still need to comply with any objective standards or apply for a density bonus and seek waivers and concessions as appropriate. Minimally would need at least one concession to allow townhomes to be built on that one the parcel within the East Campbell Avenue Master Plan

Chair Buchbinder Closed public comment.

Commissioner Fields is sympathetic to increasing the number of homes on the property. Somewhat torn. Would like to know what other alternatives look like.

Commissioner Ching is also torn. Understands that under the new General Plan the density would be 51-68 units to sites.

Senior Planner Fama clarified that when the applicant mentions a 47 unit count he is including ADUs as part of that number, ADUs are not units as density counts.

Commissioner Ching clarified that with a 10-unit apartment building development it would bring the unit count to 35 units in total.

Senior Planner Fama stated that concessions would need to be had in several areas for

project to be approved.

Commissioner Ching stated that he would be okay with applicant's plan and the development of a 10-unit apartment development with approved concessions for ADUs.

Senior Planner Fama stated that state law gives applicant 6-months to apply for formal application so 4 months left.

Commissioner Krey wished that HCD questions were already settled. Struck by applicant saying that at the end it is about providing housing. Trying to add it add up. Appreciates that the applicant is wanting to develop immediately. Would like to hold for the most units and be convinced by other developers that this is the most amount of units that can be built on this project site.

Commissioner Kamkar also stated being conflicted. Appreciates the quality developments from the applicant but believes that if we start discounting unit counts we will never meet the RHNA target numbers. Need to shoot for higher unit counts than what is being proposed. That is the paramount issue.

Vice Chair Zisser stated that issue at hand is complicated and is conflicted. Believes that the applicant would fix problems if the project would go ahead. Would be in favor of flipping Dillon so that the project complies with requirements. It is unknown when HCD will respond and the outcome of their response. Leaning towards developing sooner rather than later. The project area is under the old density, project fits with the rest of the street. In favor of housing production being developed in the immediate future rather than a higher housing production being developed in the distant future. Believes that the city has several other parcels that will help the city meet production needs.

Chair Buchbinder stated that if we wanted standards to be different then we should have done it sooner. Understands that 47 units is the best that we can do currently. Stated that it seems like a bad idea opposing the developer for the development of 4 extra units. Sees that the project is really close to making the density happen.

Commissioners Ching and Kamkar supported comments of Chair Buchbinder

Chair Buchbinder closed the study session.

### **REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR**

Director Eastwood communicated the following.

1. City Council special meeting will review recommendations from Planning Commission for General Plan, Housing Element, MFDDS, EIR, and zoning code updates on April 18, 2023 at 4:00pm.
2. Climate action and adaptation plan grant submitted with staff assistance from Public Works and Community Development.

### **ADJOURNMENT**

The Planning Commission regular meeting adjourned at 8:45p.m. to the next Regular Planning Commission Meeting on **Tuesday, April 25, 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 \(Jun 9, 2023 18:12 PDT\)](#)  
Adam Buchbinder, Chair

ATTEST: *Rob Eastwood*  
Rob Eastwood, Secretary












# 4-11-23 PC meeting minutes

Final Audit Report

2023-06-10

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