



**PLANNING COMMISSION
REGULAR MEETING MINUTES
Tuesday, June 13, 2023 | 7:30pm
City Hall Council Chamber**

CALL TO ORDER

The Regular Planning Commission meeting of June 13, 2023 was called to order at 7:30 pm by Chair Buchbinder, and the following proceedings were had to wit.

ROLL CALL

Planning Commissioners Present:

Adam Buchbinder, Chair
Alan Zisser, Vice Chair
Davis Fields
Stuart Ching
Maggie Ostrowski
Matt Kamkar
Michael Krey

Staff Members present:

Rob Eastwood, Director
Bill Seligmann, City Attorney
Larissa Lomen Assistant Planner
Daniel Fama, Senior Planner
Tracy Tam, Associate Planner
Ken Ramirez, Administrative Analyst

APPROVAL OF MINUTES

1. **Approval of Minutes of May 23, 2023 (Roll Call Vote)**
 - Meeting minutes approved by Ching, Ostrowski, Kamkar. Krey. Fields, Buchbinder, Zisser abstained due to being absent during the 5/23/23 PC meeting.

COMMUNICATIONS

Memo was received by the Department and distributed to the Planning Commission from the Attorney representing the applicant on Item 4.

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL COMMUNICATIONS

This portion of the meeting is reserved for individuals wishing to address the Planning Commission on matters of community concern that are not listed on the agenda. In the interest of time, the Chair may limit speakers to five minutes. Please be aware that State law prohibits the Commission from acting on non-agendized items, however, the Chair may refer matters to staff for follow-up.

Opened and Closed Public Comment

PUBLIC HEARING

Note: Members of the public may be allotted up to two (2) minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five (5) minutes for opening statements and up to a total of three (3) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Planning Commission's consent at the meeting.

Disclosures: Vice Chair Zisser and Commissioner Krey visited all the sites but did not speak to anyone at the sites. Commissioner Kamkar went past the site for Item 3. Chair Buchbinder spoke to applicant and visited the site for Item 4.

Chair Buchbinder read the following public hearing items into record as follows:

2. PLN-2022-110 – 535 West Hacienda Avenue

Public Hearing to consider the request of Alex Ross, Pillars Architecture, for property located at **535 West Hacienda Avenue** to allow a change in exterior materials to existing balconies and to upgrade existing trash enclosures on a multi-family residential property. The application under consideration includes a Site and Architectural Review Permit. File No.: PLN-2022-110. Staff is recommending that this item be deemed Categorical Exempt from 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 Tam presented the staff report to allow a change in exterior materials to existing balconies and to upgrade existing trash enclosures on a multi-family residential property.

Commissioners received confirmation that depth of balconies would not change; that the support system would have additional support; and clarification on the actual paint colors of the building.

Chair Buchbinder received clarification that the item is coming before the Planning Commission because the item required a Site and Architecture review due to the significant changes to the buildings.

Applicant Alex Ross spoke, and mentioned compliance with SB 721. The prefabricated and installation approach will have minimal impact on the tenant. Clarified for Commissioners that paint would not fade on the selected materials and would like to have each building done in a month.

Chair Buchbinder closed public hearing

Commissioners were in support of the project.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Zisser the Planning Commission adopted Resolution No. 4680, approving a Site and Architectural Review Permit (PLN-2022-110) to allow for material changes to existing balconies and to upgrade existing trash enclosures on property located at 535 West Hacienda Avenue in the R-3 (Multiple-Family Residential) zoning district, by the following roll call vote.

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

3. **PLN-2023-41 – 1402 Camden Avenue**

Public Hearing to consider the request of Vanessa Lau, Innovative Design Architecture, Inc., for property located at **1402 Camden Avenue** to allow a change of use from an existing personal services use (beauty spa and hair stylist) to a medical service, clinic use (plastic surgery) within an existing multi-tenant commercial building. The application under consideration includes a Conditional Use Permit. File No.: PLN-2023-41. Staff is recommending that this item be deemed Categorical Exempt from CEQA. Planning Commission action is final unless appealed in writing to the City Clerk within 10 calendar days. *Project Planner: Larissa Lomen, Assistant Planner.*

Assistant Planner Larissa Lomen presented staff report to allow a change of use from an existing personal services use (beauty spa and hair stylist) to a medical service, clinic use (plastic surgery) within an existing multi-tenant commercial building.

Commissioners received confirmation that containment and disposal of medical waste would be compliant with state and county guidelines .

Commissioners were informed that the project site is on an arterial transit line and that approved site plans by Building Official indicated that the site met accessibility requirements.

John Ha, applicant architect, stated that they will make sure site complies and will upgrade anything on site to meet ADA accessibility.

Dr. Eric Li, applicant, stated that intent to expand to this office space is to expand and meet client base. Will be able to provide services and private surgeries in the new office.

Commissioners were informed that the applicant sees about 15 patients per day and that the applicant is the only practitioner on site.

Question – from Susanna Friedman – asked if applicant would be allowed to do more invasive procedures than what was mentioned.

Assistant Planner Lomen clarified that they are allowed to do what was listed in the Conditional Use Permit.

Commissioner Fields recommended revisiting respective Municipal Codes so that applicants are not required to bring minor issues before the Planning Commission.

Commissioners in support of project.

Motion: **Upon motion by Commissioner Fields, seconded by Commissioner Ching the Planning Commission adopted Resolution No. 4681, approving a Conditional Use Permit (PLN-2023-41) to allow a change of use from an existing “Personal Services” se (Beauty Spa and Hair Stylist) to a “Medical Services, Clinic” use (Plastic Surgery) within an existing multi-tenant commercial building on property located at 1402 Camden Avenue in the C-2 (General Commercial) zoning district, by the following roll call vote.**

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

STUDY SESSION

4. PLN-2023-74 – 35, 655, 675, & 695 Campbell Technology Parkway

Study Session to consider the preliminary proposal of Bay West Development for property located at **635, 655, 675, & 695 Campbell Technology Parkway** for a 334-unit townhome community on a 17.28 acre, 4-parcel assemblage (Campbell Technology Park), exercising use of the State "Builder's Remedy" law. The application under consideration is a SB-330

Preliminary Application. File No.: PLN-2023-74. *Project Planner: Daniel Fama, Senior Planner*

Senior Planner Fama presented presentation on Study Session to consider the preliminary proposal of Bay West Development for property located at **635, 655, 675, & 695 Campbell Technology Parkway** for a 334-unit townhome community on a 17.28 acre, 4-parcel assemblage (Campbell Technology Park), exercising use of the State "Builder's Remedy" law.

City attorney stated that the biggest point of contention is the applicability of the disposition and development agreement. Stated that it is the City's position that it continues to be viable, continues to run until 2027, and would prohibit the proposed development absent some kind of renegotiation. There is some difference between what is required between the housing crisis act and housing accountability act, so it is possible that the City could apply some objective or subjective criteria in conditioning the designs of the units.

Commissioner Krey asked if there were discussions about negotiations between the Campbell Tech Park owner and the city about trading some of the land for a corporation yard in exchange for a mixed-used housing site.

Director Eastwood stated there is some capacity building to put into Commissioner Krey's question which would involve hiring a Housing Manager to serve as a project manager for these items.

Commissioners were informed that proposed 20% of affordable units would be distributed throughout the housing development built; that the Housing Affordability Act is currently overwriting the General Plan because the City failed to get a Housing Element approved prior to the January 21st, 2023 deadline; that there are currently no discussions about improving Edith Morley Park for neighboring communities; and that the site would be subject to Park in Lieu fess

Chair Buchbinder opened Public Hearing comment

Applicant Tim Pasquinelli stated that he looking to satisfy some of the housing needs for Campbell. Campbell Tech Park has zero interest in the city's corporation yard and this is not a point of discussion. Plan is preliminary but sought input from different developers that meets the market needs.

Applicant stated that there is no interest in City Corporation Yard site due to the environmental issues. Also not interested in having the site be a 100% affordable housing site. Building townhomes because research showed that the market is looking for this type of housing. Informed Commission that he is not interested in building apartments. It is not financially viable to build apartments, it is more feasible to build a for-sale product.

Project Architect, Joan Williams, stated that it was possible to integrate ADU's into the ground floor units because it is currently very popular among buyers to have these units as they generate income for home owners. Clarified that JADU doesn't contribute to count on units for RHNA numbers and that JADUs are approximately 358 sq. ft.

Chair Buchbinder opened public hearing comments on item.

Debbie Post, resident of neighboring mobile home park (Paseo de Palomas), stated that the development will impact residential living. Development will create more traffic. Campbell is a community and not a Mini San Jose.

Patricia Tinto, resident of neighboring mobile home park (Paseo de Palomas), stated that Paseo de Palomas is resident owned community, with Board of Directors. There are no rentals in the community and home have owners residing in them. There are assessed like home owners. The community shares one entry. Concerned about being so late in the discussion. Paseo de Palomas was built by the same developer that built The Pruneyard. Wants to make sure the development does not impact Paseo de Palomas residents.

Rita Arbour, resident of neighboring mobile home park (Paseo de Palomas), expressed concerned about the size of the development and the emergency access and exits within the site. Asked the Planning Commission to take the Board of Directors from Paseo de Palomas and residents to review the project.

Josephine Pugsley, resident of neighboring mobile home park (Paseo de Palomas) stated that McGlincy is only two lanes and will handle most of the project. Doesn't know how the road will support traffic. Did the developers consider the walkability, traffic, and public transit of the site.

Chris Coggins, resident of neighboring mobile home park (Paseo de Palomas), stated Campbell has a balanced economy commercial, industrial, and residential uses yet residential uses cost more to the City or County than the residents pay. Would like zone to remain industrial. Concerned about the density and impact to the community. Also concerned about the easements.

Martha Punol, resident of neighboring mobile home park (Paseo de Palomas), expressed concern about Edith Morley Park. Does not see more land or space provided for property. Construction companies park on the border of the property. Very impacted. Shame to see Edith Morley park be ruined. Parking can be atrocious in a very short time.

Glen Haze, resident of neighboring mobile home park (Paseo de Palomas), stated that he did not see in presentation the traffic impact to an area that cannot handle the traffic. McGlincy is packed.

Alicia Amann, resident of West Valley Dr., expressed that there is already a parking crisis in the neighborhood. Not enough parking and would create an even bigger parking crisis.

Chair Buchbinder allowed applicant to rebuttal

Applicant stated that the City has zoned 13 acres for 600 houses. Does not want more density.

Senior Planner Fama stated that the Traffic Engineer determined that the project would not require a full level service analysis because it would result in reduced traffic compared to the existing research and development park. Expressed to the Commission that the data used by the Traffic Engineer was pre-covid data.

Chair Buchbinder opened Commission Discussion

Commissioner Fields stated that bill AB2097 restricts parking requirements. Hope developers look at impact to Paseo de Palomas community.

Commissioner Ching stated that it was great that the City was targeting ambitious density targets but is in favor of this lower density project. Stated that the area pretty horrible for traffic and accessibility. Would like to see a focus on public safety in plan. Not sufficient to evaluate intersection at McGlincy and Campbell Tech Park. Would like to see safety regarding Campbell Tech Park access road, specifically for children. Actual development should have included parks or open spaces on site. Would like to see open areas within the development. Believes there be lots of traffic and possibly people speeding. In this instance, believes that lower density is better.

Commissioner Ostrowski believes that the applicant has an opportunity to make large parcels into a great project. Would like to see community type areas within the project so that there is open space access and community. Safety wise , think about connection points with property. Would also be nice to have a community garden onsite and that bike racks on site.

Commissioner Krey expressed that there is need for housing as there is a housing crisis. Project is good because there will be BMR units included on site and will address the "Missing Middle." Conflicted because it would be nice to have more units but overall is in favor of project.

Commissioner Kamkar directed comments to mobile home residents. Stated that RHNA requirements and consequences for the City of Campbell are real. In favor of going higher and have smaller footprint for each unit on the site. Would like to see more units from developer so that the City can meet its unit requirements. Believes the plan from applicant is fair.

Commissioner Zisser would have liked to have seen more discussion on the corporation yard. Believes that the owner is building reasonable square footage per unit. Would like to see a playground on site in the future. Believes that traffic in the area is a big deal. Would like to see more green space and asymmetry so that it doesn't look like cell blocks.

Chair Buchbinder stated he sees that the City and Campbell Tech Park owner could not come to an agreement on the site. Believes this indicates the need for a citywide bike and

pedestrian plan so that people can bike and walk everywhere. Likes the idea of having a common play space and open area to build community on site. Understands that parking can't be regulated. Uniform design of buildings is okay as there is a need to build higher density developments. It is a good thing to have more neighbors.

5. PLN-2023-100 – AB-2097 Study Session

Study Session to present the applicability of Assembly Bill (AB) 2097 (elimination of parking requirements near public transportation) in the City of Campbell. *Project Planner: Larissa Lomen, Assistant Planner*

Assistant Planner Larissa Lomen presented on the applicability of Assembly Bill (AB) 2097 (elimination of parking requirements near public transportation) in the City of Campbell.

Commission was informed that EV parking and other applicable building and zoning code requirements are still applicable for projects that propose parking, even when located within the AB 2097 boundary.

City Attorney clarified that the City can regulate on-street parking within the 2097 boundary,

Commissioners suggested adding prominent language in the Agenda notes to clarify which projects are subject to Statewide preemptions, such as AB 2097 and the Housing Accountability Act to get ahead of public frustrations expressed during the public hearing comment periods.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Eastwood reported the following:

- Applied to MTC ABAG to underwrite the effort of a Hamilton Avenue Precise Plan and that the City is likely to be awarded \$400k with no local match to start the plan. After grant agreement is finalized the project will start Fall of 2023.
- City Council approved most of the requests from Community Development Department for staff and department workplan.

Chair Buchbinder discussed possibly standing up a subcommittee to amend the zoning code. Will discuss during next Planning Commission meeting.

ADJOURNMENT

Adjourned meeting at 8:32 p.m. to the next Regular Planning Commission Meeting on **Tuesday, June 27, 2023**, in the City Hall Council Chambers, 70 North First Street, Campbell, California and via telecommunication.

PREPARED BY: *Ken Ramirez*
Ken Ramirez, Administrative Analyst

APPROVED: *Adam Buchbinder*
Adam Buchbinder, Chair

ATTEST: *Rob Eastwood*
Rob Eastwood, Secretary











Item 1 - 6.13.23 PC meeting minutes updated

Final Audit Report

2023-07-06

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