



**CITY OF CAMPBELL  
Planning Commission Minutes**

7:30 P.M.

TUESDAY

June 28, 2022  
PLANNING COMMISSION REGULAR MEETING  
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting on Tuesday June 28, 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: Maggie Ostrowski  
Commissioner: Andrew Rivlin  
Commissioner: Alan Zisser

Commissioners Absent: Commissioner: None

Staff Present: Community Development  
Director: Rob Eastwood  
Senior Planner: Daniel Fama  
Assoc. Planner: Tracy Tam  
City Attorney: Bill Seligmann  
Admin Analyst: Ken Ramirez  
City Clerk: Dusty Christopherson

**APPROVAL OF MINUTES**

Approval of May 24, 2022 and June 14, 2022 meeting minutes with correction that June 14, 2022 Planning Commission meeting minutes should have adjournment date amended to Tuesday June 28, 2022.

Commissioner Zisser abstained.

### **COMMUNICATIONS**

Introduction to Planning Administrative Analyst, Ken Ramirez. Announcement of Dusty Christopherson leaving the City Clerk position.

### **AGENDA MODIFICATIONS OR POSTPONEMENTS**

Item 2 and Item 3 each have a Desk Item that came in at the last minute.

### **ORAL REQUESTS**

None

### **PUBLIC HEARINGS**

Chair Ching asked if any of the Commissioners had any disclosures. For item #3, Commissioner Rivlin disclosed that he spoke with Audubon society and had previously worked for the applicant Architecture firm LPA 5 years ago. Commissioner Kamkar disclosed that he worked with LPA in the past. After consulting with City Attorney, Commissioner Kamkar did not need to recuse himself.

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

1. **PLN-2021-206** Public Hearing to consider the request of Bilal Ilter, Atlas General Construction, for property located at 388 Hatcher Court to allow an approximately 403 square feet addition to a single-family house resulting in an FAR of 0.50. The application under consideration includes a Site and Architectural Review Permit File No.: PLN-2021-206. 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: Tracy Tam, Associate Planner

Associate Planner Tracy Tam presented staff report dated June 28, 2022.

Chair Ching opened the public hearing and asked if anyone wished to speak. Applicant of the permit spoke and thanked the City Planner for their work on the project.

**Motion:** Upon motion by Commissioner Krey, seconded by Commissioner Rivlin, the Planning Commission adopted resolution No. 4648 approving a site and architectural review permit (PLN-2021-206) to allow an approximately 403 square feet addition to a single-family house resulting in a FAR of 0.50 to an existing single-family home on property located at 388 Hatcher court, by the following roll call vote:  
**AYES:** Rivlin, Zizzer, Ostrowski, Kamkar, Krey, Buchbinder, Ching

**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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

2. **PLN-2021-217** Public Hearing to consider the request of John Rovai, Studio Benavente Architects, for property located at **1506 White Oaks Road** to allow for a new motor vehicle—renting use within an existing commercial building. The application under consideration includes a Conditional Use Permit. File No.: PLN-2021-217. 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: Tracy Tam, Associate Planner*

Associate Planner Tracy Tam presented staff report dated June 28, 2022 and referenced a desk Item– Changes to Condition of Approval #7 – to reword the initial condition to ensure outdoor storage of vehicles are allowed. Staff is supportive.

The Commission asked general questions related to the application.

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

Applicant, Brandon Helton Property Development Facility Manager for Enterprise Rent-a-car spoke about relocating existing business to the new site and extending their business hours

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

Commission members provided feedback in favor of expanding business hours and hours of operation.

**Motion:** Upon motion by Commissioner Ostrowski, seconded by Commissioner Zizzer, the Planning Commission adopted Resolution No. 4669 approving a Conditional Use Permit (PLN-2021-217) to allow a Motor vehicle renting use within an existing building located at 1506 White Oaks Road in the M-1 (Light Industrial) zoning district and extend Business and hours of Operation. By the end of ‘Business Hours’ all customers shall have exited the premises and the hours of business shall be from 7:30am to 6:00pm, Monday through Sunday. By the of “Operational Hours” all employees shall be off the premises and the hours of operation shall be from 7:00am to 6:30pm, Monday through Sunday, by the following roll call vote:  
**AYES:** Rivlin, Zizzer, Ostrowski, Kamkar, Krey, Buchbinder, Ching  
**NOES:** None

**ABSENT: None**  
**ABSTAIN: None**

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

3. **PLN-2020-90** Public Hearing to consider the request of the Santa Clara County Library District, for property located at **1344 Dell Avenue** to allow construction of an approximately 8,000 square-foot library administrative annex building ("government office and facility") and associated site and landscaping improvements, including retention of existing overhead frontage utilities, and removal of on-site protected trees; and a continued shared parking arrangement with an abutting property located at **1370 Dell Avenue**. The applications under consideration include a Conditional Use Permit Modification with Site and Architectural Review, Variance, and Tree Removal Permit. File. No.: PLN-2020-90. The Library District, as Lead Agency, has determined the project to be Categorical Exempt under CEQA (§ 15303) and filed a Notice of Exemption (County File No. ENV23948). 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 Fama presented a staff report dated June 28, 2022 and referenced a desk Item: Revised conditions of approval including modifications to the project design responding to requests from Audubon Society.

The Commission asked general questions related to the application.

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

Applicant Chuck Griffin, Financial and Administrative Services manager for the Santa Clara County Library District and joined by Brett Stonework, Project Manager, spoke in favor of the project and stated that they are working with the Audubon Society to address their concerns in regards to bird safety and the threat factor of the glazing of the glass.

Annie Yang, Chair of the Environmental Action Committee for the Santa Clara Valley Audubon society spoke stating that they were in favor of the project and pleased with work from Community Development staff. She asked to apply a condition of approval to install product with a threat level of 20 or less.

The Commissioners stated support for the application and liked the design of the building.

**Motion:** Upon motion by Commissioner Krey, seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 4650 approving a conditional use permit modification with site and architectural review to allow construction of an approximately 8,000 square-foot library administrative annex building ("Government Office

and Facility”) and associated site and landscaping improvements property location at 1344 Dell Avenue, with continuation of a shared parking arrangement with an abutting property located at 1370 Dell Avenue; a tree removal permit to allow a removal on on-site protected trees; and a variance to allow retention of existing overhead frontage utilities. Where bird safety treatment is applied to glazing, the product shall achieve an American Bird Conservancy Threat Factor rating of 20 or less, if feasible. Conditional approval shall also require that the two parking stalls nearest the southeast corner of the property shall be replaced with landscaping, including at least two trees of a species determined by the Community Development Director and pursuant to CMC Sec. 21.28.070, the project shall incorporate short and long-term bicycle parking, also to the satisfaction of the Community Development Director. The transformer shall be screened with landscaping or be artistically painted. File No.: Plan-2020-90, by the following roll call vote:

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

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

Director Eastwood reported that the City Council adopted the Fiscal Year 2023 budget. City Council put \$150,000 in the budget to fund nexus studies for inclusionary housing fee update and a commercial linkage fee as part of the Housing Program. \$200,000 were approved to start developing some short and long term economic development strategies. \$25,000 for a Downtown parking study. Allocation approved for recruitment of Building Official.

Planning technician starting July 6, 2022. New Administrative Analyst, Ken Ramirez, now onboarded.

Availability for one more person from the Commission to attend the American Planning Association California Chapter conference in October. Vice Chair Buchbinder expressed interest.

### **ADJOURNMENT**

The Regular Planning Commission meeting adjourned at 8:45 p.m. to the next Regular Planning Commission Meeting on **Tuesday, July 12, 2022**, at City Hall, Council Chambers, 70 N. First Street, Campbell, CA.

PREPARED BY: Ken Ramirez, Administrative Analyst



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • July 12, 2022**

**PLN-2021-187** Public Hearing to consider a City-initiated Zoning Code Text Amendment (PLN-2021-187) adding new Chapter 21.25 (Two-Unit Housing Developments) and Chapter 20.14 (Urban Lot Splits) to the Campbell Municipal Code to implement Senate Bill No. 9 (SB-9) and amending various other sections of the Municipal Code pertaining to the regulation of accessory dwelling units (ADUs); including an Amendment to the Campbell Village Neighborhood Plan and a General Plan Amendment to the San Tomas Area Neighborhood Plan to incorporate by reference the proposed SB-9 implementation provisions.

**Zoning Code Amendment**

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution** (reference **Attachment 1**), recommending that the City Council adopt (1) an ordinance to add new Chapter 21.25 (Two-Unit Housing Developments) and Chapter 20.14 (Urban Lot Splits) to the Campbell Municipal Code to implement Senate Bill No. 9 and amending various sections of the Municipal Code pertaining to the regulation of accessory dwelling units (ADUs); (2) an Amendment to the Campbell Village Neighborhood Plan to incorporate by reference the proposed SB-9 implementation provisions; and (3) General Plan Amendment to the San Tomas Area Neighborhood Plan to incorporate by reference the proposed implementation SB-9 provisions.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find that the proposed actions are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Section 65852.21(j) and Section 66411.7(n), and Public Resource Code Section 21080.17, which exempts local ordinances from environmental review that implement State law pertaining to SB-9 (two-unit development and urban lot splits) and accessory dwelling units (ADUs), respectively.

**BACKGROUND**

The City's draft SB-9 ordinance was previously considered by the Planning Commission at its regular meeting of March 22, 2022. Several days later, the California Department of Housing and Community Development (HCD) released its official "[SB-9 Fact Sheet](#)". Although the City's ordinance was generally consistent with HCD's guidance regarding the law, one element of the ordinance does require a revision, as discussed further in this report. Staff also recently identified conflicts between with the City's ADU ordinance (adopted in 2019) and HCD's 2020 [Accessory Dwelling Unit Handbook](#). In the interest of expediency, the required revisions necessary to resolve these conflicts have been added to the SB-9 draft ordinance.

The scope of these change is substantial enough to warrant additional review by the Planning Commission, pursuant to Government Code Sec. 65857. For reference, the March 22nd Planning Commission staff report is included as **Attachment 2**. This staff report will summarize the additional revisions proposed by staff.

## DISCUSSION

The draft SB-9 ordinance is contained as "Exhibit A" of the draft Planning Commission resolution (reference **Attachment 1**). Revised text and/or new text added following the Planning Commission's March 22nd meeting is highlighted in yellow. Unhighlighted text remains unchanged.

SB-9 Ordinance Revisions: The "SB 9 Fact Sheet" prepared by HCD references that the law not only applies to lot splits and the construction of duplexes, but also applies to construction of just one single family unit, not two units as previously understood. In practice this presents a challenge in adequately reviewing proposed SB-9 projects because development could be piecemealed without the ability of staff to comprehensively understand the potential build-out on the property, including a duplex. This comprehensive review is necessary to ensure that no SB-9 project would result in a specific, adverse impact upon the public health and safety or the physical environment that cannot be satisfactorily mitigated by feasible methods or measures, which could be the basis for denial.

In order to address this, the City's draft ordinance would continue to require proposed SB-9 projects to *plan for* creation of two primary dwelling units by showing both units on submitted application plans, inclusive of construction of new units and/or retention of existing units. However, applicants would not be compelled to actually *construct* both units. The revised text (*new* CMC Sec. 21.25.090.D) would thus allow for a phased approval of SB 9 projects, providing a one-year timeframe for the applicant to obtain a building permit for each unit, for a total approval period of up to two years. If only one unit is constructed, the SB-9 approval would remain valid for that unit but expire for the other unit. In such a circumstance, an applicant could apply for a new SB-9 approval or simply leave the site developed with a single unit without violation of the Municipal Code. As a result, the draft ordinance would maintain consistency with the HCD guidance document referencing SB-9 allows for creation of just a single unit.

ADU Standards: The following is an overview of the proposed amendments to the draft ordinance pertaining to construction of ADUs:

- **"Statewide Exemption ADUs"**: The ADU Handbook identifies the potential to develop a "Statewide Exemption ADU," defined as an ADU no larger than 800 square feet, no taller than 16-feet, and that satisfies a 4-foot rear and side setbacks. The ADU Handbook states that such ADUs are exempt from local development standards such as floor area ratio (FAR), lot coverage, design standards, and minimum open space. Although the City's existing ADU ordinance already incorporates some exceptions that allow for at least 800 square-feet of living area, the revised text furthers these exceptions by entirely exempting these ADUs from open space, design, and building separation requirements.
- **JADU Owner Occupancy**: Consistent with State law, new text indicates that a property with JADU will now be encumbered with an owner-occupancy requirement that mandates the property owner to reside in either the JADU or primary house.
- **Number of Bedrooms**: The City currently limits ADUs to two-bedrooms and two bathrooms. The ADU Handbook does not support a specified limit on the number of allowable bedrooms, stating that it "could be construed as a discriminatory practice towards protected classes..." In order to address this concern, staff had proposed amendments to the draft ordinance that increases the number of allowable bedrooms in an ADU to three

(with three bathrooms). Staff believes that functionally only three bedrooms can reasonably fit into a 1,200 square-foot ADU. This change would accommodate larger families (addressing HCD's concerns) while precluding ADUs from be designed as boarding houses with a series of small bedrooms intended to be individually rented out.

It should also be noted that since the City permits a JADU to be placed within an ADU using one of the allowable bedrooms, this change would allow for a combined structure consisting of a 2-bedroom ADU and 1-bedroom JADU.

- **Expansion of Multi-Family Residential ADUs:** Currently, for multi-family residential properties, existing non-livable areas, such as garages and carports located on may be converted to ADUs at a ratio of one ADU for every four primary units (for example, three ADUs may be created in a 12-unit apartment complex). The proposed revisions would allow these ADUs to be expanded by 150 square feet (for an entry area) and to allow creation of additional square-footage within the existing building envelope (i.e., mezzanine).
- **Public Improvements:** State law precludes the imposition of off-site public improvement requirements, such as the construction of a new sidewalk, in association with construction of an ADU. Staff has proposed amendments to Title 11 to specifically exclude ADUs (and JADUs) from triggering public improvements.

## ANALYSIS

General Plan Conformance: Pursuant to CMC Section 21.60.070, an amendment to the Municipal Code may only be approved if the decision-making body finds that: (1) the proposed amendment is consistent with the goals, policies, and actions of the General Plan; (2) the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and (3) the proposed amendment is internally consistent with other applicable provisions of the Zoning Code. The following is an analysis of these findings.

### 1. **The proposed amendment is consistent with the goals, policies, and actions of the General Plan;**

The proposed ordinance incorporates objective design, development, and subdivision standards that aim at reducing the tradeoffs associated with increasingly dense development within the community. These standards will encourage the construction of traditionally designed homes and creation of logically shaped lots that will be compatible with established neighborhoods, consistent with the following General Plan policies and strategies:

Strategy LUT-5.2a: Neighborhood Compatibility: Promote new residential development and substantial additions that are designed to maintain and support the existing character and development pattern of the surrounding neighborhood, especially in historic neighborhoods and neighborhoods with consistent design characteristics.

Strategy LUT-5.2b: Residential Design Guidelines: Adopt design guidelines for new construction and remodeling of all residential structures. Design guidelines should include provisions for height, bulk, setbacks and garage placement so that new construction is compatible with existing neighborhood patterns.



Policy LUT-9.3: Design and Planning Compatibility: Promote high quality, creative design and site planning that is compatible with surrounding development, public spaces and natural resources.

Strategy LUT-9.3e: Building Materials: Encourage the use of long-lasting, high quality building materials on all buildings to ensure the long-term quality of the built environment.

Additionally, by adopting a local implementing ordinance for SB-9, the City will provide a predictable pathway to development of single-family properties. This approach is also in furtherance of Housing Element Policy H-5.4 and Program H-5.4a, below, which directs the City to maintain the Municipal Code up-to-date with State legislation.

Policy H-5.4: **Ordinance Updates**: Update the Municipal Code as needed to comply with changes to State Law and local conditions relating the housing production and affordability.

Program H-5.4a: **Periodic Ordinance Amendments**: Update the Municipal Code as needed to comply with changes to State Law and local conditions/needs.

Implementation Objective: Initiate and complete the amendment process to comply with the new requirements within 12 months of being notified of the requirement

The additional proposed revisions to the City's ADU ordinance are intended to reduce existing barriers to construction. As such, these changes would be furtherance of Housing Element Policy H-5.3 and Program H-5.3a, which encourages the City to facilitate the construction of ADUs.

Policy H-5.3: **Secondary Dwelling Units**: Provide for the infill of modestly priced rental housing by encouraging secondary units in residential neighborhoods.

Program H-5.3a: Secondary Dwelling Units: A secondary dwelling unit is a separate dwelling unit that provides complete, independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, cooking, eating, and sanitation on the same parcel as the primary unit is situated. Given the limited developable land remaining in Campbell, integrating secondary dwelling units in existing residential neighborhoods presents an opportunity for the City to accommodate needed rental housing. The development of secondary dwelling units is effective in dispersing affordable housing throughout the City and can provide housing to lower-income persons, including seniors and college students. Approximately 1,000 single-family parcels in Campbell are of sufficient size to add a secondary dwelling unit.

Implementation Objective: The City will facilitate the construction of new secondary dwelling units by making information available to the public.

## 2. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city;**

Protecting the interest, health, safety, convenience, and general welfare of the City's residents is always at the forefront of decision-making. The proposed ordinance is no exception to this general obligation. The permitting provisions and objective standards are intended to maintain the quality of life of the Campbell community by balancing the need for additional housing allowed by SB-9 and minimizing community impacts.

**3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.**

SB-9 requires the City to permit a greater number of housing units and smaller lot sizes than otherwise allowed the R-1 zoning district. While the law creates inconsistencies with various other Zoning Code provisions such as parking and permitting procedures they are an unavoidable result of SB-9 and it is not possible to reconcile the State's requirement for multiple housing units on *single-family* zoned properties, since doing so creates an inherent conflict. For this reason, the proposed ordinance contains the SB-9 provisions as a stand-alone chapter in the Zoning Code in order to minimize internally inconsistencies.

**NEXT STEPS**

The City Council is scheduled to consider the Planning Commission's recommendation at its August 2nd meeting, which would allow the new ordinance to go into effect of the September 16th, prior to the expiration of the existing interim ordinance.

Attachments:


1. Draft Planning Commission Resolution  
Exhibit A – Draft Ordinance
2. Planning Commission Staff Report, dated March 22, 2022

Prepared by:



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Daniel Fama, Senior Planner

Approved by:



Attest:

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Rob Eastwood, Community Development Director /Acting Secretary