



**CITY OF CAMPBELL
Planning Commission Minutes**

7:30 P.M.

TUESDAY

April 12, 2022
PLANNING COMMISSION MEETING

The Planning Commission meeting on Tuesday, April 12, 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: Stephen Rose
City Attorney: William Seligmann
Exec. Assist. to the Com. Abby Jones
Development Director:

APPROVAL OF MINUTES

April 12, 2022

COMMUNICATIONS/AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

OLD BUSINESS

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

There were none.

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

- 1. PLN-2021-193** Public Hearing to consider a City-initiated Zoning Code Text Amendment (PLN-2021-193) to amend the side-yard setback requirements for properties located within the M-1 (Light Industrial) and C-2 (General Commercial) Zoning Districts. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Tentative City Council Meeting Date: May 17, 2022. Project Planner: Daniel Fama, Senior Planner

Senior planner Fama presented Staff reported dated 4/12/2022 and stated he is open to take questions the commission may have.

Commissioner Zisser asked is this a commonality and you have 0 setbacks would they be abutting to each other? Is there a downside to zero setbacks? Does C-2 zoning cover the general downtown?

Vice Chair Buchbinder asked is this a different action than last December?

Senior Planner Fama stated it is distinct from the December 2021 meeting.

Commissioner Kamkar asked which side the project is good for.

Chair Ching opened the hearing to the public.

Raja, Campbell Resident, stated most of the properties on Dell Ave are M-1 zoned. Is it a fire hazard to not have set back.

Chair Ching closed the hearing to the public.

Chair Ching opened the discussion to the commission.

Commissioner Zisser stated he would support the changes per the staff recommendation.

Commissioner Rivlin stated he voted no on this matter before and is still concerned to make changes, but he sees the adjustment allows the commission some say in removing the setback in needed. So, he can support in a sense the code requires the wall. In general, will support as proposed.

Commissioner Krey stated they don't want the big bulky mass and now it makes sense he is for it. Since the Commission has flexibility, he will support.

Commissioner Kamkar stated this plan is well thought out and will support.

Commissioner Buchbinder looks forward to seeing more spot fixes from Staff with help cleaning up the code and will support the recommendation.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Buchbinder, the Planning Commission adopted Resolution No. 46XX recommending to

consider a City-initiated Zoning Code Text Amendment (PLN-2021-193) to amend the side-yard setback requirements for properties located within the M-1 (Light Industrial) and C-2 (General Commercial) Zoning Districts. 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-2022-31** Public Hearing to consider a City-initiated Revocation/ Modification (PLN-2022-31) of a previously approved Conditional Use Permit/Administrative Planned Development Permit (PLN2011-283) that allowed expansion of an existing liquor establishment (Khartoum Lounge) with late-night operational hours on property located at 300 Orchard City Drive, Suite 101, in the P-D (Planned Development) Zoning District. Staff is recommending that this item be deemed Statutorily Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: Rob Eastwood, Community Development Director

Director Eastwood stated that this Public Hearing to consider a city-initiated Revocation/ Modification (PLN-2022-31) of a previously approved Conditional Use Permit/Administrative Planned Development Permit (PLN2011-283) that allowed expansion of an existing liquor establishment (Khartoum Lounge) with late-night operational hours on property located at 300 Orchard City Drive, Suite 101, in the P-D (Planned Development) Zoning District. Staff is recommending that this item be deemed Statutorily Exempt under CEQA.

City Attorney Bill Seligmann stated the revocation rights requires more formality in which an oath must be sworn by the public and members of the Board and Staff. Attorney Bill Seligmann recited the oath for the public hearing for PLN2011-283, as follows.

Do you solemnly state, under penalty of perjury, that the evidence that you shall give in this issue (or matter) shall be the truth, the whole truth, and nothing but the truth?

Director Eastwood gave background on Khartoum lounge. CUP placed on the establishment there was a clause in the condition and introduced Campbell Police Representatives to give their report.

Campbell Police Captain informed the Commission that Captain White and Owner Brandon had a meeting.

Sargent Mark Cutler has dispatch run all incidents run for the lounge and they gave them a report once the report came in, he verified that each incident was correct in siting the bar

Brandon/Applicant Owner stated he has planned a 4-step path to recovery. Bar has been 38 years in his family. Short term goal to short term goal to fix and long term is to see the hours restored. Accepting responsibility. The covid 19 environment unleashed failed to rise to the challenge. Lack of personnel and they faced a fake ID that eluded the security efforts he is confident they he has confiscated the fake ID's and it should be. Several incidents happened that didn't come from their bar. Hired a new staff with experience. Enforced a dress code. They have patron scan to

maintain the list and together the changes have had an impact on operations reducing hours will not stop the fake ID's and look forward to implementing. Reliant on after business hours. Hopes the council would like to see the hours restored. They need to be open through the late hours to show they can adhere to the rules. If the council can take into consideration.

Chair Ching opened the hearing to the public.

Dave Lemley- established his business 30 years ago and he appreciates being a part of the community. Working for bars and clubs has a time 2-3 years. Outpouring of community support for Khartoum. There have been bumps in the road but will pull through.

Christian Wellisch is very familiar with this establishment and wants to share why this place is important. Mr. Wellisch stated that Khartoum provides a family for the community. It's that one place that always treats him with respect. It's important to clarify the issues. The calls from the staff so it shouldn't count against them. One of the incidents reported were falsified to get the bar in trouble purposely.

Mrs. Theresa Stuart a Campbell community member has lived in Campbell for 30 years and had her 21st drink at Khartoum. It's a great place and she will do whatever they can to keep the hours.

Hans Heller, Assistant Manager wanted to state that the public health trumps everything that's why we're here and they are here to take responsibility for the mistakes. The last 12 years ran a bar in San Jose that is full of un-friendly people Khartoum has such a great reputation. Some of the complaints are due to extraordinary circumstances. With regards to the letter, they were aware of the report, and they've spoken to the captain. Underage drinkers. They discovered they noticed a hack to detect the fake ID's eradicated the underage drinking. The 82 is not accurate

Christopher Worlock stated he worked for Khartoum for 25 years and seen lots of changes in Campbell. Campbell has become the Santa Cruz Ave. Had the opportunity to speak to the chief. They want to do better.

William, a Campbell resident, has been going to Khartoum for a long time. He is no longer a drinker, but he still enjoys the establishment. He stated it is a younger crowd, but it is not a problem. There have been calls but the staff are the ones who are making the calls for service.

Sandra Marino was employed by Khartoum she stated Khartoum is like Cheers. They have been so helpful to her in her employment and in her personal life. She would be sad to see them have to suffer by reducing hours.

Daniel Weger is a current employee started in 2007 and came back august 2021. He has overseen the incidents that have happened. Most of them happen in the parking lot. Mr. Weger stated they cannot manage everyone in the club and in the lot at the same time. When they call for support, they work closely with the police. They had an issue with the Fake ID's because they are hard to detect. He explained on one of the complaints regarding someone having a weapon- was from a police officer not a patron. The employees are suffering from lack of income.

Mark Donahue stated the problem is the other areas waiting to get into the bar not the crowd from Khartoum.

Victor Dobsin stated he not a Campbell resident, but he comes to Khartoum. The initiatives Khartoum has taken to address the issues has been big.

Robert Lopez stated that he would like the Board to consider the environment Khartoum is trying to foster. There's a lack of places for young professionals and this action will have a general effect on the community.

Rocky, San Jose resident stated that downtown Campbell used to close at 7 pm until Khartoum came into town.

Raja asked how does it help to change the hours? He mentioned there is no data to justify the action. Having a hard time understanding this action against Khartoum.

Owner/Applicant Brandon stated his bar is a big deal there had been a lot of issues and they are embarrassing to admit but he will accept the recommendation of probation and would like to ask the Board to consider the 2 months' time they already served. It will help to extend the hours because of financial limitation.

Chair Ching closed the public hearing.

After the discussion the commission made a motion.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Kamkar, the Planning Commission adopted Resolution No. APPROVING A CITY-INITIATED MODIFICATION (PLN-2022-31) TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT AND ADMINISTRATIVE PLANNED DEVELOPMENT PERMIT (PLN-2011-283), Reducing the hours to the closing time of 12 AM until August 1, 2022, AMENDING THE CONDITIONS OF APPROVAL FOR AN EXISTING LIQUOR ESTABLISHMENT (KHARTOUM LOUNGE) LOCATED AT 300 ORCHARD CITY DRIVE, SUITE 101, by the following roll call vote:
AYES: Rivlin, Zisser, Kamkar, Krey, Buchbinder, Ching
NOES: None
ABSENT: None
ABSTAIN: None

Chair Ching called for a Break at 9:41 pm

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

- 3. PLN-2021-12** Scoping Meeting for the Environmental Impact Report (EIR) for the Envision Campbell General Plan and Housing Element Update which consists of goals, policies, actions, and an updated land use map that will guide future development activities and City actions. No specific development projects are proposed as part of the General Plan and Housing Element Update. The purpose of this meeting is to receive verbal or written comments and suggestions regarding the scope and content of the EIR to be prepared for the proposed project from interested public agencies, organizations, and individuals.

Buchbinder-asked the community asked we have heard public comments and they state the opposite of what Denovo is saying what they are looking for.

Director Eastwood stated that every year we bring it to the council. The city has changed the rules since the last Housing Element Plan.

Director Eastwood invited Ben to share.

Ben Ritchie presented the summary of EIR process and next steps about how the public can provide public feedback. This presentation is not intended to be a plan focusing on topics that should be addressed. Next steps in the process and how the public can provide input. This is to enhance public participation a notice will go out for a 45-day review period we'll then take stock of the comments provide written responses to comments and prepare the final EIR and then we'll move forward with Planning Commission and ultimately The City Council for hearings to certify the EIR. Ben concluded his presentation and opened to answer any questions from the planning commission.

Commissioner Buchbinder asked are we looking for input on environmental issues that can be discussed.

Commissioner Krey followed up to ask Ben to identify additional areas. Are there any issues that need to be addressed that are not being covered by the EIR?

Chair Ching opened the hearing to the public.

Jim Sullivan commented that he recalls plan includes 95 parcels of land and is a lot of activity to look at. The big ones are greenhouse gas, traffic, and utility capacity. He understands densities doesn't go to EIR consideration, but it does address the number of units that are being comprised. Asked for the commission to explain the 16-18 a gap.

Rocky Carinjol wanted to make a comment on water storage for fire protections. EIR should generate a trip study on how many are coming and going.

Dennis Randall wanted to clarify how is the ratio for 8000 units being assumed for the parking.

Chair Ching Closed the public hearing.

Commissioner Zisser assuming that all areas will be covered on the EIR. He wants to reiterate that he's a lot of comment and the big items people are concerned about are traffic, parking, and water. He stated that there's no open space and would like to see this is mentioned in the EIR.

Commissioner Rivlin wanted to state that there should be night sky protection as a part of this growth.

Commissioner Krey wanted to make sure parking is included. We will also need alternatives to parking like bike trails, public transportation etc. and hopes the water need is considered as well as alternative energy needs.

Commissioner Kamkar wanted to mention a couple of points regarding priority of handling issues.1.) We should prioritize some examples over another. Like open space should be a priority over height. Also mentions we should close the density gaps. To ensure certainty in the numbers.

Commissioner Buchbinder stated it makes sense to allow flexibility to have a small amount of overlap. Wanted to clarify Is there a climate action plan and is it relevant to this plan.

Director Eastwood explained that the Council is evaluating the work plan and budget for 2022 to start a climate action plan after the General Housing Element and Plan are completed. The EIR has an element that will address the significant greenhouse gas impacts and that would create a platform for a mitigation strategy and start evaluating climate actions. So, the EIR starts as a

foundation to start the work.

Commissioner Buchbinder asked if the elements include the impact from car traffic. Both noise and air quality affects health. He'd like to thank the Staff and is pleased that the Commission and Staff are planning to improve the jobs and housing balance.

Chair Ching stated he'd like to emphasize public open space as a part of the reporting. We need to consider public services that consider people with disabilities and special needs.

Director Eastwood developing a budget for 2022 start after Housing element is completed. Staff is working on creating a platform to evaluate and will begin the real work spring of next year.

Chair Ching read the agenda item 4 into record as follows.

- 4. PLN-2021-12** Study Session to review and provide feedback on goals, policies, and strategies aimed at producing, protecting, and affirmatively furthering fair housing in Campbell and addressing key housing issues facing the community as part of Campbell's Plan for Housing (Housing Element Update).

Director Eastwood introduced M-Group consultants, Sung Kwong. Director Eastwood stated that there was a meeting held a month ago to lay out the outline for tonight's presentation. There have been 4-6 meetings on how to get feedback from the public. We will discuss tonight, and The Commission can give feedback on what to take back to the City Council.

Sung Kwong with M-Group consultant presented his report on Housing element Update.

Chair Ching adjourned the meeting at 12 A.M.

ADJOURNMENT

The Planning Commission meeting adjourned at 12 A.M., to the next Regular Planning Commission Meeting on Tuesday, April 26, 2022, at City Hall, Council Chambers, 70 N. First Street, Campbell, CA.

PREPARED BY: Abby Jones, Executive Assistant