



**PLANNING COMMISSION
REGULAR MEETING MINUTES
Tuesday, June 27, 2023 | 7:30pm
City Hall Council Chamber**

CALL TO ORDER

The Regular Planning Commission meeting of June 27, 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
Matt Kamkar
Michael Krey

Planning Commission Absent

Maggie Ostrowski

Members present:

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

APPROVAL OF MINUTES

1. **Approval of Minutes of June 13, 2023** (*Roll Call Vote*)
 - Meeting minutes approved by approved by Planning Commission. Commissioner Ostrowki Absent.

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. Public Hearing to consider the request of MODULUS for property located at **1940 Hamilton Avenue** to modify the site configuration of an approved 8,000 square-foot office building project to allow direct driveway access from Hamilton Avenue, a reduction to the required number parking stalls, removal of additional on-site protected trees, and retention of overhead frontage utility lines. The applications under consideration include Site and Architectural Review Permit Modification, Parking Modification Permit, Tree Removal Permit, and a (Utility) Variance. *File No.: PLN-2022-162*. 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*

Recommended Action: Adopt a Resolution (reference Attachment 1), approving a Site and Architectural Review Permit Modification, Parking Modification Permit, Tree Removal Permit, and a (Utility) Variance.

Senior Planner Daniel Fama presented staff report to consider the request of MODULUS for property located at **1940 Hamilton Avenue** to modify the site configuration of an approved 8,000 square-foot office building project to allow direct driveway access from Hamilton Avenue, a reduction to the required number parking stalls, removal of additional on-site protected trees, and retention of overhead frontage utility lines.

Commissioners received clarification to their questions regarding parking, the number of trees impacted and how often utilities get undergrounded.

Chair Buchbinder open the public hearing

Applicant not present

Commissioner discussed project details regarding the number of trees being lost and number of parking spots on site. Disappointed as expressed that the original application and agreement with the neighboring church was not being followed through. Do not see cause for objection if there was regression from the original application.

David Fenster, applicant called in and provided some clarification as to what the original agreement entailed and that it was the church who reneged on the original agreement causing the owner to redesign project.

Chair Buchbinder closed public hearing

Commissioners were in support of the project.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner fields the Planning Commission adopted Resolution No. 4682, approving a Site and Architectural Review Permit modification, Parking Modification Permit, Tree Removal Permit, and a (Utility) variance, to modify the site configuration of an approved 8,000 square-foot office building project to allow direct driveway access from Hamilton Avenue, a reduction to the required number parking stalls, removal of additional on-site protected trees, and retention of overhead frontage utility lines, on property located at 1940 Hamilton Avenue (PLN-2022-162), by the following roll call vote.

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

3. PLN-2022-44 – 570 E. Hamilton Avenue

Public Hearing to consider the request of AU Energy LLC for property located at **570 E. Hamilton Avenue** to allow reconstruction of a Shell gasoline service station with an expanded convenience store including off-site alcohol beverage sales, a drive-through carwash, and 24-hour operational hours; associated site, lighting, parking, refuse collection, and landscaping improvements; and removal of on-site trees. The applications under consideration include a Conditional Use Permit with Site and Architectural Review and Tree Removal Permit. File No.: PLN-2022-44. 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: Daniel Fama, Senior Planner

Recommended Action: Adopt a Resolution (reference Attachment 1), denying a Conditional Use Permit w/Site and Architectural Review and a Tree Removal Permit.

Senior Planner Fama presented staff report to consider the request of AU Energy LLC for property located at **570 E. Hamilton Avenue** to allow reconstruction of a Shell gasoline service station.

Commissioners received clarification on the number of gateway projects in the pipeline for the city; that the recommendation would be the same even if there were EV charging stations; that feedback provided was not incorporated into project application; and that fundamentally the project is not consistent with the city's General Plan. Commission was informed that denying the project would be done so with prejudice.

Zisser- what does it mean to deny with prejudice.

City attorney stated that any objections or appeal would be easily defensible as they would have no real solid ground in their appeal.

Applicant's architect stated there were benefits via additional tax dollars for the city and improve traffic for the next 20 years. Stated that they did not get feedback from city staff. Need better communication from the city.

Applicant spoke and stated that they own and operate gas service station chains throughout the state. Looks to build sites to be resilient over time. No one solution is paying the bills. Project will offer a blended solution. Stated that this is the only site in the network that needs to be updated, if they take the tanks out then the company will move on. Stated that convenience stores are visited by a lot of residents and their employees will be there for the next 20 years. They are only in the business of gas stations.

Commissioner received clarification and responses from applicant about their lease terms; the number of gas stations owned by the family; and the approximate dollar amount of tax received each year; and that the applicant did not really look at the General Plan from the City.

Commissioner discussed their perspectives on the project. Believe that Campbell has a bright future and don't see the gas station as a significant staple of Campbell's future.

Commissioners noted that:

- application was inconsistent with the City's General Plan.
- gas service station does not serve Campbell residents but rather serves other commuters driving through Campbell and bringing congestion to an already busy intersection.
- application brings very little benefit to the residents of Campbell

- property provides generational opportunity to reimagine the urban form of this critical entry into the city, a future in which a gasoline station has no place.
- approving application guarantees that there will be a service station on the property site for the next 20 years, denying application provides other options in the future.

Commissioners in support of staff recommendation to deny project with prejudice.

Motion: Upon motion by Commissioner Ching, seconded by Commissioner Fields the Planning Commission adopted Resolution No. 4683, denying with prejudice a Conditional Use Permit with Site and Architectural Review to allow reconstruction of a gasoline service station with an expanded convenience store including off-site alcohol beverage sales, a drive-through carwash, and 24-hour operation hours with associated site, lighting, parking, refuse collection, and landscaping improvements; and tree removal permit to allow removal of on-site trees, for property located at 570 E. Hamilton Avenue (PLN-2022-44), by the following roll call vote.

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

Chair closed paused public hearing for a 5 minute break for 5 minutes. Public Hearing resumed at 9:31pm

4. **PLN-2023-65 – 801 W. Hamilton Avenue**

Public Hearing to conduct a compliance evaluation of an existing restaurant (Negeen Restaurant) with on-site alcohol sales and late-night hours in response to live events held on the property inconsistent with permit requirements, and to consider the modification or revocation of planning permit(s) in response on property located at **801 W. Hamilton Avenue**. 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*

Recommended Action: Adopt a Resolution (reference Attachment 1) approving a City-Initiated Modification (PLN-2023-65) to the Administrative Planned Development Permit (PLN-2009-167).

Associate Planner Tam presented the staff report to conduct a compliance evaluation of an existing restaurant (Negeen Restaurant) with on-site alcohol sales and late-night hours in response to live events held on the property inconsistent with permit requirements, and to consider the modification or revocation of planning permit(s) in response on property located at **801 W. Hamilton Avenue**.

City Attorney, asking that everyone present and presenting evidence be sworn under oath that they will attest to telling the truth under penalty of perjury.

Applicant's Attorney, Nancy Weng, stated that they would like to request a continuance. Informed the planning commission that there would be no events occurring between now and July 11th, 2023.

Motion: **Upon motion by Commissioner Zisser, seconded by Commissioner Krey the Planning Commission approved to continue Public Hearing to conduct a compliance evaluation of an existing restaurant (Negeen Restaurant) with on-site alcohol sales and late-night hours in response to live events held on the property inconsistent with permit requirements, and to consider the modification or revocation of planning permit(s) in response on property located at 801 W. Hamilton Avenue, until the next Planning Commission regular meeting of July 11, 2023, by the following roll call vote.**

AYES: **Ching, Kamkar, Krey, Zisser, Fields**

NOES: **Buchbinder**

ABSENT: **Ostrowski**

ABSTAIN: **None**

NEW BUSINESS

5. Discussion of Community Development Fiscal Year 2024 Workplan

Direct Eastwood presented Community Development Department workplan for FY 2024 to Planning Commission.

Policy Development Workplan

- Prepare a Citywide Climate Action Plan – Support will be provided by Environmental Programs Manager
- Complete update to Zoning Ordinance/Standards for Single Family
- Start preparation of Hamilton Avenue Precise Plan
- Support preparation of Citywide Parks and recreation Master Plan
- Support preparation of a Citywide Multimodal Plan – awaiting the outcome of grant submission for Sustainable Transportation Planning Grant

Housing Workplan

- Implement BMR Housing Program Improvements
- Prepare nexus studies – Inclusionary Housing Ordinance / Commercial linkage Fees
- Prepare Affordable Housing Overlay Zone
- Feasibility Study – Affordable Housing Development at City's Corp Yard
- Homelessness Programs – Support provided by hiring an Unhoused Specialist

Economic Development Workplan

- Complete Update to Economic Development Plan

Workplan Timelines

- Currently Under Development - Economic Development Plan
- Starting Now - Affordable Housing Overlay Zone / Nexus Studies
- Starting Late Summer / Fall – 1) Climate Action Plan; 2) Zoning Ordinance Updates – MFDDS (+SFR?); 3) Hamilton Avenue Precise Plan
- Starting Fall / Winter – Parks and Recreation Plan
- To Be Determined – Multimodal Transportation Plan

Commission Engagement/ Support

- Affordable Housing Overlay Zone / Nexus Studies – Research /City Program Options
- Economic Development Plan – Fall Presentation - Land Use Recommendations

Planning Commission received clarification about how they can be involved in efforts as stakeholders and how they may receive updated data in the future about single-family home construction and other projects.

6. **Report of the Community Development Director**

None

ADJOURNMENT

Adjourned meeting at 10:08 p.m. to the next Regular Planning Commission Meeting on **Tuesday, July 11, 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 \(Aug 5, 2023 17:27 PDT\)](#)
Adam Buchbinder, Chair

ATTEST: *Rob Eastwood*
Rob Eastwood, Secretary












Item 1 - 6.27.23 PC meeting minutes

Final Audit Report

2023-08-06

Created:	2023-07-14
By:	Ken Ramirez (kenr@campbellca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2Q2vzKqsqmnQjTs8LbbWGIXp8Oj2pPH6

"Item 1 - 6.27.23 PC meeting minutes" History

-  Document created by Ken Ramirez (kenr@campbellca.gov)
2023-07-14 - 9:05:07 PM GMT
-  Document e-signed by Ken Ramirez (kenr@campbellca.gov)
Signature Date: 2023-07-14 - 9:06:47 PM GMT - Time Source: server
-  Document emailed to Rob Eastwood (robe@campbellca.gov) for signature
2023-07-14 - 9:06:48 PM GMT
-  Email viewed by Rob Eastwood (robe@campbellca.gov)
2023-07-17 - 11:25:48 PM GMT
-  Email viewed by Rob Eastwood (robe@campbellca.gov)
2023-07-21 - 5:27:53 AM GMT
-  Document e-signed by Rob Eastwood (robe@campbellca.gov)
Signature Date: 2023-07-21 - 5:28:01 AM GMT - Time Source: server
-  Document emailed to abuchbinder@google.com for signature
2023-07-21 - 5:28:03 AM GMT
-  Email viewed by abuchbinder@google.com
2023-08-06 - 0:26:16 AM GMT
-  Signer abuchbinder@google.com entered name at signing as Adam Buchbinder
2023-08-06 - 0:27:06 AM GMT
-  Document e-signed by Adam Buchbinder (abuchbinder@google.com)
Signature Date: 2023-08-06 - 0:27:08 AM GMT - Time Source: server
-  Agreement completed.
2023-08-06 - 0:27:08 AM GMT