



**CITY OF CAMPBELL
Planning Commission Minutes**

7:30 P.M.

TUESDAY

May 10, 2022
PLANNING COMMISSION REGULAR MEETING
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting on Tuesday May 10, 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: Commissioner: Maggie Ostrowski

Staff Present: Community Development
Director: Rob Eastwood
Senior Planner: Daniel Fama
City Attorney: Bill Seligmann
Deputy City Clerk: Andrea Sanders

APPROVAL OF MINUTES

None

COMMUNICATIONS

Community Development Director Eastwood noted the written correspondence from the Audoban Society which was forwarded to the Commission.

AGENDA MODIFICATIONS OR POSTPONEMENTS

Approval of the April 26, 2022 meeting minutes was deferred to a future meeting.

ORAL REQUESTS

None

PUBLIC HEARINGS

Chair Ching asked if any of the Commissioners had any disclosures.

Commissioner Rivlin stated he had spoken to the appellant for Item No. 2.

Commissioner Buchbinder stated that he lives approximately 1600 feet from the appellant of Item No. 2.

Commissioner Kamkar stated that he had email communication with the appellant for Item No. 2.

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

1. **PLN-2022-23** Public Hearing to consider the request of Jose R. Rosales Palos for property at 136 N. San Tomas Aquino Road to allow the on-site sale of beer and wine beverages ("Liquor Establishment") in association with an existing restaurant (d.b.a. Tus Tacos Taqueria). The application under consideration includes a Conditional Use Permit. File No.: PLN-2022-23. 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.

Senior Planner Daniel Fama presented the staff report dated May 10, 2022. He stated that the proposal is to allow the sale of beer and wine with the existing restaurant. The Planning Commission must make additional findings for approval of the Conditional Use Permit. Staff believes the proposal is consistent with approvals of similar projects.

The Commission asked general questions related to liquor license approval and related restaurant processes.

Chair Ching opened the public hearing and asked if anyone wished to speak. Seeing no one wishing to speak Chair Ching closed the public hearing.

The Commission discussed the item and stated support for the proposal.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Zisser, the Planning Commission adopted Resolution No. 4641 approving a Conditional Use Permit (PLN-2022-23) to allow the on-site sale of beer and wine beverages ("Liquor2) in association with an

existing restaurant (d.b.a. Tus Tacos Taqueria) 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-2021-70** Public Hearing to consider request of Nicholas and Andrea Key for property at 705 El Patio Drive to rescind the listing of a designated Structure of Merit from the Historic Resource Inventory (HRI). File No.: PLN-2021-70. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Tentative City Council Meeting Date: June 21, 2022. Project Planner. Project Planner: Daniel Fama, Senior Planner.

Senior Planner Fama presented the staff report dated May 10, 2022. The property located at 705 El Patio Drive was added to the Historic Resource Inventory (HRI) as a Structure of Merit in 2012. The appellant submitted an application last year for an addition to his home, that was then scheduled for review by the Historic Preservation Board. Prior the HPB review it was brought to staff's attention that unpermitted alterations were made to the home. Following discovery of these alterations staff required a historic analysis by the City's architectural advisor to ascertain whether the structure could be reverted to its historic appearance and if it would still retain sufficient historic integrity to remain on the HRI. The consultant determined the loss of historic integrity does not satisfy the criteria for a Structure of Merit. Staff is supportive of removing the property from the HRI list and recommends a fee in-leu of having the property restored of \$45,000. Staff believes the imposition of the fee in-leu would further the City's obligation under the certified Local Government program to enforce appropriate State and local legislation for the designation and protection of historic properties. It would also support General Plan policies and strategies, in terms of designating and protecting historic buildings from unpermitted alterations and demolition. Senior Planner noted this request was reviewed by the Historic Preservation Board who recommended removal of the home from the List and a fee in-leu of \$5,000.

The Commission asked general questions related to the alterations done to the home, the methodology of the in-leu fee and possible outcomes of remaining on the HRI list.

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

Homeowner Nicholas Key stated that having a home on the HRI is not a benefit to the homeowner. He purchased the property with the intention to provide a nice aesthetic to the neighborhood and add value to the neighborhood. He went to the City for a permit for the driveway and had spoken to staff regarding permission to build a fence around the property. He was not aware that he needed a permit to replace the stucco on the house or for the fence. He noted at the time alterations were done to the home he was unaware that permits were required for said alterations. Had he known permits were required he would have complied with City requirements. He is requesting removal of the property from the Historic

Resource Inventory. He stated the recommended \$45,000 fee was inflated and did not feel that it was an accurate cost.

The Commission asked homeowner Key general questions.

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

Chair Ching asked the Commission if they were supportive of removing the property from the HRI and what was their recommendation for the fee in-leu.

Vice Chair Buchbinder was supportive of rescinding the property from the HRI and supportive of a \$5,000 fee.

Commissioner Krey was supportive of the property from the HRI. He was okay with the HPB recommendation of \$5,000 but would be agreeable to discussing a higher fee. He noted that it is important to modify the Code to prevent this situation from occurring again. He recommended providing HRI homeowners information with the requirements of having a historic home.

Commissioner Kamkar was concerned with the issue of this setting a precedent. He was supportive of removing the home from the HRI, thought the fee should be higher than \$5,000 and recommended a fee of \$40,000.

Commissioner Rivlin was supportive of rescinding the property from the HRI. He thought the staff recommended fee of \$45,000 was too high and advised a fee of \$5,000.

Commissioner Zisser was supportive of removing the property from the HRI list and a \$5,000 fee. He noted it was important for staff to implement a codified method to address this type of situation and to have a strong deterrence in the future.

Chair Ching noted that all Commissioners were supportive of rescinding the property from the List. He echoed the Commission comments that modifications should be made to the Code to prevent this from occurring in the future.

Motion: Upon motion by Commissioner Krey, seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 4642 recommending that the City Council rescind the designation of 705 El Patio Drive as a Structure of Merit from the Campbell Historic Resource Inventory, subject to payment of a \$5,000 fee in-lieu of property restoration and all applicable permit fees by the following roll call vote:
AYES: Rivlin, Zisser, Krey, Buchbinder, Ching
NOES: Kamkar
ABSENT: Ostrowski
ABSTAIN: None

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Eastwood reported the City Council met to review the housing element with Planning Commission recommendations. This concludes this portion of the Housing

Element process. Staff will now put everything into a Draft Housing Element that is anticipated to be published at the end of the month. It will then go out for a 30-day public review and comment period, after which it will be sent to the State for a 90-day review period. Additional adjustments to policies and programs will be then made based on that feedback.

Director Eastwood noted there is an October Planning Commission training from the League of California Cities, and he will work with staff to set that up if there is any Commissioner interest in attending.

Director Eastwood noted the fall California Chapter APA conference will be occurring in person in Anaheim if Commissioners are interested in attending.

ADJOURNMENT

The Regular Planning Commission meeting adjourned at 9:04 p.m. to the next Regular Planning Commission Meeting on Tuesday, May 24, 2022, at City Hall, Council Chambers, 70 N. First Street, Campbell, CA.

PREPARED BY: Andrea Sanders, Deputy City Clerk