

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

7:30 P.M.

TUESDAY

OCTOBER 11, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of October 11, 2016, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Dodd and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present: Chair: Cynthia L. Dodd
Vice Chair: Yvonne Kendall
Commissioner: JoElle Hernandez
Commissioner: Philip C. Reynolds, Jr.
Commissioner: Michael L. Rich
Commissioner: Donald C. Young

Commissioners Absent: Commissioner: Ron Bonhagen

Staff Present: Community Development
Director: Paul Kermoyan
Senior Planner: Daniel Fama
City Attorney: William Seligmann
Recording Secretary: Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Reynolds, seconded by Commissioner Young, the Planning Commission minutes of the meeting of September 27, 2016, were approved as submitted. (5-0-1-1; Commissioner Bonhagen was absent and Commissioner Rich abstained)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

CONSENT

None

DISCLOSURES

None

PUBLIC HEARINGS

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

1. **PLN2016-253** Public Hearing to consider the application of LVL, LLC for a Modification (PLN2016-253) to a previously-approved Conditional Use Permit to allow an arcade within an approved restaurant on property located at **400 E. Campbell Avenue**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Daniel Fama, Senior Planner*

Mr. Daniel Fama, Senior Planner, presented the staff report.

Chair Dodd asked if there were questions of staff.

Commissioner Hernandez said that she assumes that office space would still be located upstairs.

Planner Daniel Fama said that is correct.

Commissioner Hernandez asked where the entrance to the office space upstairs would be located.

Planner Daniel Fama explained that there would be an interior lobby serving as common access point for both the downstairs restaurant space and the upstairs office space.

Commissioner Hernandez asked if there are any concerns about noise impacts for the office use upstairs resulting from the noise of the arcade games.

Planner Daniel Fama said that staff tends to concentrate on any potential impacts on nearby residential uses.

Commissioner Kendall asked staff to explain the “gamer lounge” term.

Planner Daniel Fama said that there is an emphasis on restaurants for Downtown Campbell. This use is expected to be predominately a restaurant with ancillary inclusion of a small arcade.

Commissioner Young asked if the “gamer lounge” would include more interactive games while arcade games are played by a single player.

Planner Daniel Fama advised that staff’s underlying concern is alcohol service with the games. The intent is to keep this predominately a restaurant not an entertainment establishment.

Commissioner Young clarified that this use would be conditioned so as not to allow alcohol service and consumption for any patrons playing the arcade games.

Planner Daniel Fama replied correct.

Commissioner Hernandez questioned how the business would enforce the prohibition of alcohol service within the arcade especially given that there will be minors there.

Planner Daniel Fama said that this would become an adult-only establishment after 10 p.m. He clarified that the arcade is not intended to be an extension of the bar.

Director Paul Kermoyan:

- Explained the reasoning for staff’s recommended conditions.
- Said that staff determines what the applicant is proposing for their business. Following that, staff must anticipate how that proposed use can change into something else. With that, staff develops conditions to control operations.
- Added that the Commission can look at the draft conditions of approval to determine if they are either too extreme or not strict enough.
- Concluded that the intent is to determine how to ensure that this use is kept as predominately a restaurant.

Commissioner Hernandez said that a use that is a “bar” with arcade would require a different Conditional Use Permit. The plan is to keep this use as it has been approved, as a restaurant, with ancillary bar and arcade.

Commissioner Rich asked what would be necessary to grant an exception to allow for tournament play in some form of annual event.

Planner Daniel Fama said that could not occur as currently structured.

Chair Dodd opened the Public Hearing for Agenda Item No. 1.

Jeffrey Clugh, Applicant, 400 E. Campbell Avenue:

- Stated that they are proposing a restaurant with 1980's/90's-era arcade games. It is a part of their theme. The games will not be big money makers for their business since the cost to play will be just a quarter. Hopefully that will cover the cost of maintenance/operation of the games.
- Said that everything looks good in regards to the proposed conditions of use. However, they would like the ability to arrange the games so they are not just up against the wall.

David Ramsay, Applicant, 400 E. Campbell Avenue:

- Explained that they would like to position the arcade games to that the noise from play does not interrupt the diners in the restaurant.
- Reported that this represents a throwback to their childhood. The restaurant will have a retro feel that encourages families to go back in time. It is a fantastic theme.
- Reminded that The Gaslighter had entertainment at this location for a long time and he thinks the inclusion of a small arcade is a good focus for them to have some form of entertainment on site with their restaurant.

Commissioner Rich asked Mr. Ramsay how he would configure the games.

David Ramsay said that they proposed their number of games at 18 with three up-rights. They will have some of the more popular games from that era. They determined that number as the maximum number of games that could be supported on site while allowing them to maximize their dining seating.

Commissioner Rich asked how they might change their configuration.

David Ramsay said that they would rearrange their placement while retaining them in the periphery. They also want to be able to switch out the games occasionally while maintaining the same maximum number allowed under their Use Permit approval.

Commissioner Hernandez:

- Asked Mr. Ramsay for input about the service of alcohol and/or food to people who are playing the arcade games.
- Pointed out that per their business description they don't want guests to feel tied down to a table.
- Questioned just how they would prevent alcohol around the games. How would they enforce that?

David Ramsay:

- Said that families will come in together. They will create a “home base” at a table.
- Pointed out that there will be no place/space provided for those at the arcade to place their beverage.
- Added that most of the games will require use of both hands to play.

Commissioner Hernandez reminded that per the Conditional Use Permit this restaurant will have to have food with alcohol. She recounted that she has a teenager who just recently played her first pinball machine. She and her husband had to teach her how.

Jeff Clugh added that minors would have to be out by 10 p.m. Perhaps even by 9 p.m. They will have doormen after 10 p.m. to make sure that no minors remain or enter the restaurant after that time.

Commissioner Rich:

- Stated that he is always looking for things to do as a family.
- Suggested the use of signage to indicate no alcohol allowed while playing at the arcade games.
- Questioned whether that prohibition makes sense in the case of a “dad” who holds a beer in hand while watching his child play. Would that be allowed?

Chair Dodd suggested that be discussed by the Commission after the public hearing is closed. She asked if there were any other members of the public who would like to speak to this item.

Larry Schaadt, Property Owner, 400 E. Campbell Avenue:

- Stated that he is excited to see this site being built out. This project started years ago.
- Reminded that the first idea was for two floors of restaurant with a total of 240 seats and a bar on each level.
- Advised that he has worked with the Historic Preservation Board to bring this historic building back up to historical standards.
- Said that many people are looking for a viable restaurant site in Downtown Campbell.
- Advised that this current operator is asking for 72 seats. They are restaurant operators in the local area and know what they are doing.
- Admitted that he likes the idea of there being some entertainment.
- Pointed out that this restaurant is in a smaller scale than the original approval and will not include late-night operation. This use will bring a lot of fun and have less of an impact on the Downtown than the original approval.
- Said he hopes the Commission will approve this request and reported that this business should be ready to open by the end of the year.

Chair Dodd closed the Public Hearing for Agenda Item No. 1.

Director Paul Kermoyan:

- Said that based on the discussion about the possible re-arrangement of the games, Planner Daniel Fama was working on different iterations of floor plans.
- Stated that moving the games while still including the required aisle clearance could create accessibility impacts.

Chair Dodd asked if that means it would not meet ADA compliance.

Director Paul Kermoyan replied yes.

Commissioner Rich:

- Said that he is very much in favor of this use and allowing the business to rearrange its games and recommended a provision that gives the Community Development Director the flexibility to approve any change the set-up of the games.
- Asked how signage prohibiting alcohol in the arcade would be addressed.

Chair Dodd said the signs would simply need to read, "No alcohol past this point".

Commissioner Rich questioned whether it would be so bad if a dad could hold a cocktail in hand while watching his child play arcade games?

Commissioner Reynolds:

- Said Commissioner Rich makes valid points.
- Added that this could create something that could not be enforced.
- Suggested some reasonableness.
- Reminded that there is no place to set down a drink to allow arcade game play.
- Opined that allowing parent to oversee their child while holding a drink could be okay.
- Said that this is intended to reflect a family atmosphere.
- Agreed that if children are playing in the arcade, a parent should be able to be there in some manner.
- Stated that if this was an over-21 business that would be a different atmosphere and/or problem.
- Concluded that there is not a problem having a parent watch their kid play and/or to show them how to play the retro games to be provided.

Commissioner Rich said that he could anticipate another scenario – adults playing with other adults watching with drink in hand.

Commissioner Kendall:

- Said that she concurs with Commissioner Reynolds.
- Stated that it is no different having someone oversee a child with a drink in hand that having that adult sitting at the table with their alcohol.
- Opined that "no alcohol allowed" signage would be a turn off and too heavy-handed.

- Added that she likes the idea of this business being about to change out their games upon Community Development Director's discretion as well as the proposed placement and configuration of the arcade games.
- Said that she loves the idea of having some form of tournament for kids. That is something that could be kind of fun so she would encourage that.
- Suggested that the kid-friendly menus should include more simplified fare to help parents feed their kids.
- Reiterated that this could be a good and fun idea if it is advertised right and includes family events.
- Predicted that people will flock to this establishment with their kids.

Commissioner Young:

- Reminded that alcohol is not the primary reason to be in a family environment.
- Stated that this use is primarily a restaurant and the bar and arcade will be ancillary uses.
- Said that the draft findings are right on. However, Finding 8 may not be accurate. Perhaps an acoustical study might be warranted to be sure there are no impacts from the arcade on the offices above.

Chair Dodd:

- Said that she likes the proposed menu and feels that children have a more sophisticated palate these days.
- Agreed that the intent of this business is apparent.
- Supported allowing the Director to approve the change out of the arcade games.
- Pointed out that as to the office use upstairs, this building is owned by one person. He will tend to his tenants. She suggested letting him manage that.
- Agreed that there is little freedom in the configuration of the arcade and suggested letting staff keep an eye on that.
- Said that she took her kids to The Gaslighter often when it was in business.
- Stated that she appreciates the tenacity of the current property owner. This building is a landmark in our City.
- Reminded that this proposal offers a family-oriented use that she'd like to see happen.

Motion: Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4334 approving Modification (PLN2016-253) to a previously-approved Conditional Use Permit to allow an arcade within an approved restaurant on property located at 400 E. Campbell Avenue, subject to the conditions of approval as amended to give the Community Development Director the discretion to allow changes to the games within the arcade, by the following roll call vote:

AYES: Dodd, Hernandez, Kendall, Reynolds, Rich and Young
NOES: None
ABSENT: Bonhagen
ABSTAIN: None

Chair Dodd advised that this action is final unless appealed in writing to the City Clerk within 10 calendar days.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:18 p.m. to the next Regular Planning Commission Meeting of **October 25, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary