

**PLANNING COMMISSION**  
City of Campbell, California

7:30 P.M.  
City Hall Council Chambers

June 14, 2016  
Tuesday

## **AGENDA**

### **ROLL CALL**

### **APPROVAL OF THE MINUTES**    May 24, 2016

### **COMMUNICATIONS**

### **AGENDA MODIFICATIONS OR POSTPONEMENTS**

### **ORAL REQUESTS**

This is the point on the agenda where members of the public may address the Commission on items of concern to the Community that are not listed on the agenda this evening. People may speak up to 5 minutes on any matter concerning the Commission.

### **PUBLIC HEARINGS**

- 1. PLN2016-91**    Public Hearing to consider the application of Paul Fick for a Site and Architectural Review Permit (PLN2016-91) to allow an approximately 1,000 square-foot single-story rear addition to an existing single-family residence on property located at **363 Curtner 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, Associate Planner*
- 2. PLN2015-338**    Public Hearing to consider the application of Zack Puckett for an Administrative Planned Development Permit (PLN2015-338) with a request for an exception to a parking setback contained within the Winchester Boulevard Master Plan, to allow for the redevelopment of an existing building and site (formerly Michi Sushi) on property located at **2220 S Winchester Boulevard**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Tentative City Council Meeting Date: July 19, 2016. Project Planner: *Stephen Rose, Associate Planner*
- 3. PLN2016-107**    Public Hearing to consider the application of Donald Bordenave for a Conditional Use Permit (PLN2016-107) to allow for a new rooftop wireless facility (Verizon) which would be concealed in four new rooftop dormers affixed to the roof of an existing cupola on property located at **1600 W. 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: *Stephen Rose, Associate Planner*

4. **PLN2015-386** Public Hearing to consider the application of Mackenzie Edwards for a Conditional Use Permit (PLN2015-386) to allow for the continued operation and expansion of an existing wireless facility (T-Mobile) installation on the roof of property located at **700 W. Hamilton Avenue**. Staff is recommending that this project be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Stephen Rose, Associate Planner*
  
5. **PLN2016-146** Public Hearing to consider the application of Annie Freeman for a Modification (PLN2016-146) to a previously approved Conditional Use Permit to allow three new antenna panels and associated equipment to be added to an existing monopole located at **16146 Mozart Avenue**. Staff is recommending that this project be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Stephen Rose, Associate Planner*
  
6. **PLN2016-19** Public Hearing to consider the application of Majid Sanenejad for a Tentative Parcel Map, Zoning Map Amendment and Planned Development Permit for a three unit townhome development, and Tree removal Permit (PLN2016-19) to allow the removal of one protected tree on property located at **1223 Walnut Drive**. Staff is recommending that a Negative Declaration be adopted for this project. Tentative City Council Meeting Date: July 19, 2016. Project Planner: *Cindy McCormick, Senior Planner*
  
7. **PLN2016-135** Public Hearing to consider the City-initiated Text Amendment (PLN2016-135) to allow minor changes to the **Density Bonus Ordinance**. Staff is recommending that this project be deemed Categorical Exempt under CEQA. Tentative City Council Meeting Date: July 19, 2016. Project Planner: *Cindy McCormick, Senior Planner*

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

### **ADJOURNMENT**

Adjourn to the next regularly scheduled Planning Commission meeting of **June 28, 2016**, at 7:30 p.m., in the City Hall Council Chambers, 70 North First Street, Campbell, California.

CITY OF CAMPBELL PLANNING COMMISSION  
MINUTES

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7:30 P.M.

TUESDAY

MAY 24, 2016  
CITY HALL COUNCIL CHAMBERS

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The Planning Commission meeting of May 24, 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:	Ron Bonhagen
	Commissioner:	Pamela Finch
	Commissioner:	Philip C. Reynolds, Jr.
	Commissioner:	Michael L. Rich
	Commissioner:	Donald C. Young

Commissioners Absent: None

Staff Present:	Community Development
	Director: Paul Kermoyan
	Senior Planner: Cindy McCormick
	Associate Planner: Stephen Rose
	Project Planner: Naz Pouya
	City Attorney: William Seligmann
	Recording Secretary: Corinne Shinn

**APPROVAL OF MINUTES**

**Motion: Upon motion by Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission minutes of the meeting of May 10, 2016, were approved as submitted. (5-0-0-2: Commissioners Kendall and Bonhagen abstained)**

## COMMUNICATIONS

1. Email from Edward & Roxanne Melinat in opposition of Item 2 (proposed flag lot for 44 El Caminito Avenue).

## AGENDA MODIFICATIONS OR POSTPONEMENTS

None

## ORAL REQUESTS

Michael Boche, Resident on West Valley Drive:

- Stated that he is with the Santa Clara County Office of Education and a Teacher.
- Asked that the City take a stand for keeping family-friendly businesses in its Downtown. He gave as examples a grocery or hardware store.
- Declared that there are enough bars and restaurants in Downtown Campbell.
- Added that it is difficult for children to find things of interest in the Downtown given the losses of businesses such as the Toy Store and 23 Skidoo, which his children enjoyed patronizing.

## CONSENT

There were no consent items.

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## DISCLOSURES

Chair Dodd and Commissioners Bonhagen and Young disclosed that in preparation for this evening's continued hearing on 44 El Caminito (Agenda Item 2), they each had viewed the video of the original hearing, read the meeting staff report and minutes of that meeting and conducted individual site visits.

## PUBLIC HEARINGS

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

1. **PLN2016-88** Public Hearing to consider the application of Leopold Vandeneynde for a Site and Architectural Review Permit (PLN2016-88) to allow a 77 square foot addition to an existing single-family residence on property located at **879 Sweetbriar Drive**. Staff is recommending that the project be deemed exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. *Project Planner: Naz Pouya, Staff Planner*

Ms. Naz Pouya, Project Planner, presented the staff report.

Chair Dodd asked if there were questions of staff. There were none

Commissioner Rich gave the Site and Architectural Review Committee report as follows:

- SARC reviewed this proposal and was supportive as presented.

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

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

**Motion:** Upon motion of Commissioner Finch, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4295 approving a Site and Architectural Review Permit (PLN2016-88) to allow a 77 square foot addition to an existing single-family residence on property located at 879 Sweetbriar Drive, subject to the conditions of approval, by the following roll call vote:

**AYES:** Bonhagen, Dodd, Finch, Kendall, Reynolds, Rich and Young

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

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

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

2. **PLN2016-46** Continued Public Hearing to consider the application of Velimir Sulic for a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision on property owned by Shahin Jahanbani located at **44 El Caminito Avenue** in the R-1-6 (Single-Family Residential) Zoning District. Staff is recommending that this project be deemed Categorically Exempt under CEQA. Planning Commission decision final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Stephen Rose, Associate Planner*

Mr. Stephen Rose, Associate Planner, presented the staff report.

Chair Dodd asked if there were questions of staff.

Commissioner Kendall sought clarification on her understanding that if this lot is not split, the owner can still build a large house at the back, which they could use themselves and/or rent out. She asked if it could be rented as an AirBnB.

Planner Stephen Rose cautioned that AirBnb's are a whole different issue. He clarified that one of the two homes on the property could be rented but not both units. The property owner would be required to reside in one of the units.

Commissioner Finch asked for clarity on the fact that a second home constructed on this property could be a fairly large home of several thousand square feet.

Planner Stephen Rose advised that since this parcel is 250 percent the size of the standard minimum lot size for the zoning district it is possible for two full sized homes to be located on this property but that neither home could be sold to a separate property owner.

Director Paul Kermoyan added that another aspect that could limit the size of a proposed second home at the back would be the physical dimensions of the lot itself as it relates to meeting setbacks.

Planner Stephen Rose added that the maximum height would be 14-feet for a home constructed at the back if this parcel is not subdivided.

Commissioner Finch referenced a similar request on Latimer Avenue and questioned how large that lot was.

Planner Stephen Rose said he was not personally involved with that project and is not familiar with that lot's size.

Director Paul Kermoyan said he recalls the Latimer location to be smaller than this lot and within a different zoning designation.

Chair Dodd opened the Public Hearing for Agenda Item No. 2.

Barton Hechtman, Esq., Attorney for Applicants, 848 The Alameda, San Jose:

- Distributed a document to the members of the Commission.
- Advised that he is here this evening with the applicant and property owners.
- Encouraged the Planning Commission to adopt staff's recommendation to approve this lot split.
- Added that this request is consistent with the City's zoning standards and General Plan as well as the Parcel Map development standards. The site is subject to the R-1-6 standards.
- Pointed out that flag lots are expressly allowed by Cody Codes. There are five flag lots in this neighborhood currently and eight more properties are of a sufficient size to consider subdividing into flag lots. At this time, current owners have indicated that they have no plans in the foreseeable future to split their larger lots.
- Stated that while it may be possible for the City to change its regulations that currently allow flag lots that has not yet been done so they remain possible.
- Said that the original houses in this neighborhood were smaller (between 1,100 and 1,500 square feet). As these smaller homes are being remodeled, they are

being expanded to include second stories. On some parcels second living units are being added. As a result, this neighborhood is intensifying.

- Suggested that there is the same impact to the neighborhood resulting from homes adding bedrooms.
- Reminded that all property owners have rights including this owner.
- Stated that there is no justification to deny his clients and encouraged the Planning Commission to adopt staff's recommendation.

Chair Dodd asked if there were questions of this speaker. There were none.

Lee-Ann Farley, Resident on El Caminito Avenue:

- Said that her home is right next door to this site.
- Said that she has concerns and objections to this proposal to split 44 El Caminito into a flag lot.
- Pointed out that a chief purpose of the City's General Plan is to enhance its neighborhoods. This proposed lot split will not improve this neighborhood.
- Stated her fears that this could actually decrease the value of her property, which would then be next door to a flag lot parcel.
- Reported that her home is set back from the street by 50 feet. The existing home at 44 El Caminito is currently set back 40 feet. If the property is split and new home constructed on both parcels, the home on the front parcel could conceivably be set back much less than 40 feet.
- Advised that her primary concern is that this proposal would detract from their neighborhood. The flag lot configuration does not add to anyone's privacy.
- Recounted that she also has a second property on Sunnyside, which over time has become a much more densely developed area. Her El Caminito property is within the character of its neighborhood while allow 44 El Caminito to split into a flag lot is in conflict with the General Plan.

Commissioner Kendall asked Ms. Farley how she knows where a new residence on 44 El Caminito might be placed.

Lee-Ann Farley replied that there was a sample layout drawing prepared.

Commissioner Kendall cautioned that the existing house on 44 El Caminito could become a two-story structure without the requirement for a public hearing.

Director Paul Kermoyan:

- Explained that when the Commission looks at a subdivision it is not just a land division but also reflects the potential for development. This applicant had provided a theoretical example.
- Stated that it is possible that if a new home is constructed on the front lot it could be situated closer to the street than the existing home.
- Agreed that most homes on this street do have larger setbacks.

LeeAnn Kuntz, Resident on El Caminito:

- Stressed the need to maintain and support the existing development pattern of their neighborhood.
- Pointed out that most homes on the street have 30 or more foot front setbacks.
- Stated that people chose this neighborhood based on its larger lots.
- Gave the example of a neighbor that recently remodeled his home and did so in a manner that was compatible to the neighborhood.
- Reminded that the Municipal Code calls for the preservation of existing neighborhoods.
- Asked for the denial of this request.

Joanne Danforth, Resident on El Caminito:

- Read from the Campbell Municipal Code of the intent to “preserve and enhance...” existing residential neighborhoods.
- Suggested that Campbell has met its requirements for higher density housing.
- Asked that the Commission ensure compatibility of this site with its neighborhood.
- Pointed out that the applicant’s conceptual plan included two 1,600 square foot two-story homes. It is possible that the new homes on these lots could range in size from 2,800 to 3,100 square feet and two-story as well.
- Said that this proposal is not in keeping with this neighborhood nor does it meet the intent of the Campbell Municipal Code.

Commissioner Rich asked Ms. Danforth whether she thought that the sections she had read aloud from the Code were subjective or objective standards.

Joanne Danforth replied that she was not certain.

John Meduri, Resident on El Caminito:

- Explained that he lives diagonally across the street from this property.
- Added that he sees four existing flag lots.
- Pointed out that a recent lot split on California Street was approved without a public notice or opportunity to speak about it. He said he was not sure how that happened.
- Stated that what is proposed for 44 El Caminito is not in keeping with this neighborhood.
- Predicted that he would be able to see any home constructed on this new flag lot from his property across the street.
- Said that since the average lot size in their neighborhood is about 12,000 square feet he wonders why the zoning is only R-1-6.

Director Paul Kermoyan reported that the lot on California Street simply processed a lot-line adjustment, a process which does not require a noticed hearing. That is consistent with State law.

Russell Pfirman, Resident on California Street:

- Said that goals of preserving and enhancing the community are common themes within the General Plan.

- Added that splitting such lots as this one means that they are gone forever. It destroys them forever.
- Reported that there is the potential to have a two-story home constructed on each of these two lots if the lot is split.
- Said that this proposal changes this neighborhood and devalues its adjacent properties.
- Urged the Commission to deny this request.
- Opined that even if the “minimum” guideline standards may be met here that doesn’t mean that this is the best option.

Al Lowder, Resident on California Street:

- Referencing a detailed map that was provided this evening, he asked the Commission whether this was what they would want to see happen if this proposal was within their own neighborhood.
- Stated that this is a nice neighborhood.

Bart Hechtman, Attorney for Applicant:

- Spoke in rebuttal to some comments made this evening.
- Reported that he often hears claims of loss in property values as a concern.
- Opined that in reality, investment in a new home increases values in a neighborhood.
- Said as to the question of compatibility, there are a variety of architectural styles and front setback distances in this neighborhood.
- Questioned the claim made by one neighbor that the average lot size in this neighborhood is 12,000 square feet. If that was the case than half of all lots on the street could likely be split.
- Rebutted the concerns about the need to preserve this neighborhood, this proposal is for low-density residential within a low-density residential neighborhood.
- Said that there is an evolution within a neighborhood and everyone’s interests are guarded by the City’s General Plan and its Zoning Code, which frames the intensification that is allowed.
- Reminded that this property is located adjacent to a higher density site. Creating this flag lot configuration at this location actually helps to “feather” in the pending mixed-use project with the low density residential along this street.

Chair Dodd closed the Public Hearing for Agenda Item No. 2.

Commissioner Bonhagen:

- Thanked all of the neighbors who spoke. It was helpful to have heard from them, especially those who live near this location.
- Reported that this is an “easy” and unemotional decision for him.
- Advised that he has been a real estate broker for about 10 years and he doesn’t believe that this proposal for a lot split devalues real estate values of nearby properties in any way.
- Reminded that right now there is an older home at the front. It will likely be demolished when the property is split to create two parcels and two new homes

may be constructed, one per parcel. That will increase values in the surrounding neighborhood.

- Said he also hears concerns about setbacks.
- Said that this is the first house in the neighborhood that is off Winchester, this site could serve as a buffer between the mixed-use development underway adjacent to this project site.
- Reminded that in this neighborhood only three parcels can be developed with flag lots. One owner has already indicated that he would not split his parcel.
- Stated that El Caminito is a beautiful neighborhood with beautiful homes.
- Said that on the other hand, Budd Avenue is a very different neighborhood than is El Caminito. Budd is a thoroughfare. There is the potential for five flag lots on Budd Avenue.
- Concluded that he would support this request.

Commissioner Rich:

- Reminded that he was here for the first hearing on April 26<sup>th</sup>.
- Admitted that he struggled with the differences between subjective and objective criteria. The opposition that has been articulated is subjective in nature while objective criteria are pretty clean cut.
- Agreed that this is a beautiful neighborhood.
- Pointed out that only a few lots on the street could split into flag lots.
- Said that based on those facts, he is going to reverse his vote from the last meet and now is in favor of approving this request.
- Said that he cannot refute this request if the lot sizes created meets the criteria.

Commissioner Kendall:

- Said that she felt the emotional bond of these neighbors.
- Stated that the General Plan clearly says that the owners should be able to split this property.
- Suggested perhaps relocating the driveway to the other side with the two driveways side to side.

Commissioner Young said that the Commission could impose limits as to the driveways.

Commissioner Kendall:

- Suggested that the Deodar Cedars be preserved and retained via conditions of approval.
- Said that while they are proposing two driveways perhaps one common driveway might be considered instead.
- Admitted that she is reluctant to put height limitations or restrict to just a single-story home.

Commissioner Finch:

- Stated her agreement with the comments by Commissioner Bonhagen.
- Advised that she has been a Certified Appraiser for more than 26 years.

- Said that she can agree that property values are enhanced and not decreased with improvements on nearby parcels.
- Added that the feathering effect of this lot split as a buffer between single-family and the mixed-use development beginning construction at the corner with Winchester may be a plus for the homes further down the residential street.
- Suggested that this owner is actually “taking one for the neighborhood.”
- Referenced a flag lot configuration on Union Avenue that includes a number of houses at the back of the flag and the inclusion of a whole lot of concrete area.
- Referenced an existing flag lot configuration on Union Avenue that includes a number of houses at the back of the flag and the inclusion of a whole lot of concrete area as a much less desirable example of a flag lot.
- Reiterating her belief that adjacent properties will not see a decrease in their property values if this flag lot is created.
- Stated that her concern is the driveway(s) and her desire not to see too much concrete in one area as seen from El Caminito.
- Suggested separating the two with the existing cedars in the middle.

Commissioner Young:

- Said that in evaluating this proposal he considered the questions asked by staff.
- Said that one question is whether there is a Special Pan for the Central Campbell Area. The answer is no.
- Stated that another question is whether what is proposed is incompatible. The answer is no.
- Suggested that the proposed flagpole driveway might actually result in safer egress for vehicles leaving this site that is so near this corner and the mixed-use development site currently under construction. Vehicles will be coming out head first rather than backing out onto El Caminito, which will provide better visibility. The same driveway exiting will occur from the adjacent mixed-use site.
- Said that there are “no worries” about existing infrastructure being able to absorb this flag lot. The proposal is aligned with the General Plan land use designation. It is not an increase in density. It is a consistent development pattern to the existing neighborhood.
- Stated that the three-story mixed-use development under construction will be somewhat buffered down if there are two-story homes on the new flag lot and the lot at the front of this site.
- Concluded that the draft findings are supportable. The right thing to do is approve this based on the law and the Codes.
- Added that setbacks can help optimize yet minimize the impact of the second story.
- Suggested the maximum retention of open space per the conditions of approval.
- Concluded that this is the best of both worlds and it is important to be sure that integrity of this neighborhood is maintained.

Commissioner Reynolds:

- Said that the applicant’s attorney said that the laws are applicable and should be followed.
- Stated that is open to interpretation.

- Pointed out that the community has shown up tonight. They've interpreted the General Plan in the interest of preserving their neighborhood.
- Added that the General Plan is a living document that changes over time. Our community is evolving and density is increasing like never before. These residents are seeing their neighborhood change right before their eyes.
- Assured that he too wants to see their neighborhood preserved.
- Said that the neighbors see this as an encroachment into their neighborhood.
- Agreed that the General Plan is intended to enhance and preserve our community.
- Admitted that he probably would not have approved the other flag lots already in this neighborhood. It's up to the Planning Commission to "stop the bleeding".
- Advised that he supports personal property rights and that those who spoke up this evening have those same rights.
- Declared that he would be opposing this request once again and stick to his original decision to deny this lot split.

Chair Dodd:

- Reported that she was not at the April 26<sup>th</sup> original hearing on this request but has since watched that meeting's video and read everything related to the project.
- Said that she evaluates how a project is going to become a part of a neighborhood.
- Said that this may not decrease property values but impacts existing neighborhood in a long-term effect.
- Stated that she didn't want to be a part of a decision that she later regrets.
- Said that parcels on El Caminito don't have a lot of concrete currently. There is a lot of open space, green space and trees.

Commissioner Kendall:

- Agreed with Chair Dodd.
- Said that is the reason that she suggested a shared driveway to reduce concrete.
- Pointed out that some homes on this street have improved materials driveways such as pavers.

Director Paul Kermoyan:

- Advised that the lot split is the document that imposes conditions.
- Added that conditions such as maintaining the appearance of staggered driveways. Perhaps impose a condition requiring one shared driveway.
- Said if an issue is privacy at the rear lot, a condition can be imposed that the structure be no higher than a specified number of feet in height.
- Stated that the Commission can identify its issues and justify each one with appropriate conditions of approval.

Commissioner Kendall also suggested imposing a specified minimum front setback. Perhaps if a two-story is proposed it can be an architectural style of home with a single roofline such as a Cape Cod.

Commissioner Young:

- Said that it would be helpful to find a number for the minimum setback that makes sense.

- Pointed out that setbacks will help accomplish the open space requirements.
- Asked that staff help the Commission by developing some of these ideas into draft conditions.

Commissioner Bonhagen:

- Stated that the Commission needs to be careful not to place too many restrictions at the Commission meeting level.
- Said that as a realtor shared driveways are a big concern and issue.
- Agreed that use of pervious pavers in lieu of concrete for the driveway(s) is a great idea.
- Said that in his opinion this one flag lot does not change anything in this neighborhood. If every property had the potential for a flag lot that would be different. That's not the case here. Only three lots can possibly have a flag lot and two owners are currently against it for their properties.
- Agreed that this is a great neighborhood. While he would not want flag lots throughout this neighborhood, this one at the end of El Caminito next to a mixed-used development he can support.

Director Paul Kermoyan said that staff could canvass the street and determine the patterns of the existing front setbacks.

Commissioner Rich:

- Said that he was leaving the issue of setback recommendations to staff.
- Added that the spacing of driveways should be considered further.
- Listed a few outstanding issues including whether the second (flag) lot should be allowed a two-story structure or require to be developed with just a single-story home.

Commissioner Finch:

- Pointed out that a fence will separate the front and back lots here.
- Added that there will be plenty of landscaping.
- Said that the driveway as depicted is less than 18 feet wide.
- Agreed that the existing cedar trees are spectacular and it is important to make sure that they are preserved.
- Suggested that if a two-story home is allowed on the front lot one should also be allowed on the flag lot. If the front lot is limited to a single-story home than so should the flag lot be so limited.
- Pointed out that you cannot always see the back (flag lot) house from the street.
- Opined that this split with new homes on each lot will increase nearby property values.
- Said that he dislikes the density discussion in this case.
- Stated that the lots on Cherry are well under an average of 9,000 square feet.

Commissioner Kendall proposed a motion that includes continuance to a date uncertain, ask staff to research and make recommendations on the opportunities to optimize front setbacks and to minimize second story impacts as well as the maintenance of the two large cedar trees.

City Attorney William Seligmann said that if the continuance is to a date uncertain this item would need to be re-noticed. However, if continued to a specific meeting date, no re-noticing would be necessary.

Director Paul Kermoyan pointed out that the next agenda on June 14th already has seven items on it.

Commissioner Kendall asked about the June 28<sup>th</sup> meeting instead.

Director Paul Kermoyan said that June 28<sup>th</sup> should work.

**Motion:** Upon motion of Commissioner Kendall, seconded by Commissioner Finch, the Planning Commission CONTINUED TO ITS MEETING ON JUNE 28, 2016, the consideration of a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision on property located at 44 El Caminito Avenue, to allow staff to do additional research and draft conditions to help deal with concerns raised by the neighbors and Commission, by the following roll call vote:

**AYES:** Bonhagen, Dodd, Finch, Kendall, Rich and Young

**NOES:** Reynolds

**ABSENT:** None

**ABSTAIN:** None

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

3. **PLN2016-115** Public Hearing to consider the City-Initiated Revocation (PLN2016-115) of a previously modified Site Approval (S 69-07) on property located at **665 E. McGlincy Lane** due to a lack of compliance with conditions of approval. Staff is recommending that the project be deemed exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days.  
*Project Planner: Stephen Rose, Associate Planner*

Mr. Stephen Rose, Associate Planner, presented the staff report.

Chair Dodd asked if there were questions of staff.

Commissioner Rich asked if the inspections of this site were scheduled or non-scheduled.

Planner Stephen Rose replied that they were unscheduled and involved driving past the site.

Commissioner Rich asked if there was associated parking occurring on McGlincy.

Planner Stephen Rose replied that it was actually on Foreman.

Commissioner Bonhagen said that he thought that Option 3 was the least that should be taken.

Planner Stephen Rose advised that the staff recommendation is the revocation. Of the alternatives, staff would prefer Option 1 or 2 as Option 3 would place an on-going burden on Code Enforcement staff.

Chair Dodd opened the Public Hearing for Agenda Item No. 3.

Steven Barber, Attorney for Pete Bovenberg (owner of MBO):

- Said that they ask that the Planning Commission to choose either the first or second alternative rather than revocation. Revocation is a drastic measure to take.
- Pointed out that MBO cannot control the actions of third parties when it comes to street parking.

Pete Bovenberg, Business Owner, MBO:

- Advised that he is 35-year resident of Campbell and has owned commercial property in the city for 30 years.
- Said that while staff indicates the intent to protect the public, they are dealing with complaints from just one reporting party.
- Added that per the City's Code Officer there have been no complaints and per the Campbell Police Department there have been none.
- Opined that it is not in the best interest of the City to revoke MBO's permit. This has been a good and solid business in this location over the last 30 years.
- Reported that the reporting party goes directly to the City Manager to complain. The City Manager had 2-hour parking signs installed without due process and Campbell PD sends someone by every two hours to ticket.

Commissioner Reynolds:

- Said that that this Commission looks at the success of this business but asked Mr. Bovenberg whether his business may have outgrown its location.
- Asked what Mr. Bovenberg has done to consider expanding or relocating.

Pete Bovenberg:

- Reported that his business has actually been reduced in half.
- Added that he has gone from a previous employee count of 13 down to 7.
- Declared that his business has no parking situation.
- Reminded that there is a gym nearby that makes demands on street parking.

Commissioner Rich:

- Asked Mr. Bovenberg what his understanding is of the parking regulations.

Pete Bovenberg:

- Explained that until a customer authorizes them to do work, they have no control where they park their vehicle, including on the street.
- Stated that for the past year they have been perfect and there have been no complaints.
- Added that just recently new complaints have led to this second revocation hearing.

Planner Stephen Rose:

- Reported that there have been two incidences of violations plus four others as documented by staff.
- Advised that at the time of the original revocation hearing conducted in 2015, there were four different reporting parties at that time.

Director Paul Kermoyan:

- Reported that numerous emails have been received.
- Added that three complaints brings this back to the Planning Commission. That's why we are here.
- Added that lots of things have been accomplished by Mr. Bovenberg but there remain some operational use issues. He needs to control his use so it doesn't flow over onto the street. There are some "hiccups". That's why we're here.

Commissioner Rich asked if there are more than three confirmed complaints.

Director Paul Kermoyan replied yes, there are at least four.

Commissioner Bonhagen reminded that Mr. Bovenberg is claiming that there is just one reporting party.

Director Paul Kermoyan said that any complaint has to be verified by the City and staff goes out to observe.

Nathan Lambert, Business Owner on McGlincy:

- Identified himself as one citizen who has been in this area for the last 45 ½ years and a neighbor to MBO for the last 24 years.
- Advised that he is in favor of the staff's recommendation.
- Stated that past history indicates that MBO will be a problem again. They tend to clean up for a while and then fall back to their problematic behavior.
- Pointed out those items beyond the border of the MBO property are what concerns him.
- Stated that the City's Code Enforcement seems to struggle to enforce these MBO issues unless the City Manager gets involved. The problems persist.
- Suggested that Code Enforcement may simply be under-staffed.

Chair Dodd closed the Public Hearing for Agenda Item No. 3.

Commissioner Reynolds:

- Stated that 27 years' worth of violations is long enough.

- Added that while he is pro-business and supports businesses in Campbell, he also draws the line at a business that cannot be a good neighbor.
- Stressed that it is not too much to ask a business to be a good neighbor. That is a reasonable request.
- Said that it appears that MBO doesn't feel that regulations apply to them.
- Advised that he would support the revocation of this Use Permit.

Commissioner Kendall stated her agreement with most of what Commissioner Reynolds has said. There is a long-established pattern of violations so she will support the revocation.

Commissioner Bonhagen:

- Agreed with Commissioners Reynolds and Kendall.
- Said that he hates having to take a drastic measure such as this. He is sorry to see this use back before the Commission once again.
- Stated that this use is not being a good neighbor and the Commission must become the "enforcer" here.

Commissioner Young said that in looking at the findings, MBO cannot comply with them. The findings are detailed and accurate.

Commissioner Finch:

- Agreed with the other members of the Commission.
- Said that she hates to pull a Use Permit and thus force someone to shut down operations and/or go out of business.
- Stated her agreement with Commissioner Young's assessment and review of the findings.

Chair Dodd said that she appreciates the alternatives offered by staff for consideration by the Commission and called for a motion.

**Motion:**           **Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4296 approving the City-Initiated Revocation of a previously modified Site Approval (S 69-07) on property located at 665 E. McGlincy Lane, subject to the conditions of approval, by the following roll call vote:**

**AYES:**           **Bonhagen, Dodd, Finch, Kendall, Reynolds, Rich and Young**

**NOES:**           **None**

**ABSENT:**       **None**

**ABSTAIN:**      **None**

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

Chair Dodd read Agenda Item No. 4 into the record as follows:

4. **CIP2017-2021** Public Hearing to consider the City of Campbell's **2017-2021 Capital Improvement Plan** for citywide projects for consistency with the City's General Plan. Staff is recommending that the project be deemed exempt under CEQA. Tentative City Council Meeting Date: June 7, 2016. *Project Planner: Cindy McCormick, Senior Planner*

Ms. Cindy McCormick, Senior Planner, presented the staff report.

Chair Dodd asked if there were questions of staff.

Commissioner Finch asked why salary is included as an expense for one of the CIP projects. Staff is existing and already budgeted.

Director Paul Kermoyan said that he couldn't say for sure but it is his understanding that some of the City's staff expenses can be recouped from applicable CIP project-specific grant funds.

Commissioner Rich asked what scope the Commission's review includes.

Director Paul Kermoyan said that the Planning Commission makes the determination of conformance of the CIP projects with the City's General Plan.

Chair Dodd opened the Public Hearing for Agenda Item No. 4.

Chair Dodd closed the Public Hearing for Agenda Item No. 4.

**Motion:** Upon motion of Commissioner Bonhagen, seconded by Commissioner Finch, the Planning Commission took minute action to find the City's proposed Capital Improvement Plan 2017-2021 consistent with the City's General Plan and to forward a recommendation that the City Council adopt said Capital Improvement Plan 2016-2020 and also found the CIP to be Exempt from CEQA as it does not represent a specific project, by the following roll call vote:

**AYES:** Bonhagen, Dodd, Finch, Kendall, Reynolds, Rich and Young

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

Chair Dodd advised that this item would be considered by the City Council at its meeting of June 7, 2016, for final action.

\*\*\*

**REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR**

Director Paul Kermoyan added the following information to his written report:

- Advised the Commissioner that the next Planning Commission agenda will consist of seven public hearing items. Additionally, there will be two to three items on the Site and Architectural Review Commission agenda. This will be a “marathon” meeting. One item is proposed amendments to the Density Bonus Ordinance to bring it current with State law.

**ADJOURNMENT**

The Planning Commission meeting adjourned at 10:15 p.m. to the next Regular Planning Commission Meeting of **June 14, 2016**.

SUBMITTED BY: \_\_\_\_\_  
Corinne Shinn, Recording Secretary

APPROVED BY: \_\_\_\_\_  
Cynthia Dodd, Chair

ATTEST: \_\_\_\_\_  
Paul Kermoyan, Secretary

## **RESOLUTION NO. 4295**

**BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2016-88) TO ALLOW A 77 SQUARE FOOT ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED AT 879 SWEETBRIAR DRIVE.**

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The Planning Commission finds as follows with regard to file number PLN2016-88:

1. The project site is zoned R-1-8 (Single Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated Low Density Residential (4.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The proposed project will be compatible with the R-1-8 (Single Family Residential) Zone District with approval of a Site and Architectural Review Permit.
4. The project site is located along Sweetbriar Drive.
5. The application is subject to design review under the City of Campbell Design Guidelines for Additions to Single Family Homes.
6. The project is compatible with the architecture of the existing home and the adjacent neighborhood in that the project utilizes simple architectural design that matches existing materials and colors of existing residence, with a design not out of conformance with the surrounding community.
7. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.

Based upon the foregoing findings of fact and pursuant to CMC Section 21.42.020, the Planning Commission further finds and concludes that:

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area; and
3. The project is consistent with applicable adopted design guidelines.
4. Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2016-88) to allow a 77 square foot addition to an existing single-family residence on property located at **879 Sweetbriar Drive**, subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 24<sup>th</sup> day of May, 2016, by the following roll call vote:

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

APPROVED: \_\_\_\_\_  
Cynthia Dodd, Chair

ATTEST: \_\_\_\_\_  
Paul Kermoyan, Secretary

**CONDITIONS OF APPROVAL**  
**Site and Architectural Review Permit (PLN2016-88)**

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Division**

1. Approved Project: Approval is granted for a Site and Architectural Review Permit (PLN2016-88) to allow a 77 square-foot addition to an existing single-family residence located at **879 Sweetbriar Dr.** The project shall substantially conform to the revised project plans stamped as received by the Planning Division on April 8, 2016, except as may be modified by the Conditions of Approval herein.
2. Permit Expiration: The Site and Architectural Review Permit approval shall be valid for one year from the date of final approval (expiring May 24, 2017). Within this one-year period, an application for a building permit must be submitted. Failure to meet this deadline will result in the Site and Architectural Review Permit being rendered void.
3. Planning Final Required: Planning Division clearance is required prior to Building Permit final. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
4. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior lighting for the project shall be reviewed and approved by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. Lighting fixtures shall be of a decorative design to be compatible with the residential development and shall incorporate energy saving features.
5. Construction Activities: The applicant shall abide by the following requirements during construction:
  - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
  - b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take

place on Sundays or holidays unless an exception is granted by the Building Official.

- c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
- d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
- e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
- f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

### **Building Division**

- 6. Permits Required: A building permit application shall be required for the proposed addition to and remodeling of the existing structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
- 7. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
- 8. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
- 9. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
- 10. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Elevation bench marks shall be called out at all locations that are identified as “natural grade” and intended for use to determine the height of the proposed structure.
- 11. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
- 12. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.

13. Non-point Pollution Control Program: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
14. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
  - a. West Valley Sanitation District (378-2407)
  - b. Santa Clara County Fire Department (378-4010)
  - c. San Jose Water Company (279-7900)
  - d. Bay Area Air Quality Management District (Demolitions Only)
15. P.G.&E: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.
16. Intent to Occupy During Construction: Owners shall declare their intent to occupy the dwelling during construction. The Building Inspection Division may require the premises to be vacated during portions of construction because of substandard and unsafe living conditions created by construction.
17. CA Green Building Code: This project is subject to the mandatory requirements for new residential structures (Chapter 4) under the California Green Building Code, 2013 edition.
18. Build it Green: Applicant shall complete and submit a "Build it Green" inventory of the proposed new single family project prior to the issuance of a building permit.
19. Stormwater Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.

### **Public Works**

20. Storm Drain Area Fee: Prior to issuance of any grading or building permits for the site, the applicant shall pay the required Storm Drain Area fee, currently set at \$2,120.00 per net acre, which is \$487.00
21. Encroachment Permit/Fees/Deposits: The applicant shall obtain an encroachment permit (including fees, surety and insurance) for construction of the following standard public street improvements:
  - a. Modification of existing second driveway approach to convert it to a pathway.

## RESOLUTION NO. 4296

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING THE CITY-INITIATED REVOCATION (PLN2016-115) OF A PREVIOUSLY MODIFIED SITE APPROVAL (S69-07) ON PROPERTY LOCATED AT **661-665 E. McGLINCY LANE** DUE TO A LACK OF COMPLIANCE WITH THE CONDITIONS OF APPROVAL.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The Planning Commission finds as follows with regard to Revocation (PLN2016-115):

1. A Revocation may be found Categorically Exempt under Section 15321(a) of the California Environmental Quality Act (CEQA) pertaining to enforcement actions by regulatory agencies to enforce or revoke an entitlement for a use issued, adopted or prescribed by the regulatory agency.
2. The project site is zoned M-1 (Light Industrial).
3. The General Plan designation of the property is Light Industrial.
4. The project site is located at the northwest corner of E. McGlincy Lane and Foreman Drive.
5. The property assessor parcel number is 412-30-029, and includes a range of addresses which includes 661 through 665 E. McGlincy Lane.
6. On February 17, 1969, the City of Campbell Planning Commission approved Site Application (S69-7) which authorized the construction of an industrial building and associated site improvements (e.g. landscaping, trash enclosure, parking lot).
7. On May 25, 1985, a business license was issued for an auto body shop performing vehicle and collision repair service (d.b.a. Modern Bench) at the subject property. At the time the business was established, a Conditional Use Permit was not required.
8. On August 1, 2006, the City Council adopted Ordinance 2070 approving a City Initiated Text Amendment which established a two-year amortization period for legal non-conforming motor vehicle repair facilities to comply with the requirements outlined under CMC 21.36.146 (Motor vehicle repair facilities).
9. On May 12, 2015, the Planning approved a Modification to the previously-approved Site Approval (S69-7) establishing new Conditions of Approval on the subject property.
10. The Modified Site Approval (S69-7) was established by Planning Commission (P.C.) Resolution 4208.

11. Since May 12, 2015, the business has continued to park vehicles in the public right of way in violation of Condition of Approval #5.q of P.C. Resolution 4208, as documented by photographs provided by the Campbell Police Department, and observations by Planning and Code Enforcement Department staff.
12. The Modified Site Approval (S69-7) was granted on the basis (finding) that the use and improvements would be consistent with the requirements of CMC 21.36.146, and would comply with all other applicable provisions of the Campbell Municipal Code.
13. As the business parked damaged vehicles in the public right of way, which is prohibited under CMC 21.35.146 and the conditions of approval, a finding that the business will comply with these requirements can no longer be made in the affirmative.
14. The Modified Site Approval (S69-7) was granted on the basis (finding) that the project would enhance the city's character and should not have an adverse aesthetic impact upon existing adjoining properties, or the city in general.
15. The business has continued to store damaged vehicles in the public right of way which has diminished the city's character and has had an adverse aesthetic impact on the city in general.
16. The Modified Site Approval (S69-7) was granted on the basis (finding) that the arrangement of off-street parking facilities should prevent traffic congestion and adequately meet the demands of the users.
17. Modern Bench has continued to rely on the use of the public right of way to park/store damaged vehicles and have deliveries made by tow trucks, it can be reasonably concluded that the off-street parking facilities inadequately meets the demands of the users.
18. The Modified Site Approval (S69-7) was granted on the basis (finding) that the arrangement of off-street parking facilities should prevent traffic congestion and adequately meet the demands of the users.
19. The Modified Site Approval (S69-7) was granted on the basis (finding) that the establishment will not significantly increase the demand on city services.
20. A significant increase in the demand for Police, Code Enforcement, and Planning services have been required to monitor and abate violations of the use.

Based on the foregoing findings of fact, the Planning Commission further finds and concludes that:

1. The Planning Commission cannot affirmatively find that the operation of the facility is consistent with the approved modification to the previously approved Site Approval (S69-7), and/or the Campbell Municipal Code;
2. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require the revocation;
3. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit;
4. One or more of the conditions of the permit have not been substantially fulfilled or have been violated; and
5. The Revocation is Categorically Exempt under Section 15321(a) of the California Environmental Quality Act (CEQA) pertaining to enforcement actions by regulatory agencies to enforce or revoke an entitlement for a use issued, adopted or prescribed by the regulatory agency.

THEREFORE, BE IT RESOLVED that the Planning Commission approves the City-Initiated Revocation (PLN2016-115) of a previously modified Site Approval (S69-07) on property located at **661-665 E. McGlincy Lane** due to a lack of compliance with the conditions of approval.

PASSED AND ADOPTED this 24<sup>th</sup> day of May, 2016, by the following roll call vote:

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

APPROVED: \_\_\_\_\_  
Cynthia Dodd, Chair

ATTEST: \_\_\_\_\_  
Paul Kermoyan, Secretary



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • June 14, 2016**

**PLN2016-91**  
**Fick, Paul**

Public Hearing to consider the application of Paul Fick for a Site and Architectural Review Permit (PLN2016-91) to allow an approximately 1,000 square-foot single-story rear addition single-story rear addition to an existing single-family residence on property owned by Shane Pinder located at **363 Curtner Avenue** in the R-1-8 (Single-Family) Residential Zoning District.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving a Site and Architectural Review Permit to allow an addition to an existing single family residence, subject to the attached Conditions of Approval.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to additions to existing structures.

**PROJECT DATA**

Zoning Designation:	R-1-8 (Single-Family Residential)	
General Plan Designation:	Low-Density Residential (less than 4.5 units/gr. acre)	
Net Lot Area:	8,750 sq. ft.	
Building Height:	18.5 feet	35 feet Maximum Allowed
Building Square Footage:		
Existing Living Area:	1,016 square-feet	
Existing Garage:	418 square feet	
Proposed Living Area:	<u>1,018 square-feet</u>	
	2,452 square-feet	
Floor Area Ratio (FAR):	.28	.45 Maximum Allowed
Building (Lot) Coverage:	28%	40% Maximum Allowed
Setbacks	<u>Proposed</u>	<u>Required</u>
Front (south):	30 feet	20 feet
Side (west):	9 feet	5 feet or half the wall height
Side (east):	8 feet	5 feet or half the wall height
Rear (north):	50 feet	5 feet or half the wall height
Garage (south):	40 feet	25 feet

## DISCUSSION

Project Location: The project site is located within the Cambrian 36 annexed area, commonly known as "Campbell Village," along Curtner Avenue, east of Dallas Drive (reference **Attachment 3** – Location Map).

Project Description: The applicant is seeking approval of a Site and Architectural Review Permit to allow a one-story 1,018 square-foot addition to the rear of an existing one-story, 1,434 square-foot single-family residence (reference **Attachment 4** – Project Plans).

## ANALYSIS

Zoning District: The project site was pre-zoned prior to annexation to the R-1-8 (Single-Family Residential) Zoning District. This zoning district maintains the same development standards (height, setbacks, FAR, etc.) of the more common R-1-6 Zoning District, with the exception of the minimum lot size required (8,000 square-feet). However, due to larger lots sizes—and the potential for larger homes with greater neighborhood impacts—new homes and additions to existing homes require approval of Site and Architectural Review Permit by the Planning Commission. As indicated under 'Project Data', the proposed addition conforms to applicable development standards.

General Plan: The General Plan land use designation for the project site is Low Density Residential (less than 4.5 units per gross acre). The proposed residence would be consistent with the following General Plan Land Use Strategy:

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

Design: Review of the Site and Architectural Review Permit application is governed by the [\*Design Guidelines for Additions to Single-Family Homes\*](#). This document provides design guidance in terms of architectural compatibility, scale and mass, surface articulation, building orientation, and privacy. The guidelines are not meant to prescribe any particular style, but rather provide an overall framework for ensuring that additions to homes are compatible with both the existing structure and surrounding neighborhood.

The proposed 1,018 square-foot addition would match the existing residence's materials and colors, incorporating composition roofing and stucco walls. However, it would rise up to slightly over 18 feet, which would be approximately six-feet taller than the existing residence. The addition would be characterized by a pronounced front and rear gable that stands in contrast to the existing hipped roof residence. Additionally, due to the increased height, the massing along the sides is more pronounced than the existing residence. At its May 24th meeting, the Site and Architectural Review Committee (SARC) made note of the side massing and urged the designer to modify the design. In response, the applicant prepared a revision that includes dormers along the side to "break-up" the massing (reference **Attachment 5**). Although the dormers may be seen as interrupting the roof plane, they add to the massing of the addition, particularly as viewed from the street (front elevation). As such, staff supports approval of the project as originally presented. Otherwise, the Planning Commission may consider continuing the public hearing to allow the applicant additional time to refine the design.

Site Layout: The proposed addition would be placed at the rear of the residence, which would largely maintain the property's existing layout. It would connect to the existing kitchen and hallway, allowing for a new family room and two additional bedrooms.

Landscaping/Hardscaping: The property's front yard is minimally landscaped with only gravel along the right-side edge adjacent to the driveway. Whenever a building is expanded, the City may require conformance to the City's landscaping requirements (CMC 21.26.030). Therefore, as a condition of approval, the front yard will be required to be re-landscaped in compliance with the current water conservation standards. Additionally, the existing asphalt driveway will also be required to be replaced with a standard concrete driveway.

Site and Architectural Review Committee: The Site and Architectural Review Committee (SARC) reviewed this application at its meeting of May 24, 2016. As noted above, the Committee urged the applicant to the "break-up" the massing along the side of the house. This design alternative is included as Attachment 5.

Attachments:

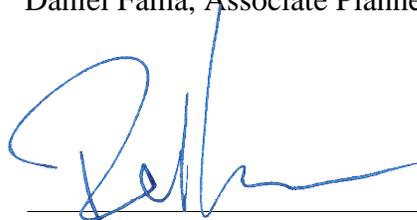
1. Findings for Approval of File No.: PLN2016-91
2. Conditions of Approval of File No.: PLN2016-91
3. Location Map
4. Project Plans
5. Alternate Plans

Prepared by:



Daniel Fama, Associate Planner

Approved by:



Paul Kermoyan, Community Development Director

## **FINDINGS FOR APPROVAL OF FILE NO. PLN2016-91**

SITE ADDRESS: 363 Curtner Ave.  
APPLICANT: Paul Fick  
OWNER: Shane Pinder  
P.C. MEETING: June 14, 2016

### Findings for Approval of a Site and Architectural Review Permit to allow an addition to an existing single family residence:

The Planning Commission finds as follows with regard to file number PLN2016-91:

1. The project site is zoned R-1-8 (Single Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated Low Density Residential (4.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The proposed project will be compatible with the R-1-8 (Single Family Residential) Zone District with approval of a Site and Architectural Review Permit.
4. The project site is located along Curtner Avenue.
5. The application is subject to design review under the City of Campbell Design Guidelines for Additions to Single Family Homes.
6. The project is compatible with the architecture of the existing home and the adjacent neighborhood in that the project utilizes simple architectural design that matches existing materials and colors of existing residence, with a design not out of conformance with the surrounding community.
7. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.

Based upon the foregoing findings of fact, the Planning Commission further finds and concludes that:

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area; and
3. The project is consistent with applicable adopted design guidelines.
4. Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings.

**CONDITIONS OF APPROVAL FOR FILE NO. PLN2016-91**

SITE ADDRESS: 363 Curtner Ave.  
APPLICANT: Paul Fick  
OWNER: Shane Pinder  
P.C. MEETING: June 14, 2016

The applicant is hereby notified, as part of this application, that he/she is required to meet the following conditions in accordance with the ordinances of the City of Campbell and the State of California. Where approval by the Community Development Director, City Engineer, Public Works Director, City Attorney, or Fire Department is required, that review shall be for compliance with all applicable Conditions of Approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified:

**COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division**

1. Approved Project: Approval is granted for a Site and Architectural Review Permit (PLN2016-91) to allow an approximately 1,000 square-foot single-story rear addition to an existing single-family residence located at **363 Curtner Avenue**. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on May 2, 2016, except as may be modified by the Conditions of Approval herein.
2. Permit Expiration: The Site and Architectural Review Permit approval shall be valid for one year from the date of final approval (expiring June 24, 2017). Within this one-year period, an application for a building permit must be submitted. Failure to meet this deadline will result in the Site and Architectural Review Permit being rendered void.
3. Planning Final Required: Planning Division clearance is required prior to Building Permit final. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
4. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior lighting for the project shall be reviewed and approved by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. Lighting fixtures shall be of a decorative design to be compatible with the residential development and shall incorporate energy saving features.
5. Driveway: The construction drawings submitted for a building permit shall indicate that the existing concrete asphalt will be reconstructed with a new concrete driveway.

6. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Section 21.18.060 of the Campbell Municipal Code and shall be submitted for review and approval by the Community Development Department.
7. Landscaping Plan: The construction drawings submitted for a building permit shall include a front yard landscaping plan, including irrigation details and associated calculations, prepared in compliance with Campbell Municipal Code Chapter 21.26 (Landscaping Requirements) and with Chapter 2.7, Division 2, of Title 23 of the California Code of Regulations (Model Water Efficient Landscape Ordinance).
8. Construction Activities: The applicant shall abide by the following requirements during construction:
  - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
  - b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
  - c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
  - d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
  - e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
  - f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

### **Building Division**

9. Permits Required: A building permit application shall be required for the proposed addition to and remodeling of the existing structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
10. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
11. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
12. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.

- 
13. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Elevation bench marks shall be called out at all locations that are identified as “natural grade” and intended for use to determine the height of the proposed structure.
  14. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
  15. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
  16. Non-point Pollution Control Program: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24” X 36”) is available at the Building Division service counter.
  17. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
    - a. West Valley Sanitation District (378-2407)
    - b. Santa Clara County Fire Department (378-4010)
    - c. Bay Area Air Quality Management District (Demolitions Only)
    - d. School District:
      - i) Campbell Union School District (378-3405)
      - ii) Campbell Union High School District (371-0960)
      - iii) Moreland School District (379-1370)
      - iv) Cambrian School District (377-2103)

**Note:** To determine your school district, contact the offices identified above or visit: <http://www.sccoe.k12.ca.us/resourcesfamilies/districtlocator>. Obtain the School District payment form from the City Building Division, after the Division has approved the building permit application.
  18. P.G.&E: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.
  19. Intent to Occupy During Construction: Owners shall declare their intent to occupy the dwelling during construction. The Building Inspection Division may require the premises to be vacated during portions of construction because of substandard and unsafe living conditions created by construction.

- 
20. Build it Green: Applicant shall complete and submit a “Build it Green” inventory of the proposed new single family project prior to the issuance of a building permit.
  21. Stormwater Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.
  22. CA Green Building Code: This project is subject to the mandatory requirements for new residential structures (Chapter 4) under the California Green Building Code, 2013 edition.

## **PUBLIC WORKS DEPARTMENT**

The scope of this project triggers the requirement for Frontage Improvements as required by Campbell Municipal Code 11.24.040. This neighborhood is an older County pocket constructed with rolled curb and without sidewalk that was recently annexed into the City of Campbell as part of Cambrian No. 36. The City is actively working with the Campbell Village Neighborhood Association at this time to develop a master plan for street improvements. As this effort is in the early stages of the process, it is not appropriate at this time to require the property owner to reconstruct their frontage. However, the applicant is required to enter into a Deferred Street Improvement Agreement to participate in frontage improvements at a later date. Said agreement will need to be executed by the applicant prior to issuance of the Building permit.

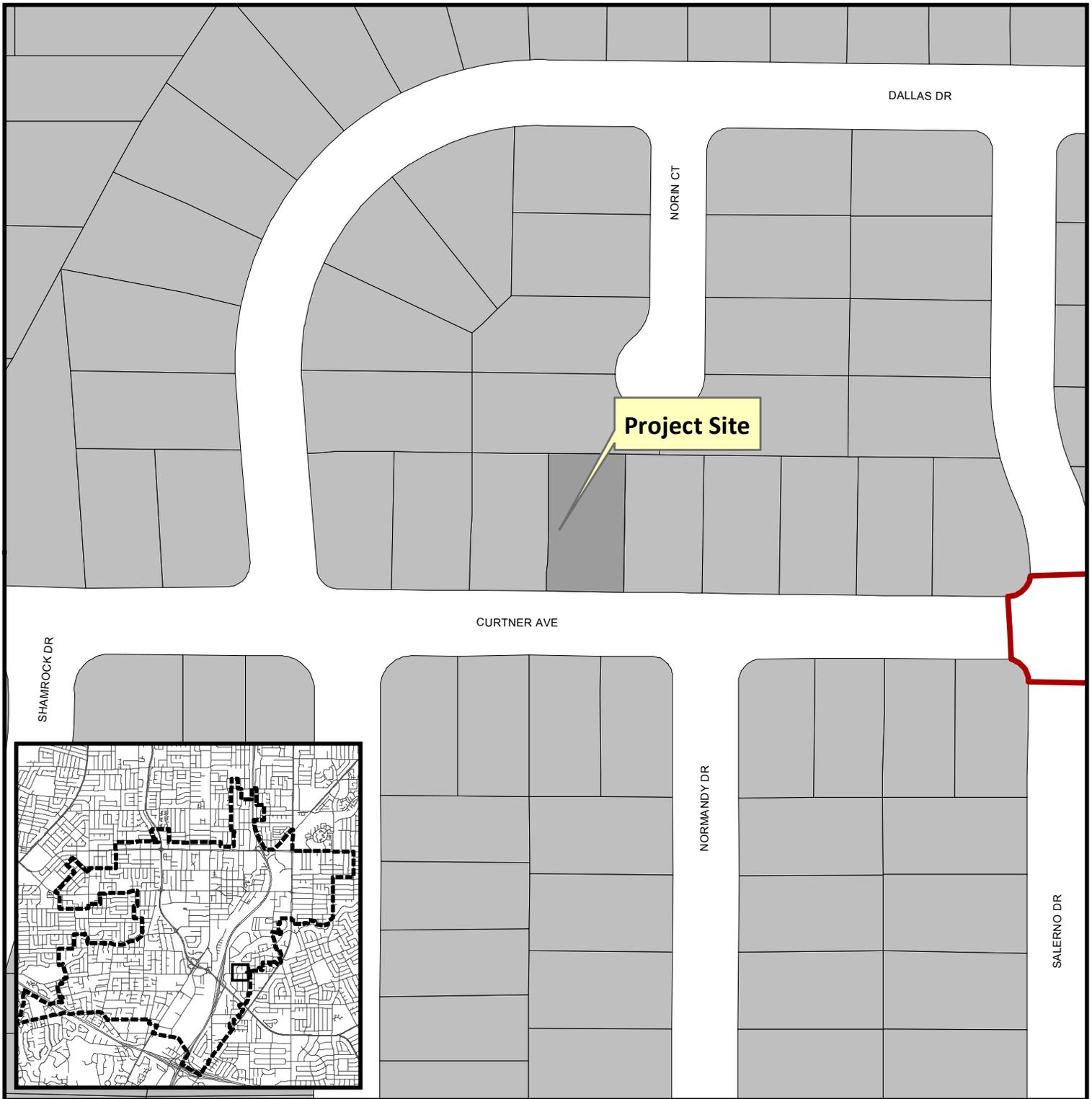
23. Grant Deed: Prior to issuance of any grading, drainage, or building permits for the site, the applicant shall provide a copy of the Grant Deed for the property which will be used to prepare the Deferred Street Improvement Agreement and the Private Improvements Agreement detailed below.
24. Storm Drain Area Fee: Prior to issuance of any grading or building permits for the site, the applicant shall pay the required Storm Drain Area fee, currently set at **\$2,120.00** per net acre, which is **\$424**.
25. Deferred Street Improvement Agreement: Prior to issuance of building permits for the site, the owner shall execute a deferred street improvement agreement for construction of standard street improvements. Unless otherwise approved by the City Engineer these improvements shall include, but are not limited to, installation of curb, gutter, sidewalk, ADA compliant driveways, street trees, streetlights, and necessary conforms to existing improvements.
26. Water Meter: The project has an existing water meter installed in the public right-of-way. If the water service is required to be upsized as part of the project (i.e. due to fire sprinklers), then the new water meter shall be installed on private property behind the public right-of-way line. If the existing water service is not required to be upgraded, then the Property Owner can avoid the cost of relocating the water meter by executing a Private Improvements Agreement as listed in the following condition.
27. Private Improvements Agreement: Prior to issuance of any grading or building permits for the project, the owner shall execute an “Agreement for Private Improvements in the Public Right of Way”. This agreement would be required to allow the existing water meter located in the public right of way along the frontage of this property to remain.

28. Water Meter(s) and Sewer Cleanout(s): Proposed water meter(s) and sewer cleanout(s) shall be installed on private property behind the public right-of-way line.
29. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
30. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. The pavement restoration plan shall indicate how the street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.
31. Utility Encroachment Permits: Separate City encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
32. Stormwater Pollution Prevention Measures: Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

Resources to achieve these objectives include *Stormwater Best Management Practices Handbook for New Development and Redevelopment* (“CA BMP Handbook”) by the California Stormwater Quality Association (CASQA), 2003; *Start at the Source: A Design Guidance Manual for Stormwater Quality Protection* (“Start at the Source”) by the Bay Area Stormwater Management Agencies Association (BASMAA), 1999; and *Using Site Design Techniques to Meet Development Standards for Stormwater Quality: A Companion Document to Start at the Source* (“Using Site Design Techniques”) by BASMAA, 2003.

# Project Location Map

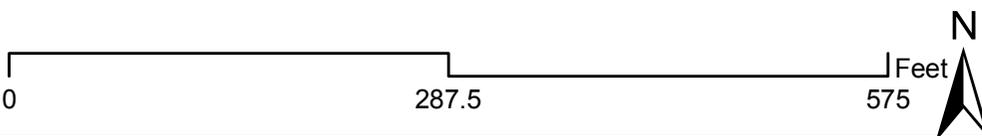
Attachment 3



**Project Location:** 363 Curtner Ave.

**Application Type:** Admin. Site and Arch. Review Permit

**Planning File No.:** PLN2016-91



Community Development Department  
Planning Division

# Residential Addition for Shane and Liane Pinder 363 Curtner Ave. Campbell CA 95008

## All new and existing utilities shall be placed underground with no exception.

General Notes

Cover Sheet

--- Add. to Review Committee	4-22-16
--- Architectural Review Committee	3-9-16
--- City Submittal	2-11-16
No.	Revision/Issue
	Date

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 ARCHITECTURE  
 INTERIOR DESIGN  
 550 CALERO AVE., SAN JOSE, CA. 95123

Pinder Residence  
 363 Curtner Ave  
 Campbell, CA 95008 - 5603  
 Date: Apr 28, 2016

# A0

**PROJECT DATA**

ASSESSOR'S PARCEL NUMBER: 412-30-049  
 ZONING DISTRICT: -  
 SITE AREA: -  
 EXISTING AREA (EXCL. GARAGE): 1,016 SF  
 ADDITION: 1,016 SF  
 GARAGE: 418 SF  
 NEW AREA (EXCL. GARAGE): 2,034 SF  
 NEW SITE RATIO: -  
 CONSTRUCTION TYPE: VN  
 APPLICABLE CODES: 2013 California Building Code (CBC)  
 2013 California Plumbing Code (CPC)  
 2013 California Mechanical Code (CMC)  
 2013 California Electrical Code (CEC)  
 2013 California Code for Building Conservation  
 2013 California Energy Code  
 Owner: Shane and Liane Pinder  
 363 Curtner Ave.  
 Campbell, CA. 95008  
 Architect: Paul Fick  
 550 Calero Ave.  
 San Jose, Ca. 95123  
 Phone: (408) 281-4400  
 License # C-18029  
 Contractor: Provenzano Builders  
 1999 S. Bascom Ave., Suite #700  
 Campbell, CA. 95008  
 Phone: 408-378-2020  
 License No. B-448052

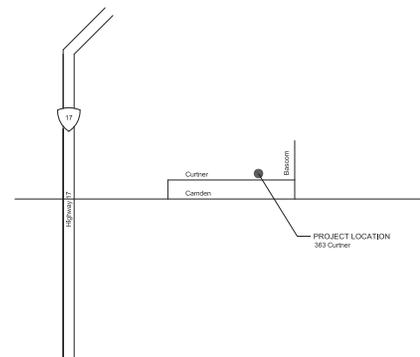
**SHEET INDEX**

ARCHITECTURAL DRAWINGS: A0 COVER SHEET  
 A1 FLOOR AREA DIAGRAM  
 A2 SITE PLAN, ROOF PLAN  
 A3 EXISTING FLOOR PLAN & DEMOLITION PLAN (Bigg Submittal)  
 A4 FOUNDATION PLAN (Bigg Submittal)  
 A5 FLOOR FRAMING PLAN (Bigg Submittal)  
 A6 FLOOR PLAN  
 A7 ROOF FRAMING PLAN (Bigg Submittal)  
 A8 EXTERIOR ELEVATIONS - NORTH & SOUTH  
 A9 EXTERIOR ELEVATIONS - WEST & EAST  
 A10 BUILDING SECTIONS  
 STRUCTURAL DRAWINGS: S1 FOUNDATION AND FRAMING DETAILS (Bigg Submittal)  
 ELECTRICAL DRAWINGS: E1 ELECTRICAL PLAN (Bigg Submittal)  
 ENERGY COMPLIANCE: T26-1 ENERGY COMPLIANCE FORMS (Bigg Submittal)  
 T26-2 ENERGY COMPLIANCE FORMS (Bigg Submittal)

**PROJECT TABLE**

Description	Existing Area	Proposed Area
Gross Lot Size	10, 850 SF	10, 850 SF
Net Lot Size	8, 750 SF	8, 750 SF
Building Area	1, 016 SF	2, 034 SF
Lot Coverage	11.6%	23.2%
Floor Area Ratio	11.6%	23.2%

**VICINITY MAP**



**PROJECT SCOPE**

Build two bedrooms, two bathrooms and one family room on the rear side of the existing residence.

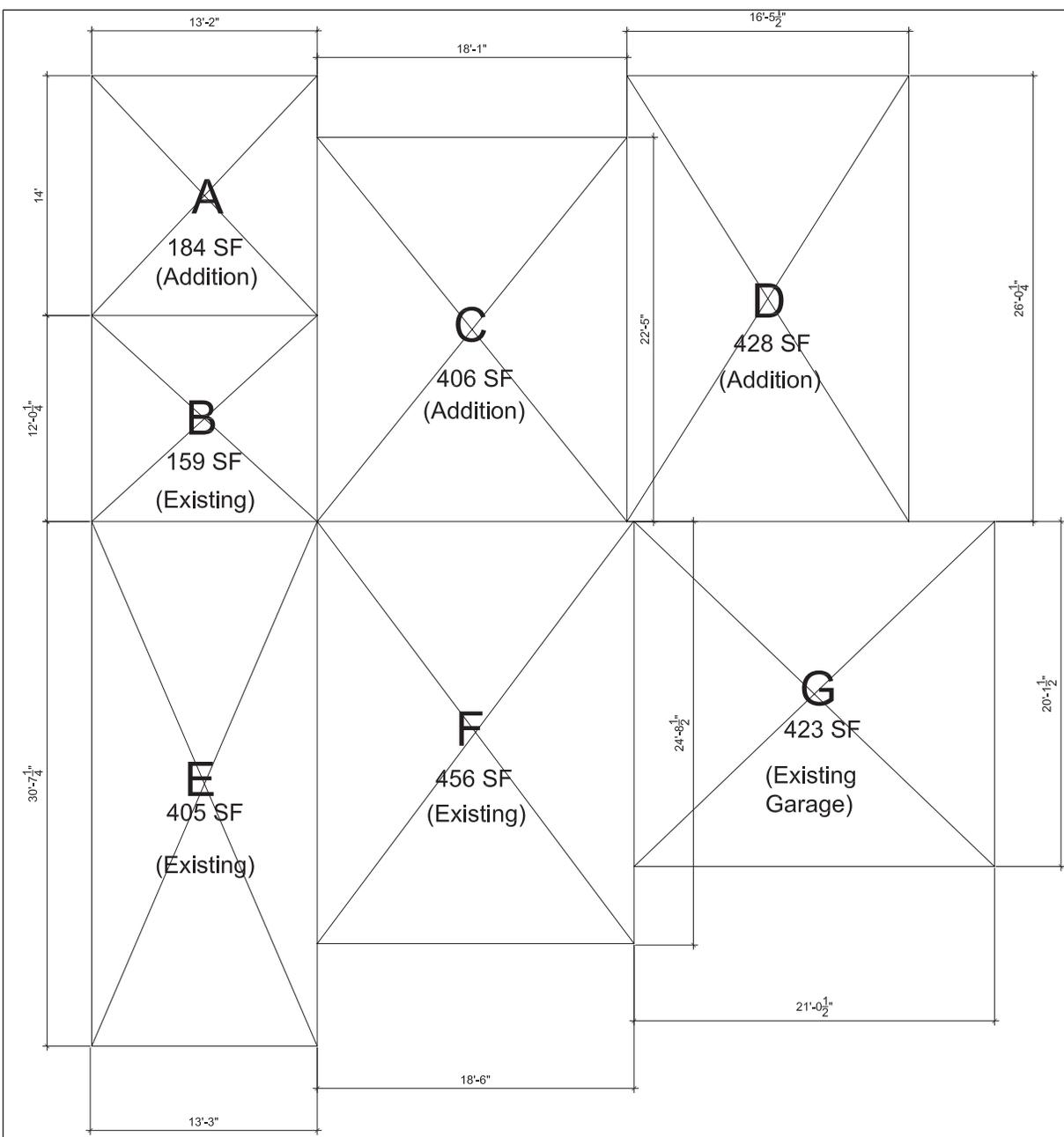


PROJECT NORTH

363 Curtner - Cover - Planning.dwg  
 FNAME

1/15/2014  
 REV/DATE

R



Floor Area Diagram

Blk	Approx size	Area
A	13 x 14	184 SF
B	13 x 12	159 SF
C	18 x 22-5	406 SF
D	16-5 x 26	428 SF
E	13 x 30-7	405 SF
F	18-6 x 24-8	456 SF
G	21 x 20	423 SF
		2,461 SF

General Notes

Floor Area Diagram

City of San Jose	Professional Review Committee	4-22-16
City of San Jose	Professional Review Committee	3-9-16
City of San Jose	City Council	2-18-16

No.	Revision/Issue	Date

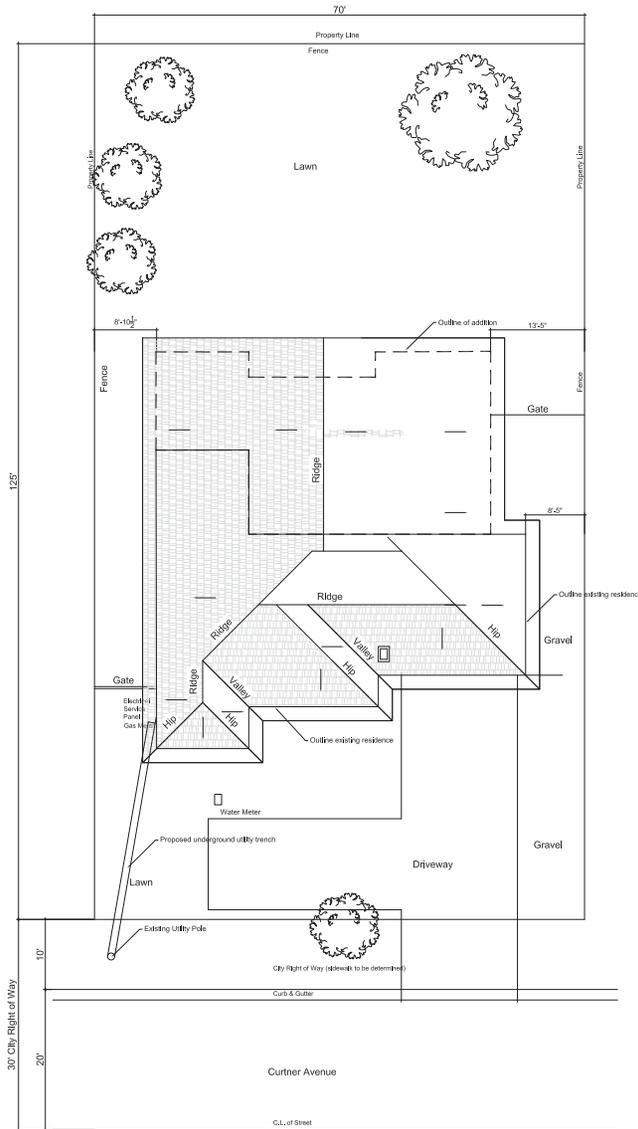
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Pinder Residence  
 363 Curtner Ave  
 Campbell, CA 95008 - 5605

Scale: 1/2" = 1'-0"  
 Date: April 28, 2016

**A1**

PROJECT NORTH



General Notes

Site Plan

•	Add to Review Committee	4-22-16
•	Architectural Review Committee	3-9-16
•	City Council	2-18-16
No.	Revision/Issue	Date

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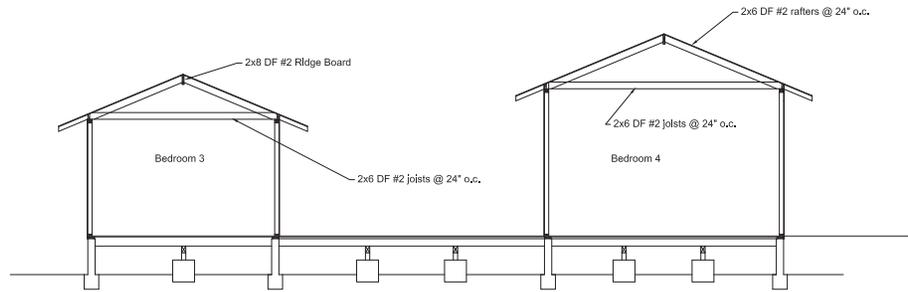
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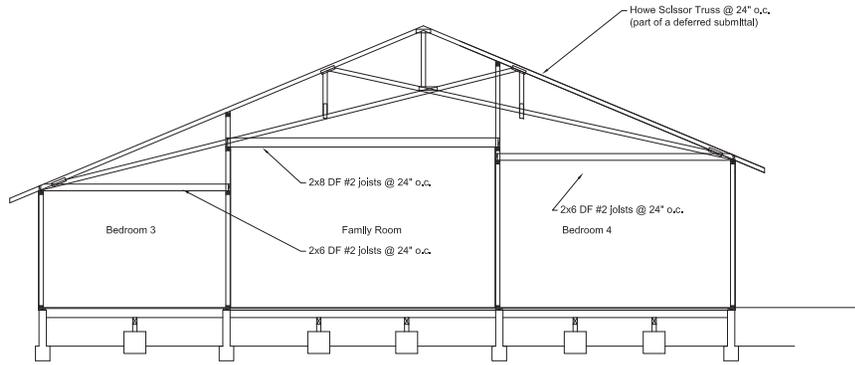
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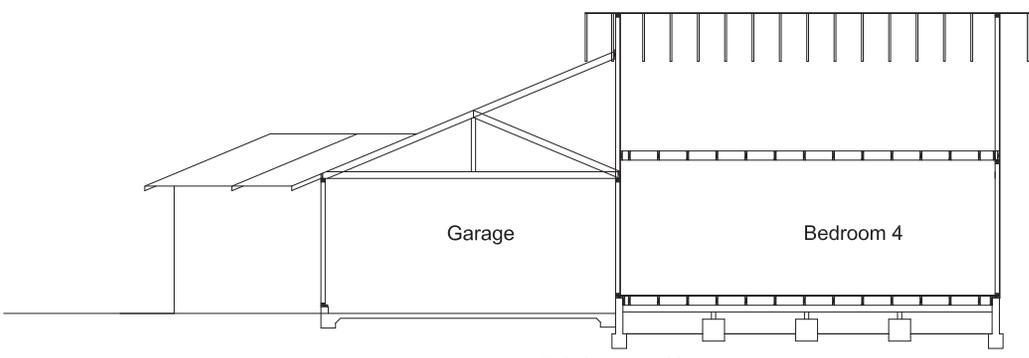
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 1/15/2004  
 REYDATE  
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Section A



Section B



Section C

General Notes

Sections

Professional Review Committee	3-4-16	
City Submit	3-11-16	
No.	Revision/Issue	Date

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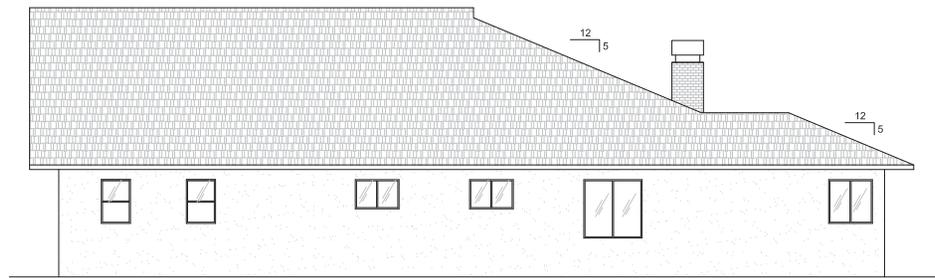
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 Campbell, CA 95008 - 5603  
 Date: 1/15/04 - P-H  
 Date: March 4, 2016

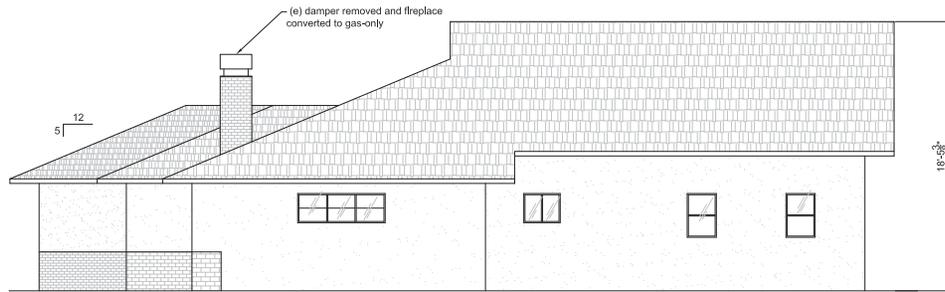
**A10**



PROJECT NORTH



West Elevation



East Elevation

General Notes

East & West Elevations

Architectural Review Committee	3-4-10	
City Submitted	2-18-10	
No.	Revision/Issue	Date

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ARCHITECT

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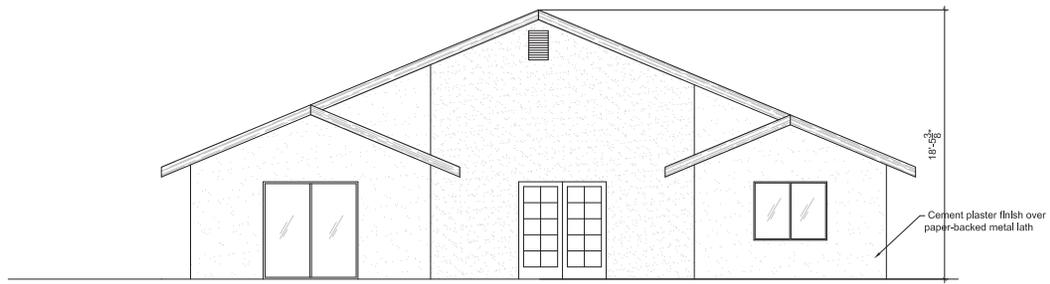
Pinder Residence  
363 Curtner Ave  
Campbell, CA 95008 - 5603

Scale: 1/4" = 1'-0" Date: March 4, 2010

A9



PROJECT NORTH



North Elevation



South (Front) Elevation

General Notes

North & South Elevations

Architectural Review Committee	3-4-10	
City Submitted	3-8-10	
No.	Revision/Issue	Date

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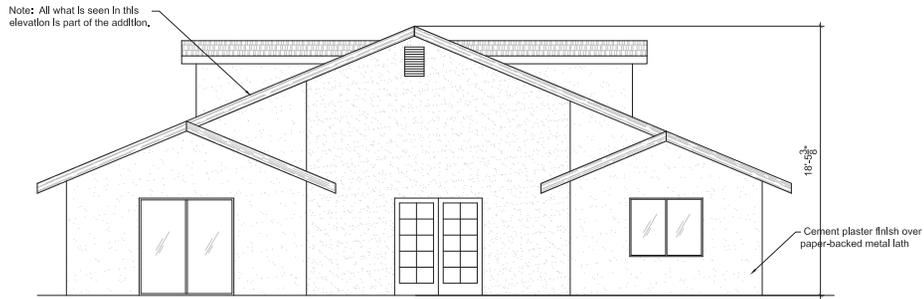
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 Date: 1/15/04 - P-C# Date: March 4, 2010

**A8**

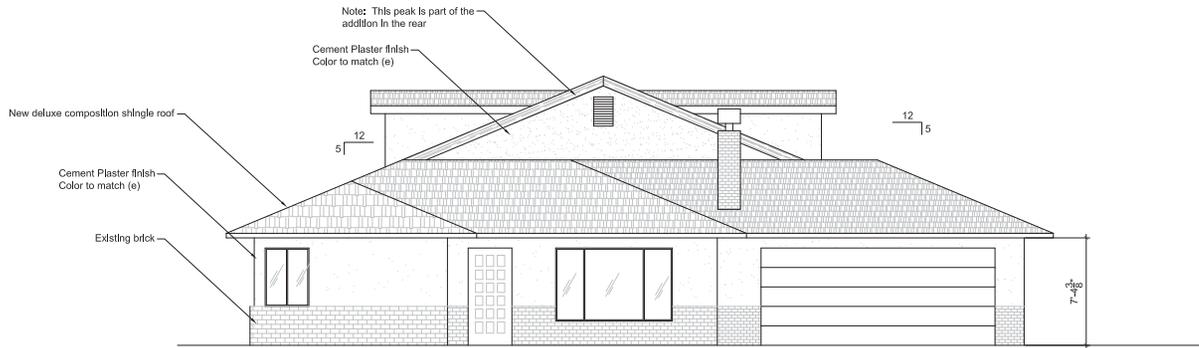


1/15/2004 REY/DATE  
 FNAME  
 363 Curtner 03-04-16.dwg  
 R





North Elevation



South (Front) Elevation

Replace (e) windows with double-paned glass

General Notes

North & South  
Exterior Elevations  
Option C

No.	Revision/Issue	Date
1	Add to Review Committee	5-22-16
2	Architectural Review Committee	5-27-16
3	City Submitted	9-14-16

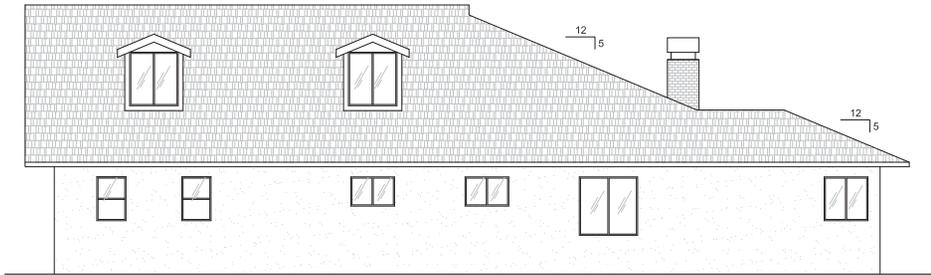
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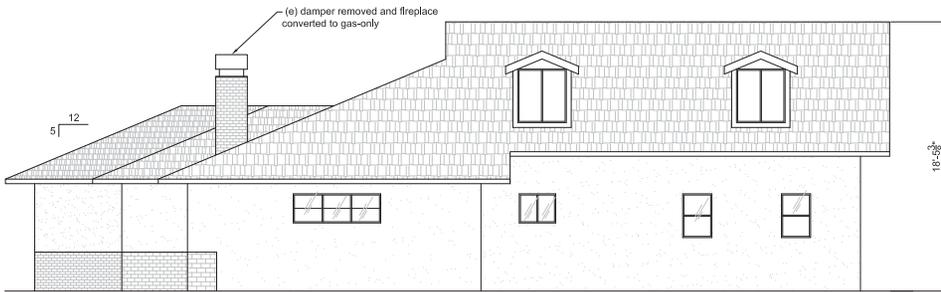
Pinder Residence  
 363 Curtner Ave  
 Campbell, CA 95008 - 5603  
 Date: 1/15/04 Date: June 2, 2016

**A8**





West Elevation



East Elevation

General Notes

East & West  
Exterior Elevations  
Option C

•	Add to Review Committee	4-22-16
•	Architectural Review Committee	5-19-16
•	City Submitted	9-14-16
No.	Revision/Issue	Date

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 Scale: 1/4" = 1'-0"  
 Date: June 2, 2016

**A9**



PROJECT NORTH



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • June 14, 2016**

**PLN2015-338**  
**Puckett, Z.**

Public Hearing to consider the application of Zack Puckett for an Administrative Planned Development Permit (PLN2015-338) with a request for an exception to a parking setback contained within the Winchester Boulevard Master Plan, to allow for the redevelopment of an existing building and site (formerly Michi Sushi) on property located at 2220 S. Winchester Boulevard, within a Planned Development (PD) zoning district.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, recommending that the City Council approve an Administrative Planned Development Permit to allow for the redevelopment of an existing building and site, with an exception to a parking setback contained within the Winchester Boulevard Master Plan, on property located at 2220 S. Winchester Boulevard, subject to the attached Conditions of Approval.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use.

**PROJECT DATA**

Existing Net Lot Area: 9,924 square feet (.23 acre)  
 Proposed Net Lot Area: 9,524 square feet (after 400 sq. ft. dedication; 5-feet on Sunnyside)  
 Gross Lot Area: 18,850 square feet (.43 acre)

Zoning: P-D (Planned Development)  
 General Plan: *Central Commercial* (Winchester Boulevard Master Plan)

Building Coverage: 24.1% (2,302 sq. ft. building + 65 sq. ft. trash enclosure)  
 Floor Area Ratio (FAR): 23.4% (2,237 sq. ft. building)

Setbacks	<u>Proposed</u>	<u>Requirement</u>
Height:	15 Feet, 7 Inches	45 Feet (Max.)
Slope Line on Rear:	2.8:1 Setback to Height	2:1 Setback to Height Ratio (Max.)
Street Side Setback:	8.5 Feet & 34 Feet <sup>1</sup>	5 Feet Setback from Street (Min.)
	12 Feet	No Interior Side Setbacks
Parking Setback:	2 Feet from Rear	8 Feet from Rear (Min.)

<sup>1</sup> The existing building is 8.5 feet from S. Winchester Blvd. and 34 feet from Sunnyside Avenue.

Parking:	<u>Parking Required</u>	<u>Parking Provided</u>
Retail Standard:	11 <sup>2</sup> (1 per 200 sq. ft.)	12
Office Standard:	10 <sup>3</sup> (1 per 225 sq. ft.)	12

Project Site: The project site is a single parcel, comprising approximately 9,924 square-feet, located at the northeast corner of South Winchester Boulevard and Sunnyside Avenue, abutting small-lot single-family residences to the east and a commercial property to the north (reference **Attachment 3** –Location Map). The project site is located within the Planned Development (P-D) Zoning District and has a General Plan land use designation of *Central Commercial*, and is located within the boundaries of the Winchester Boulevard Master Plan.

## **DISCUSSION**

In review of this application, the Planning Commission must consider the findings contained in CMC 21.12.030.6 (Approval Criteria) which generally requires the development to clearly result in a more desirable environment and use of land, and not be detrimental to the health, safety, or welfare of the neighborhood or the city as a whole. As such, a summary of the applicant’s proposal, applicable code requirements, and recommendations from the Site and Architectural Review Committee have been included for review and consideration.

Applicant’s Proposal: The applicant is requesting an Administrative Planned Development Permit (PLN2015-338) to reconfigure the existing parking lot, remove unpermitted additions and inactive air ductwork including vents and electrical panels on the building walls, remove windows on the south side of the building, and build a new trash enclosure<sup>4</sup>. While these improvements are in anticipation of a future retail or office use, a subsequent Administrative Planned Development Permit will be required once a tenant has been formally identified.

Administrative Procedure: In the Planned Development (P-D) Zoning District, an Administrative Planned Development Permit is required for minor building and site improvements. Typically, “Administrative” permits are reviewed and approved by the Community Development Director, but may be forwarded to the Planning Commission and City Council when project specific circumstances warrant such consideration. As the applicant’s proposal will substantially alter the on-site parking and circulation<sup>5</sup> (resulting in vehicles exiting directly onto Winchester Blvd.), and requires clarification on an 8-foot rear setback requirement for parking spaces outlined in the Winchester Boulevard Master Plan (WBMP), the Community Development Director determined that the proposed improvements were substantial and opted to forward the application to the Planning Commission for a recommendation, and with the decision being referred to the City Council. While modifications to an entitlement approved by the City Council would typically require review and approval by decision making body (i.e. the City Council), staff has included a condition of approval which would allow changes to the property to default back to the otherwise appropriate decision making body (e.g. Community Development Director or Planning Commission).

---

<sup>2</sup>After rounding down in accordance with CMC21.28.040.F.

<sup>3</sup>After rounding up in accordance with CMC21.28.040.F.

<sup>4</sup>For a more detailed summary of the proposed site and architectural changes, please refer to the May 24, 2016 – Site and Architectural Review Committee Memo (reference **Attachment 5**).

<sup>5</sup>Reference **Attachment 4** - Project Plans & **Attachment 5** – Existing Conditions for a visual comparison.

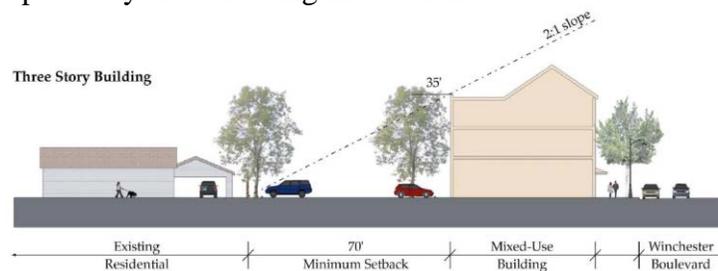
Background: On January 25, 2016 a stop work notice was issued for the property which had started demolition work without permits, rendering the site unsafe to occupy. At that time, the site was also observed as having installed a new  $\pm 7$ -foot redwood fence along the east property line without first obtaining approval of a fence exception permit or development permit application. The site has remained unoccupied and in a state of partial demolition since that time.

On April 28, 2016 a Blackwood Acacia tree (21-inch diameter) was removed from the property without a tree removal permit, triggering a requirement to plant four (4) 24-inch box replacement trees on the property (or pay an in lieu fee if onsite locations are unable to be identified). A fine of \$1,831.27 was also assessed for the violation, which reflected the value of the tree and a citation for work without permits. The applicant has since identified the location of four replacement plantings along the rear (east) property line (reference **Attachment 4** – Project Plans).

Planned Development Zoning District: The P-D Zoning District is intended to provide a degree of flexibility that is not available in other zoning districts so as to allow for a superior development, particularly related to the development's design and provision of open space. To aid in achieving this goal, the Zoning Code provides a listing of considerations that should be taken into account in review of this project which can be found in the in the Campbell Municipal Code and online as follows: [CMC 21.12.030.H.12](#).

Winchester Boulevard Master Plan: Review of physical characteristics of this project is largely governed by the Winchester Boulevard Master Plan<sup>6</sup> ("WBMP"). As envisioned by the General Plan, the goal of the WBMP is to transform Winchester Boulevard into a vibrant mixed-use, pedestrian-oriented district that can function as an extension of the Downtown. To this end, the WBMP encourages mixed-use development that fronts the street to provide a walkable atmosphere.

Recognizing the differences in the land use pattern along the Winchester Boulevard corridor, the WBMP defines three distinct planning areas. The project site is located within Area 2, "Neighborhood Commercial Boulevard", which is subject to development standards that consider the proximity of single-family residences, including a maximum 45-foot (3-story) building height, a rear setback/height ratio defined by a 2:1 slope, 5-foot setbacks along Winchester Boulevard and side streets, no interior side setbacks, and an 8-foot setback from the rear parking lot as depicted by the following illustration:



<sup>6</sup> The Winchester Boulevard Master Plan may be viewed online at <http://www.cityofcampbell.com/DocumentCenter/View/177>

As a developed site, the applicant's proposal should adhere to the requirements of the WBMP to the extent feasible. In evaluation of these requirements, the site would comply with all of the standards of the WBMP except for a questionable requirement to provide an 8-foot setback for the rear parking stalls. The plan includes an exhibit that states that a rear setback of 8-feet to parking or building be applied. Staff has reason to believe that an 8-foot setback is applicable for this project and intends to seek clarification of this standard from the City Council.

**Site and Architectural Review Committee:** The Site and Architectural Review Committee (SARC) reviewed this application at its meeting of May 24, 2016. The Committee was supportive of the project with the following recommendations (responses to these recommendations has been provided in italics below each item):

- **Trash Enclosure:** The trash enclosure should be painted to match the color of the building. The joints between CMU blocks should be smooth to simulate the appearance of stucco.

*The project architect revised Sheet 2 of the project plans to reflect that the proposed trash enclosure shall be painted and treated to simulate the stucco building (see note on West Elevation).*

- **Landscape Triangles:** Explore adding small landscape triangles between parking stalls to provide more room for tree plantings along the rear (east) property line.

*The project architect revised Sheet 1 of the project plans to include four small landscape triangles between parking stalls.*

- **Fencing & Walls:** Recommended that a wooden fence, matching the height and appearance of the existing fence (which is roughly seven-feet tall, including a foot of decorative lattice), be installed along the rear (east) property line.

*The project architect revised Sheet 1 of the project plans to note the removal of the existing fence, but incorrectly noted the installation of a new six-foot tall wooden fence as a replacement. A condition of approval has been included requiring the installation of a fence matching the height (seven-feet tall) and appearance of the existing fence, including the decorative lattice.*

- **Lighting:** Lighting should be added to the rear parking lot. This lighting should be adequately down-shielded to ensure that glare does not result in impacts on adjoining residential uses to the rear (east).

*The project architect revised Sheet 2 of the project plans to note the inclusion of down-shielded lights, mounted to the rear of the building wall, to illuminate the parking lot.*

- **Signs:** The Michi Sushi sign should be painted over, and the installation of a private stop sign should be explored at the northwest corner of the property where vehicles exit onto Winchester Boulevard.

*The project architect revised Sheet 2 of the project plans to note that the Michi Sushi sign will be painted over. Furthermore, Sheet 1 of the plans indicates the proposed location of a new freestanding stop sign. As the position of the stop sign is somewhat awkward (located on the left side of the driveway and several feet away from the back of walk), staff has included a condition of approval requiring the applicant to relocate the sign to*

*the back of the sidewalk interface and paint a line across the drive aisle demarcating the point vehicles stop. As an alternative, staff has provided the option for the applicant to stencil the letters "STOP" on the ground instead of installing a freestanding sign.*

Attachments:

1. Findings for Approval
2. Conditions of Approval
3. Location Map
4. Project Plans
5. Existing Conditions
6. May 24, 2016 – Site and Architectural Review Committee Memo
7. Reconstructed Fencing & Removed Tree

Prepared by:

  
\_\_\_\_\_  
Stephen Rose, Associate Planner

Approved by:

  
\_\_\_\_\_  
Paul Kermoyan, Community Development Director

## **FINDINGS RECOMMENDING APPROVAL OF FILE NO. PLN2015-338**

SITE ADDRESS: 2220 S. Winchester Blvd.  
APPLICANT: Marvin Bamberg  
OWNER: Zack Puckett, on behalf of Revere Group, LLC  
P.C. MEETING: June 14, 2016

Findings for recommending that the City Council approve an Administrative Planned Development Permit to allow for the redevelopment of an existing building and site, with an exception to a parking setback contained within the Winchester Boulevard Master Plan, on property located at 2220 S. Winchester Boulevard (PLN2015-338).

The Planning Commission finds as follows with regard to file number PLN2015-338:

### Environmental Finding

1. The project qualifies as Categorically Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use.

### Evidentiary Findings

1. The project site is located on the northeast corner of Winchester Boulevard and Sunnyside Avenue and is approximately 9,924 square feet in size.
2. After a 400 square foot dedication, the lot shall be approximately 9,524 square feet in size.
3. The project site is zoned P-D (Planned Development) on the City of Campbell Zoning Map.
4. The project site is designated Central Commercial on the City of Campbell General Plan Land Use Map.
5. No use (e.g. retail, office) is proposed with the subject application. The property owner will be required to apply for a separate discretionary review process (i.e. Administrative Planned Development Permit) once a use/tenant has been identified for the structure.
6. The project site is located within the Winchester Boulevard Master Plan.
7. The project site is bordered by residential uses to the east, and commercial uses to the north and across the street to the south (across Sunnyside) and west (across Winchester Blvd.).
8. The proposal may require the City Council to reduce the required eight-foot rear setback to allow parking spaces to encroach in the required setbacks.
9. The proposed project will be compatible with the underlying Central Commercial General Plan land use designation and the Winchester Boulevard Master Plan, as conditioned.

10. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.
11. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
12. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
13. The Planning Commission's recommended Conditions of Approval are attached.

Based upon the foregoing findings of fact and pursuant to Campbell Municipal Code Sec. 21.12.030(H6), the Planning Commission further finds and concludes that:

1. The proposed development or uses clearly would result in a more desirable environment and use of land than would be possible under any other zoning district classification;
2. The proposed development would be compatible with the general plan and will aid in the harmonious development of the immediate area;
3. The proposed development will not result in allowing more residential units that would be allowed by other residential zoning districts which are consistent with the general plan designation of the property;
4. The proposed development would not be detrimental to the health, safety or welfare of the neighborhood or of the city as a whole; and
5. The project is Categorically Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use.

**RECOMMENDED CONDITIONS OF APPROVAL FOR FILE NO. PLN2015-338**

SITE ADDRESS: 2220 S. Winchester Blvd.  
APPLICANT: Marvin Bamberg  
OWNER: Zack Puckett, on behalf of Revere Group, LLC  
P.C. MEETING: June 14, 2016

The applicant is hereby notified, as part of this application, that he/she is required to meet the following conditions in accordance with the ordinances of the City of Campbell and the State of California. Where approval by the Community Development Director, City Engineer, Public Works Director, City Attorney, or Fire Department is required, that review shall be for compliance with all applicable Conditions of Approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified:

**COMMUNITY DEVELOPMENT DEPARTMENT****Planning Division**

1. Approved Project: Approval is granted for an Administrative Planned Development Permit to allow the redevelopment of an existing building and site, with an exception to a parking setback contained within the Winchester Boulevard Master Plan, on property located at 2220 S. Winchester Boulevard. The project shall substantially conform to the revised project plans and color/materials board stamped as received by the Planning Division on May 31, 2016 except as may be modified by the conditions of approval herein.
2. Plan Revisions: The building permit submittal construction plans shall incorporate the following revisions:
  - a. Fencing: Where fencing is replaced along the rear (east) property line, it shall be replaced with fencing matching the appearance of the existing  $\pm 7$ -foot wood fence with lattice. Conformance to this requirement shall be to the satisfaction of the Community Development Director.
  - b. Signs: The proposed stop sign pole shall be relocated closer to the sidewalk interface with a white line painted across the drive aisle to demarcate the appropriate point for a vehicle to stop. In addition, or as an alternative to installation the stop sign pole, the applicant may stencil letters on the ground reading "STOP".
3. Permit Expiration: The Administrative Planned Development Permit (PLN2015-338) shall be valid for two years from the date of final approval. The City Council will be the final approving authority. Within this two-year period an application for a building permit must be submitted. Failure to meet this deadline will result in the Administrative Planned Development Permit being rendered void.
4. Delegation of Authority: Modifications to the site or project shall default back to the decision making body specified in the Campbell Municipal Code and not otherwise require City Council approval except where expressly required.

5. Planning Final Required: Planning Division clearance is required prior to Building Permit final. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
6. Final Landscaping Plan: The applicant shall submit a final landscape and irrigation plan with the building permit construction plans in compliance with the City's Water Efficient Landscape Guidelines.
7. Grading Plan: The building permit construction plans shall include a grading and drainage plan prepared by a qualified engineer indicating actual (not assumed) existing and proposed grades relative to existing grade and showing management of on-site drainage, for review and approval by the Community Development Director. The existing grade shall be modified to the minimum extent necessary to ensure proper drainage as determined by the Community Development Director.
8. Height Measurements: The height measurements on the elevation sheets shall be revised on the building permit construction plans to be consistent with the grading and drainage plan. Height measurements should occur at three elevations; existing grade, finished floor, and top of structure.
9. Parking: All parking and driveway areas shall be maintained in compliance with the standards in Chapter 21.28 (Parking & Loading) of the Campbell Municipal Code and the Winchester Boulevard Master Plan except where explicitly granted an exception by the City Council.
10. Fines: Prior to Building Permit submittal, if not required earlier, the applicant shall pay \$1,831.27 which reflects the value of the removed tree and a citation for work without permits.
11. Compliance with Other Regulations: The applicant shall comply with all state, county, and city regulations and laws that pertain to the proposed project.
12. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior building lighting shall be reviewed by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. The Director will have the authority to reject, approve or request modifications to the lighting design to achieve these goals.
13. Signage: No building signs have been considered as part of this Planned Development Permit. Future signage shall be considered pursuant to applicable City development standards and processes.
14. Construction Activities: The applicant shall abide by the following requirements during construction:
  - c. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior during all periods of construction.

- d. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
- e. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
- f. Unnecessary idling of internal combustion engines shall be strictly prohibited.
- g. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
- h. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

### **Building Division**

15. Permits Required: A building permit application shall be required for the proposed renovations to the (e) commercial building. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit. The building shall be made to comply with all the requirements necessary to the new buildings proposed occupancy.
16. Construction Plans: The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
17. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
18. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
19. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.
20. Title 24 Energy Compliance: California Title 24 Energy Standards Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
21. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
22. Non-Point Source Pollution: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24” X 36”) is available at the Building Division service counter.

23. Title 24 Accessibility – Commercial: On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
24. Title 24 Accessibility – Commercial: this project shall comply fully with the provisions of Chapter 11B of the California Building Code 2013 ed.
25. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
  - a. West Valley Sanitation District
  - b. School District:
    - i) Campbell Union School District (378-3405)
    - ii) Campbell Union High School District (371-0960)
    - iii) Moreland School District (874-2900)
    - iv) Cambrian School District (377-2103)
  - c. Santa Clara County Fire Department
  - d. Santa Clara County Department of Environmental Health
26. P.G.&E.: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.
27. LEED for New Construction: Applicant shall complete and return LEED Project Checklist prior to issuance of permit.
28. Storm Water Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.

### **Public Works Department**

29. Response Letter: Upon submittal of the Parcel Map, the Street Improvement Plans and the Grading and Drainage Plans, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
30. Preliminary Title Report: Prior to issuance of any grading or building permits for the site, the applicant shall provide a current (within the past 6 months) Preliminary Title Report.
31. Right-of-Way for Public Street Purposes: Prior to issuance of any grading or building permits for the site, the applicant shall fully complete the process to cause additional right-of-way to be granted in fee for public street purposes along the Sunnyside Avenue frontage to accommodate a 30-ft half street, unless otherwise approved by the City Engineer. The applicant shall submit the necessary documents for approval by the City Engineer, process the submittal with City staff's comments and fully complete the right-of-way process. The applicant shall cause all

documents to be prepared by a registered civil engineer/land surveyor, as necessary, for the City's review and recordation.

32. Grading and Drainage Plan: Prior to issuance of any grading or building permits for the site, the applicant shall conduct hydrology studies based on a ten-year storm frequency, prepare an engineered grading and drainage plan, and pay fees required to obtain necessary grading permits. Prior to occupancy, the design engineer shall provide written certification that the development has been built per the engineered grading and drainage plans.
33. Drainage System: Prior to occupancy clearance, the applicant shall refurbish, remodel, and reconstruct the on-site drainage system, as necessary, to demonstrate that the facilities are functioning normally in accordance with the requirements of the City.
34. Storm Drain Area Fee: Prior to issuance of any grading or building permits for the site the applicant shall pay the required Storm Drain Area fee, currently set at \$2,650.00 per net acre, which is \$610.00.
35. Storm Water Information: On the **grading plans** show the amount, in square footage, of:
  - a. Existing impervious area.
  - b. Proposed impervious area.
  - c. Proposed pervious area.
36. Stormwater Pollution Prevention Measures (<10,000 SF Impervious Area): Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

Resources to achieve these objectives include *Stormwater Best Management Practices Handbook for New Development and Redevelopment* ("CA BMP Handbook") by the California Stormwater Quality Association (CASQA), 2003; *Start at the Source: A Design Guidance Manual for Stormwater Quality Protection* ("Start at the Source") by the Bay Area Stormwater Management Agencies Association (BASMAA), 1999; and *Using Site Design Techniques to Meet Development Standards for Stormwater Quality: A Companion Document to Start at the Source* ("Using Site Design Techniques") by BASMAA, 2003.

37. Plan Lines: Prior to issuance of any grading or building permits for the site, the applicant shall provide a plan layout showing the correct distance from the street centerline to the property line, dimensions of sidewalk and other relevant information in the public right of way.
38. Utilities: All on-site utilities shall be installed underground per Section 21.18.140 of the Campbell Municipal Code for any new or remodeled buildings or additions. Applicant shall comply with all plan submittals, permitting, and fee requirements of the serving utility companies.

Utility locations shall not cause damage to any existing street trees. Where there are utility conflicts due to established tree roots or where a new tree will be installed, alternate locations for utilities shall be explored. Include utility trench details where necessary.

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39. Water Meter(s) and Sewer Cleanout(s): Existing and proposed water meter(s) and sewer cleanout(s) shall be relocated or installed on private property behind the public right-of-way line.
40. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
41. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. Streets that have been reconstructed or overlaid within the previous five years will require boring and jacking for all new utility installations. Winchester Boulevard was reconstructed in 2012 and Sunnyside Avenue has not been reconstructed or overlaid in the last 5 years. The pavement restoration plan shall indicate how the street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.
42. Street Improvement Agreements / Plans / Encroachment Permit / Fees / Deposits: Prior to issuance of any grading or building permits for the site, the applicant shall execute a street improvement agreement, cause plans for public street improvements to be prepared by a registered civil engineer, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:

Winchester Boulevard

- a. Show location of all existing utilities within the new and existing public right of way.
- b. Relocation of all existing utilities including utility boxes, covers, poles, etc. outside of sidewalk area. No utility boxes, covers, etc. will be allowed in the sidewalk area.
- c. Removal of existing two driveway approaches and necessary sidewalk, curb and gutter and installation of City standard curb, gutter, sidewalk.
- d. Installation of City standard curb, gutter, 10 foot sidewalk and ADA compliant driveway approach along Winchester Boulevard (north limit). See City Standard Commercial Driveway Detail 18.
- e. Installation of standard curb, gutter and 10' sidewalk to replace existing curb cut at the southern end.
- f. Installation of an ADA ramp at the northeast corner of Winchester Boulevard and Sunnyside Avenue per Detail A88A of the Caltrans Specifications.
- g. Installation of City approved street trees, 6'x6' tree well(s) and grate with structural soil and irrigation at 30 feet.
- h. Installation of traffic control, stripes and signs. Restriping the entire frontage maybe required depending on the utility plan and the pavement restoration plan.
- i. Construction of conforms to existing public and private improvements, as necessary.
- j. Submit final plans in a digital format acceptable to the City.

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Sunnyside Avenue:

- a. Show location of all existing utilities within the new and existing public right of way.
  - b. Relocation of all existing utilities including utility boxes, covers, poles, etc. outside of sidewalk area. No utility boxes, covers, etc. will be allowed in the sidewalk area.
  - c. Removal of existing non-ADA driveway approach and necessary sidewalk, curb and gutter and installation of City standard curb, gutter, sidewalk.
  - d. Installation of City standard curb, gutter, 10 foot sidewalk and ADA compliant driveway approach along Sunnyside Avenue. Current driveway exceeds City's standards. Install City Standard Commercial Driveway Detail 18.
  - e. Installation of City approved street trees, tree well(s) and irrigation at 30 feet on center.
  - f. Installation of traffic control, stripes and signs. Restriping the entire frontage maybe required depending on the utility plan and the pavement restoration plan.
  - g. Construction of conforms to existing public and private improvements, as necessary.
  - h. Submit final plans in a digital format acceptable to the City.
43. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the applicant shall have the required street improvements installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
44. Maintenance of Landscaping: Owner(s), current and future, are required to maintain the landscaped park strip and tree wells in the public right of way. This includes, but is not limited to: trees, lawn, plantings, irrigation, etc. Trees shall not be pruned in a manner that would not allow the tree to grow to a mature height.
45. Utility Encroachment Permit: Separate encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
46. Additional Street Improvements: Should it be discovered after the approval process that new utility main lines, extra utility work or other work is required to service the development, and should those facilities or other work affect any public improvements, the City may add conditions to the development/project/permit, at the discretion of the City Engineer, to restore pavement or other public improvements to the satisfaction of the City.

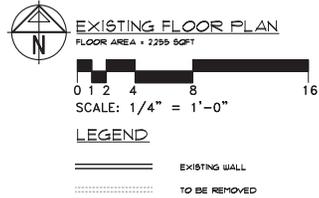
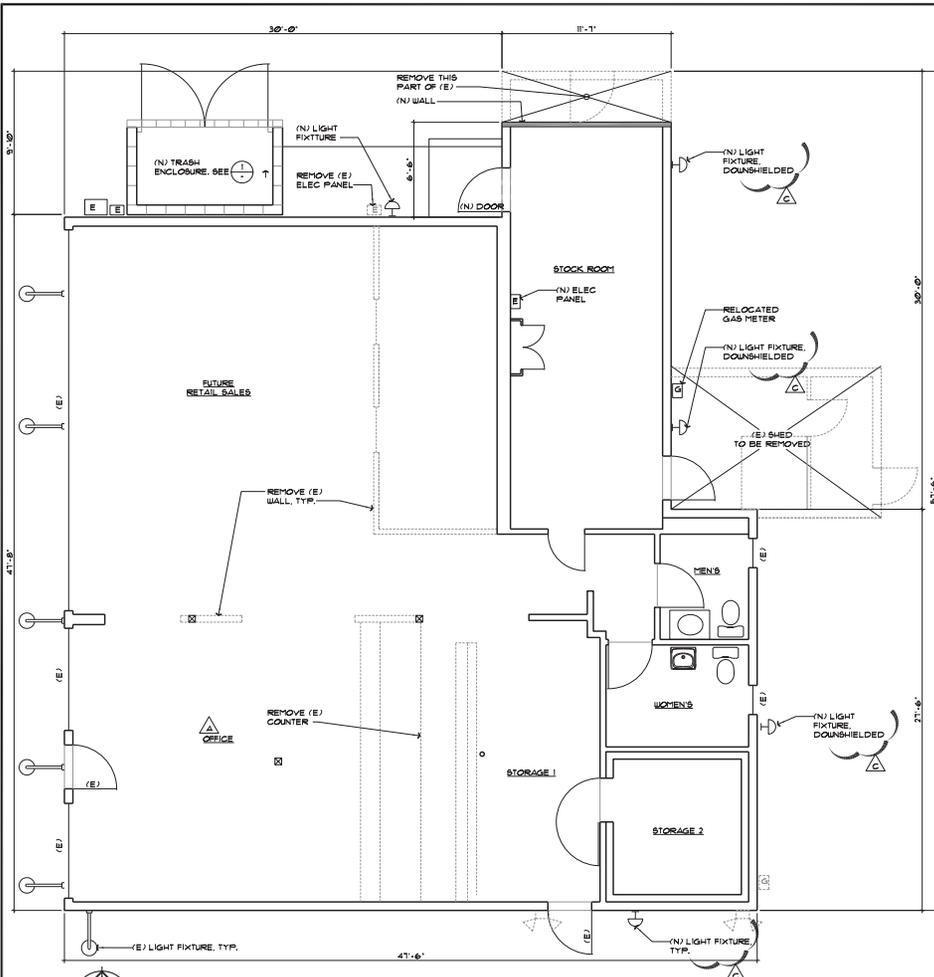
**Santa Clara County Fire Department**

47. Comment #1: Review of this development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
48. Comment #2: All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specifications SI-7.

# Location Map



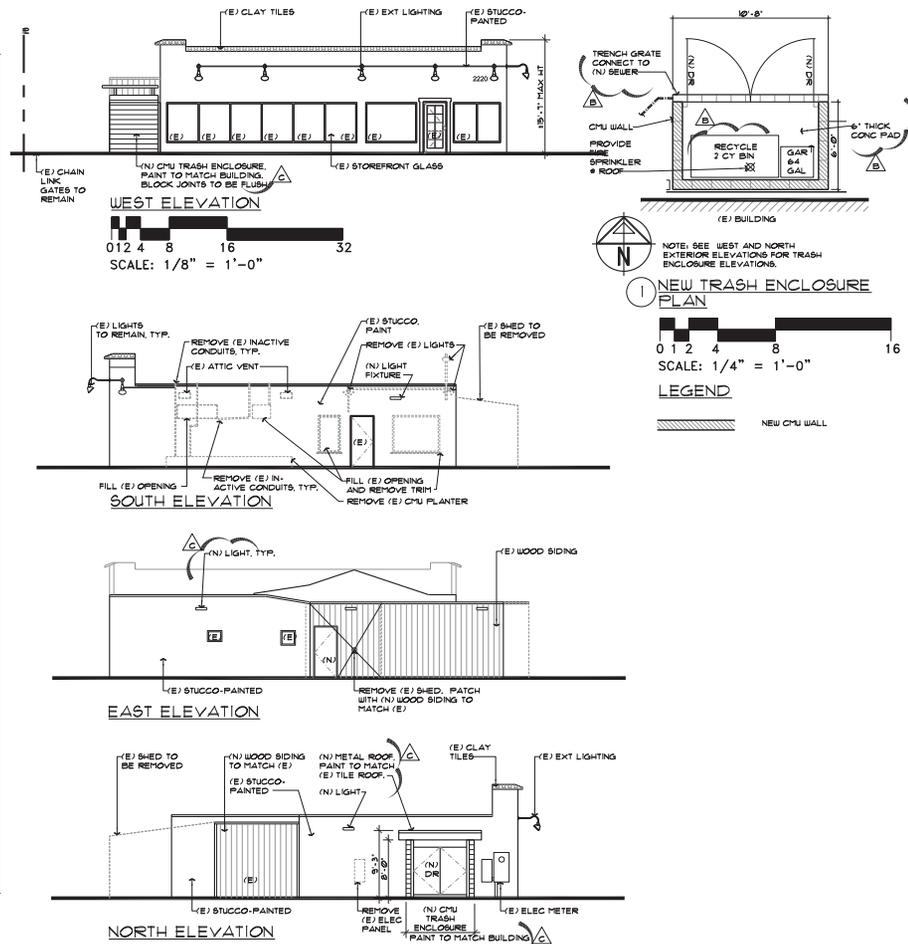




EXISTING STREET VIEW-WEST



EXISTING STREET VIEW-SOUTH



JOB No.	1555	
DATE	OCT 30, 2015	
DESCRIPTION	DATE	REV.
CITY REVIEW	1-15-16	1
PLN CHK COMMENTS	2-15-16	2
BARC COMMENTS	5-31-16	3

PD PERMIT FOR RETAIL

ARCHITECTS  
**MBA**  
1178 LINCOLN AVENUE SAN JOSE CALIFORNIA 95125  
PH: 408.279.2583 FAX: 408.437.7034

**LICENSED ARCHITECT**  
Arthur Berman  
No. C-4649  
REN. 09/17  
SAN JOSE, CALIFORNIA

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SHEET TITLE  
**FLOOR PLAN EXTERIOR ELEVATIONS**

SCALE AS SHOWN  
CAD FILE 1555-A1010  
DRAWN BY

SHEET  
2  
OF SHEETS



# MEMORANDUM



Community Development Department  
Planning Division

**To:** Site and Architectural Review Committee **Date:** May 24, 2016  
**From:** Stephen Rose, Associate Planner  
**Via:** Paul Kermoyan, Community Development Director PK  
**Application:** Administrative Planned Development Permit (PLN2015-338)  
**Project Site:** 2220 S. Winchester Blvd.

## PROPOSAL

The applicant is requesting an Administrative Planned Development Permit (PLN2015-338) to reconfigure the existing parking lot, remove unpermitted additions and inactive air ductwork including vents and electrical panels on the building walls, remove windows on the south side of the building, and build a new trash enclosure. While these improvements are in anticipation of a future retail or office use, a subsequent Administrative Planned Development Permit will be required once a tenant has been formally identified.

As the applicant's proposal will substantially alter the on-site parking and circulation, resulting in vehicles existing directly onto S. Winchester Boulevard, and includes a request for an exception to an 8-foot rear yard setback required for parking spaces in the Winchester Boulevard Master Plan (WBMP), the applicant's proposal will require review and approval by the City Council.

## PROJECT SITE

The project site is a single parcel, comprising approximately 9,924 square-feet, located at the northeast corner of South Winchester Boulevard and Sunnyside Avenue, abutting small-lot single-family residences to the east and a commercial property to the north (reference **Attachment 1** –Location Map). The project site is located within the Planned Development (P-D) Zoning District and has a General Plan land use designation of *Central Commercial*, and is located within the boundaries of the Winchester Boulevard Master Plan.

## PROJECT DATA

Existing Net Lot Area:	9,924 square feet (.23 acre)
Proposed Net Lot Area:	9,524 square feet (after 400 sq. ft. dedication; 5-feet on Sunnyside Ave.)
Gross Lot Area:	18,850 square feet (.43 acre)
Zoning:	P-D (Planned Development)
General Plan:	<i>Central Commercial</i> (Winchester Boulevard Master Plan)
Building Coverage:	24.1% (2,302 sq. ft. building + 65 sq. ft. trash enclosure)
Floor Area Ratio (FAR):	23.4% (2,237 sq. ft. building)
Building Height:	15 Feet, 7 Inches
Maximum Height Allowed:	45 Feet (Winchester Boulevard Master Plan)
Building Setbacks:	2:1 Height to Setback Ratio on Rear

Parking Setback: 5 Feet Setback from Winchester Blvd. & Side Streets,  
No Interior Side Setbacks  
8 Feet from Rear Property Line

2:1 slope, 5-foot setbacks along Winchester Boulevard and side streets, no interior side setbacks, and an 8-foot setback from the rear parking lot as depicted

Parking:	<u>Parking Required</u>	<u>Parking Provided</u>
Retail:	11 <sup>1</sup> (1 per 200 sq. ft. for speculative retail)	12

## BACKGROUND

On January 25, 2016 a stop work notice was issued for the property which had started demolition work without permits, rendering the site unsafe to occupy. At this time, the site was also observed as having installed a new 7-foot+ redwood fence along the east property line without first obtaining approval of a fence exception permit. The site has remained unoccupied and in a state of partial demolition since that time.

On April 28, 2016 a Blackwood Acacia tree (21-inch diameter) was removed from the property without a tree removal permit, triggering a requirement to plant four (4) 24-inch box replacement trees on the property (or pay an in lieu fee if onsite locations are unable to be identified). A fine of \$1,831.27 was also assessed for the violation, which reflected the value of the tree and a citation for work without permits. A discussion of the tree replacement requirements has been outlined in the discussion on landscaping.

## SCOPE OF REVIEW

As a developed site, conformance with applicable development standards (setbacks, building height, floor area ratio), and landscaping requirements (area, type, and size) should be provided to the greatest extent feasible taking into account existing conditions. Where complete conformance cannot be achieved due to conflicting requirements or existing buildings/site conditions, the SARC should seek to identify a 'best fit' plan based on the site constraints.

## DISCUSSION

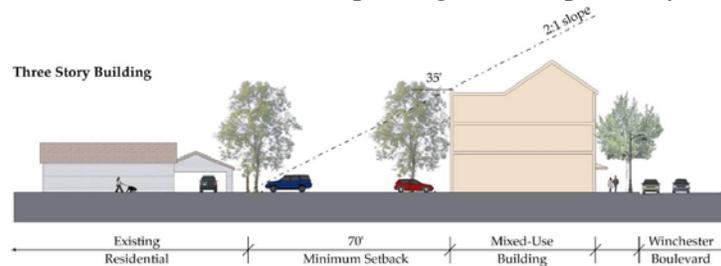
Planned Development Zoning District: The P-D Zoning District is intended to provide a degree of flexibility that is not available in other zoning districts so as to allow for a superior development, particularly related to the development's design and provision of open space. To aid in achieving this goal, the Zoning Code provides a listing of considerations that should be taken into account in review of this project which can be found in the in the Campbell Municipal Code and online as follows: [CMC 21.12.030.H.12](#).

Winchester Boulevard Master Plan: Review of physical characteristics of this project is largely governed by the Winchester Boulevard Master Plan<sup>2</sup> ("WBMP"). As envisioned by the General Plan, the goal of the WBMP is to transform Winchester Boulevard into a vibrant mixed-use, pedestrian-oriented district that can function as an extension of the Downtown. To this end, the WBMP encourages mixed-use development that fronts the street to provide a walkable atmosphere.

<sup>1</sup>After rounding down in accordance with CMC21.28.040.F.

<sup>2</sup> The Winchester Boulevard Master Plan may be viewed online at <http://www.cityofcampbell.com/DocumentCenter/View/177>

Recognizing the differences in the land use pattern along the Winchester Boulevard corridor, the WBMP defines three distinct planning areas. The project site is located within Area 2, "Neighborhood Commercial Boulevard", which is subject to development standards that consider the proximity of single-family residences, including a maximum 45-foot (3-story) building height, a rear setback/height ratio defined by a 2:1 slope, 5-foot setbacks along Winchester Boulevard and side streets, no interior side setbacks, and an 8-foot setback from the rear parking lot as depicted by the following illustration:



As a developed site, the applicant's proposal should adhere to the requirements of the WBMP to the extent feasible. In evaluation of these requirements, the site would comply with all of the standards of the WBMP except for a questionable requirement to provide an 8-foot setback for the rear parking stalls. The plan includes an exhibit that states that a rear setback of 8-feet to parking or building be applied. Staff has reason to believe that an 8-foot setback is applicable for this project and intends to seek clarification of this standard should the project be processed as proposed. Nevertheless, an expanded discussion of this requirement, site constraints, and conflicting policy objectives has been provided under Site Configuration.

**Site Configuration:** The WBMP provides guidance for buildings to be sited at the street, and parking lots to be deemphasized by being placed at the rear. The applicant's proposal furthers this objective by retaining the building in its current position at the street and relocating onsite parking further behind the building. While this design furthers the plan's objective to deemphasize parking, the arrangement may conflict with the WBMP requirement to provide an 8-foot separation between onsite parking and the rear property line. As the lot is relatively shallow, and the proposal reflects the minimum stall dimensions and aisle clearance requirements permitted (18-foot stall depth & 25 foot drive aisle/backup), the SARC could consider this arrangement to represent the 'best fit' available, and consider whether additional landscaping, trees or fencing (see subsequent discussion) may serve to further the objective to buffer residential uses from commercial activity. Alternatively, the SARC could recommend building changes to accommodate parking, or for the parking arrangement to be reversed to place the driveway along the rear property line. A discussion point has been raised to determine if the parking layout should remain as presented, or if any changes to the arrangement would be warranted.

**Architectural Design:** The WBMP does not prescribe or preclude any particular architectural style (e.g., Spanish, modern, etc.). Instead, it provides design guidelines (Pg. 29) with reference to the 'ground level treatment' and 'façade treatment and massing', that are intended to address a building's "pedestrian's range of experience" as well as its "character and scale" as considered in context of the urban fabric of the Winchester Boulevard corridor.

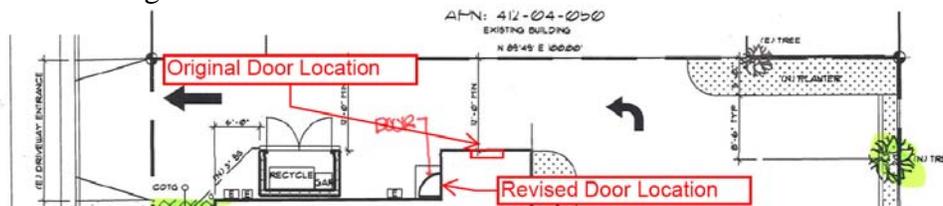
As a developed site, the applicant intends to retain the appearance of the existing building (white stucco walls, clay tile roof; the stockroom at rear of the building has vertical wood siding painted white) while removing unpermitted additions, inoperable ductwork and electrical equipment, and side

and rear windows which had been damaged and boarded up by the previous tenant. The proposal would retain all window glazing on the front façade of the building (fronting Winchester Boulevard), and install a new trash enclosure which would have CMU walls, and a metal roof. As the materials of the trash enclosure would not match the rest of the building, and would be visible from Winchester Boulevard, a discussion point has been raised to confirm whether or not stucco siding or a clay tile roof complementary to the primary building might be more appropriate, or if landscaping should be installed in front of this feature for enhanced screening.

**Landscaping, Trees & Fencing:** The proposed landscaping for the project reflects compliance with State-mandated water efficiency (drought tolerant vegetation) and stormwater management (infiltration plantings) standards. In consideration of the WBMP requirements to create a 15-foot wide sidewalk corridor, it should be noted that the landscaping along Winchester Boulevard will be required to be replaced with pervious pavers (reference **Attachment 4** – Enhanced Site Plan). Along the rear (east) property line, the applicant has proposed to install a two-foot wide landscaping strip (where vehicle parking spaces overhang the curb stop) and plant four new trees to replace the Blackwood Acacia tree which had been removed without permits (see discussion on Background). These trees, in combination with the 7-foot+ redwood fence (reference **Attachment 5** –Reconstructed Fence & Removed Tree), which had been installed without permits, could be considered to provide an adequate buffer for the residential uses to the east. While this fence is already in place, a discussion point has been raised to determine if the fence should be replaced with a masonry wall (which can be required to buffer commercial activities from residential uses), or reinforced at the base to protect against damage from vegetation or water. Further, as the trees would be planted in a two-foot wide landscaping strip which occurs between the wheel stop and the face of the fence, a further discussion point has been raised to determine if the five-foot wide planter at the northeast corner of the site should be carved into two 2½ feet wide parking lot finger islands and/or if the provision of landscape triangles between some of the stalls might be appropriate to provide an improved planting area for the roots of the trees.

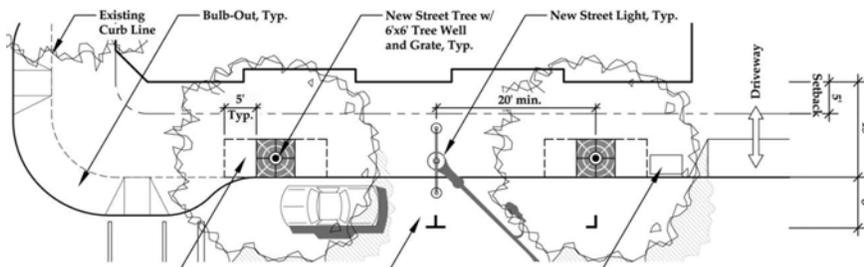
**Lighting:** New site lighting is subject to the City’s Lighting Design Standards (CMC 21.18.090). The most pertinent standard is the requirement for lighting fixtures to be shielded and for lighting not to emit across property lines. Whereas the applicant is not proposing new light fixtures, a discussion point has been raised to evaluate if additional lighting for the parking lot should be required.

**Circulation:** As part of the preliminary application review, the City's Traffic Engineer reviewed onsite and offsite circulation, including the driveway exit onto Winchester Boulevard. In that the site design narrows the driveway apron on Sunnyside, and creates an opportunity for vehicles to exit the site in two directions moving forward (rather than backing up over Sunnyside Avenue) the proposal is considered to reflect a significant improvement over the existing condition for motorists, bicyclists, and pedestrians. As the new driveway exiting onto Winchester Blvd. could conflict with an exit door of the stockroom, the applicant has proposed to relocate this door to the west elevation of the building as reflected in the following exhibit.



**Off-Site Improvements:** The proposed project will require public improvements (new sidewalk and street trees) to achieve the streetscape treatment provided for by the WBMP (illustrated in the diagram

below). The intent is to create a 15-foot wide sidewalk corridor—measured from building wall to the curb-line—comprised of 10-feet of right-of-way and the building's 5-foot front setback. Although the WBMP identifies Winchester and Sunnyside as potentially accommodating a "bulb-out" at the corner, the Traffic Engineering Division has indicated that bulb-outs are generally reserved for signalized intersections, and therefore will not be required.



In addition to applying the frontage improvements required by the WBMP, the applicant will be replacing the existing curb ramp at the intersection of Winchester Blvd. and Sunnyside with an accessible curb ramp, dedicating 5-feet of right-of-way along Sunnyside Avenue, and reconstructing the curb, gutter and sidewalk along Sunnyside Avenue to install a 25-foot wide driveway consistent with City Standards.

Historic Preservation: On August 19, 2015 the Historic Preservation Board (HPB) evaluated the historic significance of the subject building. While the HPB noted that the building was constructed around 1920, and located near the Alice Avenue Historic District, the Board determined the structure had little to no architectural integrity and did not warrant further discussion or evaluation for preservation.

Signage: While no new signs are proposed in conjunction with the subject application, a discussion point has been raised to confirm that the 'Michi Sushi' sign, which is painted on the south building wall, should be painted over with white paint and to evaluate whether a new private stop sign should be installed at the end of the driveway exiting onto Winchester Boulevard.

## SUMMARY

If the SARC believes that the applicant has adequately addressed the considerations for review of a Planned Development Permit, as specified by CMC 21.12.030.5, it could recommend approval to the Planning Commission as proposed or subject to revisions. The following questions are meant to facilitate the SARC's discussion of the application:

- **Trash Enclosure:** Should the trash enclosure be fabricated in stucco, or have a clay tile roof similar to the existing building? Alternatively, should the CMU block face be painted white and the metal roof painted a clay tile color to simulate the colors and materials of the building? Should landscaping be installed in front of the trash enclosure to help screen the structure?
- **Landscape Finger:** Should the project relocate the 5-foot landscaping strip that occurs at the northeast corner of the project site (rear parking lot) to a location between the fourth and fifth parking space along the rear property line to break-up the long row of parking and provide room for a new tree where the previous tree had been removed? Alternatively, should the 5-foot wide landscaping strip be divided into two smaller 2½-foot wide landscape strips occurring both at a location between the fourth and fifth parking stall, and at the northeast corner of the property?

- **Parking Lot Design:** Should the parking lot layout remain as presented, or should the building be reduced in size at the rear, and/or the parking arrangement reversed to place the driveway along the rear property line?
- **Landscape Triangles:** Would landscape triangles between some of the stalls be more appropriate to provide an improved planting area for the trees?
- **Fencing:** Should the fence between the commercial property and residential uses (which was built without permits) be reconstructed as a masonry wall? Should the base be reinforced to protect against damage from landscaping or water?
- **Parking Lot Lighting:** Should parking lot lighting be included with the revised parking lot design.
- **Mishi Sushi & Stop Sign:** Should the Michi Sushi Sign be painted over with white paint as a condition of approval? Should a new private stop sign be installed at the new Winchester Blvd. exit driveway?

Attachments:

1. Location Map
2. Project Plans
3. Existing Conditions
4. Enhanced Site Plan
5. Reconstructed Fencing & Removed Tree

## Reconstructed Fencing & Removed Tree





**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • June 14, 2016**

**PLN2016-107** Public Hearing to consider the application of Donald Bordenave, on behalf of Verizon, for a Conditional Use Permit (PLN2016-107) to allow for a new rooftop wireless facility (Verizon) concealed in four new rooftop dormers affixed to the roof of an existing cupola on property located at **1600 W. Campbell Avenue**, in a C-1 (Neighborhood Commercial) Zoning District.

**Bordenave, D.**  
**(Verizon)**

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving a Conditional Use Permit (PLN2016-107) to allow for a new rooftop wireless facility (Verizon) concealed in four new rooftop dormers affixed to the roof of an existing cupola, subject to the attached conditions of approval.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find this project Categorical Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA) pertaining to the construction of new small facilities and structures.

**DISCUSSION**

Background: On May 26, 2015 the Planning Commission approved a Conditional Use Permit (PLN2013-132) which allowed for the establishment of a new roof mounted telecommunications facility behind an extended building parapet wall. Since the approval, the applicant's construction team evaluated the proposal, determining that adding new dormers to the existing cupola would present a less intrusive and more cost effective design approach.

Project Site: The project site is the roof and surrounding grounds of the Big Five Sporting Goods building located in the Kirkwood Plaza Shopping Center which is located on the south side of Campbell Avenue, west of San Tomas Aquino Road and east of Fulton Street (reference **Attachment 3**, Location Map). The Kirkwood Plaza Shopping Center is developed with a combination of one and two-story multi-tenant office and retail commercial buildings.

Applicant's Proposal: The applicant is seeking approval of a Conditional Use Permit to allow for the establishment of a new wireless communications facility, which would be concealed in four new rooftop dormers affixed to the roof of an existing cupola. Associated equipment cabinets would be housed in storage room located at the rear of an existing commercial tenant space (Big 5 Sporting Goods).

The proposed facility is intended to provide better coverage and faster data service to Verizon Wireless customers.

## PROJECT DATA

Zoning District: C-1 (Neighborhood Commercial)  
General Plan Designation: Neighborhood Commercial

Facility Height	Existing	Proposed	Maximum Allowed
Top of Cupola Peak:	49-feet, 11-inches	No Change	N/A
Top of Proposed Dormers:	N/A	44-feet, 1-inch	N/A*

\*: As a decorative rooftop element, not providing additional floor space may exceed the maximum height limit with Planning Commission approval.

## Surrounding Uses

North: Campbell Avenue  
South: Residential  
East: S. San Tomas Aquino Road  
West: Fulton Street

## ANALYSIS

General Plan Consistency: The General Plan land use designation for the project site is *Neighborhood Commercial*. This land use designation is intended to facilitate small-scale, lower intensity commercial and office uses that provide services to area residents. The General Plan Land Use Element provides policies that may be taken into consideration by the Planning Commission in review of this project:

- Policy LUT-5.1: Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values, while protecting the integrity of the city's neighborhoods.
- Policy LUT-9.31: Wireless Telecommunication Facilities: Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a structure.
- Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community.

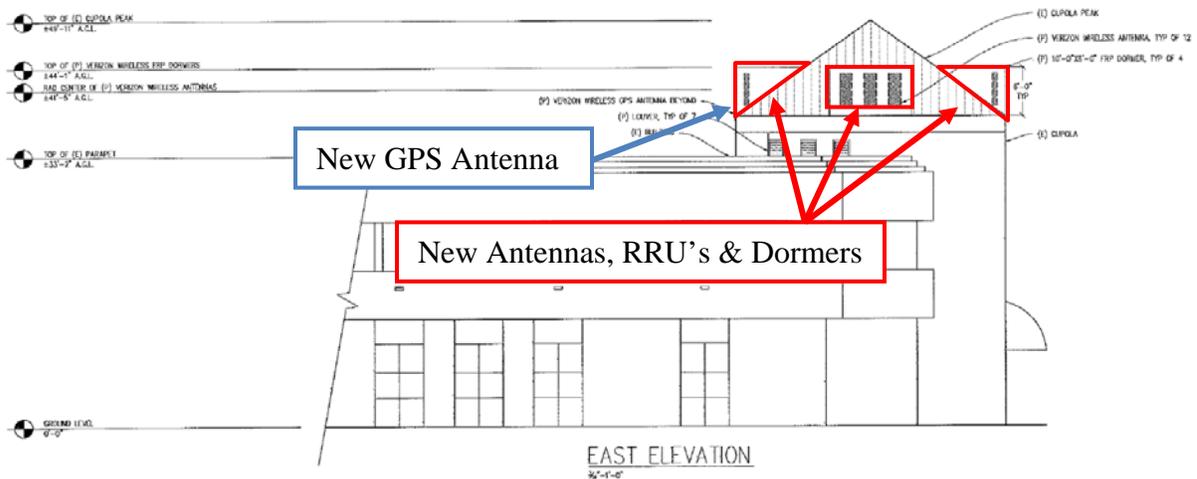
The establishment of a new rooftop wireless telecommunications facility enclosed in new rooftop dormers would be in keeping with the purpose of this land use designation by providing the benefit of enhanced telecommunication coverage to commercial businesses, motorists, and residents in the nearby area, while minimizing visual impacts.

Zoning District Consistency: The project site is located in the C-1 (Neighborhood Commercial) Zoning District which is consistent with the neighborhood commercial land use designation of the General Plan. This zoning district is intended to encourage the location of commercial uses at major intersections near residential areas to serve the daily needs of nearby residents of the City and promote commercial development which will be compatible with neighboring residential uses. Pursuant to CMC 21.34.020 (Definitions; Wireless Telecommunications Facilities), and

CMC 21.34.030 (Permits required.), the establishment of a non-stealth<sup>1</sup> wireless telecommunications facility use in a C-1 zone requires approval of a Conditional Use Permit.

**Facility Design:** The proposed facility consists of twelve (12) antenna panels and supporting equipment concealed within new FRP (fiber reinforced plastic) dormers to be installed on each of the four sides of an existing cupola/tower located above and at the front of a two-story commercial building. The proposal also includes the installation of two smaller GPS antennas which will be mounted outside the dormers at the southeast corner of the cupola (carefully placed out of view), sixteen (16) RRU's completely integrated within the existing cupola, and the installation of seven louvers for ventilation around the cupola, and the use 240 square foot storage room at the rear and ground floor of an existing commercial tenant space (Big 5 Sporting Goods) for antenna cabinets and air conditioning units.

The proposed dormers will be made of a FRP (Fiber Reinforced Plastic) material which will be treated to match the material (metal), texture (smooth with seams), and color (blue) of the existing cupola. As the antennas would be housed entirely within the dormers, the antennas will not be visible from any angle (reference **Attachment 4** – Project Plans; Sheet A-3).



**Exhibit 1 - Proposed Equipment**

(Partial View; Eight additional antennas, one GPS antenna and ground floor equipment room not shown)

**Location:** The antennas will be located on the roof of a commercial property (zoned C-1), which is a preferred location for wireless telecommunication facilities pursuant to Campbell Municipal Code Section 21.34.070.A (Location of wireless telecommunications facilities.). Additionally, in accordance with the requirements specified by Section 21.34.080.C (Preferred antenna siting and mounting techniques), the proposed antennas will minimize the visual attention of the telecommunications facility by being fully screened behind new rooftop dormers.

**Health, Safety & Cumulative Effects:** To evaluate the health and safety impacts of the proposed facility, a Radio Frequency (RF) Compliance Assessment was prepared (reference **Attachment 5**). The RF report, which included several “worst-case” assumptions, concluded that the equipment will comply with FCC’s guidelines through the implementation of signage consistent

<sup>1</sup> As the proposed facility is not completely integrated into an existing building structure, it does not qualify as a stealth facility.

with the Site Safety Plan. Under the Federal Telecommunications Act of 1996, local governments cannot deny an application for a wireless telecommunications site because of perceived health risks if the proposed site complies with Federal Radio Frequency emissions standards.

As conditions of approval, staff has included requirements to post warning signage identifying all wireless equipment and safety precautions, and require periodic safety monitoring at points to occur 10 days after installation of the facilities, and every two years thereafter by a licensed engineer.

Length of Permit Term: Although the wireless telecommunications provisions in the City's Zoning Ordinance (CMC 21.34.060) specify a maximum permit length of five years, the California Government Code (§ 65964(b)) requires a reasonable permit length, and it has since been determined by the courts to be no less than 10 years. As such, the requested Conditional Use Permit will expire in 10 years, on June 16, 2025. At that time, Verizon Wireless or its successor will be required to obtain a new Conditional Use Permit to allow continued operation of the facility, which could require changes to the facility design.

Site and Architectural Review Committee: The Site and Architectural Review Committee reviewed this application at its meeting of May 24, 2015. The Committee was supportive of the project, requesting that the applicant ensure that the sides of the dormers incorporate a similarly spaced vertical seams (to better match the appearance of the existing metal roof), and use heavier/wider gage louvers (reference **Attachment 7** – Photo-simulations). Both of these requirements have been reflected as Conditions of Approval.

Attachments:

1. Findings for Approval of File No. PLN2016-107
2. Conditions of Approval of File No. PLN2016-107
3. Location Map
4. Project Plans
5. Radio Frequency (RF) Compliance Assessment
6. Radio Frequency Coverage Maps
7. Photo-simulations

Prepared by:

  
\_\_\_\_\_  
Stephen Rose, Associate Planner

Approved by:

  
\_\_\_\_\_  
Paul Kermoyan, Community Development Director

**FINDINGS FOR APPROVAL OF FILE NO(S). PLN2016-107**

SITE ADDRESS: 1600 W. Campbell Avenue  
APPLICANT: Donald Bordenave, on behalf of Verizon  
OWNER: Rampy & Rampy, LLC  
P.C. MEETING: June 14, 2016

Findings for approval of a Conditional Use Permit to allow for a new rooftop wireless facility (Verizon) concealed in four new rooftop dormers affixed to the roof of an existing cupola at 1600 W. Campbell Avenue, in a C-1 (Neighborhood Commercial) Zoning District.

The Planning Commission finds as follows with regard to file number(s) PLN2016-107:

1. The project site located in the Kirkwood Plaza Shopping Center located on the south side of Campbell Avenue, west of San Tomas Aquino Road and east of Fulton Street
2. The project site is zoned C-1 (Neighborhood Commercial).
3. The General Plan land use designation for this property is *Neighborhood Commercial* and the proposed wireless telecommunications facility, as conditioned, is in compliance with the following policies of the General Plan:

Policy LUT-5.1: Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values, while protecting the integrity of the city's neighborhoods.

Policy LUT-9.31: Wireless Telecommunication Facilities: Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a structure.

Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community.

4. Non-stealth wireless telecommunication facilities are permitted in the C-1 (Neighborhood Commercial) zoning district subject to the approval of a Conditional Use Permit.
5. The proposed wireless facility would be concealed in four new rooftop dormers affixed to the roof of an existing cupola.
6. The purpose of discretionary review of wireless telecommunications facilities is to minimize the adverse visual impacts and operational effects of these facilities using appropriate design, siting and screening techniques while providing for the personal communications needs of residents, local business and government of the city and the region.
7. The proposed wireless facility is consistent with the standards set forth within the City's Wireless Telecommunication Ordinance regarding the height, placement and design of wireless facilities.

Based upon the foregoing findings of fact, the Planning Commission further finds and concludes that:

1. The proposed use is allowed within the applicable zoning district with the approval of a Conditional Use Permit and complies, as conditioned, with all other applicable provisions of this Zoning Code and the Campbell Municipal Code.
2. The proposed use is consistent with the General Plan.
3. The proposed development would be consistent and compatible with the General Plan and will aid in the harmonious development of the immediate area.
4. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area.
5. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate.
6. The design, location, size, and operating characteristics of the proposed use, as conditioned, are compatible with the existing and future land uses on-site and in the vicinity of the subject property.
7. The establishment, maintenance, or operation of the proposed use, as conditioned, at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
8. The project will aid in the harmonious development of the immediate area.
9. The project is consistent with applicable adopted design guidelines.
10. The project is Categorical Exempt under Section 15303 Class 3 of the California Environment Quality Act (CEQA), pertaining to the construction of new small facilities and structures.

**CONDITIONS FOR APPROVAL OF FILE NO(S). PLN2016-107**

SITE ADDRESS: 1600 W. Campbell Avenue  
APPLICANT: Donald Bordenave, on behalf of Verizon  
OWNER: Rampy & Rampy, LLC  
P.C. MEETING: June 14, 2016

The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the ordinances of the City of Campbell and the State of California. The lead department with which the applicant will work is identified on each condition where necessary. Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney, or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted engineering practices, for the items under review. Additionally, the applicant is hereby notified that (s)he is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified:

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division:**

1. Approved Project: Approval is granted for Conditional Use Permit to allow for a new rooftop wireless facility (Verizon) concealed in four new rooftop dormers affixed to the roof of an existing cupola on property located at **1600 W. Campbell Avenue**. The project shall substantially conform to the Project Plans and Photo-simulations dated as received on March 23, 2016, except as modified by the Conditions of Approval contained herein.
2. Length of Permit Term: The Conditional Use Permit approved herein shall be valid for a period of ten (10) years from the effective date of the Planning Commission resolution, expiring June 24, 2025.
3. Revision to Plans: The building permit submittal construction plans shall incorporate the following revisions:
  - a. Conditions of Approval: The conditions of approval shall be stated in full in the construction plans.
  - b. Safety Requirements: The building permit plans shall reflect the incorporation of all safety recommendations and requirements outlined by the in the Radio Frequency (RF) Compliance Assessment.
  - c. Dormers & Louver Design: The building permit plans shall include vertical seams on the sides of the dormers (to better match the appearance of the existing metal roof), and use heavier/wider gage louvers. Compliance with this requirement shall be to the satisfaction of the Director of Community Development.

4. Revocation of Permit: Operation of the use in violation of the Conditional Use Permit or any standards, codes, or ordinances of the City of Campbell shall be grounds for consideration of revocation of the Conditional Use Permit by the Planning Commission.
5. Cessation of Operations: The service provider shall provide written notification to the Director upon cessation of operations on the site exceeding a 90-day period. The service provider shall remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations, whichever comes earlier.
6. New Permit Required: If a consecutive period of 180 days has lapsed since cessation of operations, a new Conditional Use Permit shall be required prior to use or reuse of the site.
7. Upgrading of Facility Required: If technological improvements or developments occur which allow the use of materially smaller or less visually obtrusive equipment, the service provider will be required to replace or upgrade the approved facility upon application of a new Use Permit application to minimize adverse effects related to land use compatibility, visual resources, public safety or other environmental factors.
8. Business License Required: Each service provider with a wireless telecommunications facility in the City shall obtain and maintain a valid city business license.
9. No Advertising: No advertising signage or identifying logos shall be displayed on wireless telecommunications facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning.
10. Maintenance: All maintenance on the antennas is to be performed between the hours of 7 a.m. and 9 p.m. with the exception of emergency repairs.
11. Maintenance of Finish: It is an ongoing obligation of the applicant, assignees and successors in interest to maintain all components of the antennas and the exterior finish of the structures and equipment approved by this permit in good order. Graffiti shall be removed by repainting the surface of the structure or equipment with a matching color as soon as practical.
12. Impact on Parking: The installation of wireless telecommunication facilities shall not reduce required parking on the site.
13. Safety:
  - a. Public Access Restricted: Antennas are to be sited in such a way so that barriers and signage prevent a person from passing through areas that exceed the safety limits established by the FCC, in compliance with the adopted standards for controlled access.
  - b. Warning Signs: Signage shall be maintained at the facility identifying all wireless telecommunication facility equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards, including the RF radiation hazard warning symbol identified in ANSI C95.2-1982, to notify persons that the facility could cause exposure to RF emissions.

- c. Emissions Conditions: It is a continuing condition of this authorization that the facilities be operated in such a manner so as not to contribute to ambient RF/EMF emissions in excess of the current FCC adopted RF/EMF emission standards; violation of this condition shall be grounds for revocation.
  - d. Hazardous Materials: If the contents of the equipment cabinet/building or base transceiver station contain toxic or hazardous materials, a sign shall be placed on or around the exterior of the base transceiver station or equipment cabinets and building warning the public.
  - e. Periodic Safety Monitoring: The wireless telecommunications service provider shall submit to the Director, 10 days after installation of the facilities and every two years thereafter, a certification attested to by a licensed engineer expert in the field of EMR/RF emissions that the facilities are and have been operated within the then current applicable FCC standards for RF/EMF emissions.
  - f. Compatibility with City Emergency Services: The facility shall not be operated or caused to transmit on or adjacent to any radio frequencies licensed to the City for emergency telecommunication services such that the City's emergency telecommunications system experiences interference.
  - g. Emergency Contact: The service provider shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment cabinet.
14. Lighting: The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure. Where lighting is used, it shall be shielded from public view and operated only during times of necessity by a maintenance operator.
15. Noise: The wireless telecommunication facility, including power source, ventilation and cooling facility, shall not generate noise discernible beyond the property lines.
16. Heat Generation: The wireless telecommunication facility, including power source and cooling facility, shall not be operated so as to cause the generation of heat that adversely affects other uses or structures.
17. Implementation and monitoring costs: The wireless telecommunications service provider or its successor shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval contained in this authorization, including costs incurred by this department, the office of the City Attorney or any other appropriate City department or agency. The Community Development Department shall collect costs on behalf of the City.
18. Transfer of Operation: Any carrier/service provider authorized by the community development director or by the planning commission to operate a specific wireless telecommunications facility may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency provided that the transfer is made known to the community development director in advance of the operation and all conditions of approval for the subject installation are carried out by the new carrier/service provider. However, the

carrier/service provider may, without advance notification, transfer operations of the facility to its general partner or any party controlling, controlled by or under common control with the carrier/service provider.

19. Complaints and Proceedings: Should any party complain to the wireless telecommunications service provider about the installation or operation of the facilities, which complaints are not resolved by the wireless telecommunications service provider, the wireless telecommunications service provider (or its appointed agent) shall advise the Community Development Director of the complaint and the failure to satisfactorily resolve such complaint. If the director determines that a violation of a condition of approval has occurred, the Community Development Director may refer the matter to the Planning Commission for consideration of modification or revocation of the permit.
20. Landscaping: The area around the proposed generator shall be landscaped and continuously maintained in accordance with City Landscaping Requirements (CMC 21.26). Landscaped areas shall be watered on a regular basis so as to maintain healthy plants. Landscaped areas shall be kept free of weeds, trash, and litter. Dead or unhealthy plants shall be replaced with healthy plants of the same or similar type.
21. Severability: If any clause, sentence, section or any part of these Conditions of Approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the City that these Conditions of Approval would have been adopted had such invalid sentence, clause or section or part thereof not been included herein.

**Building Division:**

22. Permits Required: A building permit application shall be required for the proposed antenna structure, and associated standard voltage wiring. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
23. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
24. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. by 36 in.
25. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
26. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate.
27. Construction Activities: The applicant shall abide by the following requirements during construction:

- a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
  - b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
  - c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
  - d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
  - e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
  - f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.
28. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
29. Non-point Pollution Control Program: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
30. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
- a. Santa Clara County Fire Department (378-4010)

# Location Map





**CENTRAL CAMPBELL**  
 1600 W CAMPBELL AVENUE, CAMPBELL, CA 95008  
 LOCATION NUMBER: 255605

**CENTRAL CAMPBELL**

255605  
 1600 W CAMPBELL AVENUE  
 CAMPBELL, CA 95008



VERIZON WIRELESS EQUIPMENT ENGINEER:		VERIZON WIRELESS REAL ESTATE:	
SIGNATURE	DATE	SIGNATURE	DATE
VERIZON WIRELESS CONSTRUCTION:		VERIZON WIRELESS RF ENGINEER:	
SIGNATURE	DATE	SIGNATURE	DATE
PROPERTY OWNER:		CORE DEVELOPMENT SERVICES - LEASING	
SIGNATURE	DATE	SIGNATURE	DATE
CORE DEVELOPMENT SERVICES - CONSTRUCTION		CORE DEVELOPMENT SERVICES - ZONING	
SIGNATURE	DATE	SIGNATURE	DATE

**PROJECT DESCRIPTION**

A (P) VERIZON WIRELESS UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF INSTALLING:

- (12) (P) ANTENNAS
- (16) (P) BRUS-12 UNITS W/ (16) (P) A2 MODULES
- (4) (P) RAYCAP 3315 SURGE SUPPRESSORS
- A (P) 11'-10"x19'-6" (231 SQ FT) EQUIPMENT LEASE AREA
- (2) (P) GPS ANTENNAS

**PROJECT INFORMATION**

SITE NAME:	CENTRAL CAMPBELL	SITE #:	255605
COUNTY:	SANTA CLARA	JURISDICTION:	CITY OF CAMPBELL
APN:	403-02-044	POWER:	PG&E
SITE ADDRESS:	1600 W CAMPBELL AVENUE CAMPBELL, CA 95008	TELEPHONE:	A:T&T
CURRENT ZONING:	C-1 (NEIGHBORHOOD COMMERCIAL)		
CONSTRUCTION TYPE:	V-B		
OCCUPANCY TYPE:	U, (UNMANNED COMMUNICATIONS FACILITY)		
PROPERTY OWNER:	RAMPY & RAMPY LLC 1630 W CAMPBELL AVENUE CAMPBELL, CA 95008 (408) 379-4547		
APPLICANT:	VERIZON WIRELESS 2785 MITCHELL DRIVE, BLDG 9 WALNUT CREEK, CA 94598		
SITE ACQUISITION COMPANY:	CORE DEVELOPMENT SERVICES, LLC 10 ROLLINS RD, STE #202 MILLBRAE, CA 94030		
LEASING CONTACT:	CORE DEVELOPMENT SERVICES, LLC ATTN: SHAMALA TAJ (714) 986-6276 STANDARDUS.COM		
ZONING CONTACT:	CORE DEVELOPMENT SERVICES, LLC ATTN: ASHLEY WOODS (714) 293-5075 AWOODS@CORE.US.COM		
CONSTRUCTION CONTACT:	ATTN: TSD (---)		

**VICINITY MAP**



**DRIVING DIRECTIONS**

- FROM: 2785 MITCHELL DRIVE, BLDG 9, WALNUT CREEK, CA 94598  
 TO: 1600 W CAMPBELL AVENUE, CAMPBELL, CA 95008
1. START OUT GOING SOUTHWEST ON MITCHELL DR TOWARD N WIGET LN 0.2 MI
  2. TURN LEFT ONTO N WIGET LN 0.3 MI
  3. TAKE THE 2ND RIGHT ONTO YONACIO VALLEY RD 3.0 MI
  4. YONACIO VALLEY RD BECOMES HILLSIDE AVE 0.03 MI
  5. MERGE ONTO I-880 S VIA THE RAMP ON THE LEFT TOWARD SAN JOSE 33.7 MI
  6. TAKE THE MISSION BLVD W EXIT, EXIT 12, TOWARD I-880 / WARM SPRINGS DISTRICT / NORTHWESTERN POLYTECHNIC UNIVERSITY 0.5 MI
  7. MERGE ONTO MISSION BLVD / CA-262 0.6 MI
  8. MERGE ONTO I-880 S TOWARD SAN JOSE 13.0 MI
  9. I-880 S BECOMES CA-17 S 1.3 MI
  10. TAKE THE HAMILTON AVE EXIT, EXIT 25 0.2 MI
  11. KEEP RIGHT TO TAKE THE RAMP TOWARD J F K UNIVERSITY / DOWNTOWN CAMPBELL 0.06 MI
  12. MERGE ONTO E HAMILTON AVE 1.1 MI
  13. TURN LEFT ONTO SAN TOMAS EXPY / COUNTY HWY-04 0.5 MI
  14. TURN RIGHT ONTO W CAMPBELL AVE 0.5 MI
  15. 1600 W CAMPBELL AVE IS ON THE LEFT 1.0 MI
- END AT: 1600 W CAMPBELL AVENUE, CAMPBELL, CA 95008  
 ESTIMATED TIME: 1 HOUR 1 MINUTES ESTIMATED DISTANCE: 55.48 MILES

**CODE COMPLIANCE**

ALL WORK & MATERIALS SHALL BE PERFORMED & INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

- 2013 CALIFORNIA ADMINISTRATIVE CODE, PART 1, TITLE 24 C.C.R.
- 2013 CALIFORNIA BUILDING CODE (CBC), PART 2, TITLE 24 C.C.R.  
(2012 INTERNATIONAL BUILDING CODE VOLUMES 1-2 AND 2013 CALIFORNIA AMENDMENTS)
- 2013 CALIFORNIA ELECTRICAL CODE (CEC), PART 3, TITLE 24 C.C.R.  
(2011 NATIONAL ELECTRICAL CODE AND 2013 CALIFORNIA AMENDMENTS)
- 2013 CALIFORNIA MECHANICAL CODE (CMC) PART 4, TITLE 24 C.C.R.  
(2012 UNIFORM MECHANICAL CODE AND 2013 CALIFORNIA AMENDMENTS)
- 2013 CALIFORNIA PLUMBING CODE (CPC), PART 5, TITLE 24 C.C.R.  
(2012 UNIFORM PLUMBING CODE AND 2013 CALIFORNIA AMENDMENTS)
- 2013 CALIFORNIA ENERGY CODE (CEC), PART 6, TITLE 24 C.C.R.
- 2013 CALIFORNIA FIRE CODE, PART 9, TITLE 24 C.C.R.  
(2012 INTERNATIONAL FIRE CODE AND 2013 CALIFORNIA AMENDMENTS)
- 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, PART 11, TITLE 24 C.C.R.
- 2013 CALIFORNIA REFERENCED STANDARDS, PART 12, TITLE 24 C.C.R.  
ANSI/ISA-1A-222-G

ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS

**DISABLED ACCESS REQUIREMENTS**

THIS FACILITY IS UNMANNED & NOT FOR HUMAN HABITATION. DISABLED ACCESS & REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA STATE BUILDING CODE, TITLE 24 PART 2, SECTION 11B-203.4

**SHEET INDEX**

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	--
LS-1	SITE SURVEY	--
LS-2	SITE SURVEY	--
A-1	SITE PLAN	--
A-2	EQUIPMENT PLAN	--
A-3	ANTENNA PLAN & DETAILS	--
A-4	ELEVATIONS	--

**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

KEVIN R. SORENSEN  
54469

**ISSUE STATUS**

Δ	DATE	DESCRIPTION	REV
	01/27/16	2D 80% W.D.	
	02/12/16	2D 100% W.D.	

DRAWN BY: M. DI DIO

CHECKED BY: L. HOLDSBETH

APPROVED BY: --

DATE: 02/12/16

SHEET TITLE:

TITLE

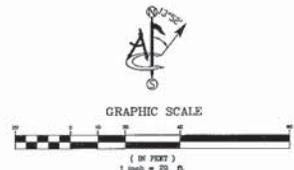
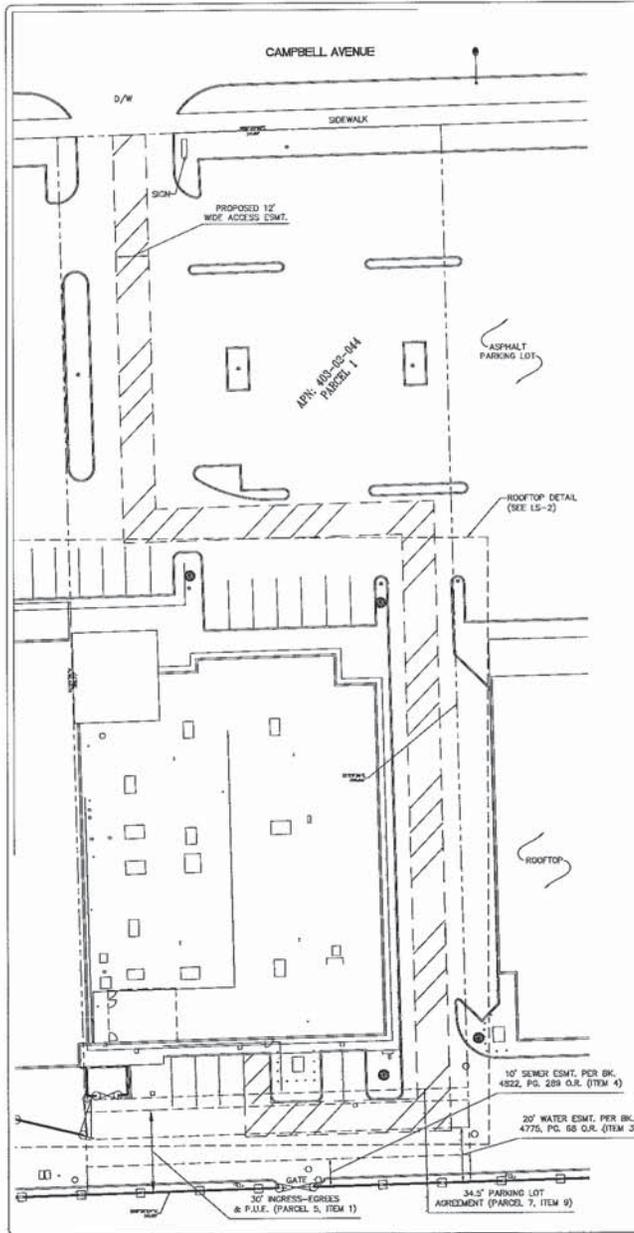
SHEET NUMBER:

T-1

**RECEIVED**

MAR 23 2016

CITY OF CAMPBELL  
PLANNING DEPT.



**DIRECTIONS TO SITE**  
 HEAD SOUTHWEST ON MITCHELL DR. TOWARD N. WOODST LN.;  
 TURN LEFT ONTO N. WOODST LN.; TURN RIGHT ONTO YONACIO  
 VALLEY RD.; TURN LEFT TO MERGE ONTO I-880 S. TOWARD  
 SAN JOSE; TAKE EXIT 12 FOR MISSION BLVD./STATE ROUTE  
 202 TOWARD I-880; KEEP RIGHT AT THE FORK; MERGE ONTO  
 MISSION BLVD./STATE ROUTE 202 S.; KEEP LEFT AT THE  
 FORK; MERGE ONTO I-880 S.; CONTINUE ONTO CA-17 S.;  
 TAKE EXIT 25 FOR HAMILTON AVE.; KEEP RIGHT AT THE  
 FORK; MERGE ONTO E. HAMILTON AVE.; TURN LEFT ONTO  
 SAN TOMAS EXPY.; TURN RIGHT ONTO W. CAMPBELL AVE.;  
 SITE WILL BE ON THE LEFT.

**LESSOR'S LEGAL DESCRIPTION**  
 ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF  
 SANTA CLARA, STATE  
 OF CALIFORNIA, DESCRIBED AS FOLLOWS:

**PARCEL 1:** PARCEL 2, PARCEL MAP FILED FOR RECORD ON JULY 30,  
 1991 IN BOOK 429 OF MAPS, PAGES 16 AND 17, SANTA CLARA  
 COUNTY RECORDS.

**PARCEL 2:** AN ENCROACHMENT EASEMENT FOR INGRESS AND EGRESS  
 FOR DOOR OPENING AND MARQUEE OVERHANGS, OVER A STRIP OF  
 LAND 12.00 FEET IN WIDTH, THE EASTERLY LINE OF WHICH IS AS  
 FOLLOWS, BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY  
 LINE OF 12.774 ACRE TRACT DESCRIBED IN DEED TO CITY TITLE  
 INSURANCE COMPANY, A CORPORATION, RECORDED IN BOOK 4345  
 OFFICIAL RECORDS, PAGE 120, WITH THE WESTERLY LINE OF SAN  
 TOMAS AQUINO ROAD (90.00 FEET IN WIDTH), AS ESTABLISHED BY  
 DEED TO CITY OF CAMPBELL, RECORDED IN BOOK 4729 OFFICIAL  
 RECORDS, PAGE 742; THENCE SOUTH 87°30'00" WEST ALONG THE  
 SOUTHERLY LINE OF SAID 12.774 ACRE TRACT, 415.97 FEET; THENCE  
 AT RIGHT ANGLES NORTH 2°30'00" WEST 179.8 FEET AND THE TRUE  
 POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE  
 CONTINUING NORTH 2°30'00" WEST 37.20 FEET TO THE TERMINUS OF  
 SAID EASEMENT.

**PARCEL 3:** A BUILDING ENCROACHMENT EASEMENT, OVER A STRIP OF  
 LAND 1.30 FEET IN WIDTH, THE EASTERLY LINE OF WHICH IS AS  
 FOLLOWS, BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY  
 LINE OF 12.774 ACRE TRACT DESCRIBED IN DEED TO CITY TITLE  
 INSURANCE COMPANY, A CORPORATION, RECORDED IN BOOK 4345 OF  
 OFFICIAL RECORDS, PAGE 120, WITH THE WESTERLY LINE OF SAN  
 TOMAS AQUINO ROAD (90.00 FEET IN WIDTH), AS ESTABLISHED BY  
 DEED TO CITY OF CAMPBELL, RECORDED IN BOOK 4729 OFFICIAL  
 RECORDS, PAGE 742; THENCE SOUTH 87°30'00" WEST ALONG THE  
 SOUTHERLY LINE OF SAID 12.774 ACRE TRACT, 415.97 FEET; THENCE  
 AT RIGHT ANGLES NORTH 2°30'00" WEST 179.8 FEET AND THE TRUE  
 POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE  
 CONTINUING NORTH 2°30'00" WEST 22.10 FEET AND THE TERMINUS OF  
 SAID EASEMENT.

**PARCEL 4:** AN ENCROACHMENT EASEMENT FOR INGRESS AND EGRESS  
 FOR DOOR OPENING AND MARQUEE OVERHANGS, OVER A STRIP OF  
 LAND 7.00 FEET IN WIDTH THE NORTHERLY LINE OF WHICH IS AS  
 FOLLOWS, BEGINNING AT A POINT OF INTERSECTION OF THE  
 SOUTHERLY LINE OF 12.774 ACRE TRACT DESCRIBED IN DEED TO CITY  
 TITLE INSURANCE COMPANY, A CORPORATION, RECORDED IN BOOK 4345  
 OFFICIAL RECORDS, PAGE 120, WITH THE WESTERLY LINE OF SAN  
 TOMAS AQUINO ROAD (90.00 FEET IN WIDTH), AS ESTABLISHED BY  
 DEED TO CITY OF CAMPBELL, RECORDED IN BOOK 4729 OFFICIAL  
 RECORDS, PAGE 742; THENCE SOUTH 87°30'00" WEST ALONG THE  
 SOUTHERLY LINE OF SAID 12.774 ACRE TRACT, 274.97 FEET; THENCE  
 AT RIGHT ANGLES NORTH 2°30'00" WEST 187.00 FEET AND THE TRUE  
 POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE  
 NORTH 87°30'00" EAST AND PARALLEL WITH THE SOUTHERLY LINE OF  
 SAID 12.774 ACRE TRACT, 15.00 FEET AND THE TERMINUS OF SAID  
 EASEMENT.

**PARCEL 5:** A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS  
 AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES  
 OVER A STRIP OF LAND 30.00 FEET IN WIDTH, THE SOUTHERLY LINE  
 OF WHICH IS AS FOLLOWS, BEGINNING AT A POINT OF INTERSECTION  
 OF THE SOUTHERLY LINE OF 12.774 ACRE TRACT DESCRIBED IN DEED  
 TO CITY TITLE INSURANCE COMPANY, A CORPORATION, RECORDED IN  
 BOOK 4345 OFFICIAL RECORDS, PAGE 120, WITH THE WESTERLY LINE  
 OF SAN TOMAS AQUINO ROAD (90.00 FEET IN WIDTH), AS ESTABLISHED  
 BY DEED TO CAMPBELL, RECORDED IN BOOK 4729 OFFICIAL RECORDS,  
 PAGE 742; THENCE SOUTH 87°30'00" WEST ALONG THE SOUTHERLY  
 LINE OF SAID 12.774 ACRE TRACT, 341.47 FEET TO THE TERMINUS OF  
 SAID EASEMENT.

**PARCEL 6:** THE EASEMENT DESCRIBED IN THE DOCUMENT ENTITLED  
 "DECLARATION OF PROTECTIVE RESTRICTION AND GRANT OF  
 EASEMENTS" EXECUTED BY MANFRED MARQUETTE, A CALIFORNIA  
 CORPORATION, DATED AUGUST 30, 1960 AND RECORDED ON  
 SEPTEMBER 16, 1960, IN BOOK 4916 OF OFFICIAL RECORDS, PAGE 492,  
 SANTA CLARA COUNTY RECORDS.

**PARCEL 7:** THE EASEMENT DESCRIBED IN THE DOCUMENT ENTITLED,  
 "PARKING LOT AGREEMENT, EXECUTED BY AND BETWEEN MARGUERITE  
 KORNBERG, JAMES T. SHAW, FRANCIS M. SHAW, AND DEWEY A.  
 SHAW, DATED JULY 25, 1991 AND RECORDED ON JULY 31, 1991 IN  
 BOOK 1808 OF OFFICIAL RECORDS, PAGE 537, SANTA CLARA COUNTY  
 RECORDS.

**SCHEDULE "B" NOTE**  
 REFERENCE IS MADE TO THE TITLE REPORT ORDER #00305836,  
 ISSUED BY LAWYERS TITLE COMPANY, DATED MAY 25, 2012.  
 ALL EASEMENTS CONTAINED WITHIN SAID TITLE REPORT  
 AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE  
 HAVE BEEN PLOTTED.  
 NOTE: ITEMS 1, 3, 4, AND 9 ARE AS SHOWN, ALL OTHER  
 SCHEDULE "B" ITEMS ARE OTHER NOT PLOTTABLE, BLANKET IN  
 NATURE, OR DO NOT EFFECT THE SUBJECT PARCEL.  
 THE SURVEYORS OPINION IS THAT NO SCHEDULE "B" ITEMS  
 PROVIDED BY SAID REPORT AFFECT THE PROPOSED VERIZON  
 WIRELESS PREMISES SHOWN HEREOF.

**SURVEYOR'S NOTES**  
 SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC  
 RECORDS TO DETERMINE ANY DEFECT IN TITLE OTHER  
 THAN THE BOUNDARY SHOWN HEREOF IS PLOTTED FROM  
 RECORD INFORMATION AND DOES NOT CONSTITUTE A  
 BOUNDARY SURVEY OF THE PROPERTY.  
 NOTE: PARCEL 1, 5, AND 7 OF LESSOR'S LEGAL HAVE  
 BEEN SHOWN, ALL OTHER PARCELS DO NOT EFFECT THE  
 SUBJECT PARCEL.

**UTILITY NOTES**  
 SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES  
 ARE SHOWN OR THEIR LOCATIONS ARE EXACT. IT IS  
 THE RESPONSIBILITY OF THE CONTRACTOR AND  
 DEVELOPER TO CONTACT BLUE STAKE AND ANY OTHER  
 INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO  
 CONSTRUCTION, REMOVAL, RELOCATION AND/OR  
 REPLACEMENT IS THE RESPONSIBILITY OF THE  
 CONTRACTOR.

**BENCHMARK**  
 PROJECT ELEVATIONS ESTABLISHED FROM GPS DERIVED  
 ORTHOMETRIC HEIGHTS BY APPLICATION OF MOST 16000  
 OF MODELED SEPARATIONS TO ILLINOIS HEIGHTS  
 DETERMINED BY RAW STATIC GPS DATA PROCESSED ON  
 THE IGS ONLINE WEBSITE. ALL ELEVATIONS SHOWN  
 HEREOF ARE REFERENCED TO NAVD83.

**BASIS OF BEARING**  
 BEARINGS SHOWN HEREOF ARE BASED UPON U.S.  
 STATE PLANE NA83 COORDINATE SYSTEM CALIFORNIA  
 STATE PLANE COORDINATE ZONE THREE, DETERMINED  
 BY GPS OBSERVATIONS.

**SURVEY DATE**  
 08/21/12

REV	DATE/BY	DESCRIPTION
0	08/21/12	DA
1	08/21/12	WF
2	08/21/12	CK
3	08/21/12	CK

ENGINEER / CONSULTANT

**Ambit**  
 428 MAIN STREET SUITE 206  
 HUNTINGTON BEACH, CA 92648 (802)463-0472

**verizon wireless**  
 15505 SAND CANYON AVENUE  
 BLDG. 3, FIRST FLOOR  
 IRVINE, CALIFORNIA 92618  
 949.296.7000

**core**  
 DEVELOPMENT SERVICES  
 ASSESSMENTS  
 2748 Saturn Street  
 Irvine, California 92618  
 (714)728-8404 (714)335-4441 fax  
 www.core.us.com

**APPROVALS**

APPROVED BY	INITIALS	DATE
LANDING		
VZM SITE ACQ.		
ZONING		
VZM RF		
VZM INTERCONNECT		
VZM UTILITY		
VZM CONST.		
VZM PROJ. MGR.		

**SITE INFORMATION**

SITE NAME:  
**CENTRAL CAMPBELL**

SITE ADDRESS:  
 1600 WEST CAMPBELL AVENUE  
 CAMPBELL, CALIFORNIA 95008

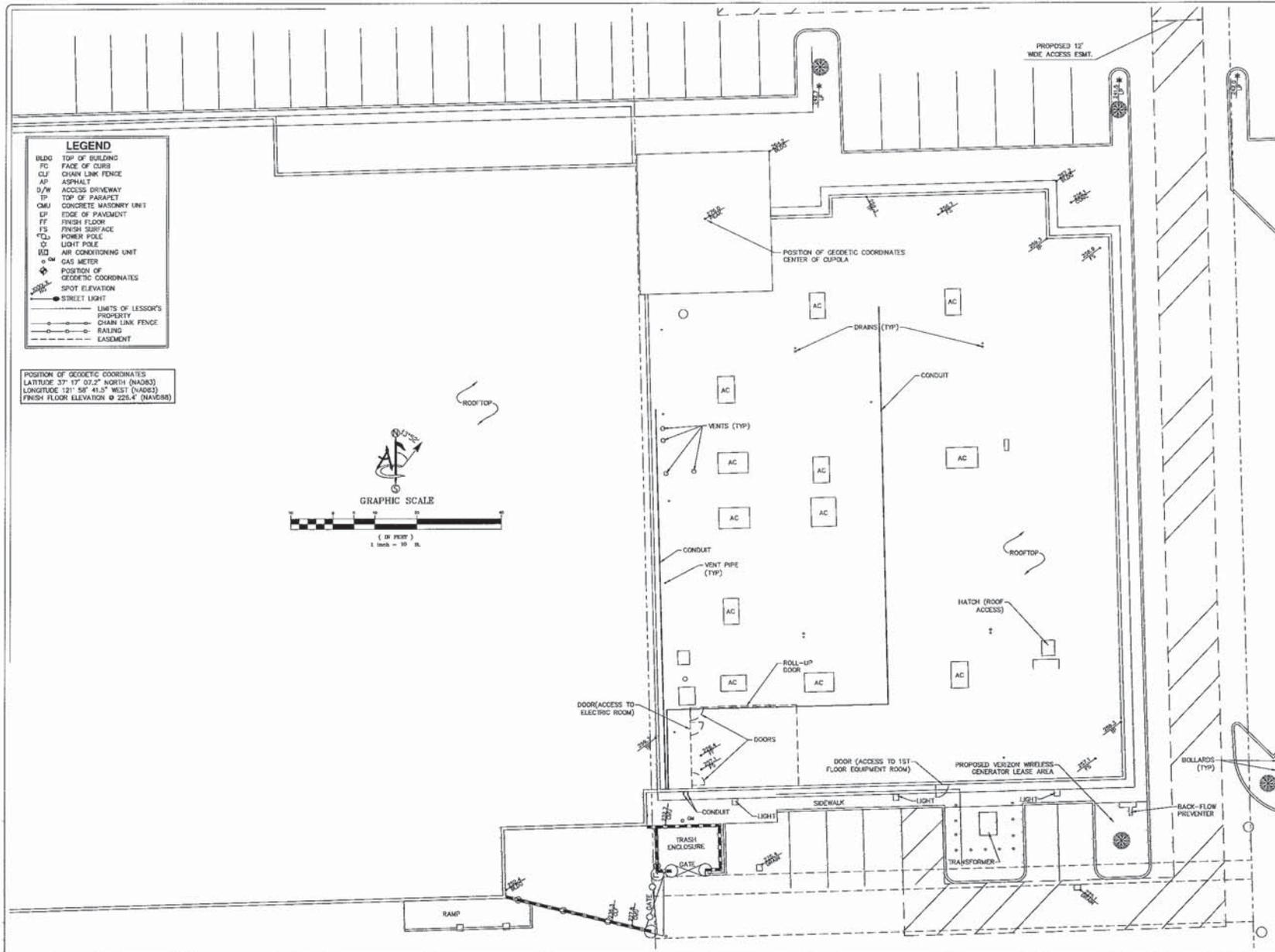
SANTA CLARA COUNTY  
 SHEET TITLE

**SITE SURVEY**

**DRAWING INFORMATION**

DRAWN BY	CHECKED BY	ISSUE DATE
DA	WF	08.28.2012

SHEET NUMBER  
**LS-1**



REV	DATE/BY	DESCRIPTION
0	08/28/12	FINAL SUBMITTAL
1	08/07/13	MF LEASE AREA
2	01/11/15	REVISE GEODETIC COORDINATE 9
3	07/29/16	REVISE GEODETIC COORDINATE

ENGINEER / CONSULTANT

**Ambit**  
 425 MAIN STREET SUITE 206  
 HUNTINGTON BEACH, CA 92648 (602)463-0472  
 SITE BUILDER

**verizon wireless**  
 15005 SAND CANYON AVENUE  
 BLDG. D, FIRST FLOOR  
 IRVINE, CALIFORNIA 92618  
 949.286.7000  
 A&E DEVELOPMENT

**core**  
 DEVELOPMENT SERVICES  
 A&E SERVICES  
 3748 SERRA STREET  
 IRVINE, CALIFORNIA 92618  
 (714)728-8404 (714)728-4411 FAX  
 WWW.CORE.AE.COM

APPROVALS

APPROVED BY	INITIALS	DATE
LANDING		
VOW SITE #23		
ZONING		
VOW RF		
VOW INTERCONNECT		
VOW UTILITY		
VOW CONST.		
VOW PROL. WORK		

SITE INFORMATION

SITE NAME:  
**CENTRAL CAMPBELL**

SITE ADDRESS:  
 1600 WEST CAMPBELL AVENUE  
 CAMPBELL, CALIFORNIA 95008

SANTA CLARA COUNTY  
 SHEET TITLE

**SITE SURVEY**

DRAWING INFORMATION

DRAWN BY	CHECKED BY	ISSUE DATE
DA	MF	08/28/2012

SHEET NUMBER

LS-2

**CENTRAL CAMPBELL**

255605  
1600 W CAMPBELL AVENUE  
CAMPBELL, CA 95008

**verizon**

2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

**Streamline Engineering**  
Cant Design, Inc.

8446 Sierra College Blvd, Suite E Orinda, CA 94661  
E-Mail: [info@streamlineinc.com](mailto:info@streamlineinc.com) Fax: 916-932-1941

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF STREAMLINE ENGINEERING, INC. AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF STREAMLINE ENGINEERING, INC. IS STRICTLY PROHIBITED.

**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

KEVIN R. SORENSON  
54469

**ISSUE STATUS**

Δ	DATE	DESCRIPTION	REV.
	01/27/16	2D BDK	M.D.
	02/12/16	2D 100%	M.D.
	-	-	-
	-	-	-
	-	-	-

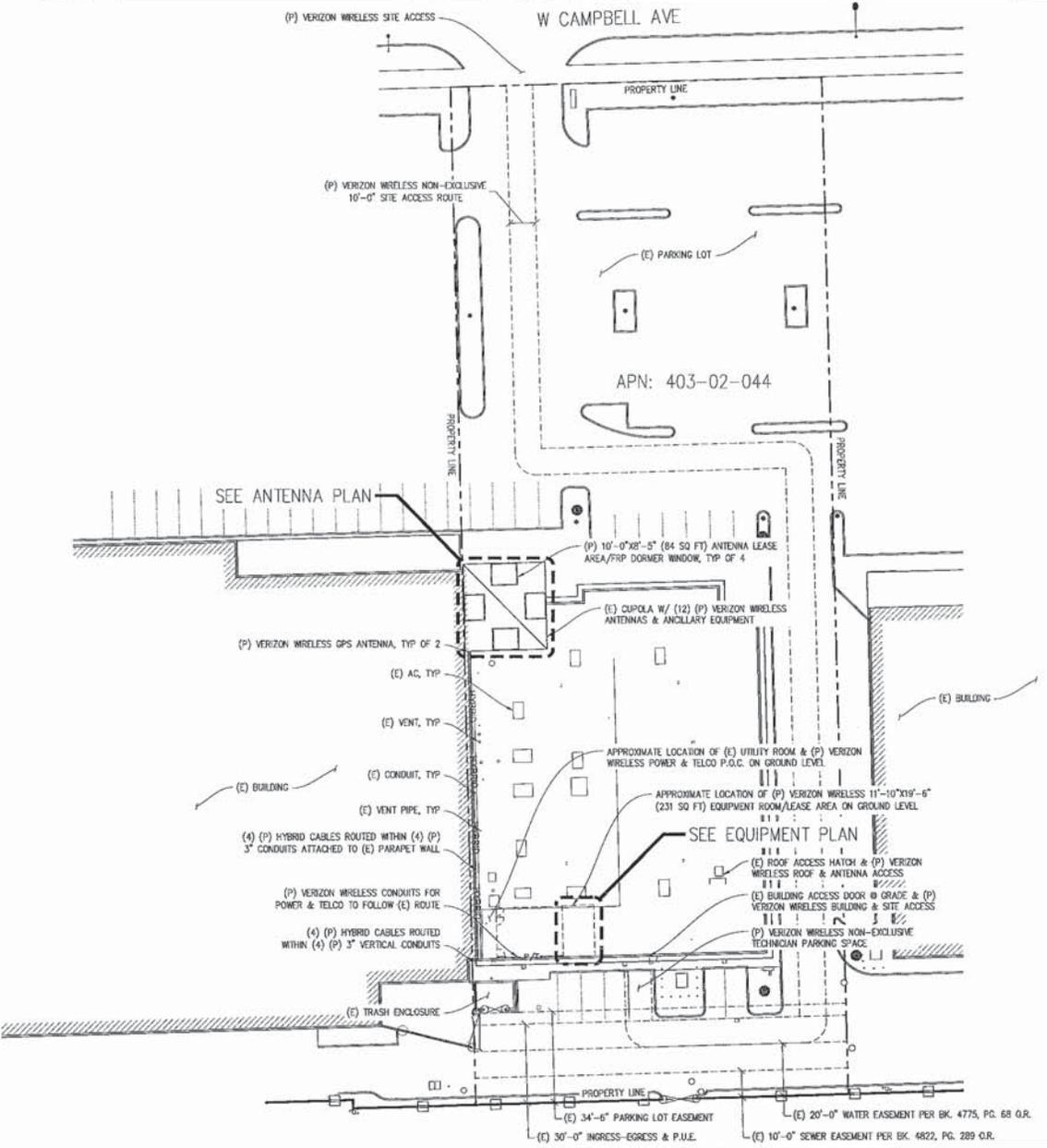
DRAWN BY: M. DI DIO  
CHECKED BY: L. HOUGHTBY  
APPROVED BY: -  
DATE: 02/12/16

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-1



**CENTRAL CAMPBELL**

255605  
1600 W CAMPBELL AVENUE  
CAMPBELL, CA 95008

**verizon**

2785 MITCHELL DRIVE BLDG 9  
WALNUT CREEK, CA 94598

**Streamline Engineering**  
Gant Design, Inc.

8445 Solano College Blvd, Suite E Orinda, CA 94661  
E-Mail: larry@streamlineeng.com Fax: 916-860-1941

ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE, THE NATIONAL ELECTRICAL CODE, THE NATIONAL FIRE ALARM AND SIGNALING CODE, THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B, AND THE NATIONAL ELECTRICAL SAFETY CODE (NESC).

**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

KEVIN R. SORENSON  
S4669

**ISSUE STATUS**

Δ	DATE	DESCRIPTION	REV.
	01/27/16	2D 80%	M.D.
	02/12/16	2D 100%	M.D.
	-	-	-
	-	-	-
	-	-	-

DRAWN BY: M. DI DIO

CHECKED BY: L. HOUGHTBY

APPROVED BY: -

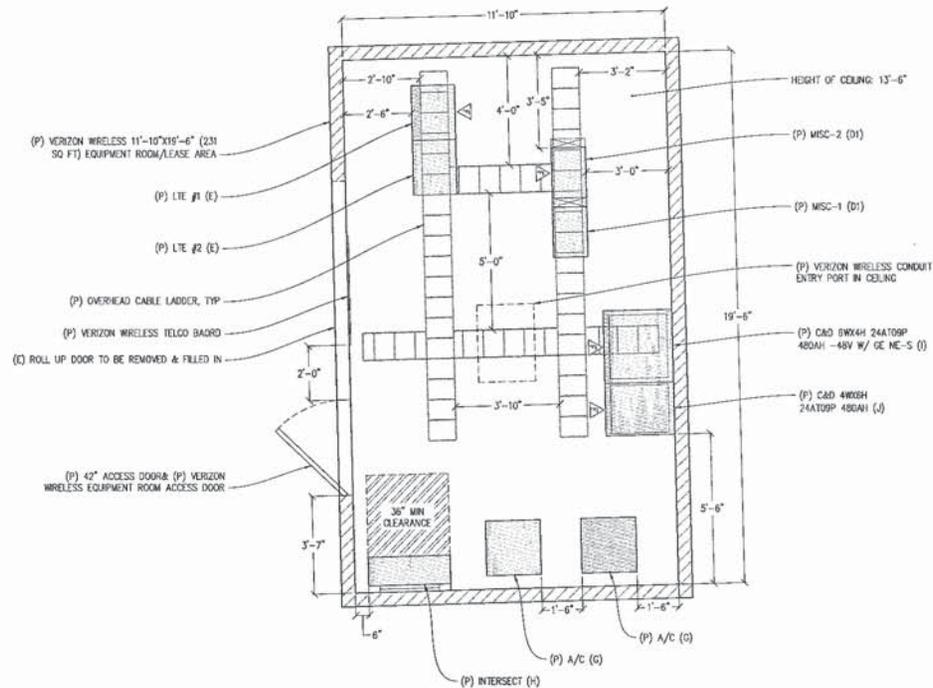
DATE: 02/12/16

SHEET TITLE:

EQUIPMENT PLAN

SHEET NUMBER:

A-2



SYM	WIDTH	DEPTH	HEIGHT
A	2'-2"	1'-9 1/2"	7'-0"
B	2'-1"	1'-3"	7'-0"
C	2'-0"	2'-0"	6'-2"
D	1'-8 1/2"	1'-3"	7'-0"
DI	2'-0 1/2"	1'-3"	7'-0"
E	2'-0"	1'-7"	4'-9"
F	2'-0"	2'-1 1/4"	7'-0"
G	2'-0"	2'-0"	7'-0"
H	2'-6"	3'-6"	7'-0"
I	2'-4"	2'-1 1/4"	7'-0"
J	1'-9"	2'-1 1/4"	5'-3"



**EQUIPMENT PLAN**

1/8"=1'-0"



CENTRAL  
CAMPBELL

255605  
1600 W CAMPBELL AVENUE  
CAMPBELL, CA 95008

**verizon**

2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

**Streamline Engineering**  
Civil Design, Inc.

8445 Sierra College Blvd, Suite E Granite Bay, CA 95961  
Tel: (916) 473-1111  
E-Mail: info@streamlineeng.com Fax: 916-473-1411

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PRELIMINARY:  
NOT FOR  
CONSTRUCTION

KEVIN R. SORENSON  
54469

ISSUE STATUS

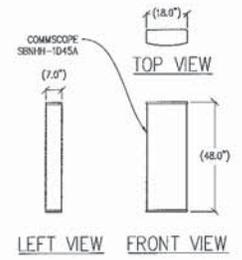
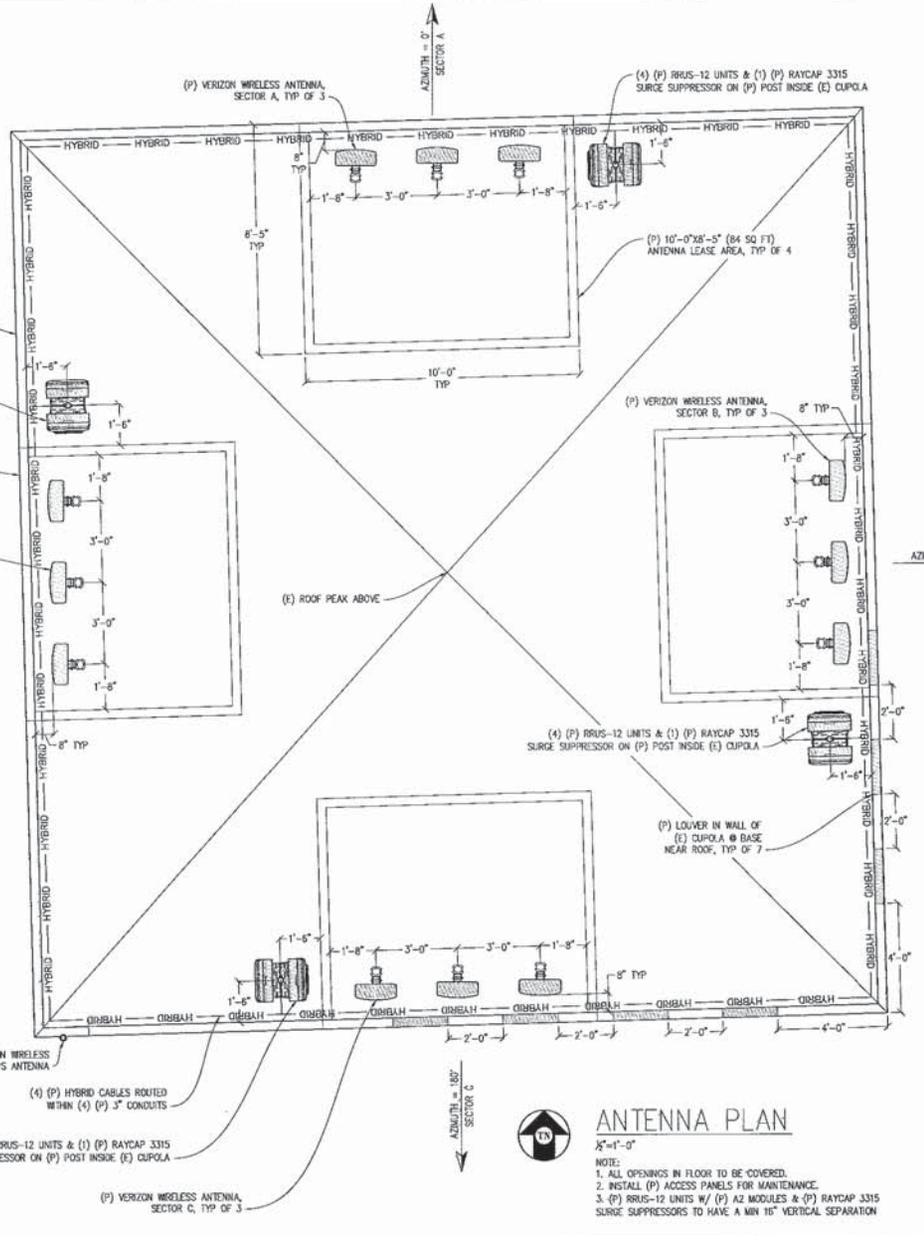
Δ	DATE	DESCRIPTION	REV.
	01/27/16	2D WORK	M.D.
	02/12/16	2D TOOK	M.D.

DRAWN BY: M. D. DIG  
CHECKED BY: L. HOUGHTBY  
APPROVED BY: -  
DATE: 02/12/16

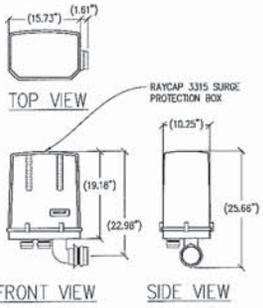
SHEET TITLE:

ANTENNA PLAN  
& DETAILS  
SHEET NUMBER:

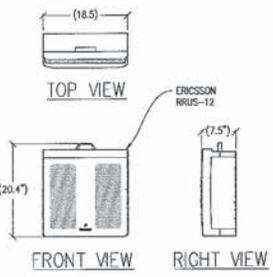
A-3



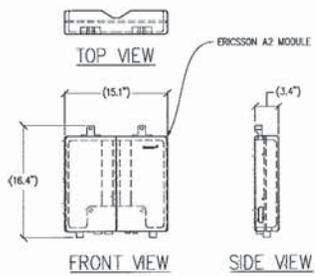
1 ANTENNA DETAIL  
1/2"=1'-0" MAX WEIGHT: 50.5 LBS



2 SURGE PROTECTION BOX  
1"=1'-0" MAX WEIGHT: 32 LBS



3 RRU-12 DETAIL  
1"=1'-0" MAX WEIGHT: 50 LBS



4 A2 MODULE DETAIL  
1/2"=1'-0" MAX WEIGHT: 22 LBS

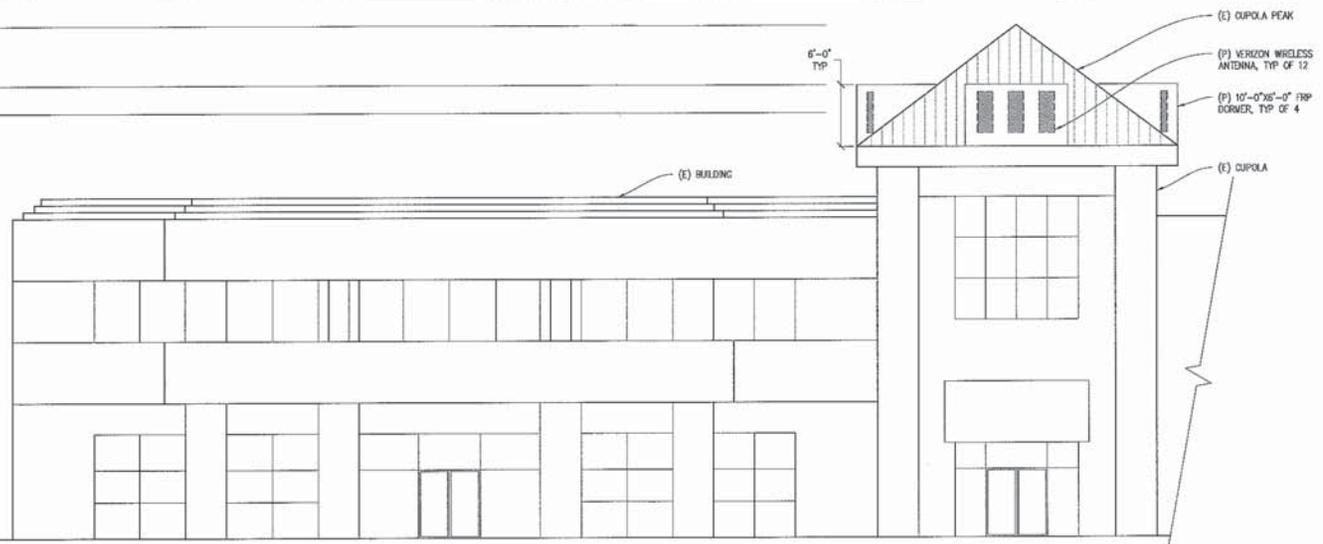
ANTENNA PLAN

- 1/2"=1'-0"
- NOTE:  
1. ALL OPENINGS IN FLOOR TO BE COVERED.  
2. INSTALL (P) ACCESS PANELS FOR MAINTENANCE.  
3. (P) RRU-12 UNITS W/ (P) A2 MODULES & (P) RAYCAP 3315 SURGE SUPPRESSORS TO HAVE A MIN 16" VERTICAL SEPARATION

- TOP OF (E) CUPOLA PEAK  
±49'-11" A.G.L.
- TOP OF (P) VERIZON WIRELESS FRP DORMERS  
±44'-1" A.G.L.
- RAD CENTER OF (P) VERIZON WIRELESS ANTENNAS  
±41'-5" A.G.L.

- TOP OF (E) PARAPET  
±33'-2" A.G.L.

- GROUND LEVEL  
0'-0"

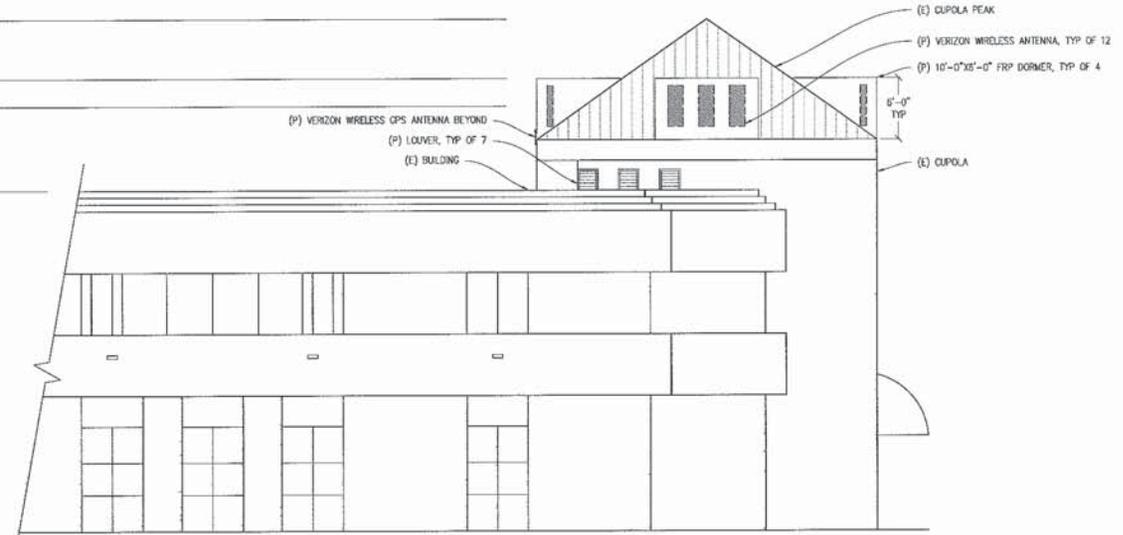


NORTH ELEVATION  
3/8"=1'-0"

- TOP OF (E) CUPOLA PEAK  
±49'-11" A.G.L.
- TOP OF (P) VERIZON WIRELESS FRP DORMERS  
±44'-1" A.G.L.
- RAD CENTER OF (P) VERIZON WIRELESS ANTENNAS  
±41'-5" A.G.L.

- TOP OF (E) PARAPET  
±33'-2" A.G.L.

- GROUND LEVEL  
0'-0"



EAST ELEVATION  
3/8"=1'-0"

**CENTRAL CAMPBELL**  
  
255605  
1600 W CAMPBELL AVENUE  
CAMPBELL, CA 95008

**verizon**  
  
2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

**Streamline Engineering and Design, Inc.**  
8445 Sierra College Blvd, Suite 61 Granite Bay, CA 95961  
Contact: Larry Houghtby Phone: 916-276-1101  
E-Mail: larry@streamline-engineering.com Fax: 916-276-1101  
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PRELIMINARY:  
NOT FOR  
CONSTRUCTION  
  
KEVIN R. SORENSEN  
54469

ISSUE STATUS			
Δ	DATE	DESCRIPTION	REV.
	01/27/16	2D 3000	M.D.
	02/12/16	2D 1000	M.D.

DRAWN BY: M. DE DID  
CHECKED BY: L. HOUGHTBY  
APPROVED BY: -  
DATE: 02/12/16  
  
SHEET TITLE:  
ELEVATIONS  
  
SHEET NUMBER:  
A-4

**verizon**<sup>✓</sup>  
**Radio Frequency Exposure**  
**FCC Compliance Assessment**

Pre-Activation     Post-Activation

**RECEIVED**

MAR 23 2016

CITY OF CAMPBELL  
PLANNING DEPT.

SITE-SPECIFIC-INFORMATION			
Site Name	Central Campbell	Multi-Licensee Facility	No
Street Address	1600 W. Campbell	Is Verizon a Significant Contributor To <u>Co-Locator</u> Areas Requiring Mitigation?	No
City, State, Zip	Campbell, California 95008	Verizon's Max % MPE (Predictive - Occupational)	59.3200
Verizon's Max % MPE (Measured - Occupational)	N/A	Assessment Date	March 17, 2016
Structure Type	Rooftop	Assessment Purpose	New Site Build
Broadcast (AM/FM/TV) Co-Locators	No	Total Report Revisions	0
Total Access Points	Unknown	Report Revision Date	N/A
Original Report Date	March 17, 2016		
Compliance Status	<b>Mitigation Required</b>		

VERIZON'S WORST-CASE RF EMISSIONS IN ACCESSIBLE AREAS AT THIS FACILITY	
<input type="checkbox"/>	BELOW the General Population MPE limit
<input checked="" type="checkbox"/>	ABOVE the General Population MPE limit and BELOW the Occupational MPE limit
<input type="checkbox"/>	ABOVE the Occupational MPE limit and BELOW 10x the Occupational MPE limit
<input type="checkbox"/>	ABOVE 10x the Occupational MPE limit

Final Compliant Configuration						
	GUIDELINES	NOTICE	CAUTION	WARNING	NOC INFO	BARRIER/MARKER
Access Point(s)	<input checked="" type="checkbox"/> [Unknown]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> [Unknown]	<input type="checkbox"/>
Alpha	<input checked="" type="checkbox"/> [1]	<input checked="" type="checkbox"/> [1]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Beta	<input checked="" type="checkbox"/> [3]	<input checked="" type="checkbox"/> [3]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10' x 3'
Gamma	<input checked="" type="checkbox"/> [4]	<input checked="" type="checkbox"/> [4]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10' x 3'
Delta	<input checked="" type="checkbox"/> [2]	<input checked="" type="checkbox"/> [2]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**NOTE:** The table above represents EVERY compliance item that MUST be implemented at this location; Also in Sec. 4 (B)

Additional Compliance Requirements:			
Barriers may be recommended for installation to block access to the areas in front of the antennas that exceed the FCC general public and/or occupational limits. Barriers are recommended for installation in front of the Verizon antennas. Signage is recommended at the access points and/or the Verizon antennas as noted in the table above.			
Consultant Legal Name	EBI Consulting	Phone/Fax	781-273-2500
Address	21 B Street, Burlington, MA 01803		

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## 1. Introduction

Verizon Wireless has contracted with EBI Consulting, an independent Radio Frequency consulting firm, to conduct a **Radio Frequency Exposure (RFE) FCC Compliance Assessment** of the Central Campbell cell site. The following report contains a detailed summary of the Radio Frequency environment as it relates to Federal Communications Commission (FCC) and Occupational Safety & Health Administration (OSHA) Rules and Regulations for all individuals.

The **Verizon Wireless antenna data** was provided by:

<b>Name</b>	Stefano Iachella
<b>Title</b>	
<b>Date</b>	February 17, 2016
<b>Sub-Market</b>	California

This compliance assessment and report has been **prepared** and **reviewed** by:

	<b>Preparer</b>	<b>Reviewer</b>
<b>Name</b>	Andrew Simpson	Jos Schorr
<b>Title</b>	RF EME Technician II	Senior Scientist
<b>Date</b>	March 11, 2016	March 17, 2016

This report utilizes the following **for predictive modeling of the ambient RF environment**:

**MPE Modeling Program:** : Roofview® 4.15

**Required Modeling Assumptions:** 100% Duty Cycle and Maximum Total Power Output.

### **Additional Modeling Assumptions:**

EBI has performed theoretical modeling using RoofView® software to estimate the worst-case power density at the site rooftop and ground-level resulting from operation of the antennas. RoofView® is a widely-used predictive modeling program that has been developed by Richard Tell Associates to predict both near field and far field RF power density values for roof-top and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

The modeling is based on worst-case assumptions for the number of antennas and transmitter power. The assumptions used in the modeling are based upon information provided by Verizon and information gathered from other sources.

Modeling results were generated based on information from the following materials:

- RFDS – CENTRAL CAMPBELL RFDS 021716dated 2/17/2016
- CDs – VERIZON-CentralCampbell-02-12-16-ZD100 dated 2/16/2016

## 2. Existing Site Characteristics

### a. Structure

<b>Physical Description</b>	This project involves the installation of twelve (12) wireless telecommunication antennas on a rooftop in Campbell, California. The site is a two story commercial strip mall situated in a densely populated suburban environment.
<b>Single-Family Home</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>Latitude (NAD 83)</b>	37° 17' 7.20" N
<b>Longitude (NAD 83)</b>	-121° 58' 41.50" W
<b>Total Analyzed Elevations (Roof Levels)</b>	2 (See antenna table below)

### b. Accessibility

<b>Did the property owner or agent of the property owner (e.g. a security guard) grant you access to the rooftop?</b>	N/A
<b>If not - were you required to be escorted by Verizon personnel in order to gain access?</b>	N/A
<b>Were you required to provide any proof of identity to gain access?</b>	N/A
<b>What specific documents were required in order to gain access?</b>	N/A
<b>All access points locked at time of assessment?</b>	N/A
<b>All access points alarmed at time of assessment?</b>	N/A
<b>Were there any broken locks or inoperable alarms on any of the access points to the rooftop?</b>	N/A
<b>Were there any access issues caused by either the property owner or agent of the property owner?</b>	N/A
<b>Additional Notes:</b>  This assessment is a pre-activation report. No site visit was conducted.	

### c. Existing Verizon Observations

<b>Existing Observations</b>						
	<b>GUIDELINES</b>	<b>NOTICE</b>	<b>CAUTION</b>	<b>WARNING</b>	<b>NOC INFO</b>	<b>BARRIER/MARKER</b>
<b>Access Point(s)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alpha</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Beta</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Gamma</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Delta</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**NOTE:** The table above represents EXISTING compliance items implemented at this location.

Are Verizon signs posted on the front, back and sides of antenna arrays where possible?	N/A
Are Verizon signs visible from all areas of approach?	N/A
Are there any broken, damaged or illegible Verizon signs?	N/A
Are there any broken or damaged Verizon physical barriers?	N/A
Are there any Verizon indicative markers in need of repair or replacement?	N/A

**d. Antenna Inventory**

Z-height represents the distance from the nearest walking surface to the _____ of the antenna.	<input checked="" type="checkbox"/> Bottom <input type="checkbox"/> Centerline <input type="checkbox"/> Top
NON-Verizon Co-locator Data	<input checked="" type="checkbox"/> Estimates <input type="checkbox"/> Actual Data

Ant Num	ID	Name	Freq (MHz)	Trans Power	Trans Count	Coax Len	Coax Type	Other Loss	Input Power	Calc Power	Mfg	Model	X (ft)	Y (ft)	Z (ft)	Type	Aper (ft)	dBd	BWath Pt Dir
1	VZW A1	LTE	700.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	109.0	115.0	8.9	4.0	13.35	48:0	
2	VZW A2	LTE	1900.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	112.0	115.0	8.9	4.0	16.95	43:0	
3	VZW A3	LTE	2100.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	115.0	115.0	8.9	4.0	17.25	44:0	
4	VZW B1	LTE	700.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	127.0	102.0	8.9	4.0	13.35	48:90	
5	VZW B2	LTE	1900.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	127.0	99.0	8.9	4.0	16.95	43:90	
6	VZW B3	LTE	2100.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	127.0	96.0	8.9	4.0	17.25	44:90	
7	VZW C1	LTE	700.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	115.0	84.0	8.9	4.0	13.35	48:180	
8	VZW C2	LTE	1900.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	112.0	84.0	8.9	4.0	16.95	43:180	
9	VZW C3	LTE	2100.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	109.0	84.0	8.9	4.0	17.25	44:180	
10	VZW D1	LTE	700.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	98.0	97.0	8.9	4.0	13.35	48:270	
11	VZW D2	LTE	1900.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	98.0	100.0	8.9	4.0	16.95	43:270	
12	VZW D3	LTE	2100.00000	60.0	2			1.0	95.3	95.3	Andrew	SBNHH-1D45A	98.0	103.0	8.9	4.0	17.25	44:270	

ID	NAME	X	Y	Z-Height Main Roof	Z-Height Lower Roof
1	VZW	109	115	8.9	14.4
2	VZW	112	115	8.9	14.4
3	VZW	115	115	8.9	14.4
4	VZW	127	102	8.9	14.4
5	VZW	127	99	8.9	14.4
6	VZW	127	96	8.9	14.4
7	VZW	115	84	8.9	14.4
8	VZW	112	84	8.9	14.4
9	VZW	109	84	8.9	14.4
10	VZW	98	97	8.9	14.4
11	VZW	98	100	8.9	14.4
12	VZW	98	103	8.9	14.4

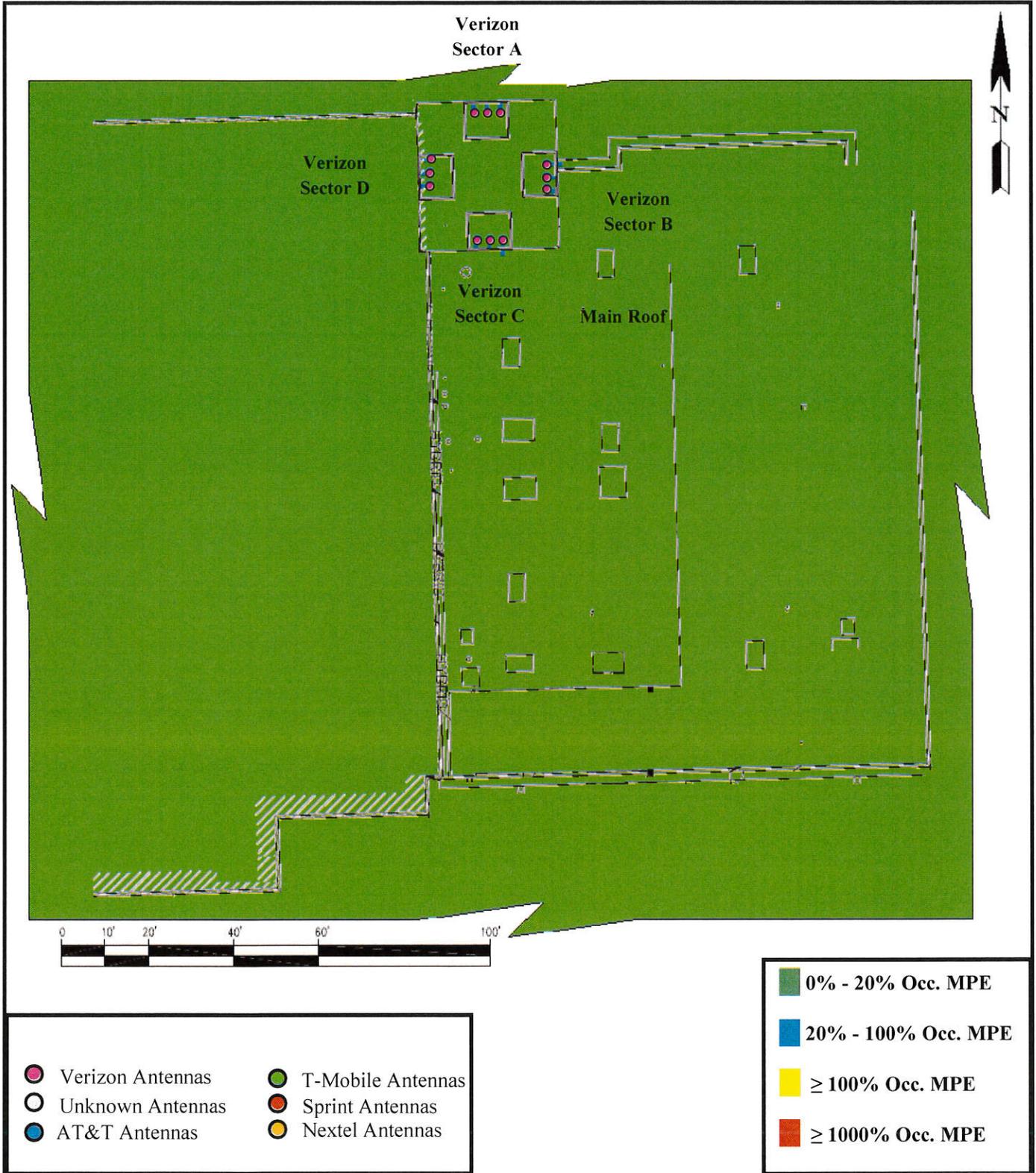
3. Analysis

a. Predictive Model: All Transmitters

Is the area being modeled completely INACCESSIBLE to members of the general population (including untrained maintenance workers)?

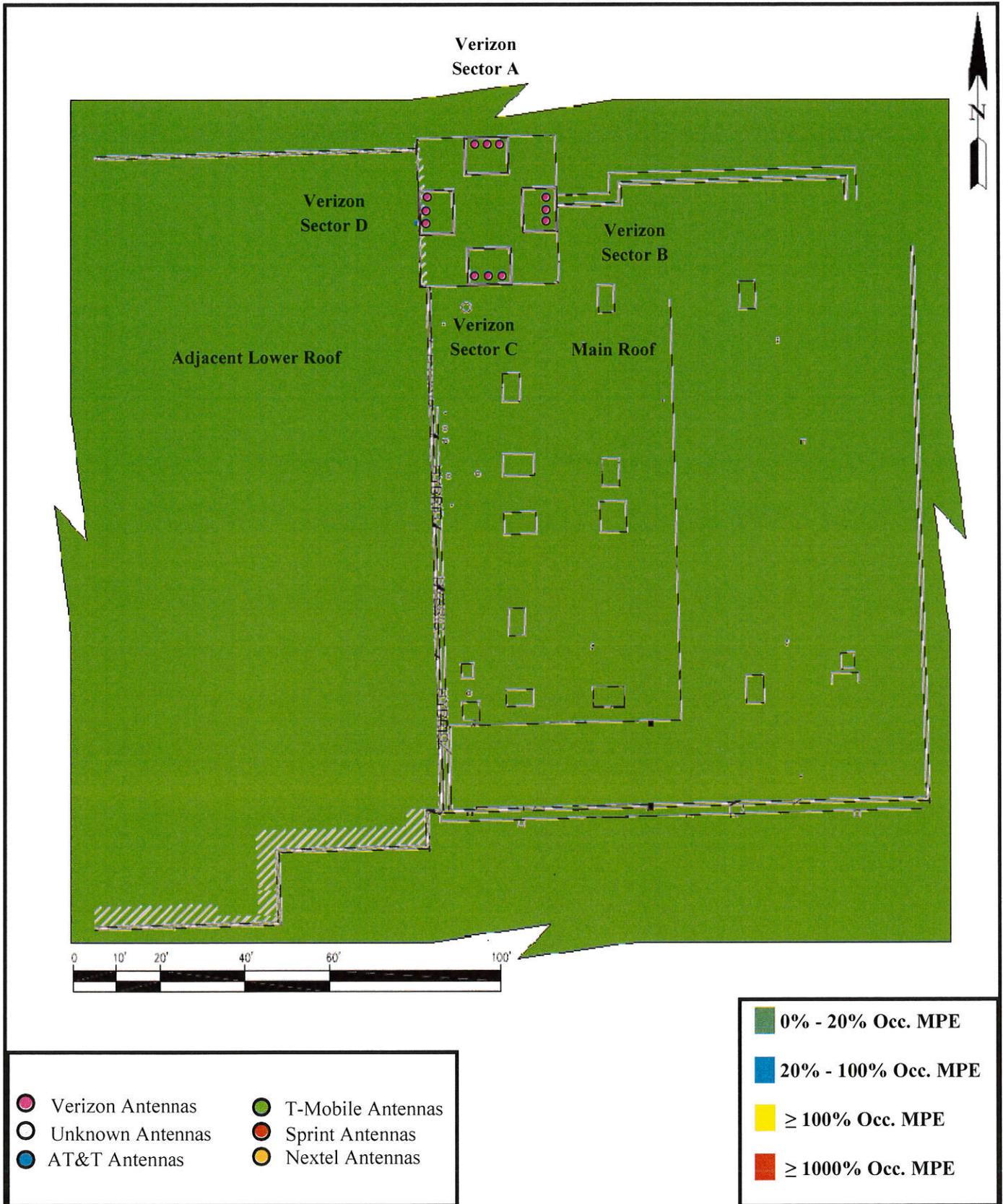
YES  NO

Reference Plane: Main Roof Level

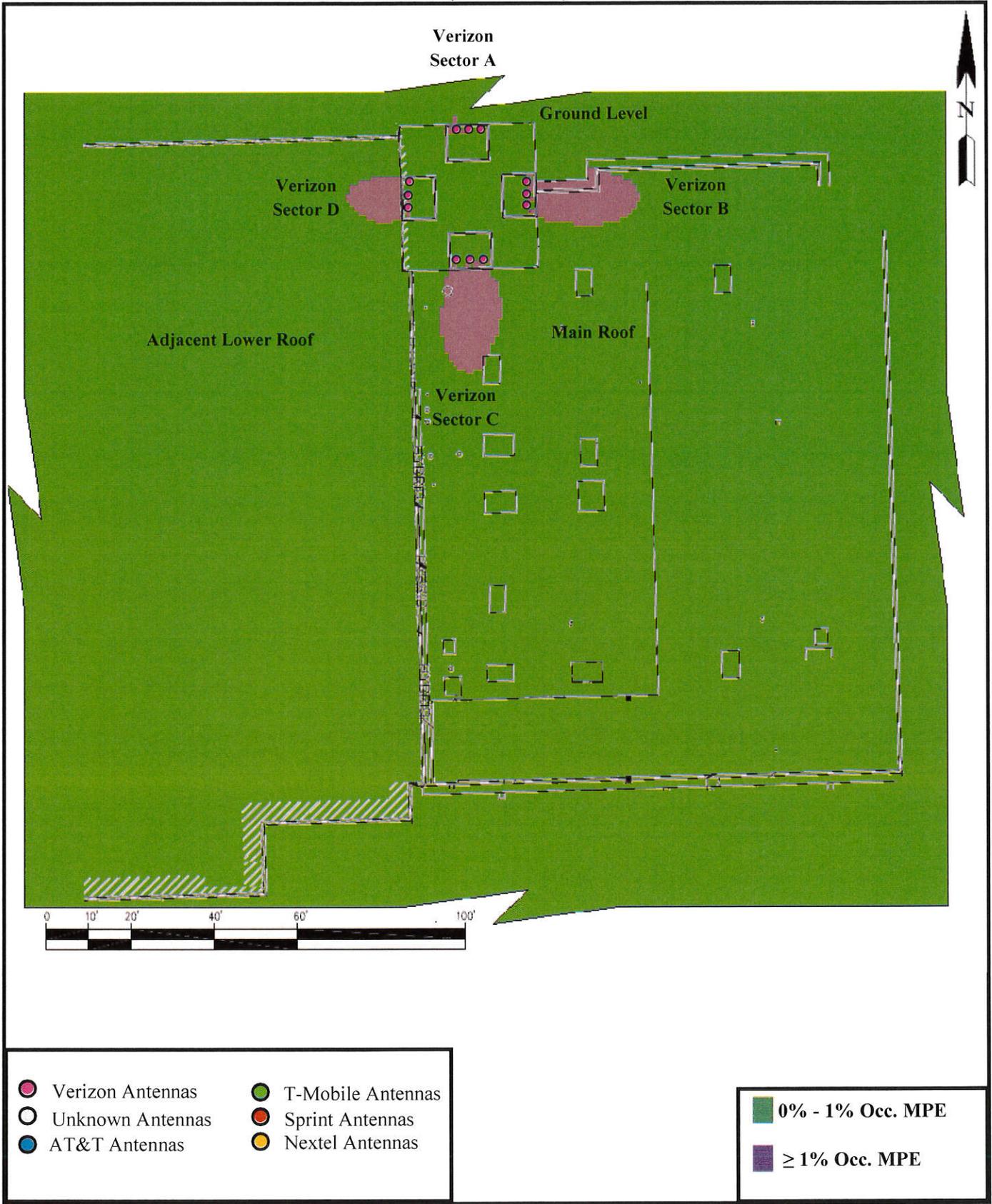


b. Predictive Model: All Transmitters

Reference Plane: Lower Roof



c. Predictive Model: Significant Contribution of Verizon  
 Reference Plane: Main, Lower Roof, and Ground Level



**4. Conclusion**

**a. Conclusion Narrative**

**Description of MPE-Limit Exceeding Areas:**

Based on worst-case predictive modeling, the worst-case emitted power density may exceed the FCC’s general public limit within approximately 3 feet of Verizon’s Sector A, B, C, and D antennas on the main roof level.

Modeling also indicates that the worst-case emitted power density may exceed the FCC’s general public limit within approximately 2 feet of Verizon’s Sector D antennas on the lower roof level.

Additionally, all surrounding buildings and structures were analyzed and the maximum emitted power density modeled on these surfaces is less than 5% of the FCC’s general public limit.

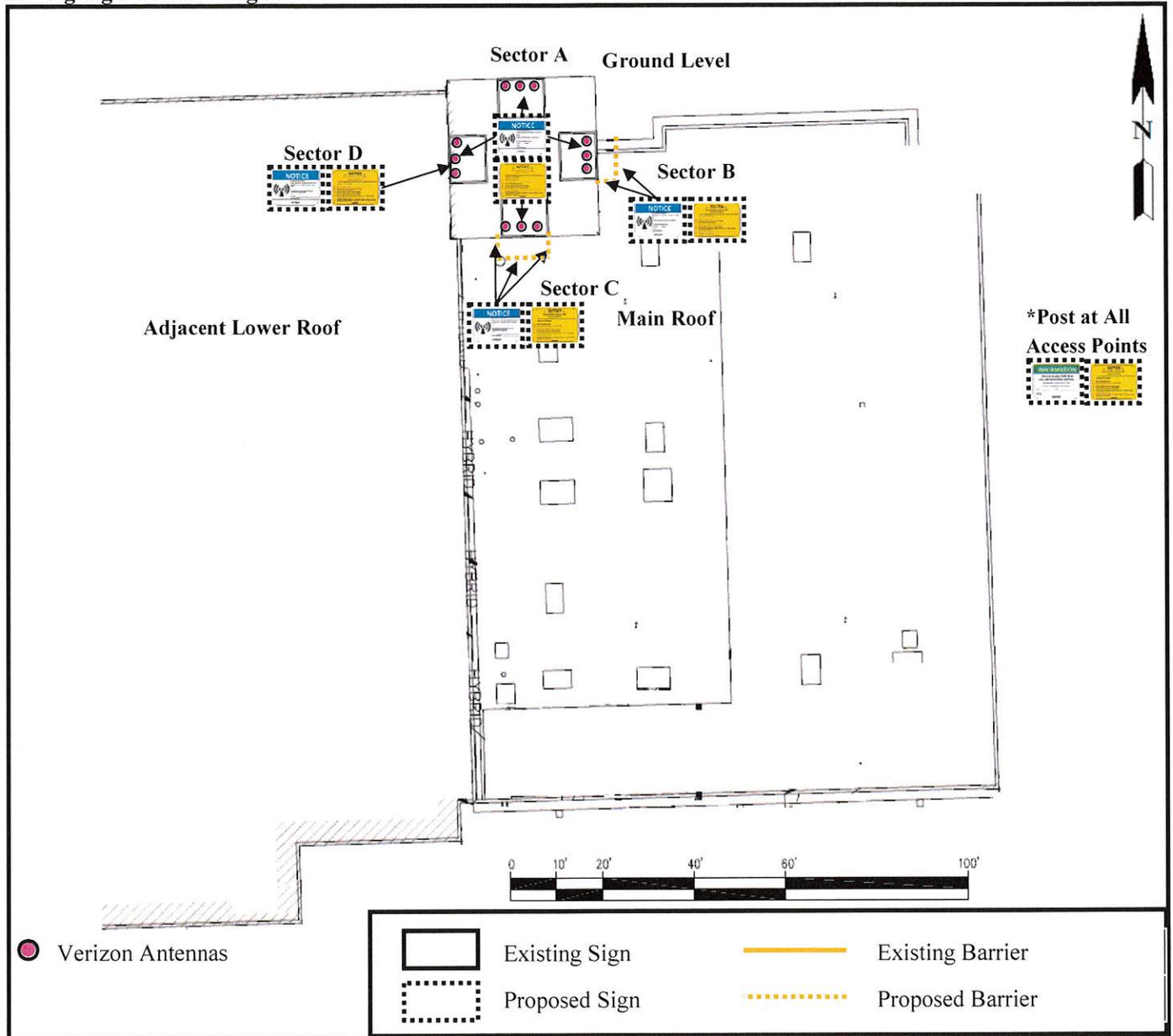
**Potentially Non-Compliant Co-Locator Areas: Verizon Responsibility**

*The following table represents potentially non-compliant co-locators for which Verizon is a 5% General Population MPE (1% Occupational MPE) contributor.*

<b>AT&amp;T</b>	<b>T-Mobile</b>	<b>Sprint</b>	<b>US Cellular</b>	<b>Unknown</b>	<b>Other</b>
<input type="checkbox"/>					

Based on review of construction drawings, aerial photographs, no collocators were identified onsite.

b. Signage/Barrier Diagram



Final Compliant Configuration						
	GUIDELINES	NOTICE	CAUTION	WARNING	NOC INFO	BARRIER/MARKER
Access Point(s)	<input checked="" type="checkbox"/> [Unknown]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> [Unknown]	<input type="checkbox"/>
Alpha	<input checked="" type="checkbox"/> [1]	<input checked="" type="checkbox"/> [1]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Beta	<input checked="" type="checkbox"/> [3]	<input checked="" type="checkbox"/> [3]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10' x 3'
Gamma	<input checked="" type="checkbox"/> [4]	<input checked="" type="checkbox"/> [4]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 10' x 3'
Delta	<input checked="" type="checkbox"/> [2]	<input checked="" type="checkbox"/> [2]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: The table above represents EVERY compliance item that MUST be implemented at this location.

**c. Signage/Barrier Installation Detail**

Mitigation Actions Required/Taken												
	GUIDELINES		NOTICE		CAUTION		WARNING		NOC INFO		BARRIER/MARKER	
Access Point(s)	<input checked="" type="checkbox"/> [?]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> [?]	<input type="checkbox"/>	<input type="checkbox"/>	
Alpha	<input checked="" type="checkbox"/> [1]	<input type="checkbox"/>	<input checked="" type="checkbox"/> [1]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Beta	<input checked="" type="checkbox"/> [3]	<input type="checkbox"/>	<input checked="" type="checkbox"/> [3]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10' x 3'
Gamma	<input checked="" type="checkbox"/> [4]	<input type="checkbox"/>	<input checked="" type="checkbox"/> [4]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10' x 3'
Delta	<input checked="" type="checkbox"/> [2]	<input type="checkbox"/>	<input checked="" type="checkbox"/> [2]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	ADD	REM	ADD	REM	ADD	REM	ADD	REM	ADD	REM	ADD ONLY	

**NOTE:** The table represents either the signage/barriers installed / removed OR items required by the market (if mitigation is not installed by consultant/vendor).

SPECIAL MITIGATION INSTRUCTIONS	
Items to be Installed	<ul style="list-style-type: none"> <li>An NOC Information sign should be posted on or next to the roof access points.</li> <li>Guidelines signs should be posted on or next to the roof access point, on the barriers near the Sector B and C antennas, on the wall in front of the Sector D antennas and on the back of each of the four sectors of antennas.</li> <li>Blue Notice signs should be posted on the barriers near the Sector B and C antennas, on the wall in front of the Sector D antennas and on the back of each of the four sectors of antennas.</li> <li>Barriers should be installed 10 feet by 3 feet in front of the Verizon Sector B and C antennas.</li> </ul>
Items to be Removed	N/A
Items to be Repaired/Replaced	N/A

## 5. Appendix C: RF Consultant Certifications

### a. Preparer Certification

I, Andrew Simpson, the preparer of this report, am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I am also fully aware of and familiar with the Verizon Wireless Signage & Demarcation Policy. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



### b. Reviewer Certification

I, Jos Schorr, the reviewer and approved of this report, am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I am also fully aware of and familiar with the Verizon Wireless Signage & Demarcation Policy. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



## 6. Appendix D: Reference Information

### a. FCC Rules & Regulations

The Federal Communications Commission (FCC) has established safety guidelines relating to RF exposure from cell sites. The FCC developed those standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” The following represents explanations of the most applicable information:

#### Two Classifications for Exposure Limits

<u>Occupational</u> – Applies to situations in which persons are “exposed as a consequence of their <i>employment</i> ” and are “ <i>fully aware</i> of the potential for exposure and can <i>exercise control</i> over their exposure”.	<u>General Population</u> – Applies to situations in which persons are “exposed as a consequence of their employment <i>may not be made fully aware</i> of the potential for exposure or <i>cannot exercise control</i> over their exposure”. Generally speaking, those without significant and documented RF Safety & Awareness training would be in the General Population classification.
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#### Environment Classification

<u>Controlled</u> – Applies to environments that are restricted or “controlled” in order to prevent access from members of the General Population classification.	<u>Uncontrolled</u> – Applies to environments that are unrestricted or “uncontrolled” that allow access from members of the General Population classification.
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<i>Limits for Occupational/Controlled Exposure</i>		
Frequency	Power Density	Averaging Time
Range	(S)	E  <sup>2</sup> ,  H  <sup>2</sup> , or S
(MHz)	(mW/cm <sup>2</sup> )	(minutes)
300-1500	f/300	6
1500-100,000	5	6
<i>Limits for General Population/Uncontrolled Exposure</i>		
Frequency	Power Density	Averaging Time
Range	(S)	E  <sup>2</sup> ,  H  <sup>2</sup> , or S
(MHz)	(mW/cm <sup>2</sup> )	(minutes)
300-1500	f/1500	30
1500-100,000	1	30
<i>f = frequency in MHz</i>		

#### Significant Contribution to the RF Environment

Any carrier contributing an aggregate MPE percentage of 5 or more (to the applicable RF Environment Classification) is defined as a significant contributor. This means that if any area is determined to be out of compliance with FCC rules, all significant contributors are jointly responsible for correcting any deficiencies.

### b. Occupational Safety and Health Administration (OSHA) Requirements

A formal adopter of FCC Standards, OSHA stipulates that those in the Occupational classification must complete training in the following: RF Safety, RF Awareness, and Utilization of Personal Protective Equipment. OSHA also provides options for Hazard Prevention and Control:

Hazard Prevention	Control
<ul style="list-style-type: none"> <li>Utilization of good equipment</li> <li>Enact control of hazard areas</li> <li>Limit exposures</li> <li>Employ medical surveillance and accident response</li> </ul>	<ul style="list-style-type: none"> <li>Employ Lockout/Tag out</li> <li>Utilize personal alarms &amp; protective clothing</li> <li>Prevent access to hazardous locations</li> <li>Develop or operate an administrative control program</li> </ul>

**c. RF Signage**

Areas or portions of any transmitter site may be susceptible to high power densities that could cause personnel exposures in excess of the FCC guidelines. These areas must be demarcated by conspicuously posted signage that identifies the potential exposure. Signage MUST be viewable regardless of the viewer’s position.

GUIDELINES	NOTICE	CAUTION	WARNING
<p>This sign will inform anyone of the basic precautions to follow when entering an area with transmitting radiofrequency equipment.</p>	<p>This sign indicates that RF emissions may exceed the FCC General Population MPE limit.</p>	<p>This sign indicates that RF emissions may exceed the FCC Occupational MPE limit.</p>	<p>This sign indicates that RF emissions may exceed at least 10x the FCC Occupational MPE limit.</p>
			

NOC INFORMATION	
<p>Information signs are used as a means to provide contact information for any questions or concerns. They will include specific cell site identification information and the Verizon Wireless Network Operations Center phone number.</p>	

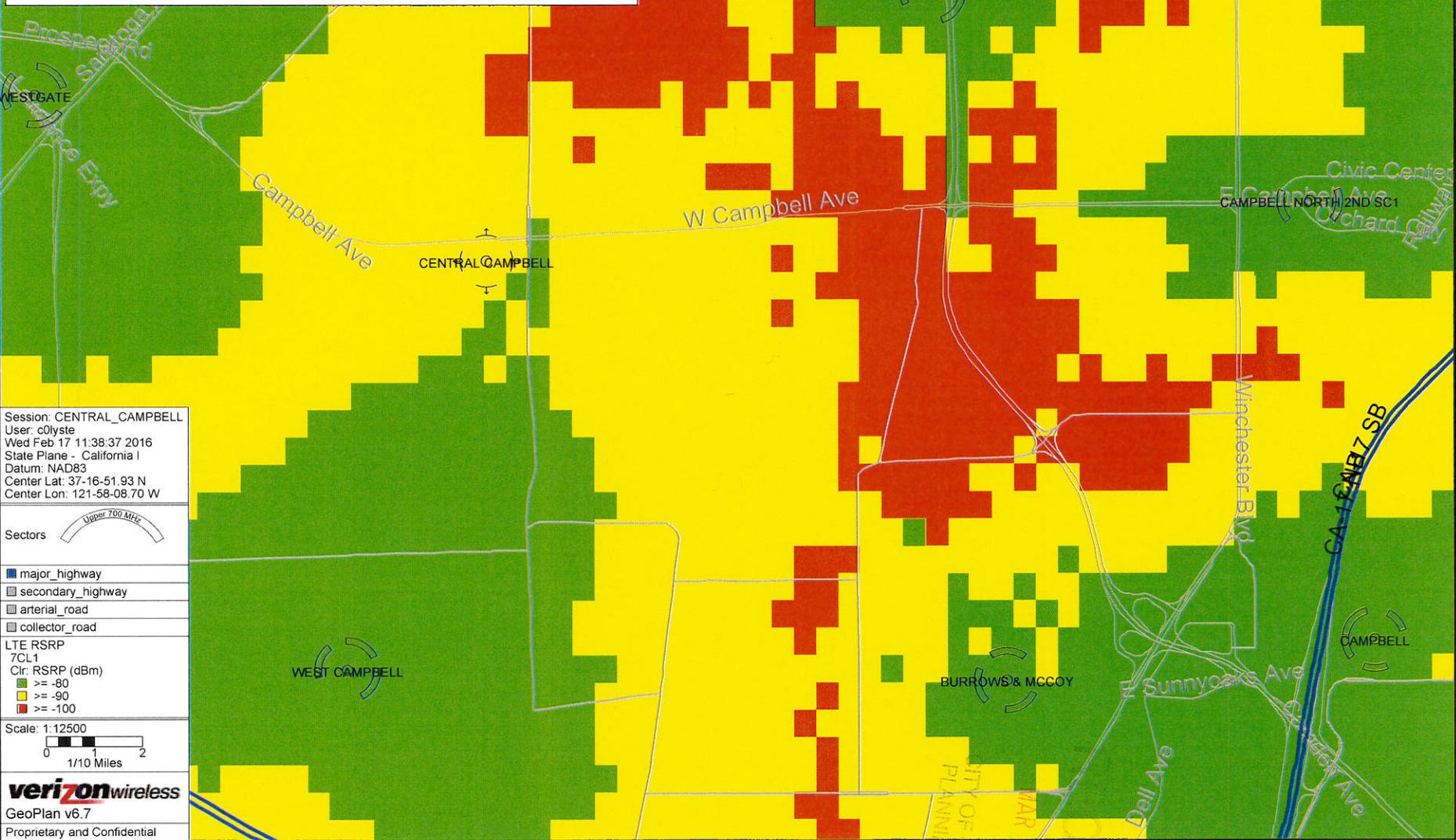
**d. Physical Barriers**

Physical barriers are control measures that require awareness and participation of personnel. Physical barriers are employed as an additional administration control to complement RF signage and physically demarcate an area in which RF exposure levels may exceed the FCC General Population limit. **Example:** chain-connected stanchions

**e. Indicative Markers**

Indicative markers are visible control measures that require awareness and participation of personnel, as they cannot physically prevent someone from entering an area of potential concern. Indicative markers are employed as an additional administration control to complement RF signage and visually demarcate an area in which RF exposure levels may exceed the FCC General Population limit. **Example:** paint stripes

# VERIZON WIRELESS LTE COVERAGE - EXISTING



Session: CENTRAL\_CAMPBELL  
 User: c0lyste  
 Wed Feb 17 11:38:37 2016  
 State Plane - California I  
 Datum: NAD83  
 Center Lat: 37-16-51.93 N  
 Center Lon: 121-58-08.70 W

Sectors

- major\_highway
- secondary\_highway
- arterial\_road
- collector\_road

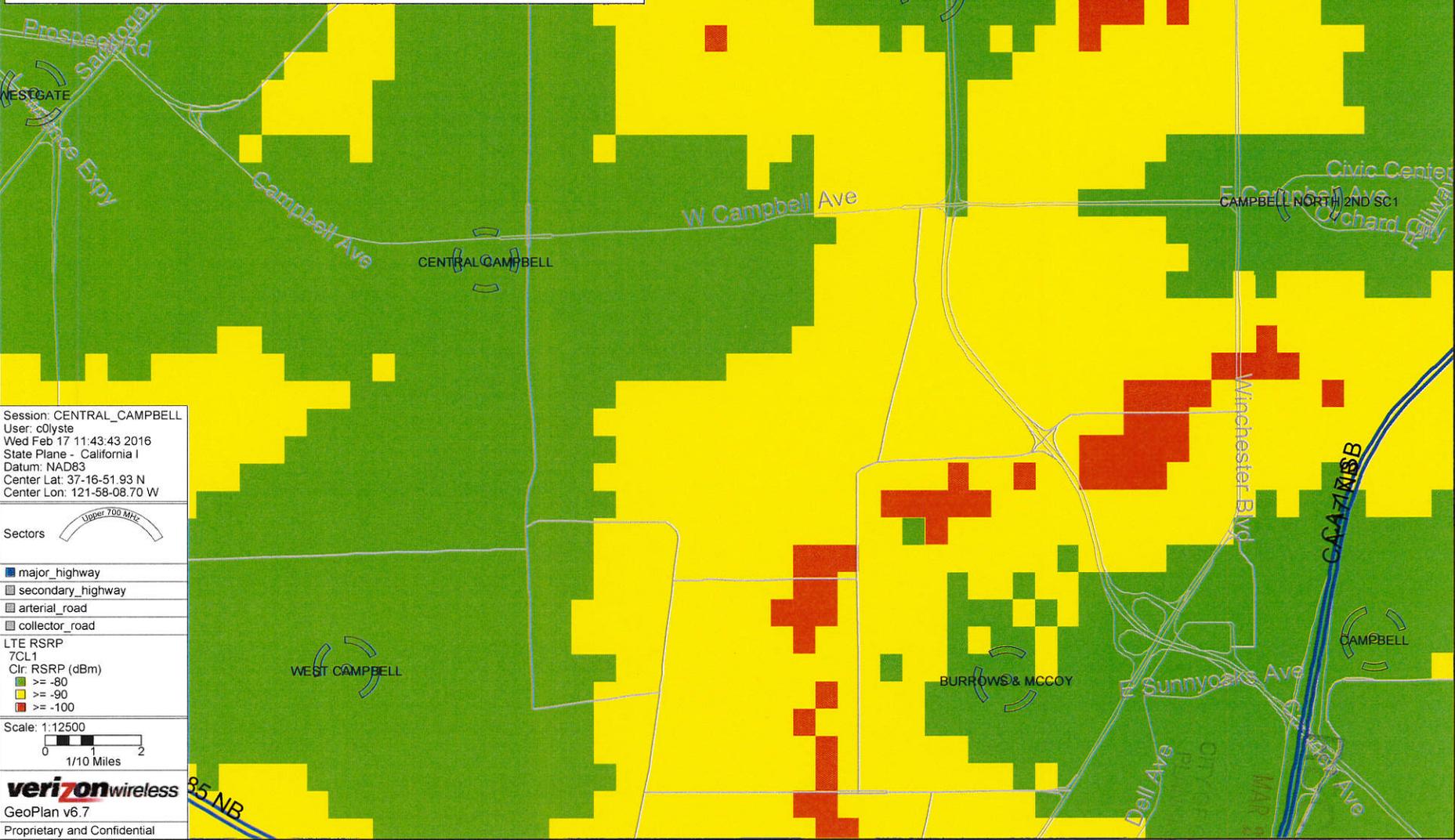
LTE RSRP  
 7CL1  
 Cr: RSRP (dBm)  
 >= -80  
 >= -90  
 >= -100

Scale: 1:12500

**verizon**wireless  
 GeoPlan v6.7  
 Proprietary and Confidential

RECEIVED  
 MAR 23 2016  
 CITY OF CAMPBELL  
 PLANNING DEPT.

# VERIZON WIRELESS LTE COVERAGE - PROPOSE



Session: CENTRAL\_CAMPBELL  
User: cOlyste  
Wed Feb 17 11:43:43 2016  
State Plane - California I  
Datum: NAD83  
Center Lat: 37-16-51.93 N  
Center Lon: 121-58-08.70 W

Sectors

- major\_highway
- secondary\_highway
- arterial\_road
- collector\_road

LTE RSRP  
7CL1  
Clr: RSRP (dBm)  
■ >= -80  
■ >= -90  
■ >= -100

Scale: 1:12500

**verizon**wireless  
GeoPlan v6.7  
Proprietary and Confidential

RECEIVED  
CAMPBELL  
3 DEPT.  
MAY 13 2016

*Existing*



*Proposed*



view from W Campbell Avenue looking south at site



255605 Central Campbell  
1600 W Campbell, Campbell, CA  
Photosims Produced 3-9-2016



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • June 14, 2016**

**PLN2015-386** Public Hearing to consider the application of Mackenzie Edwards for a  
**Edwards, M.** Modification (PLN2015-386) to a previously approved Conditional Use  
**(T-Mobile)** Permit to allow for the expansion of an existing wireless facility (T-Mobile)  
 installation on the roof of property located at 700 W. Hamilton Avenue in  
 the C-2 (General Commercial) Zoning District.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving a Modification (PLN2015-386) to a previously approved Conditional Use Permit (PLN2009-57) to allow for the expansion of an existing roof-mounted wireless facility (T-Mobile), subject to the attached Conditions of Approval.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to minor alterations to existing private structures.

**PROJECT DATA**

Zoning District: C-2 (General Commercial)  
 General Plan Designation: General Commercial

<b>Facility Height</b>	<b>Existing</b>	<b>Proposed</b>
Top of Antennas:	50-feet	No Change

<b>T-Mobile Antennas</b>	<b>Existing</b>	<b>Proposed</b>
	9 (2 per sector)	12 (3 per sector)

**Surrounding Uses**

North: Hamilton Avenue; Penny Lane / Alvin's Corner across  
 East: S. San Tomas Aquino Road  
 South: Gale Drive; Residential across  
 West: Commercial

**Project Site:** The project site is located on the southwest corner of West Hamilton Avenue, and San Tomas Expressway. The site is currently developed with one, three story, rectangular commercial building (International Culinary Center) located at the northeast corner of the project site and various wireless facilities (reference **Attachment 3** - Location Map).

## **DISCUSSION**

Background: On June 23, 2009 the Planning Commission adopted Resolution No. 3950 approving a Conditional Use Permit (PLN2009-57) to allow for the continued operation of an existing roof-mounted wireless telecommunications facility. The approval established an expiration date of June 23, 2019.

Applicant's Proposal: The applicant is seeking approval of a Modification (PLN2016-146) to the previously approved Conditional Use Permit (PLN2009-119) to allow for three (3) new panel antennas and associated equipment on the roof of an existing three story commercial building. As T-Mobile already has nine (9) roof mounted panel antennas, the combined total would be raised to twelve (12). To accommodate the additional antenna panels, the applicant's request would entail the removal and replacement of the existing support bracket, for a larger mounting bracket sized appropriately for the new equipment. The applicant's proposal is considered an "Eligible Facility Request (EFR)" which has been explained in greater detail under the discussion on Legal Framework and Scope of Review.

The proposed facility is intended to provide better coverage and faster data service to T-Mobile customers.

Legal Framework & Scope of Review: On February 17, 2012, Congress passed the Middle Class Tax Relief and Job Creation Act, which contained Section 6409(a), known as the "Spectrum Act" for the regulation of wireless telecommunication facilities. Section 6409(a) mandates that local governments "**may not deny, and shall approve**" an Eligible Facilities Request ("EFR") provided that the request does not "substantially change the physical dimensions of the existing wireless tower of base station".

On January 8, 2015, the FCC published new rules implementing Section 6409(a) of the Middle Class Tax and Job Creation Act of 2012 ("Spectrum Act"), under the title "Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies" which included definitions, processing requirements, timelines and remedies for applications that seek to modify an existing wireless telecommunication facility – including thresholds to test whether an applicant's proposal for an EFR causes a 'substantial change'. The practical reality of these provisions is to make it increasingly difficult for local jurisdictions to deny a request, and outline procedures for an accelerated approval process.

As the City's Wireless Ordinance was last updated in 2006<sup>1</sup>, the code has not taken into account changes in federal regulations that have occurred since that time, and as a result does not outline procedures for how to process an EFR. While the City is actively working to revise its Wireless Ordinance to adopt new procedures to address this very issue, in the interim staff has presented the request as a Modification of the previously approved Conditional Use Permit (as required by the City's Wireless Ordinance), but with a very narrow scope of review for consideration by the Planning Commission (to reconcile differences with federal regulations).

In consideration of this approach, the Planning Commission should consider the proposal to effectively constitute a ministerial act (non-discretionary), so long as the request does not

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<sup>1</sup> On August 1, 2006, the City Council adopted Ordinance 2070, which codified the City's current wireless facilities development standards and procedural requirements under CMC 21.34 (Wireless Telecommunications Facilities).

constitute substantial change. A discussion on the applicant's proposal in consideration of the applicable thresholds of 'substantial change' has been provided as part of the Eligible Facility Request ("EFR") in the project analysis section of the report.

## **ANALYSIS**

General Plan Consistency: The General Plan land use designation for the project site is *General Commercial*. This land use designation is intended to permit commercial uses that need exposure to high volumes of automobile traffic or access to transit corridors. The General Plan Land Use Element provides the following policies which can be applied to wireless telecommunications facilities:

Strategy LUT-9.31: Wireless Telecommunication Facilities: Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a structure.

Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community.

Consistent with Strategy LUT-9.31, the City has encouraged new and modified wireless telecommunications facilities to be designed as visually unobtrusive as possible. While the applicant's proposal would result in additional and slightly larger antennas than previously approved, as an EFR the proposal would be reviewed for compliance with the FCC's January 8, 2015 rules provided the scope of work does not constitute a 'substantial change'. As the applicant's proposal seeks to provide better coverage and faster data service to T-Mobile customers, the proposed modification can be considered to further the purpose of Policy LUT-13.1.

Zoning District Consistency: The project site is located in the C-2 (General Commercial) Zoning District which is consistent with the General Commercial land use designation of the General Plan. Pursuant to CMC 21.34.020 (Definitions; Wireless Telecommunications Facilities), and CMC 21.34.030 (Permits required.), a modification of a non-stealth<sup>2</sup> wireless telecommunications facility use in a C-2 zone requires approval of a Modification of the previously approved Conditional Use Permit.

Eligible Facility Request ("EFR"): On January 8, 2015, the FCC published six (6) thresholds to determine if an applicant's proposal constitutes an EFR. These parameters included discussions on height, width, number of cabinets, extent of excavation, treatment of camouflage, and compliance with previously established conditions of approval. As the applicant's proposal does not include a request for new cabinets or excavation, seek to modify a non-stealth facility which did not include a "camouflage" requirement (beyond requiring the facility to be painted in a non-reflective matte paint), and does not seek to violate a previous condition of approval, these thresholds are not applicable to the request. In consideration of the facility height, and width, the applicant is well under the applicable thresholds as well, as depicted in the following table:

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<sup>2</sup> As the T-Mobile equipment is not integrated into an existing structure, or carefully placed in an otherwise not visible location, the facility does not qualify as stealth.

<b>Threshold</b>	<b>Parameters for a Non-Tower Facility<sup>3</sup></b>	<b>Proposed</b>	<b>Compliance (Y/N)</b>
<b>Height</b>	10% or 10-feet	No Increase	Y
<b>Width</b>	6-feet from the edge	No Expansion <sup>4</sup>	Y
<b>Cabinets</b>	Four new equipment cabinets	0 new cabinets	Y
<b>Excavation</b>	Excavation outside license area	No excavation	Y
<b>Camouflage</b>	Defeat an existing concealment element	Not a concealed facility, but will be painted to match	Y
<b>Compliance</b>	Violate prior condition of approval	No conflicts	Y

If the applicant's proposal is determined to comply with all six of the required thresholds, the Planning Commission "may not deny, and shall approve" the applicant's proposal as an EFR.

Health, Safety & Cumulative Effects: To evaluate the health and safety impacts of the proposed facility, a Radio Frequency (RF) Compliance Assessment was prepared (reference **Attachment 5**). The RF report, which included several "worst-case" assumptions, concluded that the equipment will comply with FCC's guidelines through the implementation of signage consistent with the Site Safety Plan. Under the Federal Telecommunications Act of 1996, local governments cannot deny an application for a wireless telecommunications site because of perceived health risks if the proposed site complies with Federal Radio Frequency emissions standards.

As conditions of approval, staff has included requirements to post warning signage identifying all wireless equipment and safety precautions, and require periodic safety monitoring at points to occur 10 days after installation of the facilities, and every two years thereafter by a licensed engineer.

Length of Permit Term: As an eligible facility request (EFR), the applicant is not seeking to extend the duration of their permit<sup>5</sup>. As such, the facility shall expire on June 23, 2019.

Site and Architectural Review Committee: The Site and Architectural Review Committee ("SARC") did not review this permit request. As an EFR, the applicant's proposal is not subject to a discretionary design review process.

Attachments:

1. Findings for Approval of File No. PLN2016-146
2. Conditions of Approval of File No. PLN2016-146
3. Location Map
4. Project Plans
5. Radio Frequency (RF) Compliance Assessment
6. Photo-simulations

<sup>3</sup> Reference Federal Register Vol. 80, No. 5, January 8, 2015 Rules and Regulations 1253/1254 92.

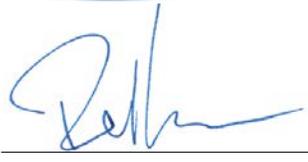
<sup>4</sup> The new antenna panels are installed between two support poles which are already cross braced. While the facility installs two new cross beams between the posts to suspend new antennas "structural enhancement" is encompassed in an eligible facility request provided that it does not involve the replacement of the underlying structure.

<sup>5</sup> The applicant is not requesting an extension as such a request would violate a prior condition of approval (constituting a 'substantial change') which would render the proposal ineligible as an EFR.

Prepared by:

  
\_\_\_\_\_  
Stephen Rose, Associate Planner

Approved by:

  
\_\_\_\_\_  
Paul Kermoyan, Community Development Director

## **FINDINGS FOR APPROVAL OF FILE NO(S). PLN2015-386**

SITE ADDRESS: 700 W. Hamilton Avenue  
APPLICANT: Mackenzie Edwards (on behalf of T-Mobile)  
OWNER: Scott Cooley  
P.C. MEETING: June 14, 2016

Findings for approval of a Modification (PLN2015-386) to a previously approved Conditional Use Permit (PLN2009-57) to allow for the expansion of an existing roof-mounted wireless facility (T-Mobile) located at 700 W. Hamilton Avenue, in a C-2 (General Commercial) Zoning District.

The Planning Commission finds as follows with regard to file number(s) PLN2015-386:

### Environmental Finding

The project qualifies as a Categorical Exempt project per Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to minor alterations to existing private structures.

### Evidentiary Findings

1. The General Plan land use designation for this property is Professional Office and the proposed wireless telecommunications facility, as conditioned, is in compliance with the following policies of the General Plan:

Policy LUT-9.31: Wireless Telecommunication Facilities: Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a structure.

Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community.

2. The subject property is within the C-2 (General Commercial) zoning district.
3. The requested Modification (PLN2015-386) to the previously approved Conditional Use Permit (PLN2009-57) would allow for three (3) new antennas and associated equipment to be mounted onto the roof of an existing commercial building, raising the total number T-Mobile antennas to twelve.
4. Non-stealth wireless telecommunication facilities are permitted in the C-2 (General Commercial) zoning district subject to the approval of a Conditional Use Permit.
5. The purpose of use permit review of wireless telecommunications facilities is to minimize the adverse visual impacts and operational effects of these facilities using appropriate design, siting and screening techniques while providing for the personal communications needs of residents, local business and government of the city and the region.

6. The T-Mobile rooftop facility at 700 W. Hamilton Avenue was originally approved by Conditional Use Permit (UP95-22) on November 14, 1995 and was later superseded by Conditional Use Permit (PLN2009-57) on June 23, 2009.
7. On August 1, 2006, the City Council adopted Ordinance 2070, which codified the City's current wireless facilities development standards and procedural requirements under CMC 21.34 (Wireless Telecommunications Facilities).
8. On February 17, 2012, Congress passed the Middle Class Tax Relief and Job Creation Act, which contained Section 6409(a), known as the "Spectrum Act" for the regulation of wireless telecommunication facilities. Section 6409(a) mandates that local governments "may not deny, and shall approve" an Eligible Facilities Request ("EFR") provided that the request does not "substantially change the physical dimensions of the existing wireless tower of base station".
9. On January 8, 2015, the FCC published new rules implementing Section 6409(a) of the Middle Class Tax and Job Creation Act of 2012 ("Spectrum Act"), under the title "Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies" which included definitions, processing requirements, timelines and remedies for applications that seek to modify an existing wireless telecommunication facility – including thresholds to test whether an applicant's proposal for an EFR causes a 'substantial change'.
10. The proposed wireless facility modification does not exceed the thresholds outlined for an "Eligible Facility Request (EFR)".

Based upon the foregoing findings of fact and pursuant to Section 21.46.040 (Findings and Decision for a Conditional Use Permit) and Chapter 21.34 (Wireless Telecommunication Facilities) of the Campbell Municipal Code, the Planning Commission further finds and concludes that:

1. The proposed use is consistent with the General Plan.
2. The proposed use is allowed within the applicable zoning district with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code as conditioned.
3. The proposed development would be consistent and compatible with the General Plan and will aid in the harmonious development of the immediate area.
4. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area.
5. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate.

6. The design, location, size, and operating characteristics of the proposed use, as conditioned, are compatible with the existing and future land uses on-site and in the vicinity of the subject property.
7. The establishment, maintenance, or operation of the proposed use, as conditioned, at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
8. The project will aid in the harmonious development of the immediate area.
9. The project is consistent with applicable adopted design guidelines.
10. The proposed wireless facility is consistent with the standards set forth within the City's Wireless Telecommunication Ordinance regarding the height, placement and design of wireless facilities.
11. The applicant's proposal does not cause a 'substantial change' and therefore qualifies as an Eligible Facility Request.
12. As an Eligible Facility Request (EFR), the local jurisdiction's discretion is limited.
13. The project is Categorically Exempt under Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to minor alterations to existing private structures.

**CONDITIONS FOR APPROVAL OF FILE NO(S). PLN2015-386**

SITE ADDRESS: 700 W. Hamilton Avenue  
APPLICANT: Mackenzie Edwards (on behalf of T-Mobile)  
OWNER: Scott Cooley  
P.C. MEETING: June 14, 2016

The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the ordinances of the City of Campbell and the State of California. The lead department with which the applicant will work is identified on each condition where necessary. Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney, or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted engineering practices, for the items under review. Additionally, the applicant is hereby notified that (s)he is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified:

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division:**

1. Approved Project: Approval is granted for Modification (PLN2015-386) to a previously approved Conditional Use Permit (PLN2009-57) to allow for the expansion of an existing roof-mounted wireless facility (T-Mobile) located at **700 W. Hamilton Avenue**. The project shall substantially conform to the Project Plans and Photo-simulations dated as received on April 27, 2016, except as modified by the Conditions of Approval contained herein.
2. Length of Permit Term: As an “Eligible Facility Request (EFR)”, the Modification approved herein does not serve to extend the expiration date of the previously approved Conditional Use Permit (PLN2009-57). As such, the Modification approved herein shall expire on June 23, 2019. If the use is to continue after that time, the applicant shall apply for a new permit.
3. Revision to Plans: The building permit submittal construction plans shall incorporate the following revisions:
  - a. Safety Requirements: The building permit plans shall reflect the incorporation of all safety recommendations and requirements outlined by the in the Radio Frequency (RF) Compliance Assessment.
  - b. Vicinity Map: The vicinity map places a black dot on the wrong building, prior to building permit submittal this shall be relocated to reflect the subject building.
4. Revocation of Permit: Operation of the use in violation of the Conditional Use Permit or any standards, codes, or ordinances of the City of Campbell shall be grounds for consideration of revocation of the Conditional Use Permit by the Planning Commission.

5. Security Required: Within thirty (30) days of Planning Commission approval, the applicant shall provide an irrevocable letter of credit or other reasonable form of security, satisfactory to the city attorney, in an amount reasonably sufficient to cover the cost of removal in the event that its use is abandoned or its use permit or site and architectural review permit expires or is terminated and the equipment is not voluntarily removed.
6. Upgrading of Facility Required: If technological improvements or developments occur which allow the use of materially smaller or less visually obtrusive equipment, the service provider will be required to replace or upgrade the approved facility upon application for a new Use Permit application to minimize adverse effects related to land use compatibility, visual resources, public safety or other environmental factors.
7. Business License Required: Each service provider with a wireless telecommunications facility in the City shall obtain a city business license.
8. No Advertising: No advertising signage or identifying logos shall be displayed on wireless telecommunications facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning.
9. Maintenance: All maintenance on the antennas is to be performed between the hours of 7 a.m. and 9 p.m. with the exception of emergency repairs.
10. Maintenance of Finish: It is an ongoing obligation of the applicant, assignees and successors in interest to maintain all components of the antennas and the exterior finish of the structures and equipment approved by this permit in good order. Graffiti shall be removed by repainting the surface of the structure or equipment with a matching color as soon as practical.
11. Impact on Parking: The installation of wireless telecommunication facilities shall not reduce required parking on the site.
12. Safety:
  - a. Public Access Restricted: Antennas are to be sited in such a way and barriers and signage provided to prevent a person from passing within the safety limits established by the FCC-adopted standards for controlled access.
  - b. Warning Signs: Signage shall be maintained at the facility identifying all wireless telecommunication facility equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards, including the RF radiation hazard warning symbol identified in ANSI C95.2-1982, to notify persons that the facility could cause exposure to RF emissions.
  - c. Emissions Conditions: It is a continuing condition of this authorization that the facilities be operated in such a manner so as not to contribute to ambient RF/EMF emissions in excess of the current FCC adopted RF/EMF emission standards; violation of this condition shall be grounds for revocation.

- d. Hazardous Materials: If the contents of the equipment cabinet/building or base transceiver station contain toxic or hazardous materials, a sign shall be placed on or around the exterior of the base transceiver station or equipment cabinets and building warning the public.
  - e. Periodic Safety Monitoring: The wireless telecommunications service provider shall submit to the Director, 10 days after installation of the facilities and every two years thereafter, a certification attested to by a licensed engineer expert in the field of EMR/RF emissions that the facilities are and have been operated within the then current applicable FCC standards for RF/EMF emissions.
  - f. Compatibility with City Emergency Services: The facility shall not be operated, nor caused to transmit on or adjacent to any radio frequencies licensed to the City for emergency telecommunication services such that the City's emergency telecommunications system experiences interference.
  - g. Emergency Contact: The service provider shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment cabinet.
13. Lighting: The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure. Where lighting is used, it shall be shielded from public view and operated only during times of necessity by a maintenance operator.
  14. Noise: The wireless telecommunication facility, including power source, ventilation and cooling facility, shall not generate noise discernible beyond the property lines.
  15. Back-Up Generators: Back-up generators shall comply with the noise standard referenced above and shall only be operated during power outages or for testing and maintenance between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
  16. Heat Generation: The wireless telecommunication facility, including power source and cooling facility, shall not be operated so as to cause the generation of heat that adversely affects any building occupant.
  17. Odors: The testing of back-up generators shall not produce odors that adversely affect persons occupying residential, office or commercial uses.
  18. Implementation and monitoring costs: The wireless telecommunications service provider or its successor shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval contained in this authorization, including costs incurred by this department, the office of the city attorney or any other appropriate city department or agency. The community development department shall collect costs on behalf of the city.
  19. Transfer of Operation: Any carrier/service provider authorized by the community development director or by the planning commission to operate a specific wireless

telecommunications facility may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency provided that the transfer is made known to the community development director in advance of the operation and all conditions of approval for the subject installation are carried out by the new carrier/service provider. However, the carrier/service provider may, without advance notification, transfer operations of the facility to its general partner or any party controlling, controlled by or under common control with the carrier/service provider.

20. Complaints and Proceedings: Should any party complain to the wireless telecommunications service provider about the installation or operation of the facilities, which complaints are not resolved by the wireless telecommunications service provider, the wireless telecommunications service provider (or its appointed agent) shall advise the Director of the complaint and the failure to satisfactorily resolve such complaint. If the director determines that a violation of a condition of approval has occurred, the Director may refer the matter to the Planning Commission for consideration of modification or revocation of the permit.
21. Supersession of Previous Conditions of Approval: Upon the effective date approving this Modification (PLN2015-386), the previously approved Conditions of Approval (PLN2009-57) as approved by the Planning Commission on June 23, 2009 shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein, except for the expiration date of the facility which has been carried forward in this permit.
22. Severability: If any clause, sentence, section or any part of these Conditions of Approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the City that these Conditions of Approval would have been adopted had such invalid sentence, clause or section or part thereof not been included herein.

### **Building Division:**

23. Permits Required: A building permit application shall be required for the proposed antenna structure and/or associated equipment. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
24. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
25. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. by 36 in.
26. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
27. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate.

28. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
29. Non-point Pollution Control Program: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
30. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
  - a. Santa Clara County Fire Department (378-4010)

# Location Map

























200 North Glebe Road, Suite 1000, Arlington, VA 22203-3728  
703.276.1100 • 703.276.1169 fax  
info@sitesafe.com • www.sitesafe.com

**T-Mobile  
Site ID – SF04611A  
Site Name – SF611 Santomas Park  
Site Compliance Report**

**700 West Hamilton Avenue  
Campbell, CA 95008**

Latitude: N37-17-37.00  
Longitude: W121-57-41.30  
Structure Type: Rooftop

Report generated date: January 28, 2016  
Report by: Young Kim  
Customer Contact: Aris Antons

**T-Mobile Will Be Compliant based on FCC Rules  
and Regulations.**

© 2016 Sitesafe, Inc. Arlington, VA

# **T-Mobile**

## **SF611 Santomas Park - SF04611A**

### **Radio Frequency (RF) Site Compliance Report**



**700 West Hamilton Avenue, Campbell, CA 95008**



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## 1 Executive Summary

T-Mobile has contracted with Sitesafe, Inc. (Sitesafe), an independent Radio Frequency (RF) regulatory and engineering consulting firm, to determine whether the proposed communications site, SF04611A - SF611 Santomas Park, located at 700 West Hamilton Avenue, Campbell, CA, is in compliance with Federal Communication Commission (FCC) Rules and Regulations for RF emissions.

This report contains a detailed summary of the RF environment at the site including:

- diagram of the site;
- inventory of the make / model of all antennas
- theoretical MPE based on modeling.

This report addresses exposure to radio frequency electromagnetic fields in accordance with the FCC Rules and Regulations for all individuals, classified in two groups, "Occupational or Controlled" and "General Public or Uncontrolled." This **site will be compliant** with the FCC rules and regulations, as described in OET Bulletin 65. The corrective actions needed to make this site compliant are located in Section 3.2.

This document and the conclusions herein are based on the information provided by T-Mobile.

If you have any questions regarding RF safety and regulatory compliance, please do not hesitate to contact Sitesafe's Customer Support Department at (703) 276-1100.

## 2 Regulatory Basis

### 2.1 FCC Rules and Regulations

In 1996, the Federal Communication Commission (FCC) adopted regulations for the evaluating of the effects of RF emissions in 47 CFR § 1.1307 and 1.1310. The guideline from the FCC Office of Engineering and Technology is Bulletin 65 ("OET Bulletin 65"), *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, Edition 97-01, published August 1997. Since 1996 the FCC periodically reviews these rules and regulations as per their congressional mandate.

FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled environment" and General Public or "Uncontrolled environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limit. These limits apply to *accessible* areas where workers or the general public may be exposed to Radio Frequency (RF) electromagnetic fields.

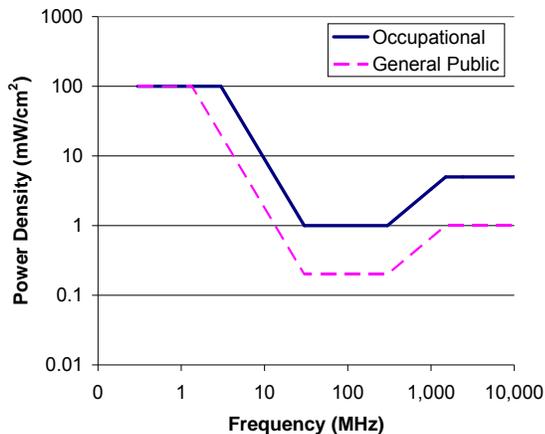
Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (i.e. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF warning signage. A site with Controlled environments is evaluated with Occupational limits.

All other areas are considered Uncontrolled environments. If a site has no access controls or no RF warning signage it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The Maximum Permissible Exposure (MPE) limits utilized in this analysis are outlined in the following diagram:

**FCC Limits for Maximum Permissible Exposure (MPE)**  
Plane-wave Equivalent Power Density



**Limits for Occupational/Controlled Exposure (MPE)**

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

**Limits for General Population/Uncontrolled Exposure (MPE)**

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f <sup>2</sup> )*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz      \*Plane-wave equivalent power density

**2.2 OSHA Statement**

The General Duty clause of the OSHA Act (Section 5) outlines the occupational safety and health responsibilities of the employer and employee. The General Duty clause in Section 5 states:

- (a) Each employer –
  - (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
  - (2) shall comply with occupational safety and health standards promulgated under this Act.
  
- (b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OSHA has defined Radiofrequency and Microwave Radiation safety standards for workers who may enter hazardous RF areas. Regulation Standards 29 CFR § 1910.147 identify a generic Lock Out Tag Out procedure aimed to control the unexpected energization or start up of machines when maintenance or service is being performed.

### 3 Site Compliance

#### 3.1 Site Compliance Statement

Upon evaluation of the cumulative RF emission levels from all operators at this site, Sitesafe has determined that:

This **site will be compliant** with the FCC rules and regulations, as described in OET Bulletin 65. The corrective actions needed to make this site compliant are located in Section 3.2.

The compliance determination is based on theoretical modeling, RF signage placement recommendations, proposed antenna inventory and the level of restricted access to the antennas at the site. Any deviation from the T-Mobile's proposed deployment plan could result in the site being rendered non-compliant.

#### 3.2 Actions for Site Compliance

Based on common industry practice and our understanding of FCC and OSHA requirements, this section provides a statement of recommendations for site compliance. RF alert signage recommendations have been proposed based on theoretical analysis of MPE levels. Barriers can consist of locked doors, fencing, railing, rope, chain, paint striping or tape, combined with RF alert signage.

Sitesafe found one or more issues that led to our determination. The site will be made compliant if the following changes are implemented:

##### **Site Access Location**

Blue Notice sign required (T-Mobile).  
10 Step sign required (T-Mobile).

**Note: The existing Blue notice sign is a Sprint Blue Notice (Stay Back) sign.**

## 4 Safety Plan and Procedures

The following items are general safety recommendations that should be administered on a site by site basis as needed by the carrier.

**General Maintenance Work:** Any maintenance personnel required to work immediately in front of antennas and / or in areas indicated as above 100% of the Occupational MPE limits should coordinate with the wireless operators to disable transmitters during their work activities.

**Training and Qualification Verification:** All personnel accessing areas indicated as exceeding the General Population MPE limits should have a basic understanding of EME awareness and RF Safety procedures when working around transmitting antennas. Awareness training increases a workers understanding to potential RF exposure scenarios. Awareness can be achieved in a number of ways (e.g. videos, formal classroom lecture or internet based courses).

**Physical Access Control:** Access restrictions to transmitting antennas locations is the primary element in a site safety plan. Examples of access restrictions are as follows:

- Locked door or gate
- Alarmed door
- Locked ladder access
- Restrictive Barrier at antenna (e.g. Chain link with posted RF Sign)

**RF Signage:** Everyone should obey all posted signs at all times. RF signs play an important role in properly warning a worker prior to entering into a potential RF Exposure area.

**Assume all antennas are active:** Due to the nature of telecommunications transmissions, an antenna transmits intermittently. Always assume an antenna is transmitting. Never stop in front of an antenna. If you have to pass by an antenna, move through as quickly and safely as possible thereby reducing any exposure to a minimum.

**Maintain a 3 foot clearance from all antennas:** There is a direct correlation between the strength of an EME field and the distance from the transmitting antenna. The further away from an antenna, the lower the corresponding EME field is.

**Site RF Emissions Diagram:** Section 5 of this report contains an RF Diagram that outlines various theoretical Maximum Permissible Exposure (MPE) areas at the site. The modeling is a worst case scenario assuming a duty cycle of 100% for each transmitting antenna at full power. This analysis is based on one of two access control criteria: General Public criteria means the access to the site is uncontrolled and anyone can gain access. Occupational criteria means the access is restricted and only properly trained individuals can gain access to the antenna locations.

## 5 Analysis

### 5.1 RF Emissions Diagram

The RF diagram(s) below display theoretical spatially averaged percentage of the Maximum Permissible Exposure for all systems at the site unless otherwise noted. These diagrams use modeling as prescribed in OET Bulletin 65 and assumptions detailed in Appendix B.

The key at the bottom of each diagram indicates if percentages displayed are referenced to FCC General Population Maximum Permissible Exposure (MPE) limits. Color coding on the diagram is as follows:

- Gray represents areas predicted to be at 5% of the MPE limits, or below.
- Green represents areas predicted to be between 5% and 100% of the MPE limits.
- Blue represents areas predicted to be between 100% and 500% of the MPE limits.
- Yellow represents areas predicted to be between 500% and 5000% of the MPE limits.
- Red areas indicated predicted levels greater than 5000% of the MPE limits.

General Population diagrams are specified when an area is accessible to the public; i.e. personnel that do not meet Occupational or RF Safety trained criteria, could gain access.

If trained occupational personnel require access to areas that are delineated as **Blue** or above 100% of the limit, Sitesafe recommends that they utilize the proper personal protection equipment (RF monitors), coordinate with the carriers to reduce or shutdown power, or make real-time power density measurements with the appropriate power density meter to determine real-time MPE levels. This will allow the personnel to ensure that their work area is within exposure limits.

The key at the bottom also indicates the level or height of the modeling with respect to the main level. The origin is typically referenced to the main rooftop level, or ground level for a structure without access to the antenna level. For example:

Average from 0 feet above to 6 feet above origin

and

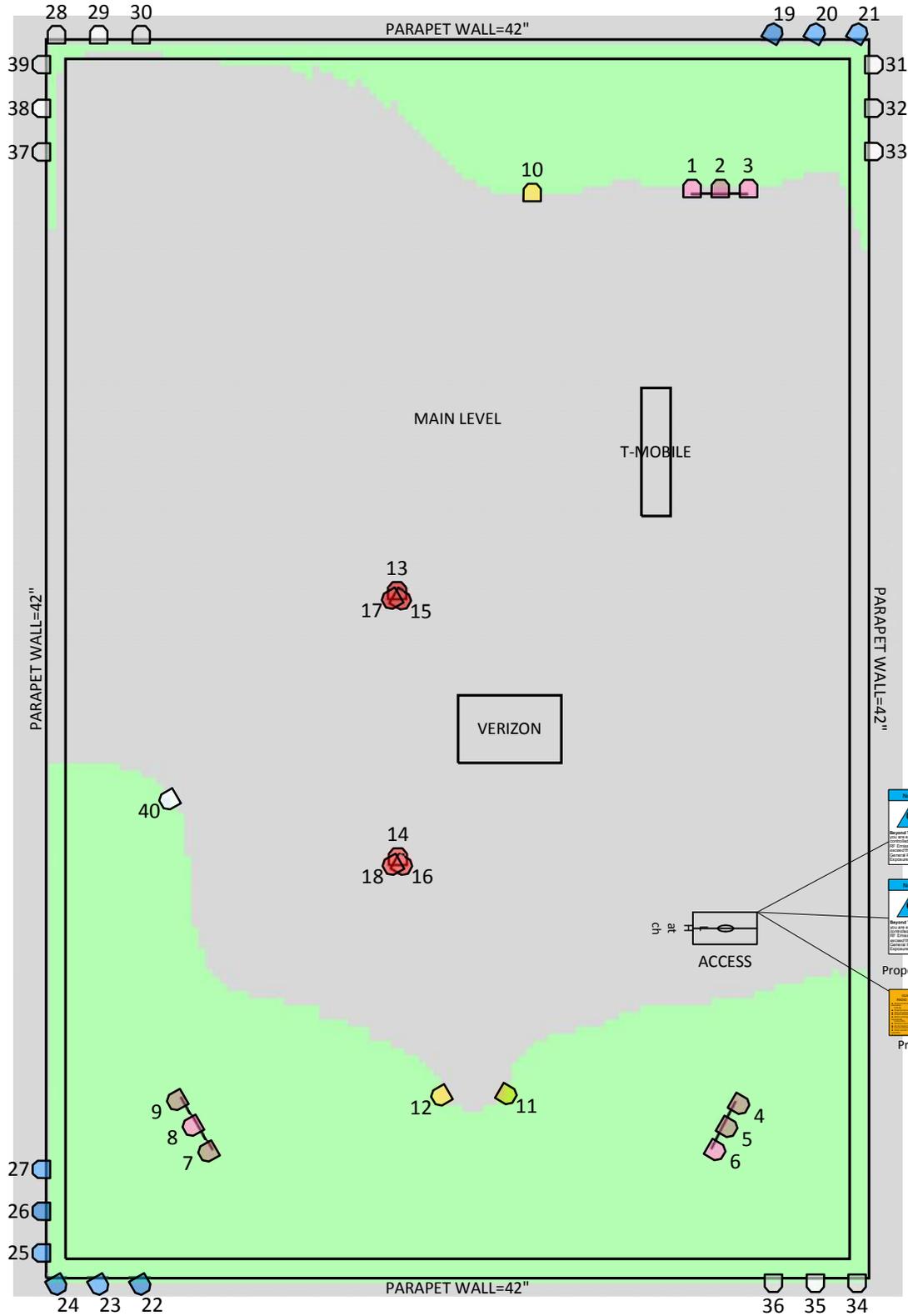
Average from 20 feet above to 26 feet above origin

The first indicates modeling at the main rooftop (or ground) level averaged over 6 feet. The second indicates modeling at a higher level (possibly a penthouse level) of 20 feet averaged over 6 feet.

#### Abbreviations used in the RF Emissions Diagrams

PH=##'	Penthouse at ## feet above main roof
--------	--------------------------------------

# RF Emissions Simulation For: SF611 Santomas Park Composite View



**Notes**

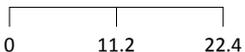
- Beyond This Point, the model assumes a General Population Exposure Limit.
- Beyond This Point, the model assumes a General Population Exposure Limit.

**Proposed**

**Proposed**

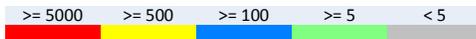


(Feet)



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Site Name:SF611 Santomas Park

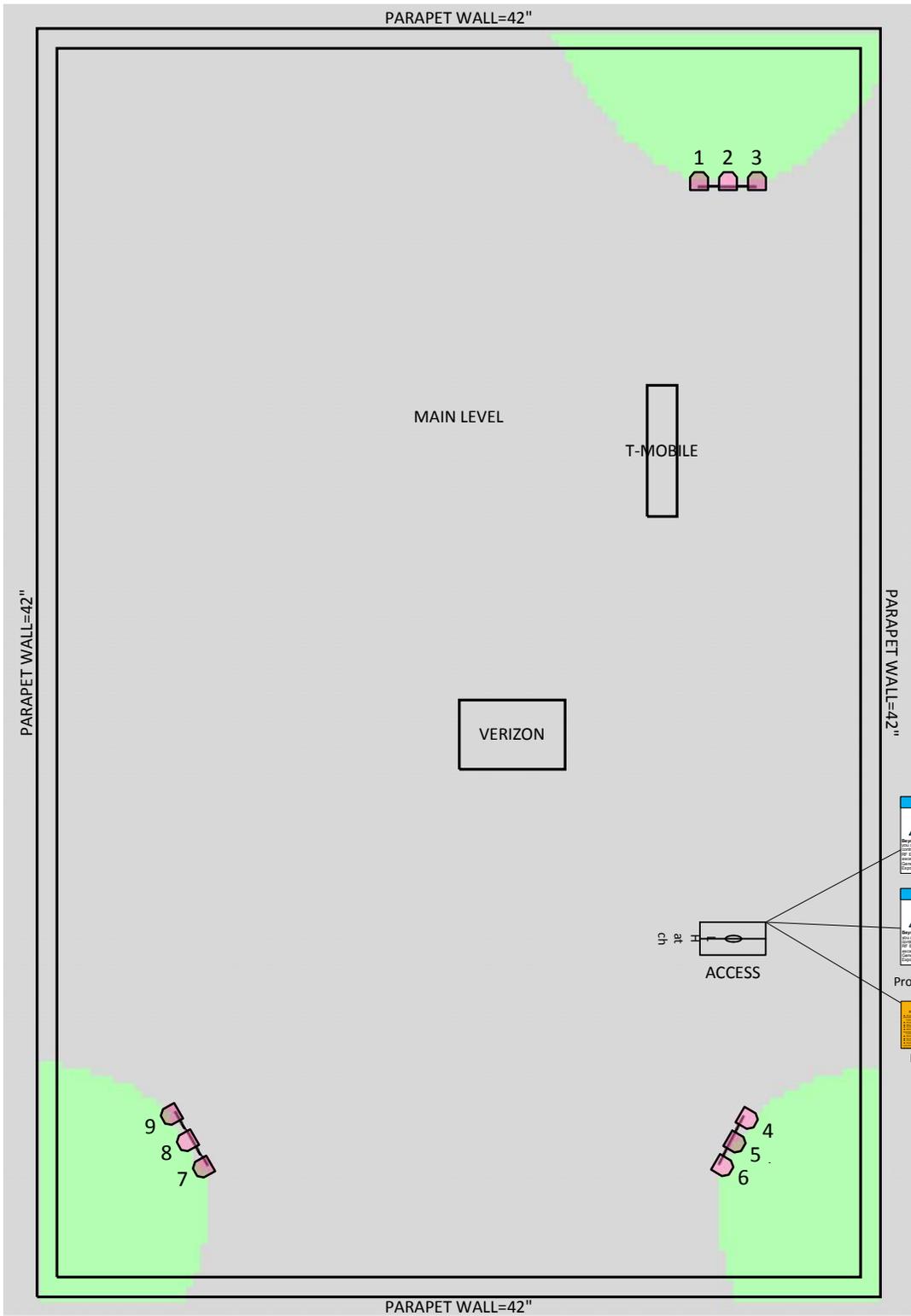
% of FCC Public Exposure Limit  
Spatial average 0' - 6'



AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	METROPCS	CRICKET COMMUNICATIONS	CLEARWIRE	SPRINT

Sitesafe Inc. assumes no responsibility for modeling results not verified by Sitesafe personnel.  
Contact Sitesafe Inc. for modeling assistance at (703) 276-1100  
SitesafeTC Version: 1.0.0.0  
1/28/2016 11:04:51 AM

# RF Emissions Simulation For: SF611 Santomas Park T-Mobile Contribution

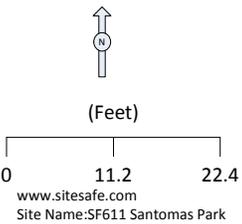
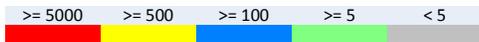


Proposed



Proposed

% of FCC Public Exposure Limit  
Spatial average 0' - 6'



AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	METROPACS	CRICKET COMMUNICATIONS	CLEARWIRE	SPRINT

Sitesafe Inc. assumes no responsibility for modeling results not verified by Sitesafe personnel. Contact Sitesafe Inc. for modeling assistance at (703) 276-1100. SitesafeTC Version: 1.0.0.0 1/28/2016 11:06:32 AM

## 6 Antenna Inventory

The Antenna Inventory shows all transmitting antennas at the site. This inventory was provided by the customer, and was utilized by Sitesafe to perform theoretical modeling of RF emissions. The inventory coincides with the site diagrams in this report, identifying each antenna's location at SF04611A - SF611 Santomas Park. The antenna information collected includes the following information:

- Licensee or wireless operator name
- Frequency or frequency band
- Transmitter power – Effective Radiated Power ("ERP"), or Equivalent Isotropic Radiated Power ("EIRP") in Watts
- Antenna manufacturer make, model, and gain

For other carriers at this site, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.



The following antenna inventory, on this and the following page, were provided by the customer and were utilized to create the site model diagrams:

Table 3: Antenna Inventory												
Ant #	Operated By	TX Freq (MHz)	ERP (Watts)	Antenna Gain (dBd)	Az (Deg)	Antenna Model	Ant Type	Len (ft)	Horizontal Half Power Beamwidth (Deg)	Location		
										X	Y	Z
1	T-MOBILE	2100	3420.5	16.31	0	RFS APXV18-206516S-C	Panel	4.4	65	125.4'	185.7'	12'
2	T-MOBILE	1900	2565.4	16.31	0	RFS APXV18-206516S-C	Panel	4.4	65	129.3'	185.7'	12'
3	T-MOBILE	737	1211	14.42	0	Andrew LNX-6515DS-VTM <b>(Proposed)</b>	Panel	8	65	133.3'	185.7'	12'
4	T-MOBILE	2100	3420.5	16.31	120	RFS APXV18-206516S-C	Panel	4.4	65	132.1'	57'	12'
5	T-MOBILE	1900	2565.4	16.31	120	RFS APXV18-206516S-C	Panel	4.4	65	130.4'	53.8'	12'
6	T-MOBILE	737	1211	14.42	120	Andrew LNX-6515DS-VTM <b>(Proposed)</b>	Panel	8	65	128.7'	50.5'	12'
7	T-MOBILE	2100	3420.5	16.31	240	RFS APXV18-206516S-C	Panel	4.4	65	57.4'	50.3'	12'
8	T-MOBILE	1900	2565.4	16.31	240	RFS APXV18-206516S-C	Panel	4.4	65	55.2'	53.9'	12'
9	T-MOBILE	737	1211	14.42	240	Andrew LNX-6515DS-VTM <b>(Proposed)</b>	Panel	8	65	53'	57.5'	12'
10	SPRINT	1900	1637.4	14.36	0	EMS RR90-17-00DP	Panel	4.7	90	102.9'	185.1'	10'
11	SPRINT	1900	1637.4	14.36	120	EMS RR90-17-00DP	Panel	4.7	90	99.4'	58.4'	10'
12	SPRINT	1900	1637.4	14.36	240	EMS RR90-17-00DP	Panel	4.7	90	90.1'	58.2'	10'
13	VERIZON WIRELESS	1900	4189.7	15.43	0	Generic Panel	Panel	4.6	65	83.9'	129.2'	20'
14	VERIZON WIRELESS	1900	4189.7	15.43	0	Generic Panel	Panel	4.6	65	84.1'	91.8'	20'
15	VERIZON WIRELESS	1900	4189.7	15.43	120	Generic Panel	Panel	4.6	65	84.5'	127.9'	20'
16	VERIZON WIRELESS	1900	4189.7	15.43	120	Generic Panel	Panel	4.6	65	84.7'	90.6'	20'
17	VERIZON WIRELESS	1900	4189.7	15.43	240	Generic Panel	Panel	4.6	65	83.2'	128'	20'
18	VERIZON WIRELESS	1900	4189.7	15.43	240	Generic Panel	Panel	4.6	65	83.3'	90.6'	20'
19	AT&T MOBILITY LLC	850	1762.3	13.43	30	Generic Panel	Panel	6.3	65	136.8'	207.5'	1'
20	AT&T MOBILITY LLC	1900	3381.3	16.26	30	Generic Panel	Panel	6.3	65	142.7'	207.5'	1'

**Table 3: Antenna Inventory**

Ant #	Operated By	TX Freq (MHz)	ERP (Watts)	Antenna Gain (dBd)	Az (Deg)	Antenna Model	Ant Type	Len (ft)	Horizontal Half Power Beamwidth (Deg)	Location		
										X	Y	Z
21	AT&T MOBILITY LLC	700	1081.8	12.56	30	Generic Panel	Panel	6.3	65	148.7'	207.5'	1'
22	AT&T MOBILITY LLC	850	1762.3	13.43	150	Generic Panel	Panel	6.3	65	48'	31.7'	1'
23	AT&T MOBILITY LLC	1900	3381.3	16.26	150	Generic Panel	Panel	6.3	65	42.1'	31.7'	1'
24	AT&T MOBILITY LLC	700	1081.8	12.56	150	Generic Panel	Panel	6.3	65	36.2'	31.7'	1'
25	AT&T MOBILITY LLC	850	1762.3	13.43	270	Generic Panel	Panel	6.3	65	34'	36.1'	1'
26	AT&T MOBILITY LLC	1900	3381.3	16.26	270	Generic Panel	Panel	6.3	65	34'	42'	1'
27	AT&T MOBILITY LLC	700	1081.8	12.56	270	Generic Panel	Panel	6.3	65	34'	47.9'	1'
28	UNKNOWN	850	756.9	12.77	0	Generic Panel	Panel	4.6	65	36.1'	207.3'	1'
29	UNKNOWN	850	756.9	12.77	0	Generic Panel	Panel	4.6	65	42'	207.3'	1'
30	UNKNOWN	850	756.9	12.77	0	Generic Panel	Panel	4.6	65	48'	207.3'	1'
31	UNKNOWN	850	756.9	12.77	90	Generic Panel	Panel	4.6	65	150.9'	203.1'	1'
32	UNKNOWN	850	756.9	12.77	90	Generic Panel	Panel	4.6	65	150.9'	197'	1'
33	UNKNOWN	850	756.9	12.77	90	Generic Panel	Panel	4.6	65	150.9'	190.9'	1'
34	UNKNOWN	850	756.9	12.77	180	Generic Panel	Panel	4.6	65	148.6'	31.9'	1'
35	UNKNOWN	850	756.9	12.77	180	Generic Panel	Panel	4.6	65	142.7'	31.9'	1'
36	UNKNOWN	850	756.9	12.77	180	Generic Panel	Panel	4.6	65	136.8'	31.9'	1'
37	UNKNOWN	850	756.9	12.77	270	Generic Panel	Panel	4.6	65	34'	190.8'	1'
38	UNKNOWN	850	756.9	12.77	270	Generic Panel	Panel	4.6	65	34'	197'	1'
39	UNKNOWN	850	756.9	12.77	270	Generic Panel	Panel	4.6	65	34'	203.1'	1'
40	UNKNOWN	2500	355	15.01	240	Generic Panel	Panel	4.1	65	51.9'	99.8'	6'

NOTE: X, Y and Z indicate relative position of the antenna to the origin location on the site, displayed in the model results diagram. Specifically, the Z reference indicates antenna height above the main site level unless otherwise indicated. ERP values provided by the client and used in the modeling may be greater than are currently deployed. For other carriers at this site the use of "Generic" as an antenna model or "Unknown" for a wireless operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.



## 7 Engineer Certification

The professional engineer whose seal appears on the cover of this document hereby certifies and affirms that:

I am registered as a Professional Engineer in the jurisdiction indicated in the professional engineering stamp on the cover of this document; and

That I am an employee of Sitesafe, Inc., in Arlington, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specifically as they apply to the FCC Guidelines for Human Exposure to Radio-frequency Radiation; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Young Kim.

January 28, 2016



## Appendix A – Statement of Limiting Conditions

Sitesafe will not be responsible for matters of a legal nature that affect the site or property.

Due to the complexity of some wireless sites, Sitesafe performed this analysis and created this report utilizing best industry practices and due diligence. Sitesafe cannot be held accountable or responsible for anomalies or discrepancies due to actual site conditions (i.e., mislabeling of antennas or equipment, inaccessible cable runs, inaccessible antennas or equipment, etc.) or information or data supplied by T-Mobile, the site manager, or their affiliates, subcontractors or assigns.

Sitesafe has provided computer generated model(s) in this Site Compliance Report to show approximate dimensions of the site, and the model is included to assist the reader of the compliance report to visualize the site area, and to provide supporting documentation for Sitesafe's recommendations.

Sitesafe may note in the Site Compliance Report any adverse physical conditions, such as needed repairs, observed during the survey of the subject property or that Sitesafe became aware of during the normal research involved in performing this survey. Sitesafe will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because Sitesafe is not an expert in the field of mechanical engineering or building maintenance, the Site Compliance Report must not be considered a structural or physical engineering report.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data provided by a second party and physical data collected by Sitesafe, the physical data will be used.

## Appendix B – Assumptions and Definitions

### General Model Assumptions

In this site compliance report, it is assumed that all antennas are operating at **full power at all times**. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a 100% duty cycle and maximum radiated power.

The site has been modeled with these assumptions to show the maximum RF energy density. Sitesafe believes this to be a *worst-case* analysis, based on best available data. Areas modeled to predict emissions greater than 100% of the applicable MPE level may not actually occur, but are shown as a *worst-case* prediction that could be realized real time. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

Thus, at any time, if power density measurements were made, we believe the real-time measurements would indicate levels below those depicted in the RF emission diagram(s) in this report. By modeling in this way, Sitesafe has conservatively shown exclusion areas – areas that should not be entered without the use of a personal monitor, carriers reducing power, or performing real-time measurements to indicate real-time exposure levels.

### Use of Generic Antennas

For the purposes of this report, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer's published data regarding the antenna's physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna's range that corresponds to the highest Maximum Permissible Exposure (MPE), resulting in a conservative analysis.

## Definitions

**5% Rule** – The rules adopted by the FCC specify that, in general, at multiple transmitter sites actions necessary to bring the area into compliance with the guidelines are the shared responsibility of all licensees whose transmitters produce field strengths or power density levels at the area in question in excess of 5% of the exposure limits. In other words, any wireless operator that contributes 5% or greater of the MPE limit in an area that is identified to be greater than 100% of the MPE limit is responsible taking corrective actions to bring the site into compliance.

**Compliance** – The determination of whether a site is safe or not with regards to Human Exposure to Radio Frequency Radiation from transmitting antennas.

**Decibel (dB)** – A unit for measuring power or strength of a signal.

**Duty Cycle** – The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source such as a paging antenna by dividing average transmission duration by the average period for transmission. A duty cycle of 100% corresponds to continuous operation.

**Effective (or Equivalent) Isotropic Radiated Power (EIRP)** – The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

**Effective Radiated Power (ERP)** – In a given direction, the relative gain of a transmitting antenna with respect to the maximum directivity of a half wave dipole multiplied by the net power accepted by the antenna from the connecting transmitter.

**Gain (of an antenna)** – The ratio of the maximum intensity in a given direction to the maximum radiation in the same direction from an isotropic radiator. Gain is a measure of the relative efficiency of a directional antennas as compared to an omni directional antenna.

**General Population/Uncontrolled Environment** – Defined by the FCC, as an area where RFR exposure may occur to persons who are **unaware** of the potential for exposure and who have no control of their exposure. General Population is also referenced as General Public.

**Generic Antenna** – For the purposes of this report, the use of “Generic” as an antenna model means the antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of antenna models to select a worst case scenario antenna to model the site.

**Isotropic Antenna** – An antenna that is completely non-directional. In other words, an antenna that radiates energy equally in all directions.

**Maximum Measurement** – This measurement represents the single largest measurement recorded when performing a spatial average measurement.



**Maximum Permissible Exposure (MPE)** – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.

**Occupational/Controlled Environment** – Defined by the FCC, as an area where Radio Frequency Radiation (RFR) exposure may occur to persons who are **aware** of the potential for exposure as a condition of employment or specific activity and can exercise control over their exposure.

**OET Bulletin 65** – Technical guideline developed by the FCC's Office of Engineering and Technology to determine the impact of Radio Frequency radiation on Humans. The guideline was published in August 1997.

**OSHA (Occupational Safety and Health Administration)** – Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA's role is to promote the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit [www.osha.gov](http://www.osha.gov).

**Radio Frequency Radiation** – Electromagnetic waves that are propagated from antennas through space.

**Spatial Average Measurement** – A technique used to average a minimum of ten (10) measurements taken in a ten (10) second interval from zero (0) to six (6) feet. This measurement is intended to model the average energy an average sized human body will absorb while present in an electromagnetic field of energy.

**Transmitter Power Output (TPO)** – The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load.

## Appendix C – Rules & Regulations

### Explanation of Applicable Rules and Regulations

The FCC has set forth guidelines in OET Bulletin 65 for human exposure to radio frequency electromagnetic fields. Specific regulations regarding this topic are listed in Part 1, Subpart I, of Title 47 in the Code of Federal Regulations. Currently, there are two different levels of MPE - General Public MPE and Occupational MPE. An individual classified as Occupational can be defined as an individual who has received appropriate RF training and meets the conditions outlined below. General Public is defined as anyone who does not meet the conditions of being Occupational. FCC and OSHA Rules and Regulations define compliance in terms of total exposure to total RF energy, regardless of location of or proximity to the sources of energy.

It is the responsibility of all licensees to ensure these guidelines are maintained at all times. It is the ongoing responsibility of all licensees composing the site to maintain ongoing compliance with FCC rules and regulations. Individual licensees that contribute less than 5% MPE to any total area out of compliance are not responsible for corrective actions.

OSHA has adopted and enforces the FCC's exposure guidelines. A building owner or site manager can use this report as part of an overall RF Health and Safety Policy. It is important for building owners/site managers to identify areas in excess of the General Population MPE and ensure that only persons qualified as Occupational are granted access to those areas.

### Occupational Environment Explained

The FCC definition of Occupational exposure limits apply to persons who:

- are exposed to RF energy as a consequence of their employment;
- have been made aware of the possibility of exposure; and
- can exercise control over their exposure.

OSHA guidelines go further to state that persons must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

In order to consider this site an Occupational Environment, the site must be controlled to prevent access by any individuals classified as the General Public. Compliance is also maintained when any non-occupational individuals (the General Public) are prevented from accessing areas indicated as Red or Yellow in the attached RF Emissions diagram. In addition, a person must be aware of the RF environment into which they are entering. This can be accomplished by an RF Safety Awareness class, and by appropriate written documentation such as this Site Compliance Report.

All T-Mobile employees who require access to this site must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

## Appendix D – General Safety Recommendations

The following are *general recommendations* appropriate for any site with accessible areas in excess of 100% General Public MPE. These recommendations are not specific to this site. These are safety recommendations appropriate for typical site management, building management, and other tenant operations.

1. All individuals needing access to the main site (or the area indicated to be in excess of General Public MPE) should wear a personal RF Exposure monitor, successfully complete proper RF Safety Awareness training, and have and be trained in the use of appropriate personal protective equipment.

2. All individuals needing access to the main site should be instructed to read and obey all posted placards and signs.

3. The site should be routinely inspected and this or similar report updated with the addition of any antennas or upon any changes to the RF environment including:

- adding new antennas that may have been located on the site
- removing of any existing antennas
- changes in the radiating power or number of RF emitters

4. Post the appropriate **NOTICE**, **CAUTION**, or **WARNING** sign at the main site access point(s) and other locations as required. Note: Please refer to RF Exposure Diagrams in Appendix B, to inform everyone who has access to this site that beyond posted signs there may be levels in excess of the limits prescribed by the FCC. The signs below are examples of signs meeting FCC guidelines.



5. Ensure that the site door remains locked (or appropriately controlled) to deny access to the general public if deemed as policy by the building/site owner.

6. For a General Public environment the four color levels identified in this analysis can be interpreted in the following manner:

- Gray represents area at below 5% of the General Public MPE limits or below. This level is safe for a worker to be in at any time.
- Green represents areas predicted to be between 5% and 100% of the General Public MPE limits. This level is safe for a worker to be in at any time.

- Blue represents areas predicted to be between 100% and 500% of the General Public MPE limits. This level is safe for a worker to be in at any time.
- Yellow represents areas predicted to be between 500% and 5000% of the General Public MPE limits. This level is safe for a worker to be in.
- Red areas indicated predicted levels greater than 5000% of the General Public MPE limits. This level is not safe for the General Public to be in.

7. For an Occupational environment the four color levels identified in this analysis can be interpreted in the following manner:

- Areas indicated as Gray are at 5% of the Occupational MPE limits or below. This level is safe for a worker to be in at any time.
- Green represents areas predicted to be between 5% and 20% of the Occupational MPE limits. This level is safe for a worker to be in at any time.
- Yellow represents areas predicted to be between 20% and 100% of the Occupational MPE limits. Only individuals that have been properly trained in RF Health and Safety should be allowed to work in this area. This is not an area that is suitable for the General Public to be in.
- Red areas indicated predicted levels greater than 100% of the Occupational MPE limits. This level is not safe for the Occupational worker to be in for prolonged periods of time. Special procedures must be adhered to such as lock out tag out procedures to minimize the workers exposure to EME.

8. Use of a Personal Protective Monitor: When working around antennas, Sitesafe strongly recommends the use of a Personal Protective Monitor (PPM). Wearing a PPM will properly forewarn the individual prior to entering an RF exposure area.

Keep a copy of this report available for all persons who must access the site. They should read this report and be aware of the potential hazards with regards to RF and MPE limits.

### **Additional Information**

Additional RF information is available by visiting both [www.Sitesafe.com](http://www.Sitesafe.com) and [www.fcc.gov/oet/rfsafety](http://www.fcc.gov/oet/rfsafety). OSHA has additional information available at: <http://www.osha-slc.gov/SLTC/radiofrequencyradiation>.

# Existing

06.10.2015



existing T-Mobile antennas

**T-Mobile** SF04611A SF611 Santomas Park  
700 W Hamilton Avenue, Campbell, CA 95008

# Proposed



proposed new T-Mobile antenna

# Existing

06.10.2015



existing T-Mobile antennas

existing T-Mobile antennas

**T-Mobile** SF04611A SF611 Santomas Park  
700 W Hamilton Avenue, Campbell, CA 95008

# Proposed



proposed new T-Mobile antenna

proposed new T-Mobile antenna



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • June 14, 2016**

**PLN2016-146 Freeman, A. (T-Mobile)** Public Hearing to consider the application of Annie Freeman, on behalf of T-Mobile, for a Modification (PLN2016-146) to a previously approved Conditional Use Permit (PLN2013-119) to allow three new antenna panels and associated equipment to be added to an existing monopole located at **16146 E. Mozart Avenue**, in a P-O ( Professional Office) Zoning District.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving a Modification (PLN2016-146) to a previously approved Conditional Use Permit (PLN2013-119) to allow three new antenna panels and associated equipment to be added to an existing monopole, subject to the attached Conditions of Approval.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find that this project is Categorical Exempt under Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to minor alterations to existing private structures.

**PROJECT DATA**

Zoning District: P-O (Professional Office)  
 General Plan Designation: Professional Office

<b>Facility Height</b>	<b>Existing</b>	<b>Proposed</b>
Top of Tower:	70-feet	No Change
Top of Antennas:	70-feet, 4-Inches	71-feet, 10- Inches

<b>T-Mobile Antennas</b>	<b>Existing</b>	<b>Proposed</b>
	6	9
		(including 6 existing)

**Surrounding Uses**

North: Commercial/office uses  
 South: Highway 85  
 North-East: Residential uses  
 North-West: Residential uses

Project Site: The project site is located on the southwest corner of E. Mozart Avenue and S. Bascom Avenue, north of Highway 85 (reference **Attachment 3** - Location Map). The site is also developed with a nonconforming single-family residence north-west of the wireless facility (reference **Attachment 4** - Project Plans). The freestanding monopole, which is located near the southeast corner of the site, is shared by three carriers, including T-Mobile, Sprint, & AT&T.

## **DISCUSSION**

Background: On October 8, 2013 the Planning Commission adopted Resolution No. 4119 approving a Conditional Use Permit (PLN2013-119) to modify an existing wireless antenna facility by adding a microwave dish to an existing freestanding monopole. The approval established an expiration date of October 18, 2023.

Applicant's Proposal: The applicant is seeking approval of a Modification to a previously approved Conditional Use Permit (PLN2013-119) to allow for three (3) new panel antennas and associated equipment. As T-Mobile already has six (6) panel antennas, the combined total would be raised to nine (9). To accommodate the additional antenna panels, the applicant's request would entail the removal and replacement of the existing pipe mounting bracket, for a larger mounting bracket sized appropriately for the new equipment. The applicant's proposal is considered an "Eligible Facility Request (EFR)" which has been explained in greater detail under the discussion on Legal Framework and Scope of Review.

The proposed facility is intended to provide better coverage and faster data service to T-Mobile customers.

Legal Framework & Scope of Review: On February 17, 2012, Congress passed the Middle Class Tax Relief and Job Creation Act, which contained Section 6409(a), known as the "Spectrum Act" for the regulation of wireless telecommunication facilities. Section 6409(a) mandates that local governments "**may not deny, and shall approve**" an Eligible Facilities Request ("EFR") provided that the request does not "substantially change the physical dimensions of the existing wireless tower of base station".

On January 8, 2015, the FCC published new rules implementing Section 6409(a) of the Middle Class Tax and Job Creation Act of 2012 ("Spectrum Act"), under the title "Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies" which included definitions, processing requirements, timelines and remedies for applications that seek to modify an existing wireless telecommunication facility – including thresholds to test whether an applicant's proposal for an EFR causes a 'substantial change'. The practical reality of these provisions is to make it increasingly difficult for local jurisdictions to deny a request, and outline procedures for an accelerated approval process.

As the City's Wireless Ordinance was last updated in 2006<sup>1</sup>, the code has not taken into account changes in federal regulations that have occurred since that time, and as a result does not outline procedures for how to process an EFR. While the City is actively working to revise its Wireless Ordinance to adopt new procedures to address this very issue, in the interim staff has presented the request as a Modification of the previously approved Conditional Use Permit (as required by the City's Wireless Ordinance), but with a very narrow scope of review for consideration by the Planning Commission (to reconcile differences with federal regulations).

In consideration of this approach, the Planning Commission should consider the proposal to effectively constitute a ministerial act (non-discretionary), so long as the request does not constitute substantial change. A discussion on the applicant's proposal in consideration of the

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<sup>1</sup> On August 1, 2006, the City Council adopted Ordinance 2070, which codified the City's current wireless facilities development standards and procedural requirements under CMC 21.34 (Wireless Telecommunications Facilities).

applicable thresholds of ‘substantial change’ has been provided as part of the Eligible Facility Request (“EFR”) in the project analysis section of the report.

## **ANALYSIS**

General Plan Consistency: The General Plan land use designation for the project site is *Professional Office*. This land use designation is intended to permit administrative, professional and research uses that may provide a customer service or be more corporate in nature. The General Plan Land Use Element provides the following policies which can be applied to wireless telecommunications facilities:

Strategy LUT-9.31: Wireless Telecommunication Facilities: Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a structure.

Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community.

Consistent with Strategy LUT-9.31, the City has encouraged new and modified wireless telecommunications facilities to be designed as visually unobtrusive as possible. While the applicant’s proposal would result in additional and slightly larger antennas than previously approved, as an EFR the proposal would be reviewed for compliance with the FCC’s January 8, 2015 rules provided the scope of work does not constitute a ‘substantial change’. As the applicant’s proposal seeks to provide better coverage and faster data service to T-Mobile customers, the proposed modification can be considered to further the purpose of Policy LUT-13.1.

Zoning District Consistency: The project site is located in the P-O (Professional Office) Zoning District which is consistent with the professional office land use designation of the General Plan. Pursuant to CMC 21.34.020 (Definitions; Wireless Telecommunications Facilities), and CMC 21.34.030 (Permits required.), a modification of a non-stealth<sup>2</sup> wireless telecommunications facility use in a P-O zone requires approval of a Modification of the previously approved Conditional Use Permit.

Eligible Facility Request (“EFR”): On January 8, 2015, the FCC published six (6) thresholds to determine if an applicant’s proposal constitutes an EFR. These parameters included discussions on height, width, number of cabinets, extent of excavation, treatment of camouflage, and compliance with previously established conditions of approval. As the applicant’s proposal does not include a request for new cabinets or excavation, seek to modify a non-stealth facility which did not include a “camouflage” requirement (beyond requiring the facility to be painted in a non-reflective matte paint), and does not seek to violate a previous condition of approval, these thresholds are not applicable to the request. In consideration of the facility height, and width, the applicant is well under the applicable thresholds as well, as depicted in the following table:

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<sup>2</sup> As the T-Mobile equipment would be mounted to a monopole (as opposed to a faux tree), it does not qualify as a stealth facility.

Threshold	Parameters for Towers on Private Property <sup>3</sup>	Proposed	Compliance (Y/N)
Height	10% or one additional antenna array not more than 20 feet higher	1-foot, 10 inches	Y
Width	20-feet or the tower width at level of appurtenance <sup>4</sup>	Less than 1-foot	Y
Cabinets	Four new equipment cabinets	0 new cabinets	Y
Excavation	Excavation outside license area	No excavation	Y
Camouflage	Defeat an existing concealment element	Not a concealed facility, but will be painted to match	Y
Compliance	Violate prior condition of approval	No conflicts	Y

If the applicant’s proposal is determined to comply with all six of the required thresholds, the Planning Commission “may not deny, and shall approve” the applicant’s proposal as an EFR.

Health, Safety & Cumulative Effects: To evaluate the health and safety impacts of the proposed facility, a Radio Frequency (RF) Compliance Assessment was prepared (reference **Attachment 5**). The RF report, which included several “worst-case” assumptions, concluded that the equipment will comply with FCC’s guidelines through the implementation of signage consistent with the Site Safety Plan. Under the Federal Telecommunications Act of 1996, local governments cannot deny an application for a wireless telecommunications site because of perceived health risks if the proposed site complies with Federal Radio Frequency emissions standards.

As conditions of approval, staff has included requirements to post warning signage identifying all wireless equipment and safety precautions, and require periodic safety monitoring at points to occur 10 days after installation of the facilities, and every two years thereafter by a licensed engineer.

Length of Permit Term: As an eligible facility request (EFR), the applicant is not seeking to extend the duration of their permit<sup>5</sup>. As such, the facility shall expire on October 18, 2023<sup>6</sup>.

Site and Architectural Review Committee: The Site and Architectural Review Committee (“SARC”) did not review this permit request. As an EFR, the applicant’s proposal is not subject to a discretionary design review process.

Attachments:

1. Findings for Approval of File No. PLN2016-146
2. Conditions of Approval of File No. PLN2016-146
3. Location Map

<sup>3</sup> Where a numeric or percentage requirement is stated (i.e. height & width), the greater of the two standards applies.

<sup>4</sup> Tower width at level of appurtenance is estimated to be four feet.

<sup>5</sup> The applicant is not requesting an extension as such a request would violate a prior condition of approval (constituting a ‘substantial change’) which would render the proposal ineligible as an EFR.

<sup>6</sup> Special care should be taken to coordinate the expiration dates of AT&T, Sprint, and T-Mobile in the future to allow for a redesign of the entire facility. As it stands, the equipment for each carrier has a separate expiration date.

4. Project Plans
5. Radio Frequency (RF) Compliance Assessment
6. Photo-simulations

Prepared by:

  
\_\_\_\_\_  
Stephen Rose, Associate Planner

Approved by:

  
\_\_\_\_\_  
Paul Kermoyan, Community Development Director

**FINDINGS FOR APPROVAL OF FILE NO(S). PLN2016-146**

SITE ADDRESS: 16146 E. Mozart Avenue  
APPLICANT: Annie Freeman, Crown Castle (on behalf of T-Mobile)  
OWNER: Arnold Tobias  
P.C. MEETING: June 14, 2016

Findings for approval of a Modification (PLN2016-146) to a previously approved Conditional Use Permit (PLN2013-119) to allow three new antenna panels and associated equipment to be added to an existing monopole located at 16146 E. Mozart Avenue, in a P-O (Professional Office) Zoning District.

The Planning Commission finds as follows with regard to file number(s) PLN2016-146:

Environmental Finding

The project qualifies as a Categorical Exempt project per Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to minor alterations to existing private structures.

Evidentiary Findings

1. The General Plan land use designation for this property is Professional Office and the proposed wireless telecommunications facility, as conditioned, is in compliance with the following policies of the General Plan:

Policy LUT-9.31: Wireless Telecommunication Facilities: Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a structure.

Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community.

2. The subject property is within the P-O (Professional Office) zoning district.
3. The requested Modification to the previously approved Conditional Use Permit (PLN2013-119) would allow for three (3) new antennas and associated equipment to be installed on an existing 70-foot tall telecommunications monopole.
4. This wireless telecommunications facility was originally permitted by Santa Clara County in 2004 prior to annexation into the City of Campbell. As the subject property was annexed into the City of Campbell in 2006, the modification request is subject to the City's Wireless Telecommunication Ordinance, whereby if stealth technology is not used, a use permit shall be required.
5. Non-stealth wireless telecommunication facilities are permitted in the P-O (Professional Office) zoning district subject to the approval of a Conditional Use Permit.

6. The purpose of use permit review of wireless telecommunications facilities is to minimize the adverse visual impacts and operational effects of these facilities using appropriate design, siting and screening techniques while providing for the personal communications needs of residents, local business and government of the city and the region.
7. On August 1, 2006, the City Council adopted Ordinance 2070, which codified the City's current wireless facilities development standards and procedural requirements under CMC 21.34 (Wireless Telecommunications Facilities).
8. On February 17, 2012, Congress passed the Middle Class Tax Relief and Job Creation Act, which contained Section 6409(a), known as the "Spectrum Act" for the regulation of wireless telecommunication facilities. Section 6409(a) mandates that local governments "may not deny, and shall approve" an Eligible Facilities Request ("EFR") provided that the request does not "substantially change the physical dimensions of the existing wireless tower of base station".
9. On October 8, 2013 the Planning Commission adopted Resolution No. 4119 approving a Conditional Use Permit (PLN2013-119) to modify an existing wireless antenna facility by adding a microwave dish to an existing freestanding monopole. The approval established an expiration date of October 18, 2023.
10. On January 8, 2015, the FCC published new rules implementing Section 6409(a) of the Middle Class Tax and Job Creation Act of 2012 ("Spectrum Act"), under the title "Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies" which included definitions, processing requirements, timelines and remedies for applications that seek to modify an existing wireless telecommunication facility – including thresholds to test whether an applicant's proposal for an EFR causes a 'substantial change'.
11. The proposed wireless facility modification does not exceed the thresholds outlined for an "Eligible Facility Request (EFR)".

Based upon the foregoing findings of fact and pursuant to Section 21.46.040 (Findings and Decision for a Conditional Use Permit) and Chapter 21.34 (Wireless Telecommunication Facilities) of the Campbell Municipal Code, the Planning Commission further finds and concludes that:

1. The proposed use is consistent with the General Plan.
2. The proposed use is allowed within the applicable zoning district with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code as conditioned.
3. The proposed development would be consistent and compatible with the General Plan and will aid in the harmonious development of the immediate area.

4. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area.
5. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate.
6. The design, location, size, and operating characteristics of the proposed use, as conditioned, are compatible with the existing and future land uses on-site and in the vicinity of the subject property.
7. The establishment, maintenance, or operation of the proposed use, as conditioned, at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
8. The project will aid in the harmonious development of the immediate area.
9. The project is consistent with applicable adopted design guidelines.
10. The proposed wireless facility is consistent with the standards set forth within the City's Wireless Telecommunication Ordinance regarding the height, placement and design of wireless facilities.
11. The applicant's proposal does not cause a 'substantial change' and therefore qualifies as an Eligible Facility Request.
12. As an Eligible Facility Request (EFR), the local jurisdiction's discretion is limited.
13. The project is Categorically Exempt under Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to minor alterations to existing private structures.

**CONDITIONS FOR APPROVAL OF FILE NO(S). PLN2016-146**

SITE ADDRESS: 16146 E. Mozart Avenue  
APPLICANT: Annie Freeman, Crown Castle (on behalf of T-Mobile)  
OWNER: Arnold Tobias  
P.C. MEETING: June 14, 2016

The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the ordinances of the City of Campbell and the State of California. The lead department with which the applicant will work is identified on each condition where necessary. Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney, or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted engineering practices, for the items under review. Additionally, the applicant is hereby notified that (s)he is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified:

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning Division:**

1. Approved Project: Approval is granted for Modification (PLN2016-146) to a previously approved Conditional Use Permit (PLN2013-119) to allow three new antenna panels and associated equipment to be added to an existing monopole located at **16146 E. Mozart Avenue**. The project shall substantially conform to the Project Plans and Photo-simulations dated as received on April 27, 2016, except as modified by the Conditions of Approval contained herein.
2. Length of Permit Term: As an “Eligible Facility Request (EFR)”, the Modification approved herein does not serve to extend the expiration date of the previously approved Conditional Use Permit (PLN2013-119). As such, the Modification approved herein shall expire on October 18, 2023. If the use is to continue after that time, the applicant shall apply for a new permit.
3. Revision to Plans: The building permit submittal construction plans shall incorporate the following revisions:
  - a. Safety Requirements: The building permit plans shall reflect the incorporation of all safety recommendations and requirements outlined by the in the Radio Frequency (RF) Compliance Assessment.
4. Revocation of Permit: Operation of the use in violation of the Conditional Use Permit or any standards, codes, or ordinances of the City of Campbell shall be grounds for consideration of revocation of the Conditional Use Permit by the Planning Commission.
5. Cessation of Operations: The service provider shall provide written notification to the Director upon cessation of operations on the site exceeding a 90-day period. The service

provider shall remove all obsolete or unused facilities from the site within 180 days of termination of its lease with the property owner or cessation of operations, whichever comes earlier.

6. New Permit Required: If a consecutive period of 180 days has lapsed since cessation of operations, a new Conditional Use Permit shall be required prior to use or reuse of the site.
7. Length of Permit Term: This Use Permit shall expire on October 18, 2023. If the use is to continue after that time, the applicant shall apply for a new permit.
8. Upgrading of Facility Required: If technological improvements or developments occur which allow the use of materially smaller or less visually obtrusive equipment, the service provider will be required to replace or upgrade the approved facility upon application of a new Use Permit application to minimize adverse effects related to land use compatibility, visual resources, public safety or other environmental factors.
9. Business License Required: Each service provider with a wireless telecommunications facility in the City shall obtain a city business license.
10. No Advertising: No advertising signage or identifying logos shall be displayed on wireless telecommunications facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning.
11. Maintenance: All maintenance on the antennas is to be performed between the hours of 7 a.m. and 9 p.m. with the exception of emergency repairs.
12. Maintenance of Finish: It is an ongoing obligation of the applicant, assignees and successors in interest to maintain all components of the antennas and the exterior finish of the structures and equipment approved by this permit in good order. Graffiti shall be removed by repainting the surface of the structure or equipment with a matching color as soon as practical.
13. Impact on Parking: The installation of wireless telecommunication facilities shall not reduce required parking on the site.
14. Safety:
  - a. Public Access Restricted: Antennas are to be sited in such a way so that barriers and signage prevent a person from passing through areas that exceed the safety limits established by the FCC, in compliance with the adopted standards for controlled access.
  - b. Warning Signs: Signage shall be maintained at the facility identifying all wireless telecommunication facility equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards, including the RF radiation hazard warning symbol identified in ANSI C95.2-1982, to notify persons that the facility could cause exposure to RF emissions.
  - c. Emissions Conditions: It is a continuing condition of this authorization that the facilities be operated in such a manner so as not to contribute to ambient RF/EMF emissions in

- excess of the current FCC adopted RF/EMF emission standards; violation of this condition shall be grounds for revocation.
- d. Hazardous Materials: If the contents of the equipment cabinet/building or base transceiver station contain toxic or hazardous materials, a sign shall be placed on or around the exterior of the base transceiver station or equipment cabinets and building warning the public.
  - e. Periodic Safety Monitoring: The wireless telecommunications service provider shall submit to the Director, 10 days after installation of the facilities and every two years thereafter, a certification attested to by a licensed engineer expert in the field of EMR/RF emissions that the facilities are and have been operated within the then current applicable FCC standards for RF/EMF emissions.
  - f. Compatibility with City Emergency Services: The facility shall not be operated or caused to transmit on or adjacent to any radio frequencies licensed to the City for emergency telecommunication services such that the City's emergency telecommunications system experiences interference.
  - g. Emergency Contact: The service provider shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment cabinet.
15. Lighting: The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure. Where lighting is used, it shall be shielded from public view and operated only during times of necessity by a maintenance operator.
  16. Noise: The wireless telecommunication facility, including power source, ventilation and cooling facility, shall not generate noise discernible beyond the property lines.
  17. Back-Up Generators: No Back-up generator has been approved for this project.
  18. Heat Generation: The wireless telecommunication facility, including power source and cooling facility, shall not be operated so as to cause the generation of heat that adversely affects any building occupant.
  19. Odors: The testing of back-up generators shall not produce odors that adversely affect persons occupying residential, office or commercial uses.
  20. Implementation and monitoring costs: The wireless telecommunications service provider or its successor shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval contained in this authorization, including costs incurred by this department, the office of the City Attorney or any other appropriate City department or agency. The Community Development Department shall collect costs on behalf of the City.

21. Transfer of Operation: Any carrier/service provider authorized by the community development director or by the planning commission to operate a specific wireless telecommunications facility may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency provided that the transfer is made known to the community development director in advance of the operation and all conditions of approval for the subject installation are carried out by the new carrier/service provider. However, the carrier/service provider may, without advance notification, transfer operations of the facility to its general partner or any party controlling, controlled by or under common control with the carrier/service provider.
22. Complaints and Proceedings: Should any party complain to the wireless telecommunications service provider about the installation or operation of the facilities, which complaints are not resolved by the wireless telecommunications service provider, the wireless telecommunications service provider (or its appointed agent) shall advise the Community Development Director of the complaint and the failure to satisfactorily resolve such complaint. If the director determines that a violation of a condition of approval has occurred, the Community Development Director may refer the matter to the Planning Commission for consideration of modification or revocation of the permit.
23. Supersession of Previous Conditions of Approval: Upon the effective date approving this Modification (PLN2016-146), the previously approved Conditions of Approval (PLN2013-119) as approved by the Planning Commission on October 8, 2013 shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein, except for the expiration date of the facility which has been carried forward in this permit.
24. Severability: If any clause, sentence, section or any part of these Conditions of Approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the City that these Conditions of Approval would have been adopted had such invalid sentence, clause or section or part thereof not been included herein.

**Building Division:**

25. Permits Required: A building permit application shall be required for the proposed antenna structure and/or associated equipment. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
26. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
27. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. by 36 in.
28. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.

29. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate.
30. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
31. Non-point Pollution Control Program: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
32. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
  - a. Santa Clara County Fire Department (378-4010)

# Location Map



GENERAL NOTES

1. DRAWINGS ARE NOT TO BE SCALED, WRITTEN DIMENSIONS TAKE PRECEDENCE, AND THIS SET OF PLANS IS INTENDED TO BE USED FOR DIAGRAMMATIC PURPOSES ONLY, UNLESS NOTED OTHERWISE. THE GENERAL CONTRACTOR'S SCOPE OF WORK SHALL INCLUDE FURNISHING ALL MATERIALS, EQUIPMENT, LABOR AND ANYTHING ELSE DEEMED NECESSARY TO COMPLETE INSTALLATIONS AS DESCRIBED HEREIN.
2. PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTORS INVOLVED SHALL VISIT THE JOB SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED PROJECT, WITH THE CONSTRUCTION AND CONTRACT DOCUMENTS, FIELD CONDITIONS AND CONFIRM THAT THE PROJECT MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY ERRORS, OMISSIONS, OR DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ ENGINEER.
3. THE GENERAL CONTRACTOR SHALL RECEIVE WRITTEN AUTHORIZATION TO PROCEED WITH CONSTRUCTION PRIOR TO STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED BY THE CONSTRUCTION DRAWINGS/CONTRACT DOCUMENTS.
4. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE PROJECT DESCRIBED HEREIN. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
5. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO MANUFACTURER'S/VENDOR'S SPECIFICATIONS UNLESS NOTED OTHERWISE OR WHERE LOCAL CODES OR ORDINANCES TAKE PRECEDENCE.
6. ALL WORK PERFORMED ON PROJECT AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES BEARING ON THE PERFORMANCE OF THE WORK.
7. GENERAL CONTRACTOR SHALL PROVIDE AT THE PROJECT SITE A FULL SET OF CONSTRUCTION DOCUMENTS UPDATED WITH THE LATEST REVISIONS AND ADDENDUMS OR CLARIFICATIONS FOR THE USE BY ALL PERSONNEL INVOLVED WITH THE PROJECT.
8. THE STRUCTURAL COMPONENTS OF THIS PROJECT SITE/FACILITY ARE NOT TO BE ALTERED BY THIS CONSTRUCTION PROJECT UNLESS NOTED OTHERWISE.
9. DETAILS HEREIN ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB CONDITIONS OR SITUATIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE SCOPE OF WORK.
10. SEAL PENETRATIONS THROUGH FIRE-RATED AREAS WITH U.L. LISTED OR FIRE MARSHALL APPROVED MATERIALS IF APPLICABLE TO THIS FACILITY AND OR PROJECT SITE.
11. THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, EASEMENTS, PAVING, CURBING, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY HAVE OCCURRED DUE TO THE CONSTRUCTION ON OR ABOUT THE PROPERTY.
12. CONTRACTOR SHALL SEE TO IT THAT GENERAL WORK AREA IS KEPT CLEAN AND HAZARD FREE DURING CONSTRUCTION AND DISPOSE OF ALL DIRT, DEBRIS, RUBBISH AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. PREMISES SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE.
13. THE ARCHITECTS/ENGINEERS HAVE MADE EVERY EFFORT TO SET FORTH IN THE CONSTRUCTION AND CONTRACT DOCUMENTS THE COMPLETE SCOPE OF WORK. CONTRACTORS BIDDING THE JOB ARE NEVERTHELESS CAUTIONED THAT MINOR OMISSIONS OR ERRORS IN THE DRAWINGS AND OR SPECIFICATIONS SHALL NOT EXCLUDE SAID CONTRACTOR FROM COMPLETING THE PROJECT AND IMPROVEMENTS IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS. THE BIDDER SHALL BEAR THE RESPONSIBILITY OF NOTIFYING (IN WRITING) THE ARCHITECT/ENGINEER OF ANY CONFLICTS, ERRORS, OR OMISSIONS PRIOR TO THE SUBMISSION OF CONTRACTOR'S PROPOSAL. IN THE EVENT OF DISCREPANCIES THE CONTRACTOR SHALL PRICE THE MORE COSTLY OR EXTENSIVE WORK, UNLESS DIRECTED OTHERWISE.

# T-Mobile

WEST LLC.

1755 CREEKSIDE OAKS DRIVE # 190, SACRAMENTO, CA 95833

## BU877188 - TOBIAS PROPERTY SF14937Z - L700 PROJECT

16146 MOZART AVE.  
LOS GATOS, CA 95032  
APN: 424-06-118



LOS GATOS, CA

LOCATION PLAN

DIRECTIONS

- FROM T-MOBILE OFFICE @ 1755 CREEKSIDE OAKS DRIVE, SACRAMENTO, CA 95833:
1. HEAD WEST ON CREEKSIDE OAKS DR TOWARD CAPITAL PARK DR
  2. TURN LEFT ONTO CAPITAL PARK DR
  3. TURN LEFT ONTO NATOMAS PARK DR
  4. TURN RIGHT AT THE 1ST CROSS STREET ONTO GARDEN HWY
  5. TURN RIGHT TO MERGE ONTO I-5 N
  6. TAKE EXIT 522 TO MERGE ONTO I-80 W TOWARD SAN FRANCISCO
  7. TAKE EXIT 40 FOR I-680 TOWARD BENICIA/SAN JOSE
  8. CONTINUE ONTO I-680 S
  9. TAKE EXIT 12 FOR MISSION BLVD/STATE ROUTE 262 TOWARD I-880
  10. KEEP RIGHT AT THE FORK, FOLLOW SIGNS FOR MISSION BLVD W AND MERGE ONTO MISSION BLVD
  11. KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR INTERSTATE 880 S/SAN JOSE AND MERGE ONTO CA-17 S
  12. CONTINUE ONTO CA-17 S
  13. TAKE THE LARK AVENUE EXIT
  14. TURN RIGHT ONTO LARK AVE
  15. TURN RIGHT AT THE 1ST CROSS STREET ONTO OKA RD
  16. TURN RIGHT ONTO W MOZART AVE

PROJECT MILESTONES

02/11/2016	90% CONSTRUCTION DOCUMENTS
03/14/2016	90% CONSTRUCTION DOCUMENTS REVISION 1
04/21/2016	100% CONSTRUCTION DOCUMENTS

PROJECT DIRECTORY

<b>LANDLORD:</b> ARNOLD TOBIAS 16146 E. MOZART AVE. LOS GATOS, CA 95032	<b>APPLICANT:</b> T-MOBILE WEST LLC. 1755 CREEKSIDE OAKS DR. #190 SACRAMENTO, CA 95833
<b>ARCHITECT:</b> MANUEL S. TSHILAS MST ARCHITECTS, INC. 1520 RIVER PARK DRIVE SACRAMENTO, CA 95815 916-567-9630 manuel@mstarchitects.com	<b>CONSTRUCTION MANAGER:</b> BUDD WUELFING T-MOBILE WEST LLC. 1755 CREEKSIDE OAKS DR. #190 SACRAMENTO, CA 95833 530-863-7342

PROJECT SUMMARY

**PROPERTY INFORMATION**  
LATITUDE: N37 15' 19.19" NAD 83  
LONGITUDE: W122 57' 3.80" NAD 83  
ASSESSOR'S PARCEL NUMBER: 424-06-118  
JURISDICTION: COUNTY OF SANTA CLARA  
OCCUPANCY: S-2 (UNMANNED TELECOMMUNICATIONS FACILITY) U (TOWER)  
TYPE OF CONSTRUCTION: V-B  
ZONING: P-0 (PROFESSIONAL OFFICE)

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

2013 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS INCLUDING SUPPLEMENTS EFFECTIVE JULY 1, 2015

- PART 1 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
- PART 2 CALIFORNIA BUILDING CODE
- PART 2.5 CALIFORNIA RESIDENTIAL BUILDING CODE
- PART 3 CALIFORNIA ELECTRICAL CODE
- PART 4 CALIFORNIA MECHANICAL CODE
- PART 5 CALIFORNIA PLUMBING CODE
- PART 6 CALIFORNIA ENERGY CODE
- PART 8 CALIFORNIA HISTORICAL BUILDING CODE
- PART 9 CALIFORNIA FIRE CODE
- PART 10 CALIFORNIA EXISTING BUILDING CODE
- PART 11 CALIFORNIA GREEN BUILDING STANDARDS CODE
- PART 12 CALIFORNIA REFERENCE STANDARDS CODE

LOCAL COUNTY OR CITY ORDINANCES

**ACCESSIBILITY REQUIREMENTS:** THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. ACCESSIBILITY NOT REQUIRED IN ACCORDANCE WITH THE 2013 CBC 11B-203.5, AND 11B-202.4 EXCEPTION 7.

PROJECT DESCRIPTION

PROPOSED MODIFICATION OF AN EXISTING CROWN CASTLE TELECOMMUNICATIONS FACILITY, INCLUDING:

- \* INSTALL (3) NEW T-MOBILE PANEL ANTENNAS (APXVF24-C-A20), (1) PER SECTOR, ON NEW PIPE MOUNTS.
- \* INSTALL (3) NEW T-MOBILE RRUS11 B12, (1) PER SECTOR ON NEW PIPE MOUNTS.
- \* CONFIGURATION: 702Cc\_6102

INDEX OF DRAWINGS

1. T1.1 TITLE SHEET, LOCATION PLAN, PROJECT DATA
2. A1.1 OVERALL SITE PLAN
3. A2.1 EQUIPMENT LAYOUT PLANS
4. A3.1 PROJECT ELEVATIONS
5. A3.2 PROJECT ELEVATIONS
6. A4.1 CONSTRUCTION DETAILS
7. E1.1 ELECTRICAL ONE-LINE DIAGRAM, PANEL SCHEDULE
8. E2.1 GROUNDING PLAN AND DETAILS



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16146 MOZART AVE.  
LOS GATOS, CA 95032

T-Mobile  
WEST LLC.

TITLE SHEET, LOCATION PLAN, PROJECT DATA



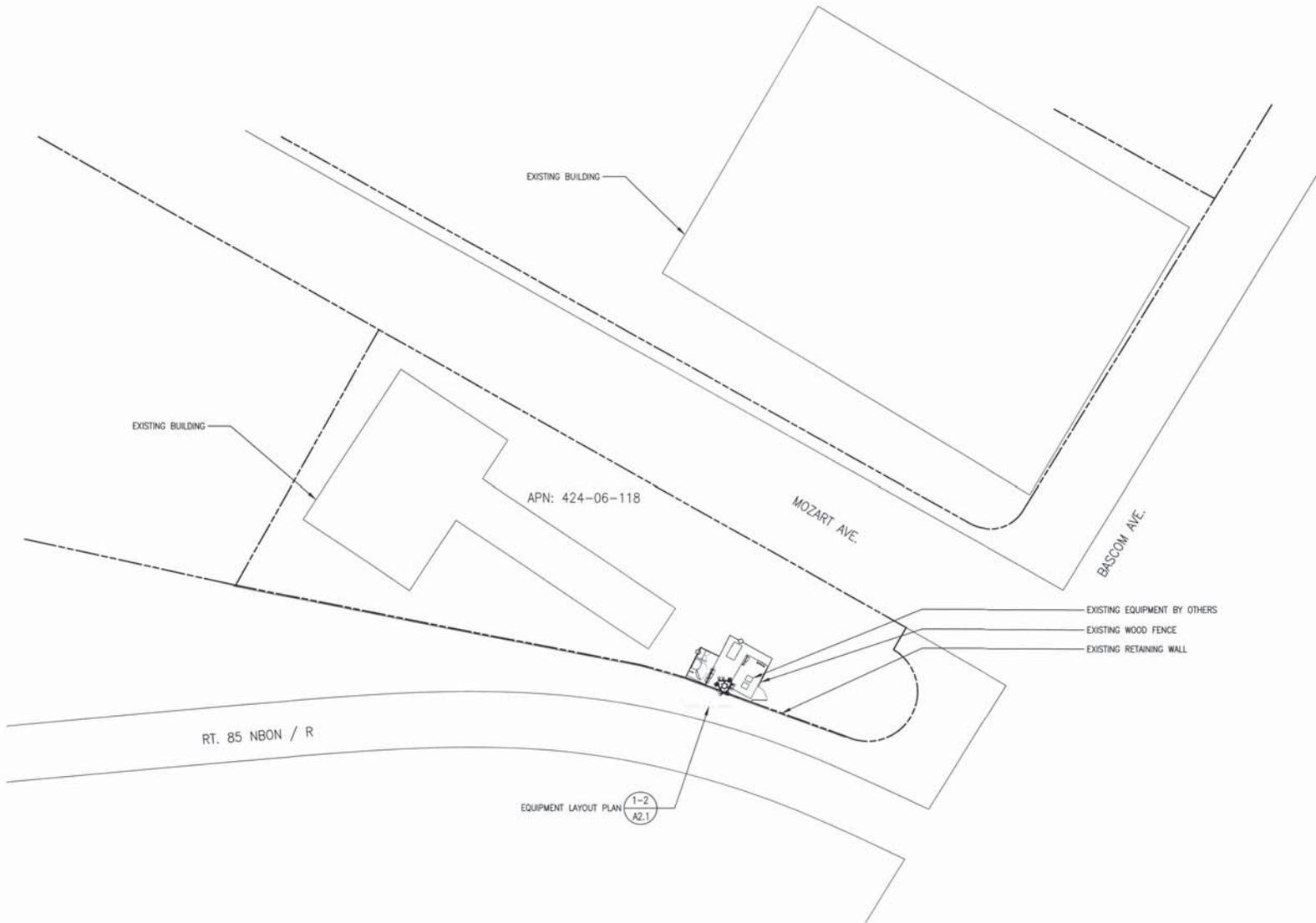
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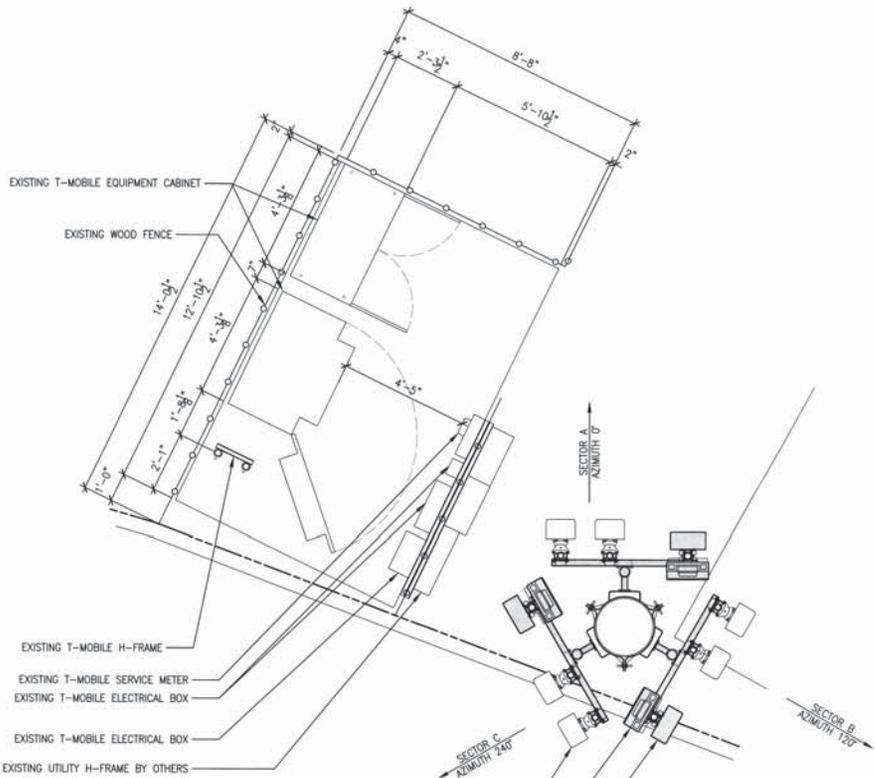


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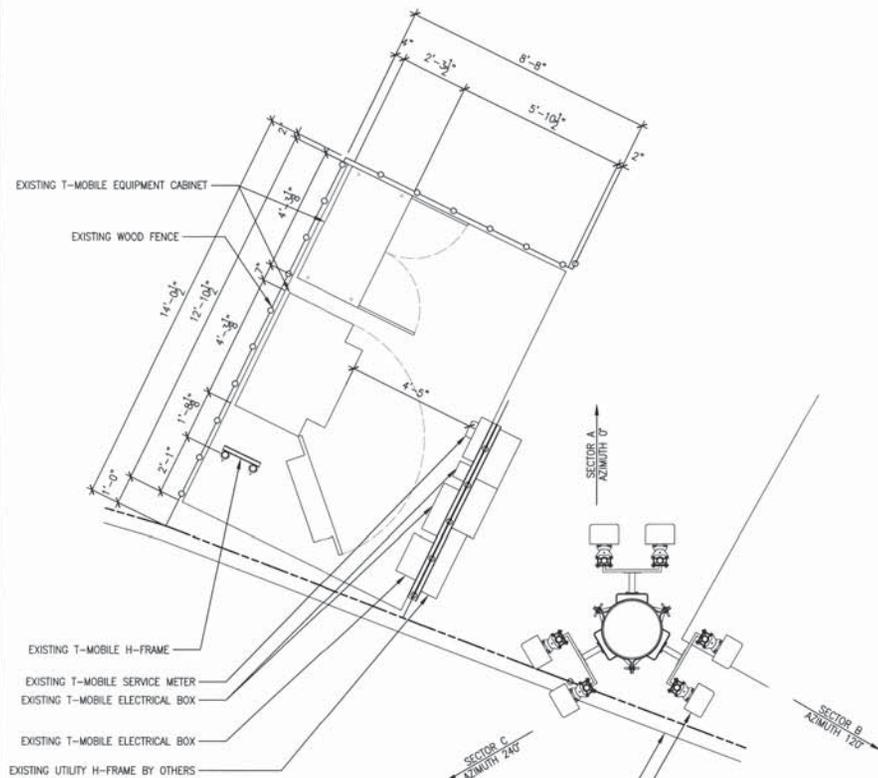
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**A1.1**



- EXISTING T-MOBILE PANEL ANTENNAS ON NEW PIPE MOUNTS (3) A4.1
- INSTALL (3) NEW T-MOBILE RRUS11 B12, (1) PER SECTOR ON NEW PIPE MOUNTS (5) A4.1
- INSTALL (3) NEW T-MOBILE PANEL ANTENNAS (APXVF24-C-A20), (1) PER SECTOR, ON NEW PIPE MOUNTS (1-4) A4.1

0' 1' 5' 10' N  
 1/2" = 1'-0"  
 2 PROPOSED EQUIPMENT LAYOUT PLAN  
 A2.1 SCALE: 1/2" = 1'-0"



0' 1' 5' 10' N  
 1/2" = 1'-0"  
 1 EXISTING EQUIPMENT LAYOUT PLAN  
 A2.1 SCALE: 1/2" = 1'-0"

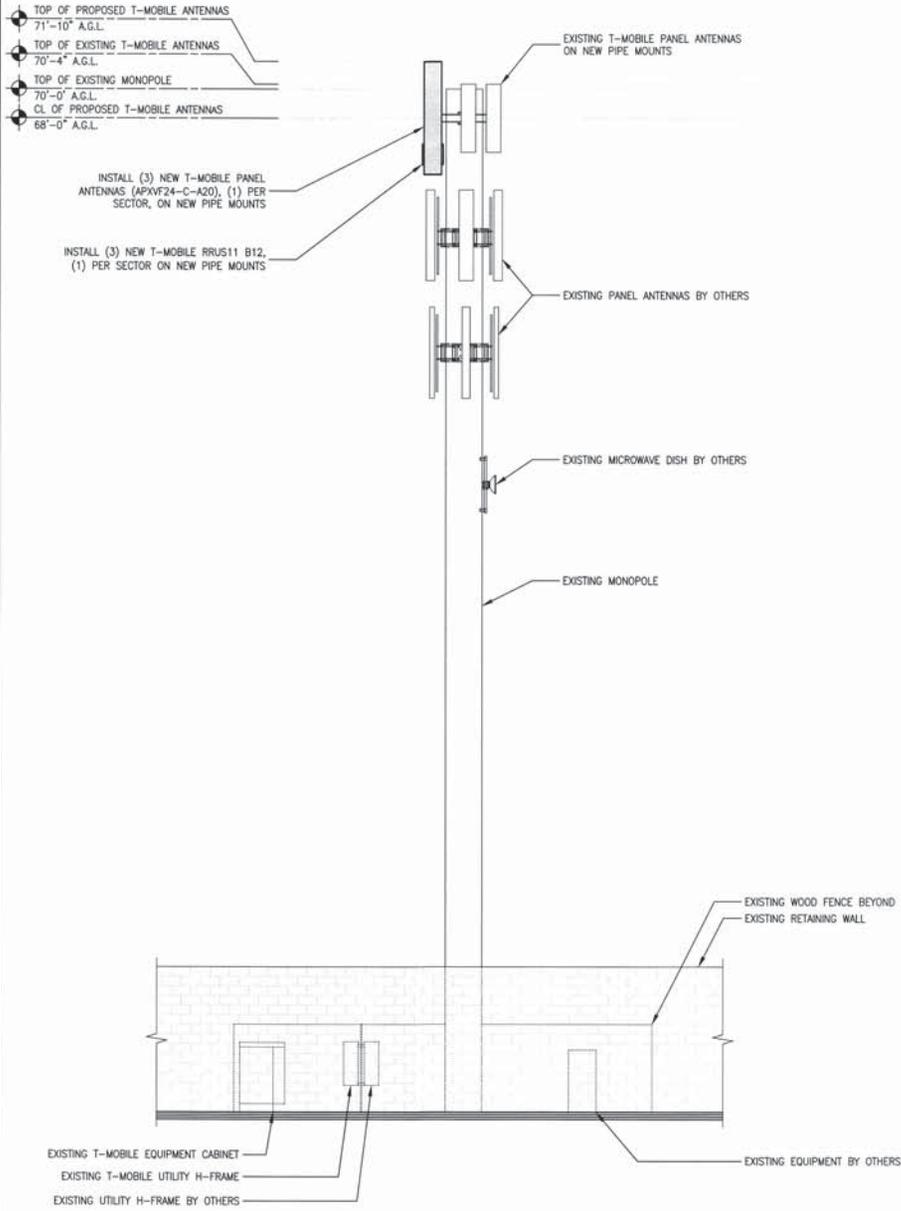


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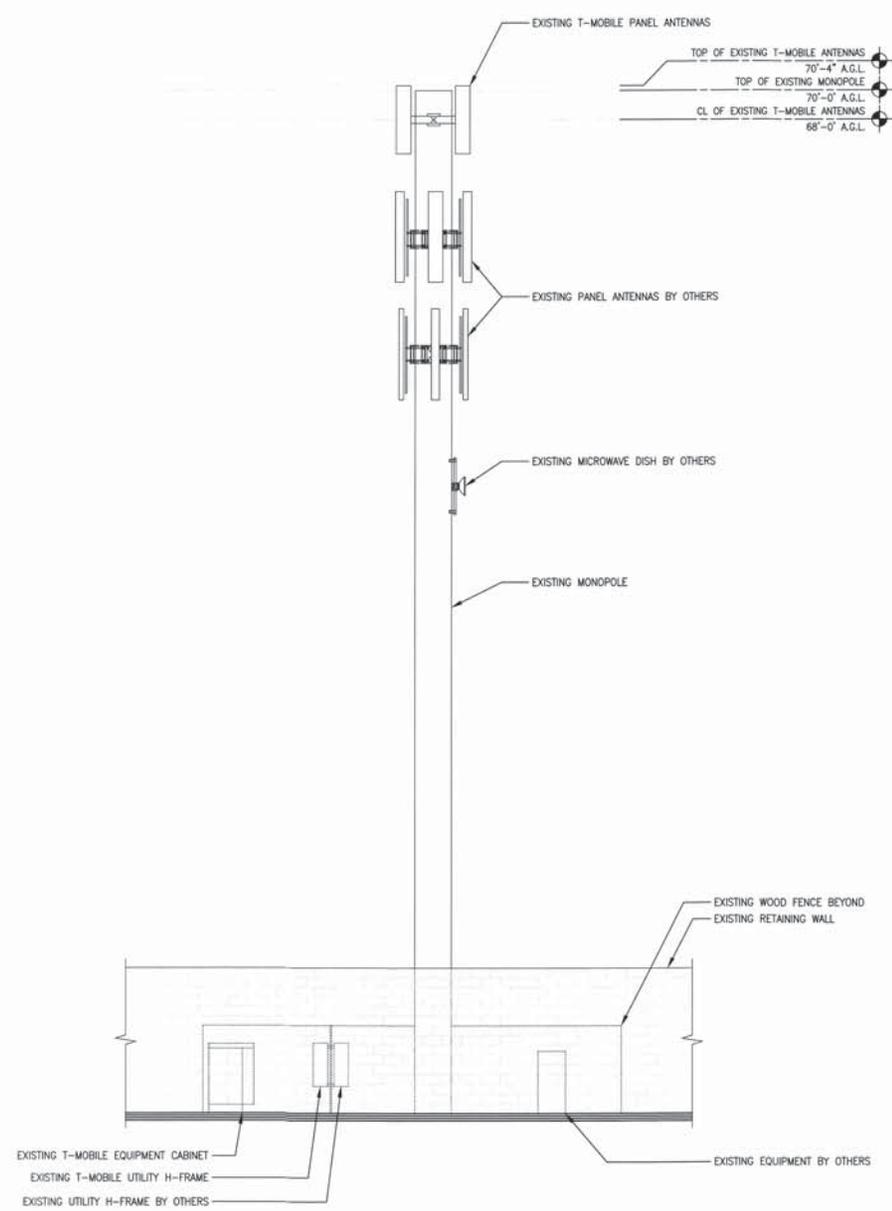

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**A2.1**



2 PROPOSED SOUTH ELEVATION  
A3.1 SCALE: 1/4" = 1'-0"



1 EXISTING SOUTH ELEVATION  
A3.1 SCALE: 1/4" = 1'-0"

**MST ARCHITECTS**  
 1320 Silver Peak Drive, San Francisco, CA 94133  
 415.443.9488  
 www.mstarchitects.com

**CROWN CASTLE**

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PROJECT ELEVATIONS

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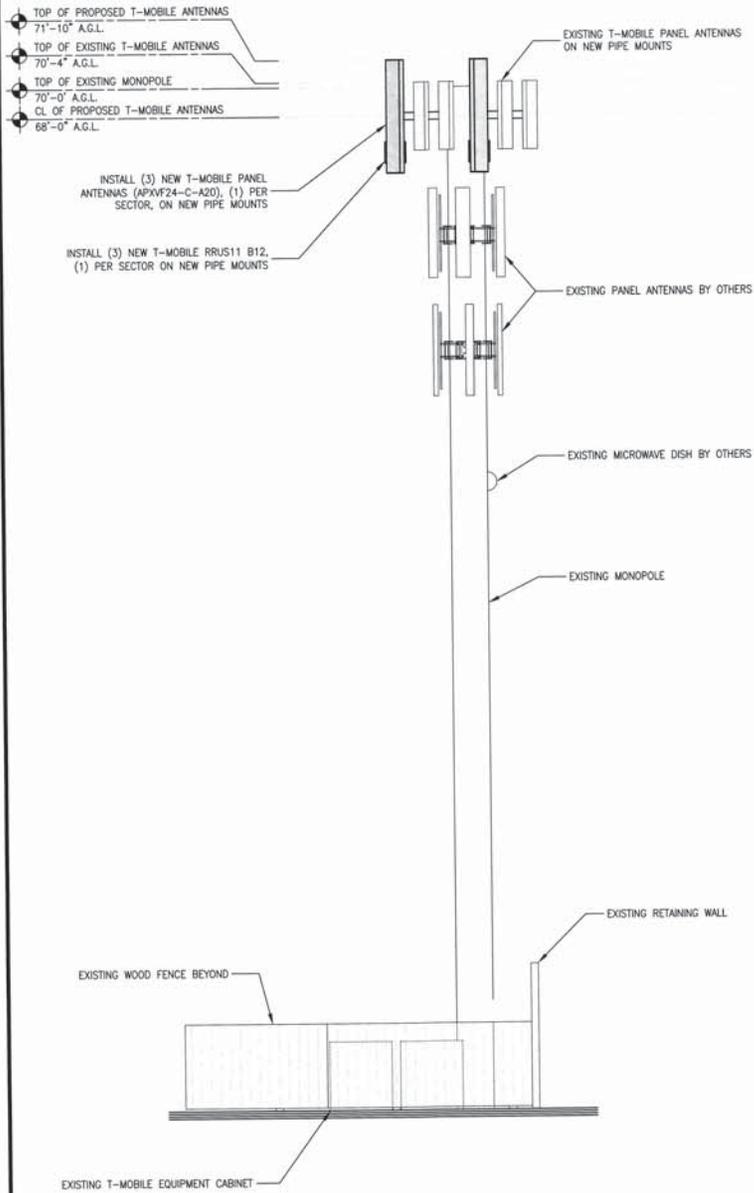
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 STATE OF CALIFORNIA

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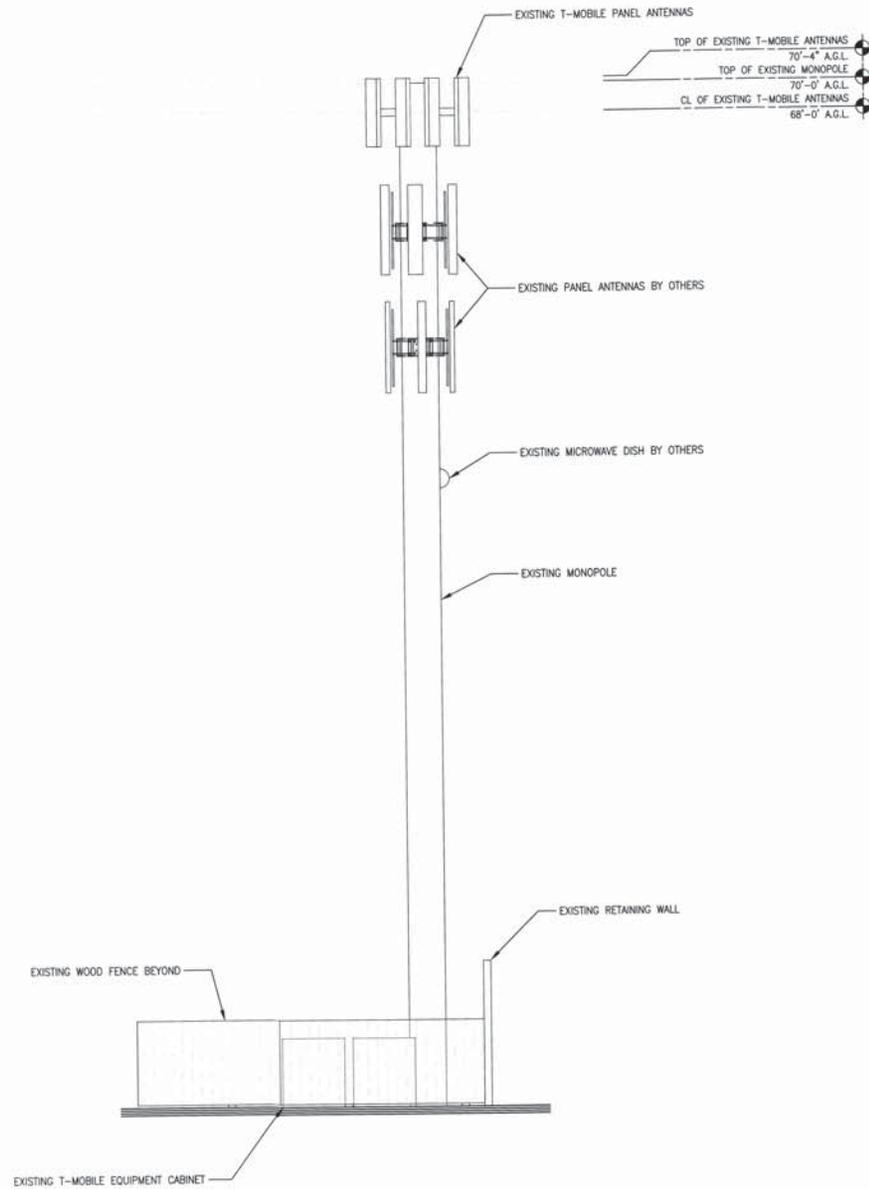

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 Date: 04/21/18

Job No. 213.0296

**A3.1**



2 PROPOSED WEST ELEVATION  
 SCALE: 1/4" = 1'-0"



1 EXISTING WEST ELEVATION  
 SCALE: 1/4" = 1'-0"

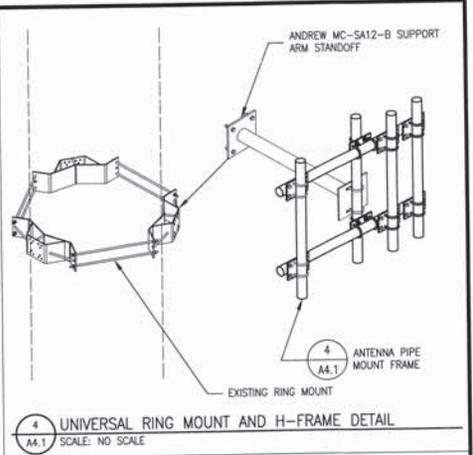
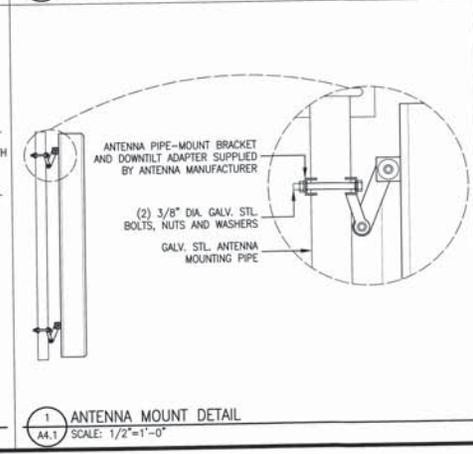
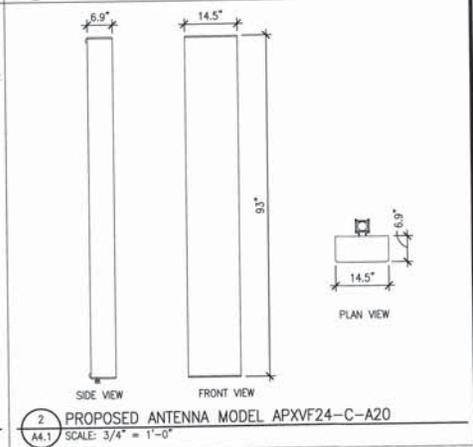
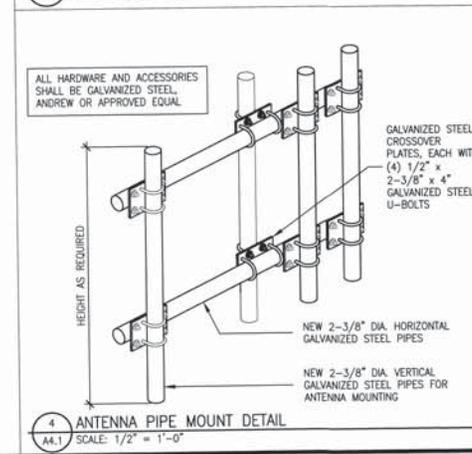
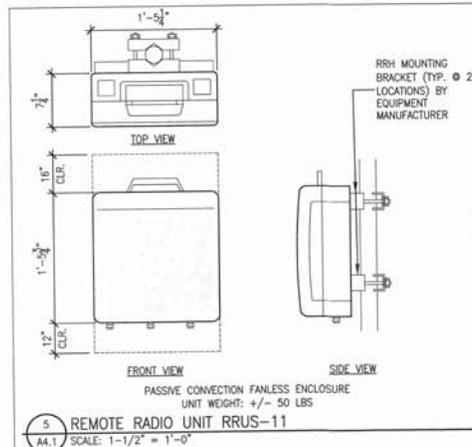
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 1330 River Park Drive, Sacramento, CA 95833  
 www.MSTArchitects.com  
**CROWN CASTLE**

**T-Mobile**  
 W E S T L L C.  
 PROJECT ELEVATIONS  
 BUB77188 - TOBIAS PROPERTY  
 SF 149372 - L700 PROJECT  
 16146 MOZART AVE.  
 LOS GATOS, CA 95032

LICENSED ARCHITECT  
 MARK C. MITCHELL  
 No. C-28021  
 Exp. 08-17  
 STATE OF CALIFORNIA

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Job No. 213.0290  
**A3.2**



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WEST L.L.C.  
CONSTRUCTION DETAILS

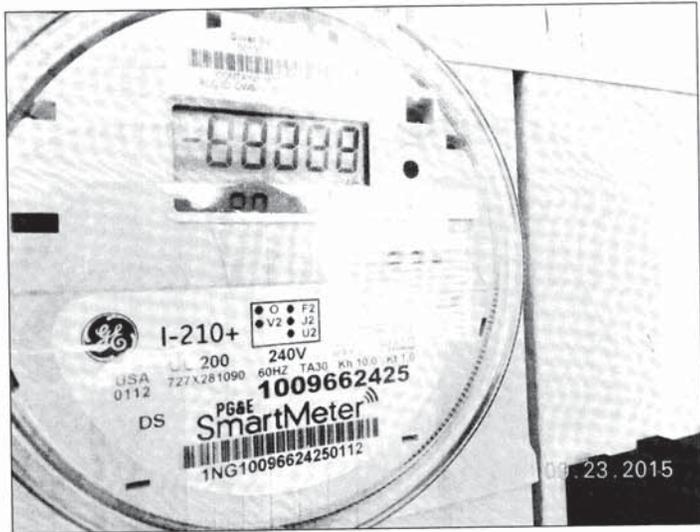
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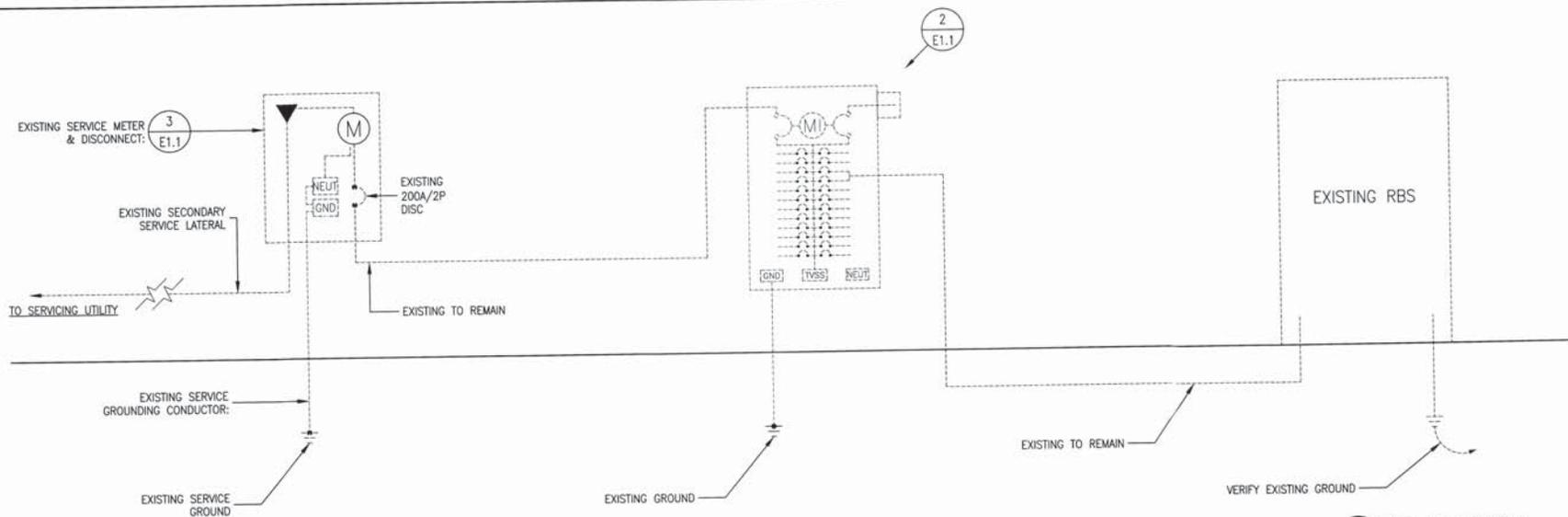
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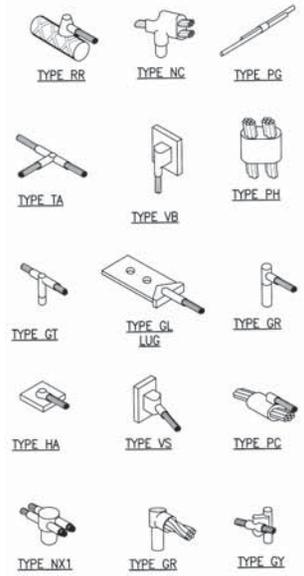
3 METER PANEL  
SCALE: NO SCALE

PANEL CIRCUIT AND LOAD SCHEDULE											DESIGNATION: EXISTING PANEL "DISTRIBUTION"														
LOAD			LOAD PER PHASE (VA)				Continous Load	TRIP	POLES	WIRE	A/C	WIRE TYPE	WIRE TYPE	A/C	WIRE	POLES	TRIP	Continous Load	LOAD PER PHASE (VA)			LOAD			
DESCRIPTION	QTY	UNIT VA	A	B	PHASE	A													B	UNIT VA	QTY	DESCRIPTION			
1	RBS 2106	1	2400	2400		☐	40	2	(E)	(E)	(E)	(E)	(E)	(E)	(E)	1	20	☐	180		180	1	GF CI	2	
3		1	2400	2400		☐	40	2	(E)	(E)	(E)	(E)	(E)	(E)	(E)			☐	0	0					4
5	BTS 6102	1	3000	3000		☐	100	2	(E)	(E)	(E)	(E)	(E)	(E)	(E)			☐	0	0					6
7		1	3000	3000		☐	100	2	(E)	(E)	(E)	(E)	(E)	(E)	(E)			☐	0	0					8
9			0	0		☐												☐	0	0					10
11			0	0		☐												☐	0	0					12
13			0	0		☐												☐	0	0					14
15			0	0		☐												☐	0	0					16
17	SURGE	1	0	0		☐	100	2	(E)	(E)	(E)	(E)	(E)	(E)	(E)			☐	0	0					18
19		1	0	0		☐	100	2	(E)	(E)	(E)	(E)	(E)	(E)	(E)			☐	0	0					20
Subtotal Continuous				5400	5400	☐											0	0	Subtotal Continuous						
Subtotal Non-Continuous				0	0												180	0	Subtotal Non-Continuous						
Voltage: 120/240 1 ph. 3w									A/C: VERIFY W/UTILITY						Total KVA Continuous X 1.25 =			13.50							
Bus: 200amps									Main: LUG						Total KVA Non-Continuous =			0.18							
Enclosure: NEMA 3R Outdoor									Mount: Surface						TOTAL KVA =			13.68							
															Total Amperage =			57.00							

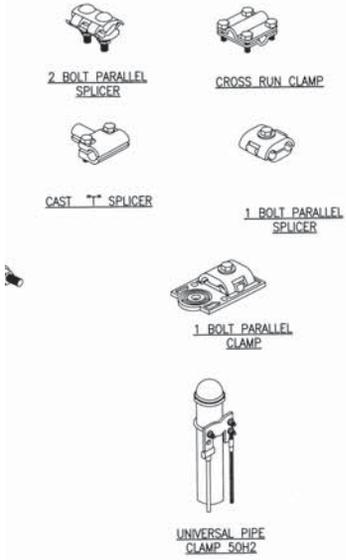
2 PANEL SCHEDULE  
SCALE: NO SCALE



1 ONE-LINE DIAGRAM  
SCALE: NO SCALE

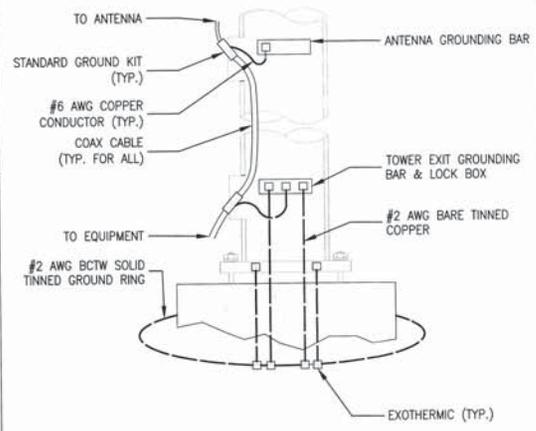


CADWELD TYPE CONNECTIONS

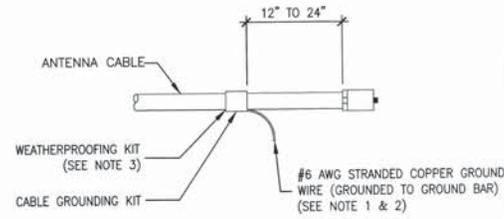


MECHANICAL TYPE CONNECTIONS

GROUNDING CONNECTIONS



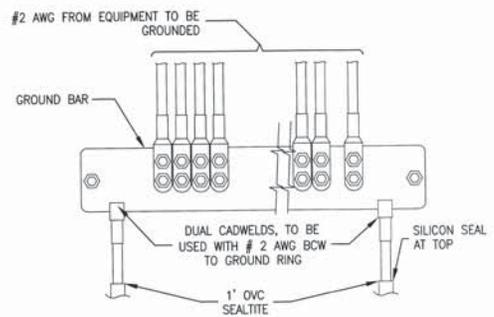
5 ANTENNA CABLE GROUNDING DETAIL  
E2.1 SCALE: 1/2" = 1'-0"



2 ANTENNA GROUNDING PLAN  
E2.1 SCALE: NO SCALE

- NOTE:
- DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT WIRE DOWN TO GROUND BAR.
  - GROUNDING KIT SHALL BE TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.
  - WEATHER PROOFING SHALL BE (TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.)

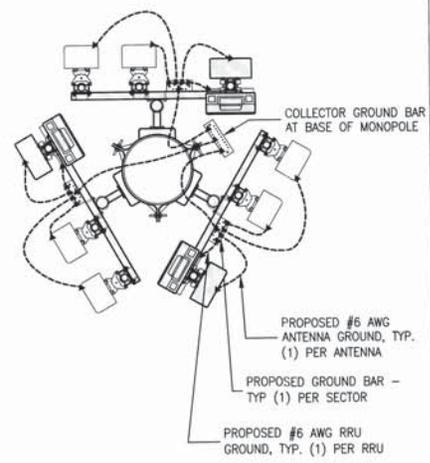
4 CONNECTION OF GRND KIT TO ANT. CABLE  
E2.1 SCALE: 1/2" = 1'-0"



- NOTE:
- CONTRACTOR TO UTILIZE KOPR-SHIELD (THANS & BETTS) ON ALL LUG CONNECTIONS OR APPROVED EQUAL
  - ALL LUGS TO BE DUAL HOLE LONG BARREL AND CRIMPED TWICE WITH MFR'S RECOMMENDED TOOL

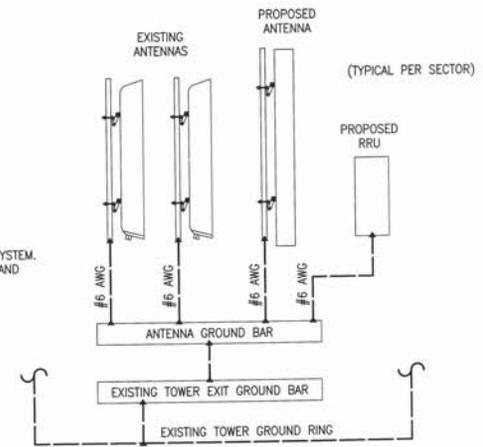
3 GROUND BAR CONNECTION DETAIL  
E2.1 SCALE: NO SCALE

- LEGEND
- GROUND RING
  - ▲ CADWELD CONNECTION (EXOTHERMIC WELD)
  - MECHANICAL CONNECTION



- LEGEND
- GROUND RING
  - ▲ CADWELD CONNECTION (EXOTHERMIC WELD)
  - MECHANICAL CONNECTION

- NOTES:
- GROUNDING IS SHOWN DIAGRAMMATICALLY ONLY.
  - CONTRACTOR SHALL GROUND ALL EQUIPMENT AS A COMPLETE SYSTEM. GROUNDING SHALL BE IN COMPLIANCE WITH NEC SECTION 250 AND MANUFACTURER'S SPECIFICATIONS.
  - ALL GROUND CONDUCTORS SHALL BE COPPER; NO ALUMINUM CONDUCTORS SHALL BE USED



1 EQUIPMENT GROUNDING DIAGRAM  
E2.1 SCALE: 1/2" = 1'-0"

- GROUNDING NOTES:
- ALL ELECTRICAL AND GROUNDING AT THE CELL SITE SHALL COMPLY WITH THE NATIONAL ELECTRICAL CODE (NEC), NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 780 (LATEST EDITION), AND MANUFACTURER SPECIFICATION.
  - IF THE AC PANEL IN THE POWER CABINET IS WIRED AS SERVICE ENTRANCE, THE AC SERVICE GROUND CONDUCTOR SHALL BE CONNECTED TO GROUND ELECTRODE SYSTEM. WHEN THE AC PANEL IN THE POWER CABINET IS CONSIDERED A SUB-PANEL, THE GROUND WIRE SHALL BE INSTALLED IN THE AC POWER CONDUIT. THE INSTALLATION SHALL BE PER LOCAL AND NATIONAL ELECTRIC CODE (NFPA-70).
  - EXOTHERMIC WELDING IS RECOMMENDED FOR GROUNDING CONNECTION WHERE PRACTICAL. OTHERWISE, THE CONNECTION SHALL BE MADE USING COMPRESSION TYPE-2 HOLES, LONG BARREL LUGS OR DOUBLE CRIMP CLAMP "C" CLAMP. THE COPPER CABLES SHALL BE COATED WITH ANTIOXIDANT (COPPER SHIELD) BEFORE MAKING THE CONNECTIONS. THE MANUFACTURER'S TORQUING RECOMMENDATIONS ON THE BOLT ASSEMBLY TO SECURE CONNECTIONS SHALL BE FOLLOWED.
  - THE ANTENNA CABLES SHALL BE GROUNDED AT THE TOP AND BOTTOM OF THE VERTICAL RUN FOR LIGHTING PROTECTION. THE ANTENNA CABLE SHIELD SHALL BE BONDED TO A COPPER GROUND BUSS AT THE LOWER MOST POINT OF A VERTICAL RUN JUST BEFORE IT BEGINS TO BEND TOWARD THE HORIZONTAL PLANE. WIRE RUNS TO GROUND SHALL BE KEPT AS STRAIGHT AND SHORT AS POSSIBLE. ANTENNA CABLE SHIELD SHALL BE GROUNDED JUST BEFORE ENTERING THE CELL CABINET. ANY ANTENNA CABLES OVER 200 FEET IN LENGTH SHALL ALSO BE EQUIPPED WITH ADDITIONAL GROUNDING AT MID-POINT.
  - ALL GROUNDING CONDUCTORS INSIDE THE BUILDING SHALL BE RUN IN CONDUIT RACEWAY SYSTEM, AND SHALL BE INSTALLED AS STRAIGHT AS PRACTICAL WITH MINOR BENDS TO AVOID OBSTRUCTIONS. THE BENDING RADIUS OF ANY #2 GROUNDING CONDUCTOR IS 8". PVC RACEWAY MAY BE FLEXIBLE OR RIGID PER THE FIELD CONDITIONS. GROUNDING CONDUCTORS SHALL NOT MAKE CONTACT WITH ANY METALLIC CONDUITS, SURFACES OR EQUIPMENT.
  - PROVIDE PVC SLEEVES WHERE GROUNDING CONDUCTORS PASS THROUGH THE BUILDING WALLS AND /OR CEILINGS.
  - INSTALL GROUND BUSHINGS ON ALL METALLIC CONDUITS AND BOND TO THE EQUIPMENT GROUND BUSS IN THE PANEL BOARD.
  - GROUND ANTENNA BASES, FRAMES, CABLE RACKS AND OTHER METALLIC COMPONENTS WITH #2 GROUNDING CONDUCTORS AND CONNECT TO INSULATED SURFACE MOUNTED GROUND BARS. CONNECTION DETAILS SHALL FOLLOW MANUFACTURER'S SPECIFICATIONS FOR GROUNDING.
  - ALL PROPOSED GROUNDING CONDUCTORS SHALL BE ROUTED AND CONNECTED TO THE MAIN GROUND BAR OR EXISTING GROUND RING.



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200 North Glebe Road, Suite 1000, Arlington, VA 22203-3728  
703.276.1100 • 703.276.1169 fax  
info@sitesafe.com • www.sitesafe.com

**Crown Castle on behalf of T-Mobile  
BU – 877188  
Site Name – Tobias Property  
T-Mobile Application ID – 319292  
Site Compliance Report**

**16146 Mozart Avenue  
Los Gatos, CA 95032**

Latitude: N37-15-19.00  
Longitude: W121-57-04.00  
Structure Type: Monopole

Report generated date: April 26, 2016  
Report by: Kevin Smith  
Customer Contact: Andrew P Szela

---

**The Site Will Be Compliant based on FCC Rules and Regulations.**

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# Crown Castle on behalf of T-Mobile Tobias Property - 877188 Radio Frequency (RF) Site Compliance Report



**16146 Mozart Avenue, Los Gatos, CA 95032**



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## 1 Executive Summary

Crown Castle on behalf of T-Mobile has contracted with Sitesafe, Inc. (Sitesafe), an independent Radio Frequency (RF) regulatory and engineering consulting firm, to determine whether the proposed communications site, 877188 - Tobias Property, located at 16146 Mozart Avenue, Los Gatos, CA, is in compliance with Federal Communication Commission (FCC) Rules and Regulations for RF emissions.

This report contains a detailed summary of the RF environment at the site including:

- diagram of the site;
- inventory of the make / model of all antennas
- theoretical MPE based on modeling.

This report addresses exposure to radio frequency electromagnetic fields in accordance with the FCC Rules and Regulations for all individuals, classified in two groups, "Occupational or Controlled" and "General Public or Uncontrolled." This **site will be compliant** with the FCC rules and regulations, as described in OET Bulletin 65. .

This document and the conclusions herein are based on the information provided by T-Mobile.

If you have any questions regarding RF safety and regulatory compliance, please do not hesitate to contact Sitesafe's Customer Support Department at (703) 276-1100.

## 2 Regulatory Basis

### 2.1 FCC Rules and Regulations

In 1996, the Federal Communication Commission (FCC) adopted regulations for the evaluating of the effects of RF emissions in 47 CFR § 1.1307 and 1.1310. The guideline from the FCC Office of Engineering and Technology is Bulletin 65 ("OET Bulletin 65"), *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, Edition 97-01, published August 1997. Since 1996 the FCC periodically reviews these rules and regulations as per their congressional mandate.

FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled environment" and General Public or "Uncontrolled environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limit. These limits apply to *accessible* areas where workers or the general public may be exposed to Radio Frequency (RF) electromagnetic fields.

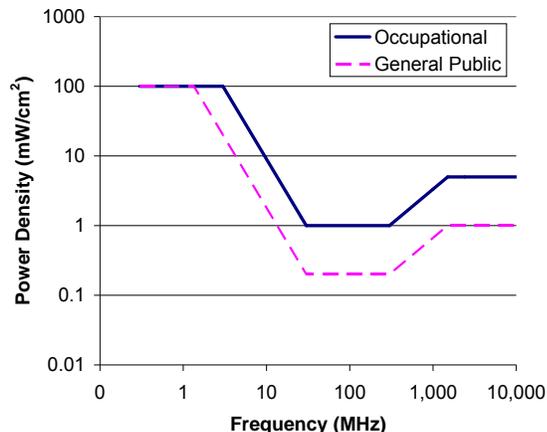
Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (i.e. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF warning signage. A site with Controlled environments is evaluated with Occupational limits.

All other areas are considered Uncontrolled environments. If a site has no access controls or no RF warning signage it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The Maximum Permissible Exposure (MPE) limits utilized in this analysis are outlined in the following diagram:

**FCC Limits for Maximum Permissible Exposure (MPE)**  
Plane-wave Equivalent Power Density



**Limits for Occupational/Controlled Exposure (MPE)**

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

**Limits for General Population/Uncontrolled Exposure (MPE)**

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f <sup>2</sup> )*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz

\*Plane-wave equivalent power density

## 2.2 OSHA Statement

The General Duty clause of the OSHA Act (Section 5) outlines the occupational safety and health responsibilities of the employer and employee. The General Duty clause in Section 5 states:

(a) Each employer –

- (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
- (2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OSHA has defined Radiofrequency and Microwave Radiation safety standards for workers who may enter hazardous RF areas. Regulation Standards 29 CFR § 1910.147 identify a generic Lock Out Tag Out procedure aimed to control the unexpected energization or start up of machines when maintenance or service is being performed.

### 3 Site Compliance

#### 3.1 Site Compliance Statement

Upon evaluation of the cumulative RF emission levels from all operators at this site, Sitesafe has determined that:

This **site will be compliant** with the FCC rules and regulations, as described in OET Bulletin 65.

The compliance determination is based on theoretical modeling, RF signage placement recommendations, proposed antenna inventory and the level of restricted access to the antennas at the site. Any deviation from the T-Mobile's proposed deployment plan could result in the site being rendered non-compliant.

#### 3.2 Actions for Site Compliance

Based on common industry practice and our understanding of FCC and OSHA requirements, this section provides a statement of recommendations for site compliance. RF alert signage recommendations have been proposed based on theoretical analysis of MPE levels. Barriers can consist of locked doors, fencing, railing, rope, chain, paint striping or tape, combined with RF alert signage.

The site will be made compliant if the following are implemented:

##### **Site Access/ Base of Monopole**

Ensure a Yellow caution sign is installed.

**Note:** Existing signage may already be in place. As this site was modeled with no site visit to verify existing signage, T-Mobile should ensure that the site is and remains in compliance with the recommended signage and access control.

## 4 Safety Plan and Procedures

The following items are general safety recommendations that should be administered on a site by site basis as needed by the carrier.

**General Maintenance Work:** Any maintenance personnel required to work immediately in front of antennas and / or in areas indicated as above 100% of the Occupational MPE limits should coordinate with the wireless operators to disable transmitters during their work activities.

**Training and Qualification Verification:** All personnel accessing areas indicated as exceeding the General Population MPE limits should have a basic understanding of EME awareness and RF Safety procedures when working around transmitting antennas. Awareness training increases a workers understanding to potential RF exposure scenarios. Awareness can be achieved in a number of ways (e.g. videos, formal classroom lecture or internet based courses).

**Physical Access Control:** Access restrictions to transmitting antennas locations is the primary element in a site safety plan. Examples of access restrictions are as follows:

- Locked door or gate
- Alarmed door
- Locked ladder access
- Restrictive Barrier at antenna (e.g. Chain link with posted RF Sign)

**RF Signage:** Everyone should obey all posted signs at all times. RF signs play an important role in properly warning a worker prior to entering into a potential RF Exposure area.

**Assume all antennas are active:** Due to the nature of telecommunications transmissions, an antenna transmits intermittently. Always assume an antenna is transmitting. Never stop in front of an antenna. If you have to pass by an antenna, move through as quickly and safely as possible thereby reducing any exposure to a minimum.

**Maintain a 3 foot clearance from all antennas:** There is a direct correlation between the strength of an EME field and the distance from the transmitting antenna. The further away from an antenna, the lower the corresponding EME field is.

**Site RF Emissions Diagram:** Section 5 of this report contains an RF Diagram that outlines various theoretical Maximum Permissible Exposure (MPE) areas at the site. The modeling is a worst case scenario assuming a duty cycle of 100% for each transmitting antenna at full power. This analysis is based on one of two access control criteria: General Public criteria means the access to the site is uncontrolled and anyone can gain access. Occupational criteria means the access is restricted and only properly trained individuals can gain access to the antenna locations.

## 5 Analysis

### 5.1 RF Emissions Diagram

The RF diagram(s) below display theoretical spatially averaged percentage of the Maximum Permissible Exposure for all systems at the site unless otherwise noted. These diagrams use modeling as prescribed in OET Bulletin 65 and assumptions detailed in Appendix B.

The key at the bottom of each diagram indicates if percentages displayed are referenced to FCC General Population Maximum Permissible Exposure (MPE) limits. Color coding on the diagram is as follows:

- Gray represents areas predicted to be at 5% of the MPE limits, or below.
- Green represents areas predicted to be between 5% and 100% of the MPE limits.
- Blue represents areas predicted to be between 100% and 500% of the MPE limits.
- Yellow represents areas predicted to be between 500% and 5000% of the MPE limits.
- Red areas indicated predicted levels greater than 5000% of the MPE limits.

General Population diagrams are specified when an area is accessible to the public; i.e. personnel that do not meet Occupational or RF Safety trained criteria, could gain access.

If trained occupational personnel require access to areas that are delineated as **Blue** or above 100% of the limit, Sitesafe recommends that they utilize the proper personal protection equipment (RF monitors), coordinate with the carriers to reduce or shutdown power, or make real-time power density measurements with the appropriate power density meter to determine real-time MPE levels. This will allow the personnel to ensure that their work area is within exposure limits.

The key at the bottom also indicates the level or height of the modeling with respect to the main level. The origin is typically referenced to the main rooftop level, or ground level for a structure without access to the antenna level. For example:

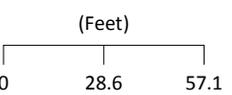
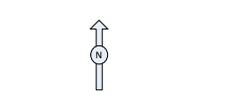
Average from 0 feet above to 6 feet above origin

and

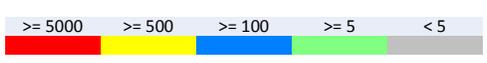
Average from 20 feet above to 26 feet above origin

The first indicates modeling at the main rooftop (or ground) level averaged over 6 feet. The second indicates modeling at a higher level (possibly a penthouse level) of 20 feet averaged over 6 feet.

Composite View  
RF Exposure Simulation For: Tobias Property



% of FCC Public Exposure Limit  
Spatial average 0' - 6'



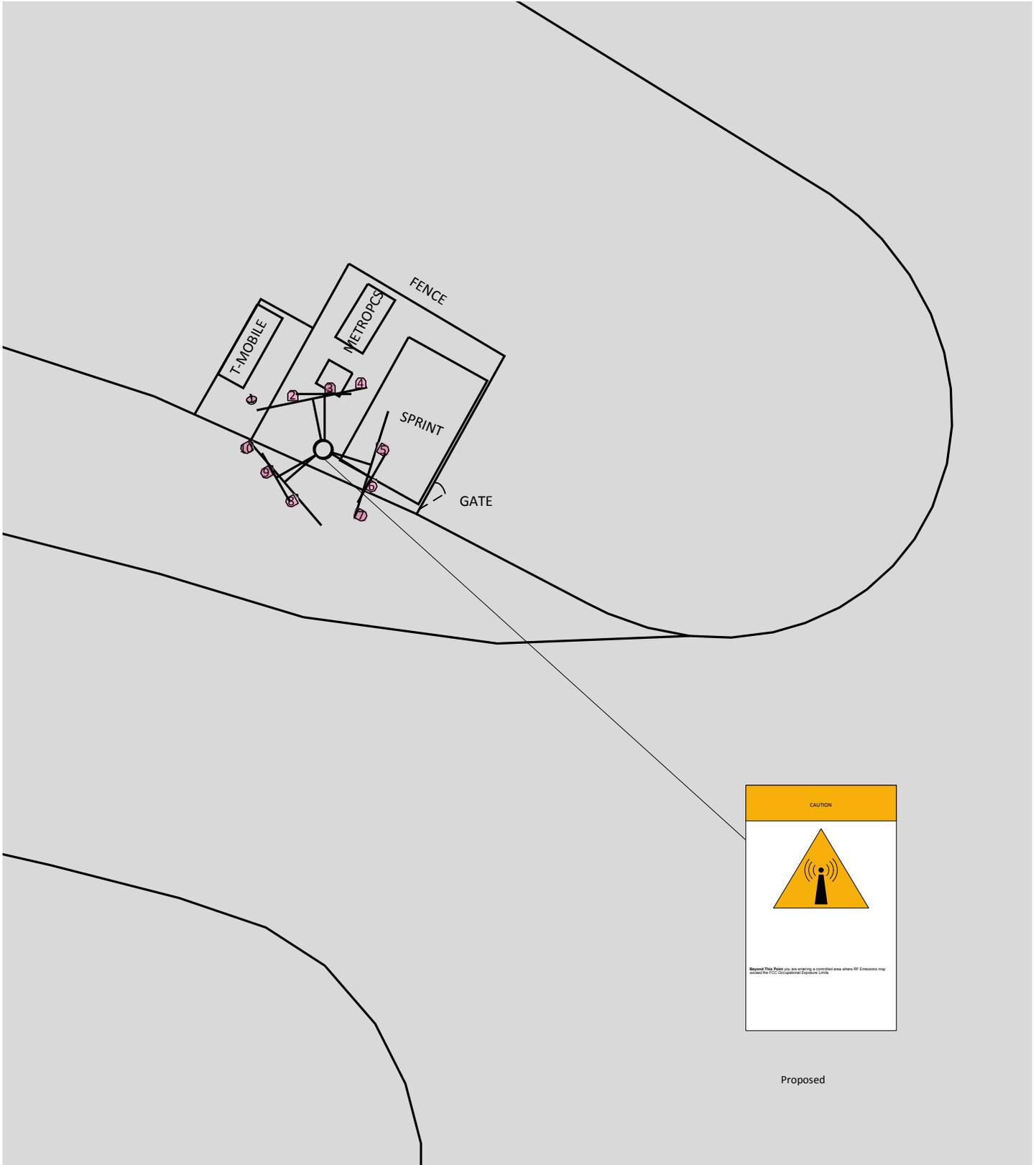
AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	METROPCS	CRICKET COMMUNICATIONS	CLEARWIRE	SPRINT
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www.sitesafe.com  
Site Name:Tobias Property  
4/11/2016 2:26:12 PM

SitesafeTC Version:1.0.0.0 - 0.0.0.247  
Sitesafe OET-65 Model  
Field Boundary: 2 \* Aperture^2 / Wavelength  
Reflection Factor: 1.6  
Spatially Averaged

# T-Mobile Contribution Detail

## RF Exposure Simulation For: Tobias Property

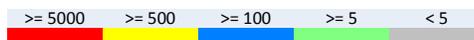


Proposed

% of FCC Public Exposure Limit  
Spatial average 0' - 6'



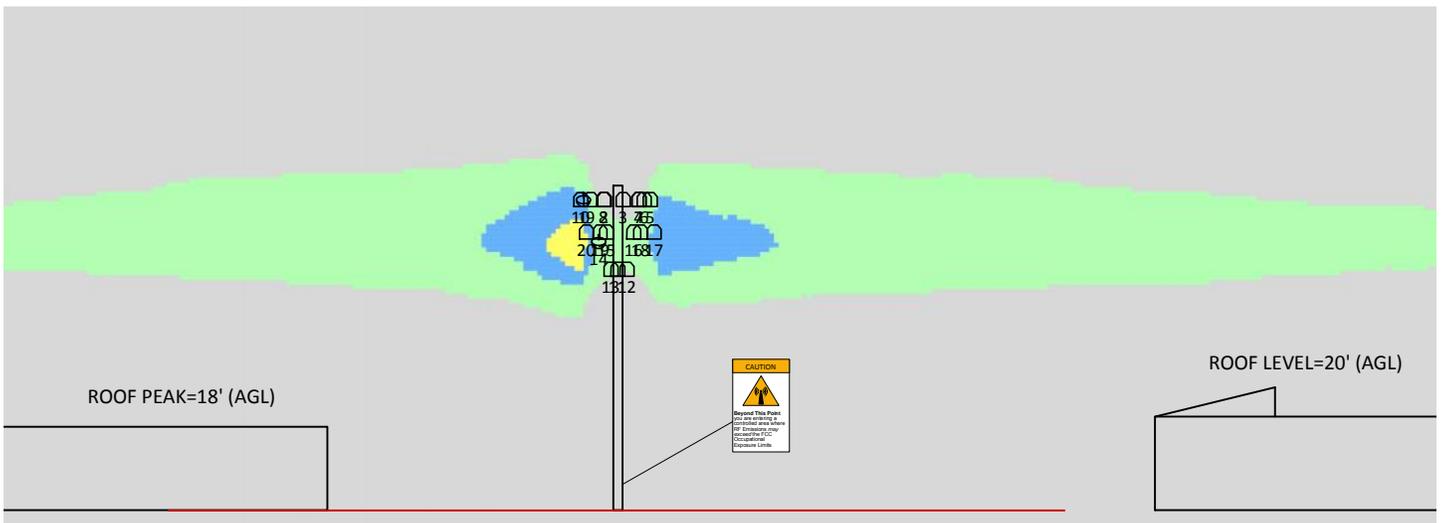
(Feet)



AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	METROPCS	CRICKET COMMUNICATIONS	CLEARWIRE	SPRINT
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# Elevation View

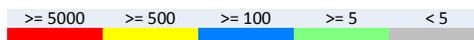
## RF Exposure Simulation For: Tobias Property



% of FCC Public Exposure Limit  
Spatial average 0' - 6'

(Feet)  
0      20.6      41.2

www.sitesafe.com  
Site Name:Tobias Property  
4/11/2016 2:43:50 PM



AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	METROPCS	CRICKET COMMUNICATIONS	CLEARWIRE	SPRINT
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SitesafeTC Version:1.0.0.0 - 0.0.0.247  
 Sitesafe OET-65 Model  
 Field Boundary: 2 \* Aperture^2 / Wavelength  
 Reflection Factor: 1.6  
 Spatially Averaged

## 6 Antenna Inventory

The Antenna Inventory shows all transmitting antennas at the site. This inventory was provided by the customer, and was utilized by Sitesafe to perform theoretical modeling of RF emissions. The inventory coincides with the site diagrams in this report, identifying each antenna's location at 877188 - Tobias Property. The antenna information collected includes the following information:

- Licensee or wireless operator name
- Frequency or frequency band
- Transmitter power – Effective Radiated Power ("ERP"), or Equivalent Isotropic Radiated Power ("EIRP") in Watts
- Antenna manufacturer make, model, and gain

For other carriers at this site, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.



The following antenna inventory, on this and the following page, were provided by the customer and were utilized to create the site model diagrams:

Table 3: Antenna Inventory												
Ant #	Operated By	TX Freq (MHz)	ERP (Watts)	Antenna Gain (dBd)	Az (Deg)	Antenna Model	Ant Type	Len (ft)	Horizontal Half Power Beamwidth (Deg)	Location		
										X	Y	Z (AGL)
1	T-MOBILE	18120	441.5	37.66	348.6	RadioWaves HP2-18	Aperture	2	2	231.1'	250.2'	67'
2	T-MOBILE	1957	487.8	15.37	0	Ericsson AIR 21 B2A B4P	Panel	4.7	65	235.7'	250.6'	67'
2	T-MOBILE	2110	487.8	15.37	0	Ericsson AIR 21 B2A B4P	Panel	4.7	65	235.7'	250.6'	67'
3	T-MOBILE	1957	487.8	15.37	0	Ericsson AIR 21 B2A B4P	Panel	4.7	65	239.7'	251.5'	67'
3	T-MOBILE	2110	487.8	15.37	0	Ericsson AIR 21 B2A B4P	Panel	4.7	65	239.7'	251.5'	67'
4	T-MOBILE	731	609.8	14.4	0	RFS APXVF24-C-A20 (Proposed)	Panel	7.8	67	243.1'	252'	67'
5	T-MOBILE	1957	487.8	15.37	120	Ericsson AIR 21 B2A B4P	Panel	4.7	65	245.6'	244.7'	67'
5	T-MOBILE	2110	487.8	15.37	120	Ericsson AIR 21 B2A B4P	Panel	4.7	65	245.6'	244.7'	67'
6	T-MOBILE	1957	487.8	15.37	120	Ericsson AIR 21 B2A B4P	Panel	4.7	65	244.3'	240.7'	67'
6	T-MOBILE	2110	487.8	15.37	120	Ericsson AIR 21 B2A B4P	Panel	4.7	65	244.3'	240.7'	67'
7	T-MOBILE	731	609.8	14.4	120	RFS APXVF24-C-A20 (Proposed)	Panel	7.8	67	243.1'	237.5'	67'
8	T-MOBILE	1957	487.8	15.37	240	Ericsson AIR 21 B2A B4P	Panel	4.7	65	235.5'	239.1'	67'
8	T-MOBILE	2110	487.8	15.37	240	Ericsson AIR 21 B2A B4P	Panel	4.7	65	235.5'	239.1'	67'
9	T-MOBILE	1957	487.8	15.37	240	Ericsson AIR 21 B2A B4P	Panel	4.7	65	232.8'	242.2'	67'
9	T-MOBILE	2110	487.8	15.37	240	Ericsson AIR 21 B2A B4P	Panel	4.7	65	232.8'	242.2'	67'
10	T-MOBILE	731	609.8	14.4	240	RFS APXVF24-C-A20 (Proposed)	Panel	7.8	67	230.6'	244.9'	67'
11	METROPCS (T-Mobile)	1900	0	16.23	350	Andrew HBX-6517DS-A1M (Not Active)	Panel	6.2	65	238.6'	246.6'	52'
12	METROPCS (T-Mobile)	1900	0	16.23	115	Andrew HBX-6517DS-A1M (Not Active)	Panel	6.2	65	240.6'	244.7'	52'
13	METROPCS (T-Mobile)	1900	0	16.23	235	Andrew HBX-6517DS-A1M (Not Active)	Panel	6.2	65	237.1'	244.1'	52'

**Table 3: Antenna Inventory**

Ant #	Operated By	TX Freq (MHz)	ERP (Watts)	Antenna Gain (dBd)	Az (Deg)	Antenna Model	Ant Type	Len (ft)	Horizontal Half Power Beamwidth (Deg)	Location		
										X	Y	Z (AGL)
14	SPRINT	23325	175.6	32.66	348.1	Andrew VHLP1-23	Aperture	1	2	234.5'	251.4'	58'
15	SPRINT	2500	1600	15.86	0	Kmw ET-X-WM-18-65-8P	Panel	5.1	72	236.1'	251.4'	60'
16	SPRINT	862	774.6	12.87	0	KMW 1900-800-KMW-65-TYPE-1	Panel	4	70	242'	251.4'	60'
16	SPRINT	1900	2318.2	15.87	0	KMW 1900-800-KMW-65-TYPE-1	Panel	4	62	242'	251.4'	60'
16	SPRINT	1990	2318.2	15.87	0	KMW 1900-800-KMW-65-TYPE-1	Panel	4	62	242'	251.4'	60'
17	SPRINT	2500	1600	15.86	120	Kmw ET-X-WM-18-65-8P	Panel	5.1	72	246.4'	243.9'	60'
18	SPRINT	862	774.6	12.87	120	KMW 1900-800-KMW-65-TYPE-1	Panel	4	70	243.5'	238.7'	60'
18	SPRINT	1900	2318.2	15.87	120	KMW 1900-800-KMW-65-TYPE-1	Panel	4	62	243.5'	238.7'	60'
18	SPRINT	1990	2318.2	15.87	120	KMW 1900-800-KMW-65-TYPE-1	Panel	4	62	243.5'	238.7'	60'
19	SPRINT	2500	1600	15.86	225	Kmw ET-X-WM-18-65-8P	Panel	5.1	72	234.7'	238.7'	60'
20	SPRINT	862	774.6	12.87	225	KMW 1900-800-KMW-65-TYPE-1	Panel	4	70	231.8'	243.8'	60'
20	SPRINT	1900	2318.2	15.87	225	KMW 1900-800-KMW-65-TYPE-1	Panel	4	62	231.8'	243.8'	60'
20	SPRINT	1990	2318.2	15.87	225	KMW 1900-800-KMW-65-TYPE-1	Panel	4	62	231.8'	243.8'	60'

NOTE: X, Y and Z indicate relative position of the antenna to the origin location on the site, displayed in the model results diagram. **Specifically, the Z reference indicates antenna height above the ground level.** ERP values provided by the client and used in the modeling may be greater than are currently deployed. For other carriers at this site the use of "Generic" as an antenna model or "Unknown" for a wireless operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.



## 7 Engineer Certification

The professional engineer whose seal appears on the cover of this document hereby certifies and affirms that:

I am registered as a Professional Engineer in the jurisdiction indicated in the professional engineering stamp on the cover of this document; and

That I am an employee of Sitesafe, Inc., in Arlington, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specifically as they apply to the FCC Guidelines for Human Exposure to Radio-frequency Radiation; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Kevin Smith.

April 26, 2016



## Appendix A – Statement of Limiting Conditions

Sitesafe will not be responsible for matters of a legal nature that affect the site or property.

Due to the complexity of some wireless sites, Sitesafe performed this analysis and created this report utilizing best industry practices and due diligence. Sitesafe cannot be held accountable or responsible for anomalies or discrepancies due to actual site conditions (i.e., mislabeling of antennas or equipment, inaccessible cable runs, inaccessible antennas or equipment, etc.) or information or data supplied by T-Mobile, the site manager, or their affiliates, subcontractors or assigns.

Sitesafe has provided computer generated model(s) in this Site Compliance Report to show approximate dimensions of the site, and the model is included to assist the reader of the compliance report to visualize the site area, and to provide supporting documentation for Sitesafe's recommendations.

Sitesafe may note in the Site Compliance Report any adverse physical conditions, such as needed repairs, observed during the survey of the subject property or that Sitesafe became aware of during the normal research involved in performing this survey. Sitesafe will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because Sitesafe is not an expert in the field of mechanical engineering or building maintenance, the Site Compliance Report must not be considered a structural or physical engineering report.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data provided by a second party and physical data collected by Sitesafe, the physical data will be used.

## Appendix B – Assumptions and Definitions

### General Model Assumptions

In this site compliance report, it is assumed that all antennas are operating at **full power at all times**. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a 100% duty cycle and maximum radiated power.

The site has been modeled with these assumptions to show the maximum RF energy density. Sitesafe believes this to be a *worst-case* analysis, based on best available data. Areas modeled to predict emissions greater than 100% of the applicable MPE level may not actually occur, but are shown as a *worst-case* prediction that could be realized real time. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

Thus, at any time, if power density measurements were made, we believe the real-time measurements would indicate levels below those depicted in the RF emission diagram(s) in this report. By modeling in this way, Sitesafe has conservatively shown exclusion areas – areas that should not be entered without the use of a personal monitor, carriers reducing power, or performing real-time measurements to indicate real-time exposure levels.

### Use of Generic Antennas

For the purposes of this report, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer's published data regarding the antenna's physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna's range that corresponds to the highest Maximum Permissible Exposure (MPE), resulting in a conservative analysis.

## Definitions

**5% Rule** – The rules adopted by the FCC specify that, in general, at multiple transmitter sites actions necessary to bring the area into compliance with the guidelines are the shared responsibility of all licensees whose transmitters produce field strengths or power density levels at the area in question in excess of 5% of the exposure limits. In other words, any wireless operator that contributes 5% or greater of the MPE limit in an area that is identified to be greater than 100% of the MPE limit is responsible taking corrective actions to bring the site into compliance.

**Compliance** – The determination of whether a site is safe or not with regards to Human Exposure to Radio Frequency Radiation from transmitting antennas.

**Decibel (dB)** – A unit for measuring power or strength of a signal.

**Duty Cycle** – The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source such as a paging antenna by dividing average transmission duration by the average period for transmission. A duty cycle of 100% corresponds to continuous operation.

**Effective (or Equivalent) Isotropic Radiated Power (EIRP)** – The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

**Effective Radiated Power (ERP)** – In a given direction, the relative gain of a transmitting antenna with respect to the maximum directivity of a half wave dipole multiplied by the net power accepted by the antenna from the connecting transmitter.

**Gain (of an antenna)** – The ratio of the maximum intensity in a given direction to the maximum radiation in the same direction from an isotropic radiator. Gain is a measure of the relative efficiency of a directional antennas as compared to an omni directional antenna.

**General Population/Uncontrolled Environment** – Defined by the FCC, as an area where RFR exposure may occur to persons who are **unaware** of the potential for exposure and who have no control of their exposure. General Population is also referenced as General Public.

**Generic Antenna** – For the purposes of this report, the use of “Generic” as an antenna model means the antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of antenna models to select a worst case scenario antenna to model the site.

**Isotropic Antenna** – An antenna that is completely non-directional. In other words, an antenna that radiates energy equally in all directions.

**Maximum Measurement** – This measurement represents the single largest measurement recorded when performing a spatial average measurement.

**Maximum Permissible Exposure (MPE)** – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.

**Occupational/Controlled Environment** – Defined by the FCC, as an area where Radio Frequency Radiation (RFR) exposure may occur to persons who are **aware** of the potential for exposure as a condition of employment or specific activity and can exercise control over their exposure.

**OET Bulletin 65** – Technical guideline developed by the FCC's Office of Engineering and Technology to determine the impact of Radio Frequency radiation on Humans. The guideline was published in August 1997.

**OSHA (Occupational Safety and Health Administration)** – Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA's role is to promote the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit [www.osha.gov](http://www.osha.gov).

**Radio Frequency Radiation** – Electromagnetic waves that are propagated from antennas through space.

**Spatial Average Measurement** – A technique used to average a minimum of ten (10) measurements taken in a ten (10) second interval from zero (0) to six (6) feet. This measurement is intended to model the average energy an average sized human body will absorb while present in an electromagnetic field of energy.

**Transmitter Power Output (TPO)** – The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load.

## Appendix C – Rules & Regulations

### Explanation of Applicable Rules and Regulations

The FCC has set forth guidelines in OET Bulletin 65 for human exposure to radio frequency electromagnetic fields. Specific regulations regarding this topic are listed in Part 1, Subpart I, of Title 47 in the Code of Federal Regulations. Currently, there are two different levels of MPE - General Public MPE and Occupational MPE. An individual classified as Occupational can be defined as an individual who has received appropriate RF training and meets the conditions outlined below. General Public is defined as anyone who does not meet the conditions of being Occupational. FCC and OSHA Rules and Regulations define compliance in terms of total exposure to total RF energy, regardless of location of or proximity to the sources of energy.

It is the responsibility of all licensees to ensure these guidelines are maintained at all times. It is the ongoing responsibility of all licensees composing the site to maintain ongoing compliance with FCC rules and regulations. Individual licensees that contribute less than 5% MPE to any total area out of compliance are not responsible for corrective actions.

OSHA has adopted and enforces the FCC's exposure guidelines. A building owner or site manager can use this report as part of an overall RF Health and Safety Policy. It is important for building owners/site managers to identify areas in excess of the General Population MPE and ensure that only persons qualified as Occupational are granted access to those areas.

### Occupational Environment Explained

The FCC definition of Occupational exposure limits apply to persons who:

- are exposed to RF energy as a consequence of their employment;
- have been made aware of the possibility of exposure; and
- can exercise control over their exposure.

OSHA guidelines go further to state that persons must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

In order to consider this site an Occupational Environment, the site must be controlled to prevent access by any individuals classified as the General Public. Compliance is also maintained when any non-occupational individuals (the General Public) are prevented from accessing areas indicated as Red or Yellow in the attached RF Emissions diagram. In addition, a person must be aware of the RF environment into which they are entering. This can be accomplished by an RF Safety Awareness class, and by appropriate written documentation such as this Site Compliance Report.

All T-Mobile employees who require access to this site must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

## Appendix D – General Safety Recommendations

The following are *general recommendations* appropriate for any site with accessible areas in excess of 100% General Public MPE. These recommendations are not specific to this site. These are safety recommendations appropriate for typical site management, building management, and other tenant operations.

1. All individuals needing access to the main site (or the area indicated to be in excess of General Public MPE) should wear a personal RF Exposure monitor, successfully complete proper RF Safety Awareness training, and have and be trained in the use of appropriate personal protective equipment.

2. All individuals needing access to the main site should be instructed to read and obey all posted placards and signs.

3. The site should be routinely inspected and this or similar report updated with the addition of any antennas or upon any changes to the RF environment including:

- adding new antennas that may have been located on the site
- removing of any existing antennas
- changes in the radiating power or number of RF emitters

4. Post the appropriate **NOTICE**, **CAUTION**, or **WARNING** sign at the main site access point(s) and other locations as required. Note: Please refer to RF Exposure Diagrams in Appendix B, to inform everyone who has access to this site that beyond posted signs there may be levels in excess of the limits prescribed by the FCC. The signs below are examples of signs meeting FCC guidelines.



5. Ensure that the site door remains locked (or appropriately controlled) to deny access to the general public if deemed as policy by the building/site owner.

6. For a General Public environment the four color levels identified in this analysis can be interpreted in the following manner:

- Gray represents area at below 5% of the General Public MPE limits or below. This level is safe for a worker to be in at any time.
- Green represents areas predicted to be between 5% and 100% of the General Public MPE limits. This level is safe for a worker to be in at any time.

- Blue represents areas predicted to be between 100% and 500% of the General Public MPE limits. This level is safe for a worker to be in at any time.
- Yellow represents areas predicted to be between 500% and 5000% of the General Public MPE limits. This level is safe for a worker to be in.
- Red areas indicated predicted levels greater than 5000% of the General Public MPE limits. This level is not safe for the General Public to be in.

7. For an Occupational environment the four color levels identified in this analysis can be interpreted in the following manner:

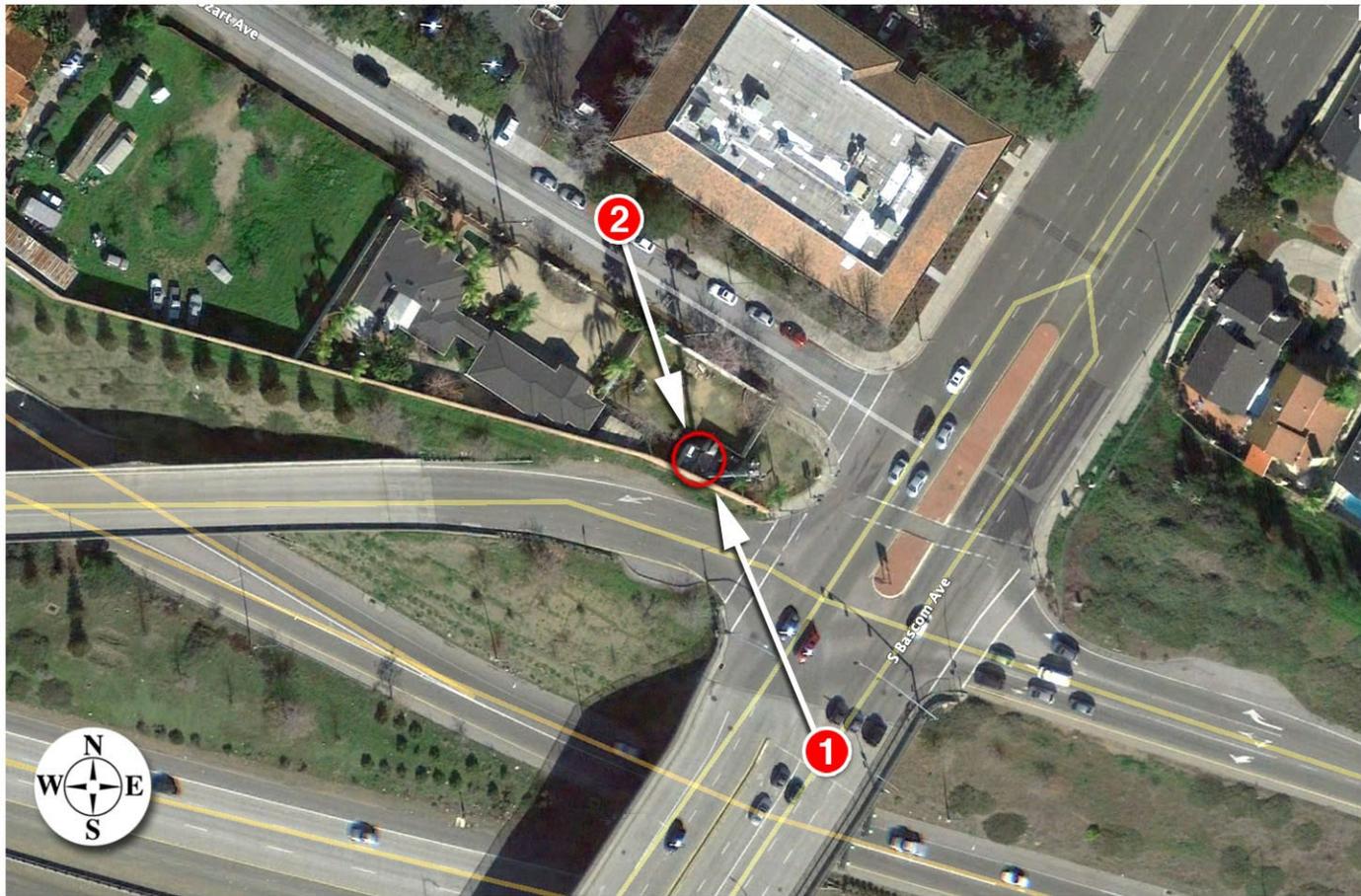
- Areas indicated as Gray are at 5% of the Occupational MPE limits or below. This level is safe for a worker to be in at any time.
- Green represents areas predicted to be between 5% and 20% of the Occupational MPE limits. This level is safe for a worker to be in at any time.
- Yellow represents areas predicted to be between 20% and 100% of the Occupational MPE limits. Only individuals that have been properly trained in RF Health and Safety should be allowed to work in this area. This is not an area that is suitable for the General Public to be in.
- Red areas indicated predicted levels greater than 100% of the Occupational MPE limits. This level is not safe for the Occupational worker to be in for prolonged periods of time. Special procedures must be adhered to such as lock out tag out procedures to minimize the workers exposure to EME.

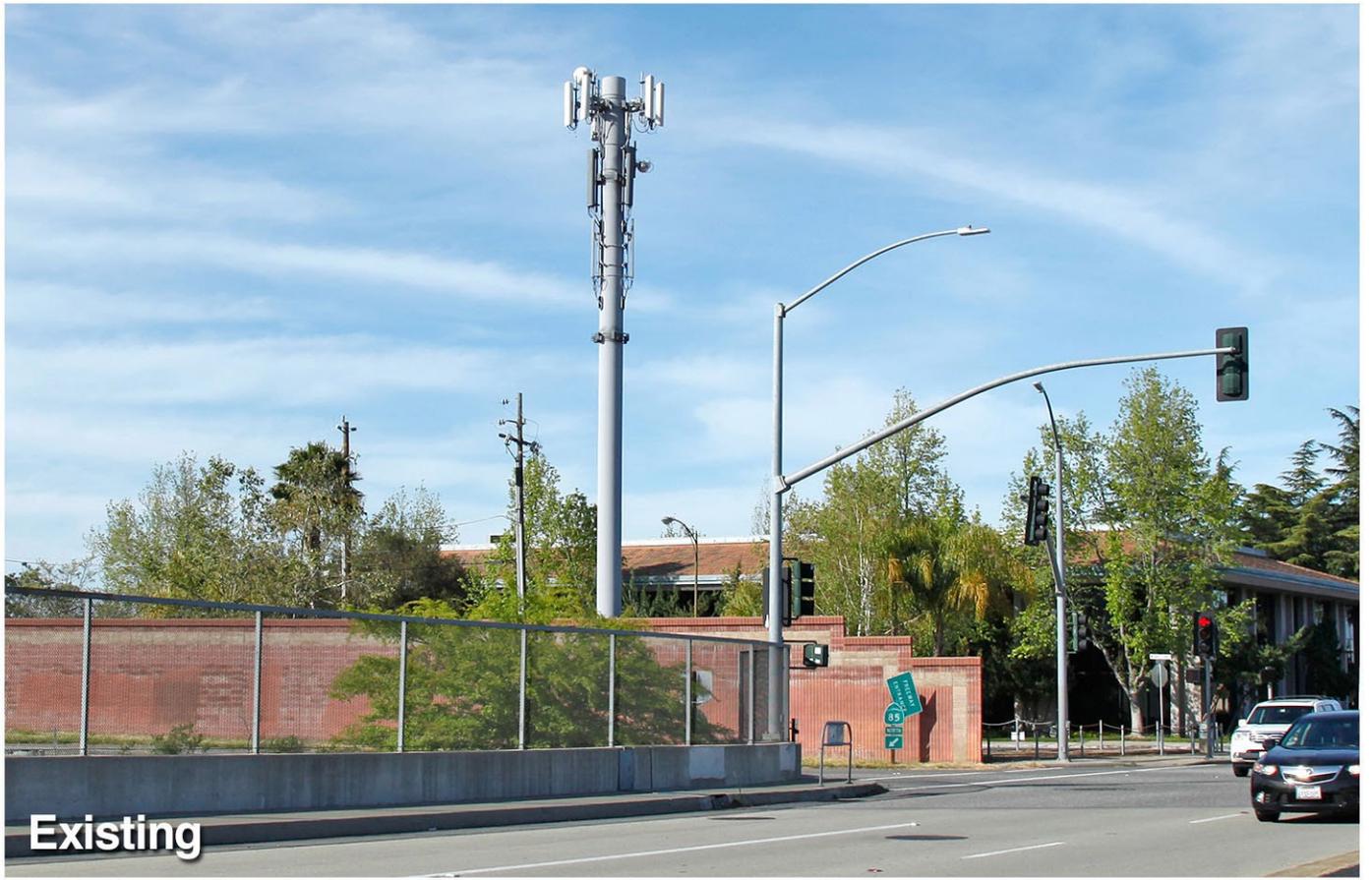
8. Use of a Personal Protective Monitor: When working around antennas, Sitesafe strongly recommends the use of a Personal Protective Monitor (PPM). Wearing a PPM will properly forewarn the individual prior to entering an RF exposure area.

Keep a copy of this report available for all persons who must access the site. They should read this report and be aware of the potential hazards with regards to RF and MPE limits.

### **Additional Information**

Additional RF information is available by visiting both [www.Sitesafe.com](http://www.Sitesafe.com) and [www.fcc.gov/oet/rfsafety](http://www.fcc.gov/oet/rfsafety). OSHA has additional information available at: <http://www.osha-slc.gov/SLTC/radiofrequencyradiation>.





**Existing**



proposed antennas —————

**Proposed**



Existing



proposed antennas

Proposed



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • June 14, 2016**

**PLN2016-019**

Public Hearing to consider the application of Majid Saneinead for a Planned Development Permit to allow the construction of three (3) two-story attached townhomes. Tentative Parcel Map to create three residential lots and one common lot, Zoning Map Amendment to change the zoning district designation from R-M (Multi-Family Residential) to P-D (Planned Development), and Tree Removal Permit to allow for the removal of one protected tree at **1223 Walnut Drive** (PLN2016-019).

**STAFF RECOMMENDATION**

That the Planning Commission take the following actions:

1. **Continue the Item**, requesting the applicant return to the Site and Architectural Review Committee (SARC) with revised plans with a floor area ratio of 50% or less.

**ENVIRONMENTAL DETERMINATION**

Development projects are subject to review under the California Environmental Quality Act (CEQA). The level of review required under CEQA is generally commensurate with the scale and complexity of the proposed development. Although many projects (e.g., minor land divisions, single-family residences, small "infill" developments, etc.) are generally exempt from CEQA, the project requires a Zoning Map Amendment which is not generally exempt under CEQA. Development proposals that are not exempt require preparation of an Initial Study that analyzes a project for various potential environmental impacts, including traffic, air and water pollution, greenhouse gas emissions, and noise.

Based on the Initial Study (reference **Attachment 3**), staff prepared a Negative Declaration finding that the proposed project will not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report or a Mitigated Negative Declaration. As required by law, the Draft Negative Declaration and Initial Study were filed with the County Clerk-Recorder's Office for public review, noticed in the Campbell Express newspaper, and posted on the City's website. The public was invited to comment on the Draft Negative Declaration in writing during the 20-day comment period (May 25 to June 14th) and in person at the Planning Commission Public Hearing (June 14, 2016) and City Council public hearing (Date TBD). Staff has not received any comments on the draft Negative Declaration.

If the Planning Commission recommends approval of the project, the Negative Declaration should be adopted. Otherwise, staff recommends that the Planning Commission continue consideration of the Negative Declaration until the entire project is recommended for approval.

**PROJECT DATA**

General Plan Designation:	Low-Medium Density Residential (6-13 units/gr. acre)
Zoning Designation Proposed:	P-D (Planned Development)
Zoning Designation Existing:	R-M (Multi-Family Residential)
Gross Lot Area:	12,814 square feet
Net Lot Area:	10,011 square feet
Floor Area Proposed (P-D):	5,850 sq. ft. (58.43%)
Floor Area Standard (R-M):	5,001 sq. ft. (50%)
Density Proposed:	10.2 units/gr. acre (3 units)
Density Allowed:	6-13 units/gr. acre (1-3 <sup>1</sup> units)
Parking Proposed:	9 spaces (6 enclosed within garage; 3 uncovered)
Parking Required:	9 spaces (3 covered; 6 uncovered)
Surrounding Uses:	
North:	Single-Family Attached and Detached Townhomes
South:	Single Family Residential
East:	Single-Family Attached Townhomes
West:	Senior Living Facility

## DISCUSSION

Applicant's Proposal: The project includes an application to subdivide the project site into three (3) single-family residential parcels, ranging from 2,126 to 2,281 square feet in net site area (reference **Attachment 1** – Project Plans). The development will include construction of three attached two-story single-family residences at a maximum height of 26 feet, five inches from existing grade and an average floor area ratio not to exceed 58.43% for the entire development. Required land use entitlements for the proposed project include a Planned Development Permit for site configuration, architectural design and to create lots which do not have frontage on a public street, Tentative Parcel Map to create three single family lots and one commonly owned lot, Zoning Map Amendment to change the zoning from R-M (Multiple-Family Residential) to P-D (Planned Development), and Tree Removal Permit to allow removal of one protected tree. The project requires approval by the City Council.

Project Location: The project site consists of a single parcel located on Walnut Drive between Wendell Drive and Hacienda Avenue (reference **Attachment 1** – Location Map). The 10,011 square foot (net area) lot is currently developed with one single-family residence that will be demolished as part of the project. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west.

## ANALYSIS

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<sup>1</sup> Per CMC Section 21.02.20(D), the fractional result of calculating the number of housing units allowed within a zoning district shall be rounded down to the next whole number.

General Plan / Land Use: The Campbell General Plan represents the City's long term vision for the community and one of its functions is to help guide decision-making regarding the City's physical growth. In this regard, the General Plan provides policies applicable to land use and development, and organizes the City into a framework of distinct land use designations (i.e., commercial, residential, industrial, etc.), as codified by the General Plan Land Use Map.

The General Plan land use designation for the project site is Low-Medium Density Residential (6-13 units per gross acre). The proposed density is approximately ten (10) units per gross acre.

San Tomas Area Neighborhood: The property is located within the San Tomas Area Neighborhood. The San Tomas Area Neighborhood Plan (STANP) furthers the goals and policies of the General Plan by applying specific development standards to more adequately define future developments that are in keeping with desired goals/outcomes. The STANP was adopted in 1993 and amended in the year 2000. The STANP is the result of resident concerns over increasing traffic and small lot Planned Development subdivisions that are out of character with the neighborhood. The City recognizes the San Tomas Area as unique in its rural character. The objectives of the STANP are to:

1. Ensure that the size of homes is in proportion to lot size.
2. Ensure that new developments are integrated with homes in the surrounding area.
3. Ensure that projects in PD zones are compatible with the surrounding area.
4. Use landscaping to enhance the rural characteristics of the area.
5. Establish criteria to determine larger than minimum lot size.

Development of the site must be consistent with the STANP and should respect and enhance the area as primarily low-density single family residential. Development should also incorporate good design and optimal open space to minimize privacy impacts, traffic impacts, and noise impacts to the neighborhood. The STANP provides design guidance in terms of scale and mass, surface articulation, building orientation, exterior design variation, and privacy impacts. The STANP provides additional standards for Planned Developments including height and setbacks.

Zoning District: The existing zoning on the property is R-M (Multi-Family Residential). The project requires a Zoning Map Amendment to change the zoning to P-D (Planned Development). Although the townhome project is attached, the project requires a P-D zoning designation because each home in the subdivision will be located on a separate lot, where two lots will not have frontage on the public street. The P-D zoning district allows for flexibility of site standards when consistent with site characteristics, particularly related to the development's design and provision of open space. In cases where the P-D Zoning Ordinance and the STANP conflict, the STANP policies prevail. In cases where both the P-D Zoning Ordinance and STANP are silent, the City looks to the standards that would be permitted using the underlying General Plan land use designation. In this case the Low-Medium General Plan designation is equivalent to the R-M (Multi-Family Residential) Zoning District. Development within the P-D Zoning District must be consistent with applicable General Plan goals, policies, and strategies.

Tentative Parcel Map: The applicant is requesting approval of a Tentative Parcel Map to subdivide the property into three residential lots and one common lot (as described further in this report). Prior to recordation of the Final Map, the applicant will be required to submit draft Covenants, Conditions and Restrictions (CC&R's) which provide for the formation of a homeowner's association to ensure the long-term maintenance of the common lot and continued architectural integrity of the project.

**Site Layout:** The project includes a common lot consisting of guest parking and a single private road/driveway that will serve the three attached townhomes. Access to the private street/driveway would be taken from the west side of Walnut Drive. The private street will range in width from 16 to 20 feet with an additional one to five feet of landscape buffer on the north side of the drive aisle. Each unit has their own two-car garage in addition to guest parking. A portion of the curb along the private roadway will be designated as a fire lane in case of emergency.

**Landscaping and Tree Removal:** There are 10 existing trees on the property, only one of which is over 12-inches in diameter. One protected 13.6 inch Black acacia tree will be removed. While the Black acacia tree provides good screening, it is considered a nuisance and should be removed, as its roots are invasive towards water sources. The applicant will also remove two smaller non-protected trees. Seven (7) trees will remain on the property and the applicant will plant two additional trees including one 15-gallon street tree and one 24-inch crape myrtle tree to replace the removed tree. The nine (9) trees exceed the six-tree minimum requirement for this property (one tree per 2,000 square feet of net lot area). The project also includes new landscaping in front of the home facing Walnut Drive, as well as some minimal landscaping in front of the other two homes. The driveway and guest parking spaces will be conditioned to use permeable pavers in order to limit stormwater runoff.

**Floor Area:** Floor area is not specified in either the STANP or the P-D Zoning Ordinance. Therefore, staff refers to the underlying General Plan equivalent (the R-M zoning district) for the floor area standard. The applicant has been informed that the maximum floor area ratio (FAR) permitted under the R-M zoning is 50%; however the applicant is requesting flexibility under the Planned Development zoning. The applicant's original proposal included a FAR of 66%. As discussed later in this report, the Site and Architectural Review Committee (SARC) requested that the applicant reduce the floor area to be "closer to 50%". The applicant interpreted this direction to allow some flexibility as to the appropriate floor area ratio and therefore reduced the floor area to approximately 58%. While the SARC did not specify an exact percentage, staff is recommending that the maximum floor area be no greater than 50%, consistent with the R-M zoning district.

<b>Table 1 - Project Data</b>					
<b>Lot #</b>	<b>Net Lot (Sq. ft.)</b>	<b>Living Area (Sq. ft.)</b>	<b>Garage (Sq. ft.)</b>	<b>Total F.A. (Sq. ft.)</b>	<b>Open Space<sup>2</sup> (Sq. ft.)</b>
1	2,406	1,558	373	1,931	430
2	1,704	1,580	379	1,959	498
3	2,832	1,581	379	1,960	1,407
4*	3,069	driveway / private road and guest parking			
<b>Total</b>	<b>10,011</b>	<b>4,719</b>	<b>1,131</b>	<b>5,850</b>	<b>2,335</b>

\* “lot 4” is the common area lot to be maintained by a homeowners association

In addition to asking for flexibility under the Planned Development designation, the applicant is asking the Planning Commission and City Council to consider the FAR of the two adjacent subdivisions. The following table shows the FAR of the 3-unit subdivision immediately north of the subject property and the 23-unit subdivision across the street. The adjacent 3-unit subdivision was approved in 1989 as a Planned Development with a FAR of 65.63%. The 23-unit subdivision across the street, which retains the R-M multi-family zoning designation, was approved in 1980 with a FAR of 52.78%.

<b>Table 2 – Floor Area Comparisons</b>		
<b>Reference</b>	<b>Net Lot (Sq. ft.)</b>	<b>Floor Area (FAR)</b>
<b>Proposed Project</b>	10,011	
<b>Abutting 3-unit Subdivision<sup>3</sup></b>	8,462	5,554 SF (66%)
<b>Neighboring 23-unit Subdivision<sup>4</sup></b>	81,170	42,838 SF (53%)
<b>R-M District</b>	9,000	50%

While the applicant’s proposed FAR of 58.4% is below the average of the two adjacent developments, it should be noted that these two developments were approved prior to the STANP being adopted in 1993. As previously stated the STANP was created in response to neighborhood concerns over small lot Planned Development subdivisions that were considered out of character with the neighborhood. Staff is recommending a FAR of 50% which would be consistent with the underlying General Plan designation and could provide more open space by reducing the building footprint. Moreover, a lower FAR could be found more consistent with the primarily single-family residential characteristics of Walnut Drive and the San Tomas area.

<sup>2</sup> Minimum 300 SF of open space required per R-M zoning standards (not including front setback area).

<sup>3</sup> The 3-unit townhome project is located at the southwestern corner of Walnut Dr. and Hacienda Ave, immediately right of the subject property.

<sup>4</sup> The 23-unit townhome development is located at the northeastern corner of Walnut Dr. and Hacienda Ave, across the street.

**Design Scale and Massing:** Staff has worked with the applicant on the design of the townhome structure. In particular, the original proposal has been redesigned to add more surface articulation to the left side façade in order to be more compatible with the single-story home to the left. The Mediterranean design is similar in style (stucco, barrel tile roof) to the subdivision to the right. The entry way of 'lot 1' faces the public street, giving the appearance of a single-story home. Two of the three garage doors face inward, so that only one garage door faces the neighboring property, minimizing aesthetic impacts of the three-unit attached townhome structure. The design incorporates a neutral color palette of tans and browns.

**Privacy:** The subject property is located next to an existing single-story single-family dwelling. The second story of the structure is approximately 17 feet from the property line and approximately 31 feet from the single-story home on the adjacent property. In response to concerns identified by staff, the applicant reduced the size of four second-story windows and redesigned the second-story balconies to be non-operational to reduce privacy impacts.

**Public Improvements:** Given the intensification of this property and to ensure consistency with the existing development to the north and across the street, the Public Works Department has recommended that the applicant construct City standard curb, gutter and detached sidewalk. While Walnut Drive is designated to remain unimproved per the STANP, the City Council can review and approve exceptions to STANP policies (reference STANP page 21). Outside of the STANP area, the scope of the project would trigger frontage improvements per Campbell Municipal Code 11.24.040.

**Public Outreach:** The applicant provided copies of the architectural plans to abutting property owners, consistent with the City's application requirements. Three (3) forms were returned without comment from the neighbors immediately left of the subject property and two of three townhomes immediately right of the subject property. The applicant informed staff that he was unsuccessful in contacting the owner of the third townhome because a renter resides there. The applicant also attempted to notify the senior living facility behind the subject property but did not receive a response. Following posting of the SARC report (and prior to the most recent design changes), the City received a letter from the San Tomas Area Community Coalition (STACC). The STACC supports the P-D zoning change with single-family homes but has concerns regarding the proposed floor area, lot coverage, windows, balconies, and landscape strip adjacent to the driveway.

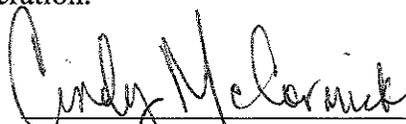
**Site and Architectural Review Committee:** The Site and Architectural Review Committee (SARC) reviewed the design and configuration of the proposed project at its April 26, 2016 meeting. The SARC was supportive of the project's 3-unit density, proposed setbacks, architecture, and color palette but recommended that the floor area be reduced "closer to 50%". The SARC also recommended that the applicant incorporate more open space into the development. In response, the applicant reduced the floor area from 66% to 58.4% and added additional landscaping along the right side of the driveway, as discussed earlier in this report.

## ALTERNATIVES

The Planning Commission may pursue the following alternatives in forming their recommendation to the City Council.

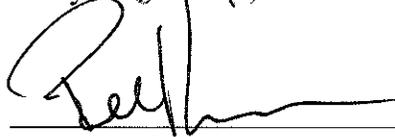
1. Accept the proposed application and ***provide staff with specific findings*** explaining how the project as proposed including the floor area complies with the Zoning Ordinance and the STANP and why a recommendation for approval is able to be made. **Continue the Item**, and direct Staff to return to the Planning Commission on July 12, 2016 with draft findings and conditions of approval recommending that the City Council ***approve*** the project as proposed (PLN2016-019) which includes a Planned Development Permit to allow the construction of three (3) two-story attached townhomes. Tentative Parcel Map to create three residential lots and one common lot, Zoning Map Amendment to change the zoning district designation from R-M (Multi-Family Residential) to P-D (Planned Development), Tree Removal Permit to allow for the removal of one protected tree; and Negative Declaration; OR
2. **Continue the Item**, requesting the applicant return to the Site and Architectural Review Committee (SARC) with revised plans with specific direction regarding requested changes in addition to or in lieu of reducing the floor area (e.g., reduce density to a specific number of units, detach the units with a specific setback between units, etc.); OR
3. **Continue the Item**, requesting additional information from staff and/or the applicant; OR
4. **Adopt a Resolution**, recommending that the City Council ***deny*** the project (PLN2016-019) which includes a Planned Development Permit to allow the construction of three (3) two-story attached townhomes, a Tentative Parcel Map to create three residential lots and one common lot, a Zoning Map Amendment to change the zoning district designation from R-M (Multi-Family Residential) to P-D (Planned Development), and a Tree Removal Permit to allow for the removal of one protected tree. Staff will then prepare findings for denial for the Council's consideration.

Prepared by:



Cindy McCormick, Senior Planner

Approved by:



Paul Kermoyan, Community Development Director

### Attachments:

1. Project Plans & Tentative Parcel Map
2. Location Map
3. Initial Study
4. Letter with attachments from San Tomas Area Community Coalition

**PROPOSED 3 TOWNHOUSES FOR  
 MR. M. SANENEJAD  
 1223 WALNUT DRIVE  
 CAMPBELL, CALIFORNIA**



STREETSCAPE

SCALE 1/8" = 1'-0"

REVISIONS	BY
5/10/16	LD

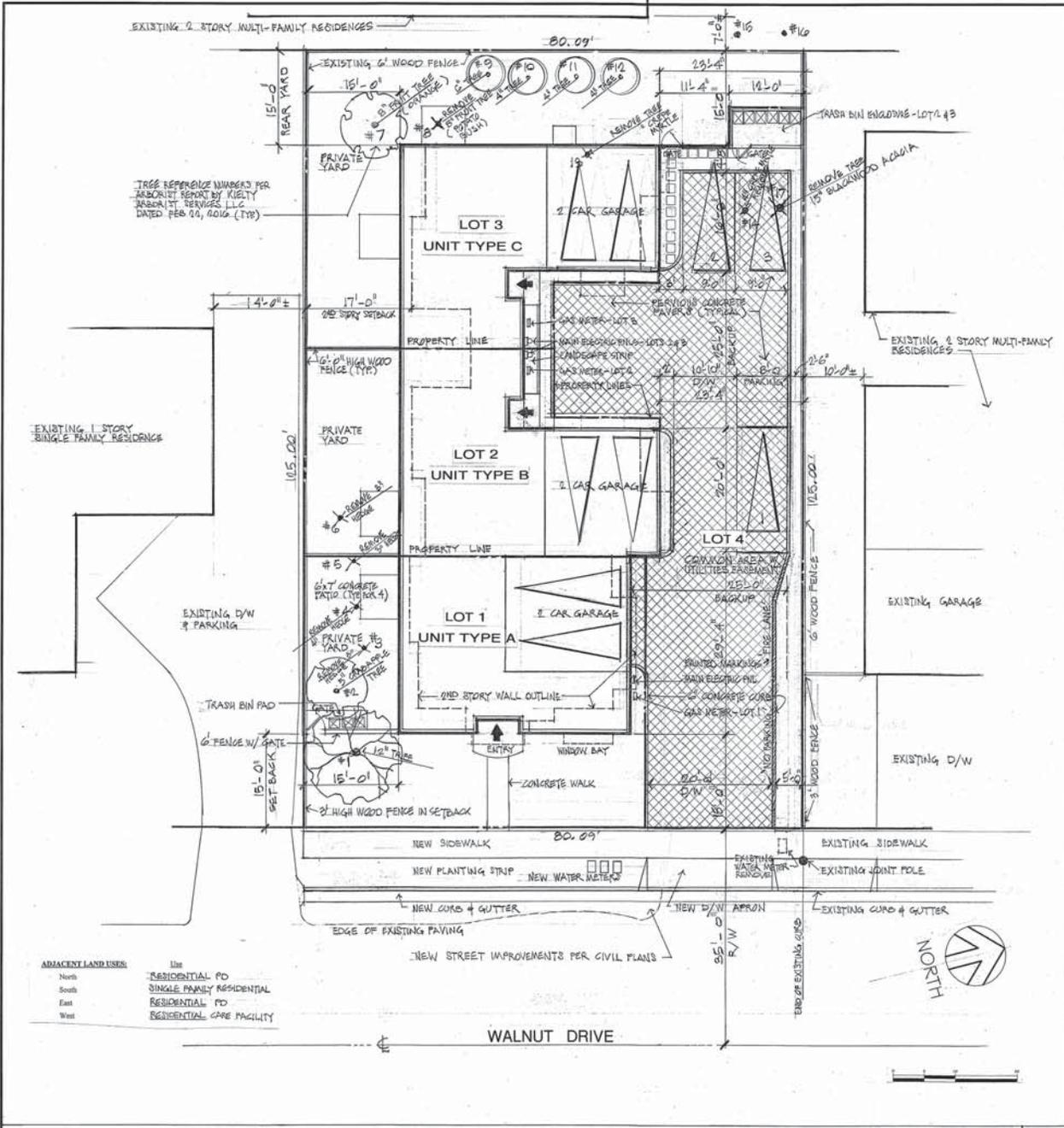
**LOUIS DORCICH**  
 ARCHITECT  
 P.O. BOX 7006 SAN JOSE, CA 95126-7006  
 PHONE: (408) 430-4928  
 EMAIL: LLOUIS@LDORCICHARCH.COM

PROPOSED 3 TOWNHOUSES FOR:  
**MR. M. SANENEJAD**  
 1223 WALNUT DRIVE  
 CAMPBELL, CALIFORNIA

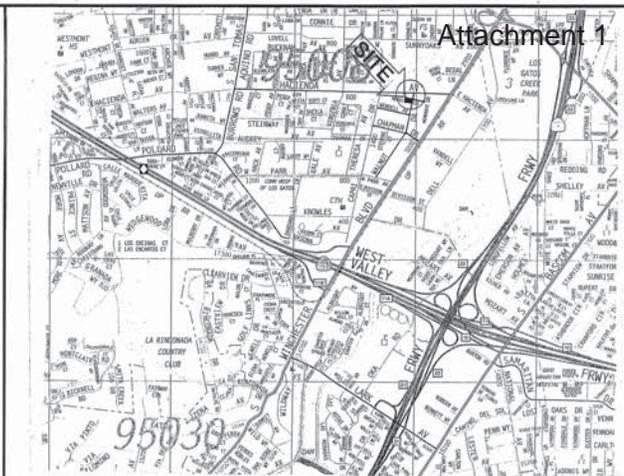
COVER SHEET  
 STREETSCAPE

Date	12/30/15
Scale	1/8" = 1'-0"
Drawn	LD
Job	15006
Sheet	0
Of	5 Sheets

REVISIONS	BY
5/13/16	6



SITE PLAN



VICINITY MAP

SHEET NUMBER	SHEET DESCRIPTION	OWNER
0	ARCHITECTURAL COVER SHEET	MATT SANENEJAD 1223 WALNUT DRIVE CAMPBELL, CA 95008 408/886-1841
1	SITE PLAN - PROJECT DATA	
2	FLOOR PLANS	
3	EXTERIOR ELEVATIONS	
4	ROOF PLAN - CROSS SECTION	
		<b>ARCHITECT</b> LOUIS DORCICH - ARCHITECT P.O. BOX 7806 SAN JOSE, CA 95150 831/430-9748
1	CIVIL TENTATIVE PARCEL MAP	<b>CIVIL ENGINEER</b> ADVANCED DEVELOPMENT 2733 BENJAMIN COURT SAN JOSE, CA 95124 408/376-0870, 408/891-1689
2	GRADING & DRAINAGE PLAN	
		<b>LANDSCAPE DESIGN</b> J. R. NELSON & ASSOCIATES P.O. BOX 110700 CAMPBELL, CA 95011 408/377-2500
<b>DRAWING INDEX</b>		<b>PROJECT ROSTER</b>

**LOUIS DORCICH**  
ARCHITECT  
P.O. BOX 7806  
SAN JOSE, CA 95150  
PHONE: (408) 430-9748  
EMAIL: LDORCICH@AOL.COM

PROPOSED 3 TOWNHOUSES FOR:  
**MR. M. SANENEJAD**  
1223 WALNUT DRIVE  
CAMPBELL, CALIFORNIA

ASSESSORS PARCEL NUMBER: 406 10 008

**LOT SIZE:**  
 18,814 - Gross sq. ft. (Property to center line of street)  
 19,011 - Net sq. ft. LOT 2 1,448 + COMMON AREA  
 3,511 - Gross sq. ft. COMMON AREA  
 3,141 - Net sq. ft. COMMON AREA

DEVELOPMENT DATA:	Square Feet		Percent of Site	
	Existing	Proposed	Existing	Proposed
Building coverage	2232	3299.5	22.3	32.7
Landscape coverage	5171	3803.5	51.8	38.9
Paving coverage	2588	2708	25.9	29.4
FLOOR AREA RATIO: Total 104 sq. ft. divided by net lot area	2232	3849.6	22.3	58.4

DEVELOPMENT DATA FOR EACH PROPOSED LOT				
LOT / UNIT TYPE	FLOOR AREA RATIO	LOT COV. RATIO	LOT DENSITY	MIN. YIELD RATIO
LOT 1 / TYPE A	80.2%	44.8%	17.9%	
LOT 2 / TYPE B	112.2%	63.4%	29.2%	
LOT 3 / TYPE B	62.8%	35.2%	57.4%	
PERCENT OF PARKING AT RITEWAY SETBACK (64% MAX.)				36.3%

**PARKING:**

# Handicapped Spaces	# Compact Spaces	# Disabled Spaces	# TOTAL PARKING
0	0	0	0

**RESIDENTIAL PROJECTS:**

	UNIT TYPE A	UNIT TYPE B	UNIT TYPE C	UNIT TYPE D
Units Area (Square Footage)	1588.0	1588.0		
Common Area (Square Footage)	714.0	714.0		
Total Area (Square Footage)	2302.0	2302.0		
Number of Bedrooms	2	2		
Total Number of Units per Type	1	1		

SITE PLAN  
PROJECT DATA

Date 10/20/15  
Scale AS NOTED  
Drawn 6  
Job 15006  
Sheet 1  
Of 6 Sheets

PROJECT DATA

SCALE 1/4"=1'-0"

REVISIONS	BY
3/10/16	6

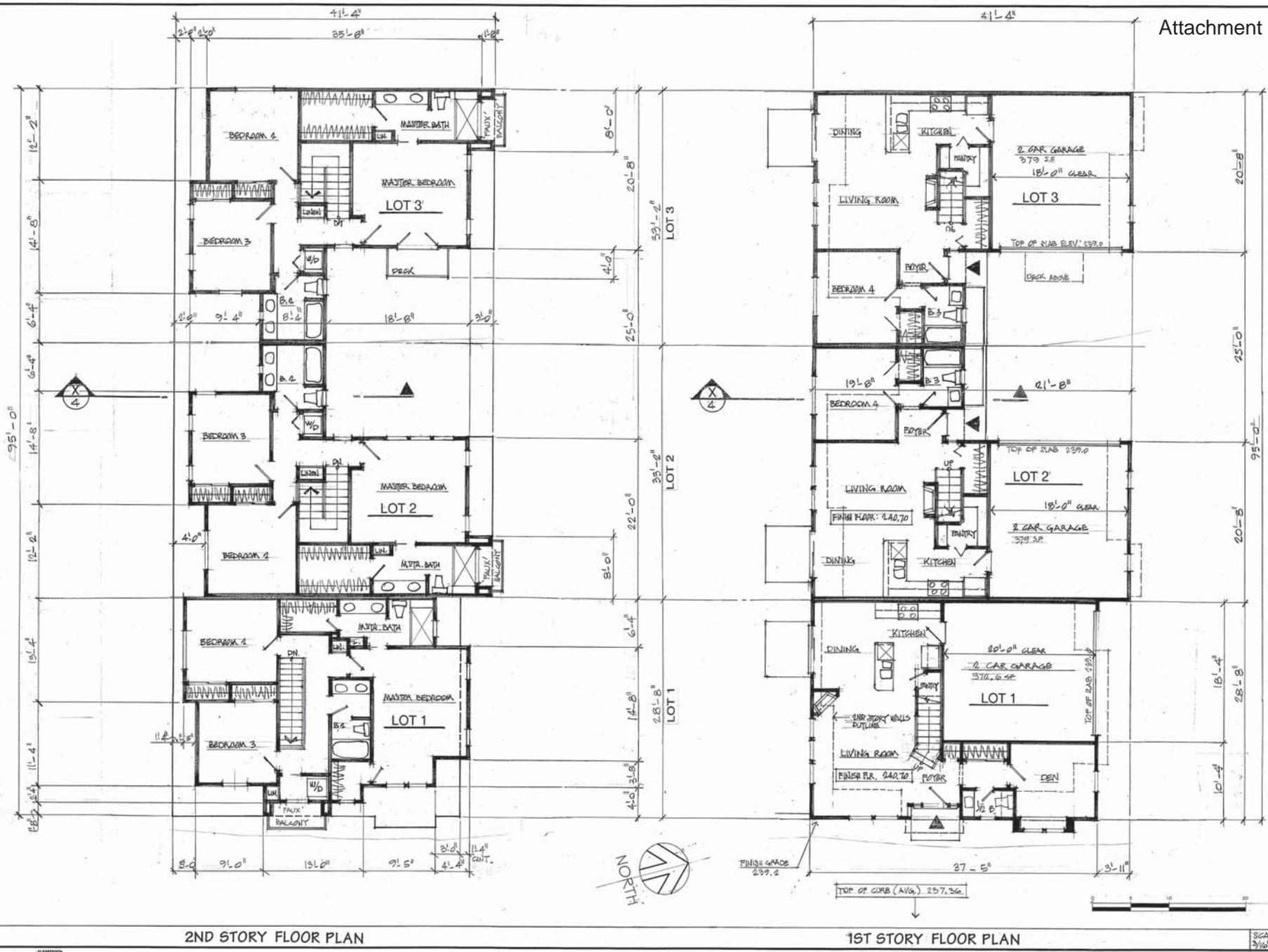
**LOUIS DORCICH**  
 ARCHITECT  
 P.O. BOX 7000 SAN JOSE, CA 95130  
 PHONE: (415) 430-0735  
 EMAIL: LDDORCICH@GMAIL.COM

PROPOSED 3 TOWNHOUSES FOR:  
**MR. M. SANENEJAD**  
 1223 WALNUT DRIVE  
 CAMPBELL, CALIFORNIA

FLOOR PLANS

Date	12/30/15
Scale	3/16" = 1'-0"
Drawn	6
Job	15006
Sheet	<b>2</b>
Of 5	Sheets

SCALE: 3/16" = 1'-0"



2ND STORY FLOOR PLAN

1ST STORY FLOOR PLAN

REVISIONS	BY
6/10/16	HD

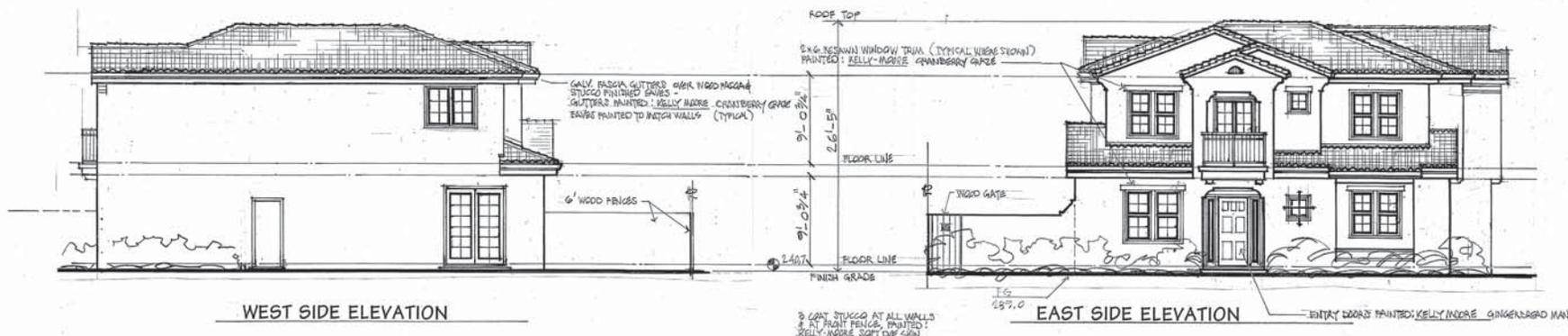
**LOUIS DORCICH**  
 ARCHITECT  
 1001 W. 12TH ST., SUITE 100  
 CAMPBELL, CA 95008  
 PHONE: (925) 430-5748  
 EMAIL: LDO@LDOARCH.COM

PROPOSED 3 TOWNHOUSES FOR:  
**MR. M. SANENEJAD**  
 1223 WALNUT DRIVE  
 CAMPBELL, CALIFORNIA

EXTERIOR ELEVATIONS

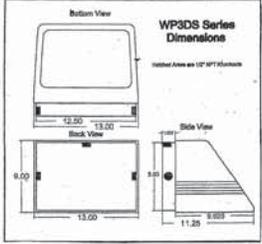
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 Scale: 3/16" = 1'-0"  
 Drawn: HD  
 Job: 15006  
 Sheet: **3**  
 Of 5 Sheets

SCALE: 3/16" = 1'-0"



WEST SIDE ELEVATION

EAST SIDE ELEVATION

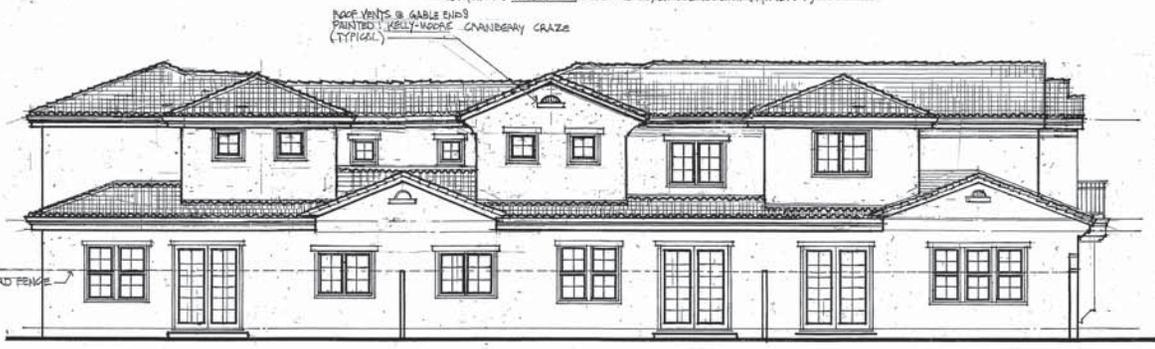


EXTERIOR LED LIGHT FIXTURE: JARVIS® WP3DS-30 'DARK SKY'  
 FULL CUT OFF STYLE.  
 FINISH: BACZITE (BZ.)

EXTERIOR LIGHT FIXTURE



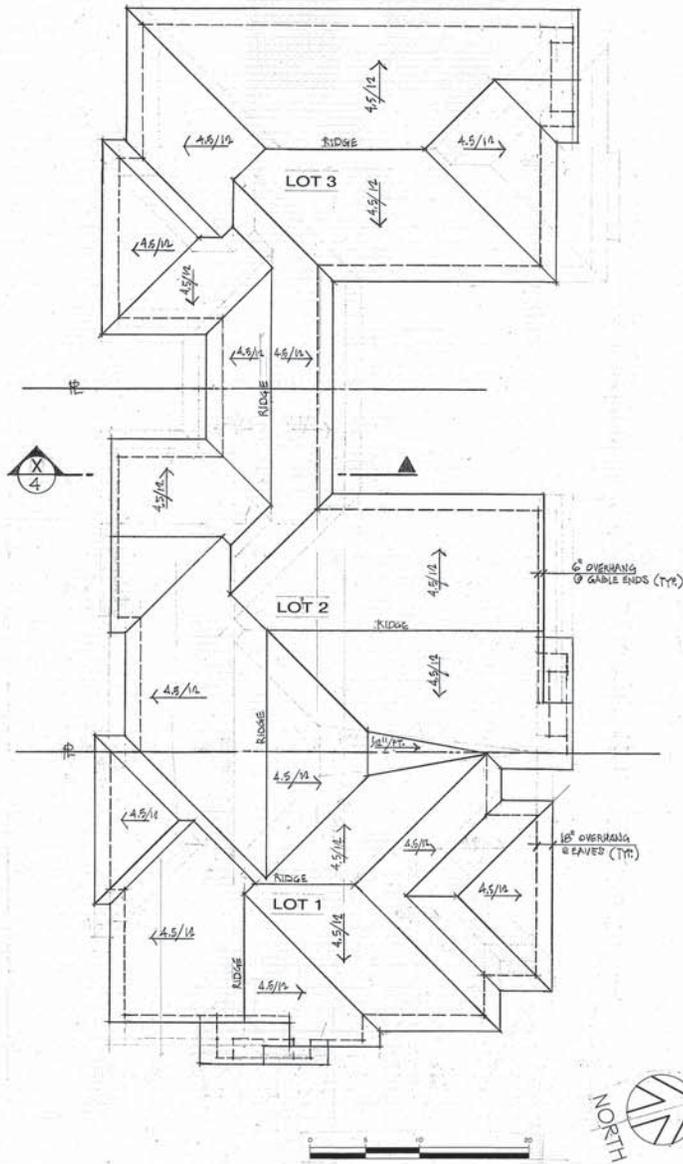
NORTH SIDE ELEVATION



SOUTH SIDE ELEVATION

EXTERIOR ELEVATIONS

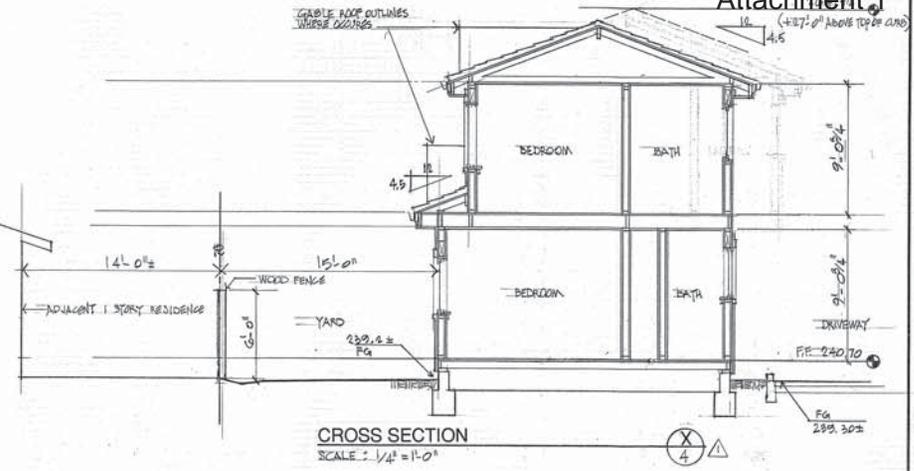




ROOF PLAN

SCALE: 3/16" = 1'-0"

Attachment 1



CROSS SECTION  
SCALE: 1/4" = 1'-0"



CROSS SECTION

SCALE: 1/4" = 1'-0"

REVISIONS	BY
5/10/16	6

**LOUIS DORCICH**  
 ARCHITECT  
 P.O. BOX 206, SAN JOSE, CA 95005-0206  
 PHONE: (415) 433-5248  
 EMAIL: LDORCICH@GMAIL.COM

PROPOSED 3 TOWNHOUSES FOR:  
**MR. M. SANENEJAD**  
 1223 WALNUT DRIVE  
 CAMPBELL, CALIFORNIA

CROSS SECTION  
 ROOF PLAN

Date	12/30/15
Scale	AS NOTED
Drawn	15
Job	15006
Sheet	<b>4</b>
Of 5 Sheets	

**PLANT PALETTE:**

KEY	QUANTITY	SIZE	NAME	NOTES
<b>TREES</b>				
T-1	1	15 GALLON	CITY OF CAMPBELL STREET TREE	
T-2	1	15 GALLON	LAGERSTROEMIA "TUSCARA"	CRAPE MYRTLE MULTI
<b>SHRUBS</b>				
S-1	8	5 GALLON	FRUNUS CAROLINA "COMPACTA"	CAROLIANA CHERRY
S-2	8	5 GALLON	PANDORA JASMINE "PINK"	BOWER VINE
S-3	24	5 GALLON	NANDINA "COMPACTA"	HEAVENLY BAMBOO
S-4	7	5 GALLON	PROBLEUM "ACE SPRAY"	NEW ZEALAND FLAX
S-5	7	10"	RAPHIOLEPS "CLARA"	INDIAN HAWTHORN
S-6	1	1 GALLON	ARCTOSTAPHYLOS "EMERALD CARPET"	MANZANITA
S-7	25	5 GALLON	RAPHIOLEPS "PINKIE"	INDIAN HAWTHORN
S-8	29	1 GALLON	HEMERICALLIS "STELLA DE ORO"	DAVILY
S-9	21	1 GALLON	MYOPORUM "PINK"	MYOPORUM

**EXISTING SITE TREES TO BE SAVED:**

KEY	DESCRIPTION	ACTION
A	APFICOT	SHAPE, PRUNE AND THIN OUT TREE PROTECTION D
B	MALUS "PARIE FIRE"	SAVE TREE PROTECTION D
C	CITRUS	SHAPE, PRUNE AND THIN OUT TREE PROTECTION D
D	FLUM "PURPLE LEAF"	SHAPE, PRUNE AND THIN OUT TREE PROTECTION D
E	FLUM "PURPLE LEAF"	SHAPE, PRUNE AND THIN OUT TREE PROTECTION D
F	LAGERSTROEMIA	SHAPE, PRUNE AND THIN OUT TREE PROTECTION D

**CONSTRUCTION NOTES:**

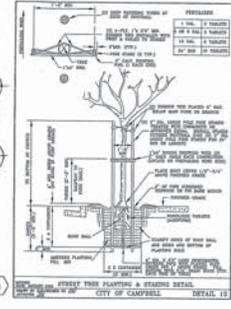
- (A) PLASTIC HEADERBOARD
- (B) MAILBOX MODULE (OWNER SUPPLIED, PER USPS SPEC)
- (C) CONCRETE STEPPING STONES (12" X 12")
- (D) WOOD LATH FENCE, ATTACHED TO FENCE
- (E) 6'-0" HIGH "GOOD NEIGHBOR" REDWOOD FENCE

**CITY OF CAMPBELL WATER EFFICIENT ORDINANCE:**

THIS PROJECT WAS DESIGNED TO INCLUDE THE CITY OF CAMPBELL WATER EFFICIENT LANDSCAPE GUIDELINES IN EFFECT AS OF JANUARY 1, 2014 AND COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM TOWARD THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

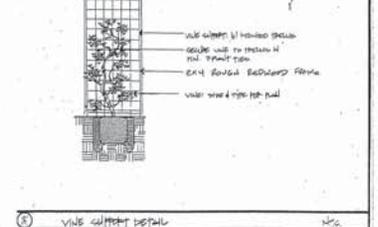
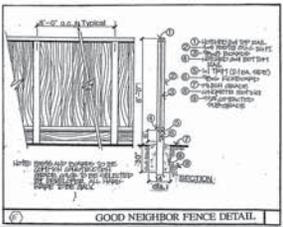
JON NELSON

JANUARY 1, 2016



**STREET TREE PLANTING NOTES:**

1. All trees shall be a minimum of 3/4" caliper at the top of the trunk when set in the hole.
2. All trees shall be inspected by the City of Campbell before planting.
3. The tree shall be planted in the hole with the trunk straight and the roots spread.
4. The tree shall be planted in the hole with the trunk straight and the roots spread.
5. The tree shall be planted in the hole with the trunk straight and the roots spread.
6. The tree shall be planted in the hole with the trunk straight and the roots spread.
7. The tree shall be planted in the hole with the trunk straight and the roots spread.
8. The tree shall be planted in the hole with the trunk straight and the roots spread.
9. The tree shall be planted in the hole with the trunk straight and the roots spread.
10. The tree shall be planted in the hole with the trunk straight and the roots spread.



**WUCOLS IV WATER CLASSIFICATION FOR CAMPBELL, CALIFORNIA**

Type	Botanical Name	Common Name	Water Use
Co.S.N	Anticarsynops "Emerald Carpet"	Emerald Carpet marantaceae	Moderate
P	Hemerocallis sp.	Day Lily	Moderate
T.A	Lagerstroemia speciosa, hybrids and cvs.	crrape myrtle	Low
Co.S	Myoporum parviflorum & cvs.	myoporum	Low
S	Nandina domestica	heavenly bamboo	Low
V	Funkia spondylosa	Wings wings vine	Moderate
P	Phormium tenax	New Zealand flax	Low
F	Prinos cordata	Carolina laurel cherry	Low
S	Psychotria indica & cvs	Indian Hawthorne	Low

**PLANTING NOTES:**

THE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK.

ALL WORK TO BE PERFORMED BY PERSONS FAMILIAR WITH THE TYPE OF WORK AND UNDER THE SUPERVISION OF A QUALIFIED PLANTING FOREMAN.

ALL LANDSCAPE AREAS SHALL RECEIVE AN AUTOMATIC IRRIGATION SYSTEM WHICH WILL SPRINKLE 100% OF PLANTED AREA WITH A MINIMUM OF 30 MINUTES TO STREETS AND SIDEWALKS. IRRIGATION WILL BE ADJUSTED TO MAINTAIN 1/2" OF MOISTURE IN THE SOIL. FERTILIZER AND SOILS. THIS SYSTEM SHALL BE SET TO WATER LANDSCAPE AREAS DURING THE NIGHT TIME OR AS EARLY IN THE MORNING TO REDUCE WATER LOSS TO EVAPORATION.

ALL PLANTING AREAS AND TREE SHRUB PLANTING HOLES SHALL BE FREE FROM ROCKS AND CONSTRUCTION DEBRIS LARGER THAN 3" IN DIAMETER.

ALL LANDSCAPE AREAS SHALL HAVE NITROGEN BARRIER INSTALLED INTO THE TOP 6" OF SOIL. THE APPLICATION RATE WILL BE 8 OUNCE YARDS OF NITROGEN BARRIER PER 1,000 SQUARE FEET. THIS BARRIER TO A 3" LAYER OF BARRIER RECOMMENDED AS SOIL AMENDMENT INTO EXISTING SOIL.

FERTILIZER SOIL BARRIER SHALL BE 1/2" BELOW TOP OF FERTILIZER OR SIDEWALK. LANDSCAPE CONTRACTOR SHALL ENSURE POSITIVE SURFACE DRAINAGE AWAY FROM SIDEWALKS IN ALL AREAS.

THE PLANT MATERIAL LOCATIONS ARE DIAGRAMMATIC AND SUBJECT TO CHANGE IN THE FIELD AS DICTATED BY THE LANDSCAPE DESIGNER. LAYOUT PLANTS ADDITIONAL TO THE PLAN SO THAT PLANTS ARE PROPERLY SPACED FOR FUTURE GROWTH. MAKE ADJUSTMENTS MAY BE NECESSARY DUE TO VARIATIONS IN SITE CONDITIONS (SHADINESS, UTILITIES, LIGHT FIXTURES AND SHADAGE STRUCTURES).

ALL PLANT MATERIAL SHALL CONFORM TO THE SPECIFICATIONS ESTABLISHED BY THE CURRENT ANNUAL STANDARDS OF NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.

ALL TREES AND SHRUBS SHALL HAVE AIRBORN 3-1 BIRN FERTILIZER TABLETS INSTALLED IN THE BEDDING AND ROOT ZONE OF PLANTS. TABLET APPLICATION RATE SHALL BE 2" DEEP PLANT MATERIAL WILL HAVE 4 TABLETS. 15 GALLON CONTAINER SIZE SHALL SET 3 TABLETS. 5 GALLON CONTAINER SIZE 2 TABLETS AND 1 GALLON PLANTS WILL SET 1 TABLET.

THE PLANT GROUND IS FOR CONTRACTOR'S CONVENIENCE. IN CASE OF DISSEMPACT, THE PLAN SHALL GOVERN.

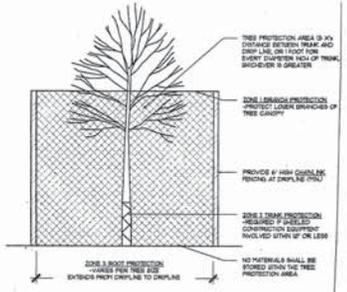
ALL BRINDINGOVER SHURB AREAS SHALL RECEIVE A 3" DEPTH OF SMALL SIZE WOOD MULCH. CONFINEMENT OF FERTILIZER OR NUTRIENT WOOD FIBER. IF AVAILABLE WOOD CHIP IS USED ALL MATERIAL SHALL BE IDENTIFIED FROM SUPPLIER TO CONTRACTOR OR CHEMICAL, PAINT, LEAD OR OTHER HAZARDOUS MATERIAL PRIOR TO SHIPPING TO SITE.

ALL TREES TO BE STAKED AS NOTED. STREET TREE INSTALLATION WITHIN COUNTY OF ALAMEDA STREET RIGHT OF WAY SHALL BE PER COUNTY OF ALAMEDA PUBLIC WORKS DETAIL STANDARD. ALL TREES SHALL HAVE VESPER 24" SHOOT BARRIERS INSTALLED.

CONTRACTOR SHALL APPLY ONE APPLICATION OF "FRONTAY" PREEMERGENT WEED CONTROL. TO ALL PLANTED BRINDINGOVER AREAS. THE PREEMERGENT WEED CONTROL SHALL BE APPLIED USING THE MANUFACTURER RECOMMENDED RATE OF APPLICATION.

CONTRACTOR SHALL PROVIDE A 30 DAY LANDSCAPE MAINTENANCE PERIOD BEGINNING FROM THE DATE OF FINAL PLANT INSTALLATION. APPLICATION OF WEED CONTROL AND FINAL PREWEED CLEANUP. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE PLANTING FOR A PERIOD OF 6 MONTHS FROM FINAL INSTALLATION AND LANDSCAPE MAINTENANCE PERIOD.

FOR ADDITIONAL INFORMATION SEE PLANTING, IRRIGATION, MAINTENANCE, BRINDING-OFF-IMPACT AND CONSTRUCTION DETAIL PLANS.



**TREE PROTECTION**  
SCALE: NTS

**LANDSCAPE PLAN**



811  
Know what's below.  
Call before you dig.



PROJECT NORTH

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	11/10/16	1.0	JAL
2	5/10/16	1.0	JAL

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	11/10/16	1.0	JAL
2	5/10/16	1.0	JAL

LANDSCAPE PLANNERS  
**I.R. NELSON AND ASSOCIATES, INC.**  
23585 SUMMIT ROAD  
LOS GATOS, CALIFORNIA 95033  
PHONE (408) 591-0873 EMAIL: CNDEY@AOL.COM



NEW RESIDENTIAL FOR:  
**MR. MATT SANENEIAD**  
1223 WALNUT DRIVE  
CAMPBELL, CALIFORNIA

DRAWN: JRN  
CHECKED: JRN  
DATE: 12.14.2015  
SCALE: 1" = 8'-0"  
JOB NO.: CAMPBELL  
SHEET

L-1

BASED ON SITE PLAN PREPARED BY LOUIS DORCICH DATED OCTOBER 2015.  
SHEET 1 OF 3

**WATER USE IT WISELY**

NOTE: THIS PROJECT IS DESIGNED TO HAVE 100% AUTOMATICALLY BRIGATED SPRINKLER COVERAGE OF ALL PLANTED AREAS. THE APPLICATION IS DESIGNED TO USE CLIMATICALLY CONTROLLED IRRIGATION CONTROLLERS, SENSORS AND DRIP EMITTERS, NO SPRAY OR ROTOR HEADS WILL BE INSTALLED. FURTHERMORE TO TURF OR ANNUAL FLOWERS ARE INCORPORATED IN THIS LOW WATER USE DESIGN.

HACIENDA AVENUE

**DEVELOPMENT SUMMARY**

LOT 1	2,406 SF (NET)
LOT 2	1,704 SF (NET)
LOT 3	2,832 SF (NET)
LOT 4	3,069 SF (NET)
TOTAL LAND	10,011 SF (NET)
	12,814 SF (GROSS)

**BUILDING FLOOR AREA**

LOT 1 (UNIT A)	RESIDENCE GARAGE	1,726.0 SF 366.7 SF
LOT 2 (UNIT B)	RESIDENCE GARAGE	1,801.0 SF 366.7 SF
LOT 3 (UNIT C)	RESIDENCE GARAGE	1,881.0 SF 36.66F
TOTAL BUILDING AREA		6,508.0 SF

**FLOOR AREA RATIO** 65%

**BUILDING COVERAGE** 3,378 SF - 33.7%

**PAVING COVERAGE** 3,000 SF - 30.0%

**LANDSCAPE COVERAGE** 3,633 SF - 36.3%

**BASIS OF BEARINGS**

THE MONUMENT LINE OF WALNUT DRIVE TAKEN AS N11°11'00"E AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN BOOK 535 OF MAPS AT PAGE 25 WAS USED AS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP.

**LEGAL DESCRIPTION**

BEING A PORTION OF LOT 1 AS SHOWN UPON THE MAP OF TRACT NO. 1725, SAN TOMAS HACIENDAS, WHICH SAID MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JANUARY 27, 1941 IN BOOK 5 OF MAPS, AT PAGE 35. AREA NET = 10,011 SF (0.230 AC)

**BASIS OF ELEVATION**

CITY OF CAMPBELL BM#-1, 26" BRASS DISK IN TOP OF CURB LOCATED AT WINCHESTER BOULEVARD AND HACIENDA AVENUE NORTHWEST CORNER AT CENTER OF CURB RETURN (CR).

ELEVATION: 231.127

**ABBREVIATIONS**

AB.	AGGREGATE BASE	M.H.	MANHOLE
AC.	ASPHALT CONCRETE	MIN.	MINIMUM
BC.	BEGINNING OF CURVE(HORIZONTAL)	M.V.C.	MIDDLE OF VERTICAL CURVE
BLDG.	BUILDING	M.W.	MONITORING WELL
B/WK.	BACK OF WALK	NO.	NUMBER
B.V.C.	BEGINNING OF VERTICAL CURVE	N.T.S.	NOT TO SCALE
C.B.	CATCH BASIN	P.C.C.	PORTLAND CEMENT CONCRETE
C.L.F.	CHAIN LINK FENCE	P.C.R.	POINT OF CURB RETURN
CLB.	CLUB HOUSE	P.F.B.	PEDESTRIAN PUSH BUTTON
CONT.	CONTINUOUS	PPAT	PLASTIC PLUG & TACK
D.	DRAINAGE SILET	P.V.C.	POLYVINYL CHLORIDE
D/W	DRIVEWAY	P.V.I.	POINT OF VERTICAL INTERSECTION
E.V.	END OF CURVE(HORIZONTAL)	R.	RADIUS
ELEV.	ELEVATION	R.C.P.	REINFORCED CONCRETE PIPE
EXIST.	EXISTING	R/W	RIGHT-OF-WAY
E.V.C.	END OF VERTICAL CURVE	SLOPE	SLOPE
F.F.	FINISHED FLOOR ELEVATION	S.D.	STORM DRAIN
F.G.	FINISHED GRADE	S.D.M.H.	STORM DRAIN MANHOLE
F.H.	FIRE HYDRANT	S.F.	SQUARE FEET
F.I.	FINISHED INTERSECTION	SHEET	SHEET
F.L.	FLOW LINE	S.S.M.H.	SANITARY SEWER MANHOLE
F.S.	FINISHED SURFACE	S.S.	SANITARY SEWER
G.B.	GRASS BREAK	S.W.	SIDEWALK
G.V.	GATE VALVE	T.C.	TOP OF CURB
H.P.	HIGH POINT	T.P.C.	TOP FACE OF CURB
I.D.	INSIDE DIAMETER	TR.	TYPICAL
INT.	INTERSECTION	UNLESS OTHERWISE NOTED	
J.P.	JOINT POLE	V.C.	VERTICAL CURVE
L.F.	LINEAL FEET	V.P.	VERTICAL POINT
L.P.	LOW POINT	W.	WATER
L.T.	LEAD & TACK	W.M.	WATER METER
LAT.	LEAD & TACK	W.V.	WATER VALVE
MAX.	MAXIMUM		

APN 406-20-006  
LANDS OF LEE & CHIANG

APN 406-20-009  
LANDS OF JONI FURLONG



WENDELL DRIVE

WALNUT DRIVE

ADVANCED DEVELOPMENT  
3915 BRISTOL COURT  
SAN JOSE, CALIFORNIA 95144  
(408) 378-0070  
JACOB SHIMAN - CRTL ENGINEER

TENTATIVE PARCEL MAP  
FOR WALNUT PLACE  
CALIFORNIA  
CAMPBELL



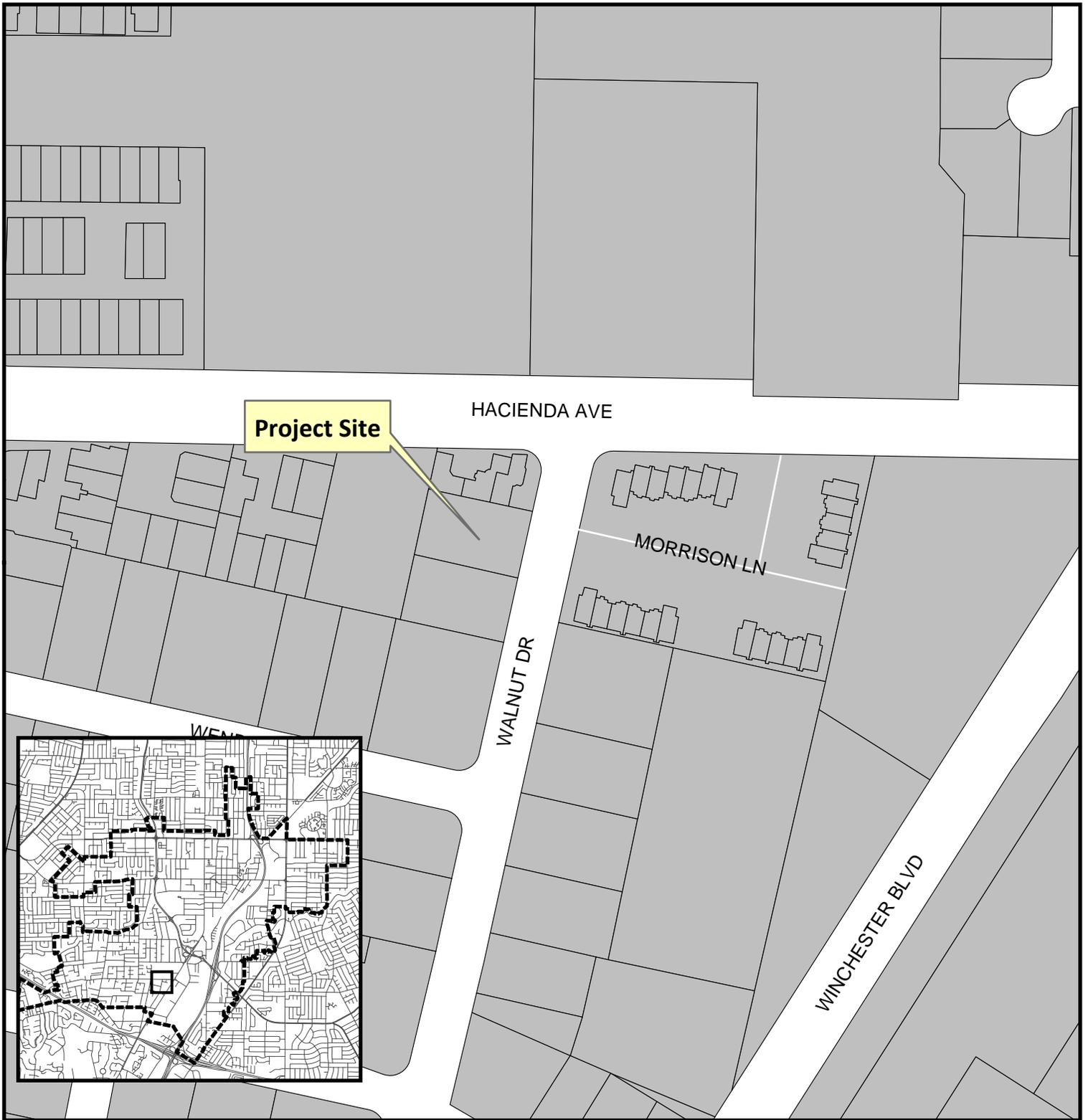
APPROVED BY:  
Checked: [Signature] Date: [Date]  
Drawn: [Signature] Date: [Date]  
Designed: [Signature] Date: [Date]  
Title: [Signature] Date: [Date]  
A.C.E. No. 33009  
EXPIRES 06/28/18

Sheet No. **1**  
Of **2**  
Job No. WALNUT



# Project Location Map

Attachment 2



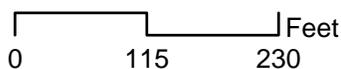
**Project Location:** 1223 Walnut Drive

**Application Type:** Planned Development, Parcel Map,  
Tree Removal Permit, Zoning Map Amendment

CEQA Negative Declaration

**Planning File No.:** PLN2016-019

**Description:** 3-unit attached Townhome Development



Community Development Department  
Planning Division

**County of Santa Clara**  
Office of the County Clerk-Recorder  
Business Division

County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408)-299-5688



Santa Clara County Clerk-Recorder's Office  
State of California



Document No.: 1055  
Number of Pages: 33  
Filed and Posted On: 5/19/2016  
Through: 6/08/2016  
CRO Order Number:  
Fee Total: 0.00

**CEQA DOCUMENT DECLARATION**

REGINA ALCOMENDRAS, County Clerk-Recorder  
by Mike Louie, Clerk-Recorder Office Spe, *ML*

**ENVIRONMENTAL FILING FEE RECEIPT**

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Campbell
2. PROJECT TITLE: Negative Declaration - 1223 Walnut Drive, Campbell CA
3. APPLICANT NAME: Majid Saneinead PHONE: (408) 836-1841
4. APPLICANT ADDRESS: 1223 Walnut Drive, Campbell CA 95008
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 20 DAYS.

**7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT**

**a. PROJECTS THAT ARE SUBJECT TO DFG FEES**

- |  |             |         |
|--|-------------|---------|
| <input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)                                   | \$ 3,070.00 | \$ 0.00 |
| <input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))                                       | \$ 2,210.25 | \$ 0.00 |
| <input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)                   | \$ 850.00   | \$ 0.00 |
| <input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS  | \$ 1,043.75 | \$ 0.00 |
| <input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE)<br>Fish & Game Code §711.4(e) | \$ 50.00    | \$ 0.00 |

**b. PROJECTS THAT ARE EXEMPT FROM DFG FEES**

- |   |          |         |
|---|----------|---------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)  | \$ 50.00 | \$ 0.00 |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) |          |         |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION   | \$ 50.00 | \$ 0.00 |

**c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES**

- |  |  |        |           |
|--|--|--------|-----------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ NO FEE |
|--|--|--------|-----------|

8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_
9. TOTAL RECEIVED..... \$ 0.00

\*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)



**NOTICE OF INTENT  
INTENT TO ADOPT A NEGATIVE DECLARATION  
CITY OF CAMPBELL, CALIFORNIA**

Notice is hereby given of the intent of the Campbell Planning Commission to adopt a Negative Declaration pursuant to Public Resources Code Section 21092(b)(1) for an application (PLN2016-019) for a Planned Development Permit for site configuration, architectural design and to create lots which do not have frontage on a public street, Tentative Parcel Map to create three single family lots and one commonly owned lot, Zoning Map Amendment to change the zoning from R-M (Multiple-Family Residential) to P-D (Planned Development), and Tree Removal Permit to allow removal of one protected tree, pursuant to Public Resources Code Section 21092(b)(1), for property located at **1223 Walnut Drive, Campbell, CA.**

The project site consists of a single parcel located on Walnut Drive between Wendell Drive and Hacienda Avenue. The 10,011 square foot (net area) lot is currently developed with one single-family residence that will be demolished as part of the project. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west. The current Zoning is R-M (Multiple-Family Residential) and the General Plan Land Use Designation is Low-Medium Density Residential (6-13 units/gr. acre).

The Initial Study prepared by the City was undertaken for the purpose of determining whether the project may have a significant effect on the environment. On the basis of the Initial Study, Community Development Department staff has determined that the project will not have a significant effect on the environment and has therefore prepared a draft Negative Declaration for consideration by the Campbell Planning Commission.

All interested parties are invited and encouraged to submit comments in writing regarding the draft Negative Declaration and/or attend the below described public hearings. The public review period for the draft Negative Declaration begins on **May 25, 2016** and ends on **June 14, 2016**. Any comments must be submitted in writing, including email, to the Community Development Department by 5:00 p.m. on **June 14, 2016**. The Initial Study and draft Negative Declaration are available for review from 8:00 a.m. to 5:00 p.m. at the Community Development Department, City Hall, 70 North First Street, Campbell, CA or online at <http://www.cityofcampbell.com/501/Public-Notices> under 'Environmental Notices'.

The Campbell Planning Commission will consider the project and draft Negative Declaration at a public hearing to be held on **June 14, 2016**. The meeting will be held at 7:30 p.m., or shortly thereafter, in the City Hall City Council Chambers, 70 North First Street, Campbell, CA.

Please be advised that if you challenge the decision on the Negative Declaration and/or project in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the City of Campbell prior to the public hearings. Questions and written comments may be addressed to:

**Cindy McCormick, Senior Planner: [cindym@cityofcampbell.com](mailto:cindym@cityofcampbell.com) (408) 871-5103**

PLANNING COMMISSION  
CITY OF CAMPBELL  
PAUL KERMOYAN  
SECRETARY

# INITIAL STUDY

1223 Walnut Drive - Parcel Map

*An environmental evaluation  
prepared in compliance with the  
California Environmental Quality Act*

**Prepared by**

Cindy McCormick  
Senior Planner

**City of Campbell**

Community Development Department  
Planning Division  
70 N. First Street  
Campbell, CA 95008

**Public Review Period**

May 20, 2016 – June 14, 2016



**I. PROJECT OVERVIEW**

**Project Title:** 1223 Walnut Drive – Parcel Map  
**File Number(s):** PLN2016-019  
• Planned Development Permit  
• Tentative Parcel Map  
• Zoning Map Amendment  
• CEQA Review  
• Tree Removal Permit  
**Project Address:** 1223 Walnut Drive, Campbell CA 95008

**Project Sponsor:** Majid Saneinead  
1223 Walnut Drive, Campbell CA 95008  
(408) 836-1841

**Existing Zoning:** R-M (Multiple-Family Residential)  
**Proposed Zoning:** P-D (Planned Development)

**General Plan** *Low-Medium Density Residential (6-13 units/gr. acre)*

**Lead Agency:** City of Campbell, Community Development Department  
70 N. First Street, Campbell, CA 95008

**Contact Person:** Cindy McCormick, Senior Planner  
(408) 871-5103 | [cindym@cityofcampbell.com](mailto:cindym@cityofcampbell.com)

**Date Posted:** May 19, 2016

**Project Location and Surrounding Land Use:** The project site consists of a single parcel located on Walnut Drive between Wendell Drive and Hacienda Avenue. The 10,011 square foot (net area) lot is currently developed with one single-family residence that will be demolished as part of the project. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west. The current Zoning is R-M (Multiple-Family Residential) and the General Plan Land Use Designation is *Low-Medium Density Residential (6-13 units/gr. acre)*.

**Project Description:** The project includes an application for a Tentative Parcel Map to allow subdivision of the project site into three single-family residential parcels, ranging from 2,126 to 2,281 square feet in net site area. The project also includes a common lot consisting of a private street, driveway, and guest parking for the development. Access to the private street/driveway would be taken from the west side of Walnut Drive. The private street will range in width from 16 to 20 feet with an additional one to five feet of landscape buffer on the north side of the drive aisle. The development will include construction of three attached two-story single-family residences at a maximum height of 26 feet, five inches from existing grade and an average floor area ratio not to exceed 58.4% for the entire development.

*Project Data*

Gross Lot Area: 12,814 square feet (including 2,813 sq. ft. of R.O.W.)  
 Net Lot Area:  
     Lot 1: 2,406 square feet  
     Lot 2: 1,704 square feet  
     Lot 3: 2,832 square feet  
     Lot 4: 3,069 square feet (common lot; Lot "A" where noted on plans)  
 Total Net Lot Area: 10,001 square feet

Proposed Density: 10.2 units/gr. acre (3 units / 0.294 gross acres)  
 Maximum Density Allowed: 13.0 units/gr. acre

Building Height: 26 Feet, 5 Inches

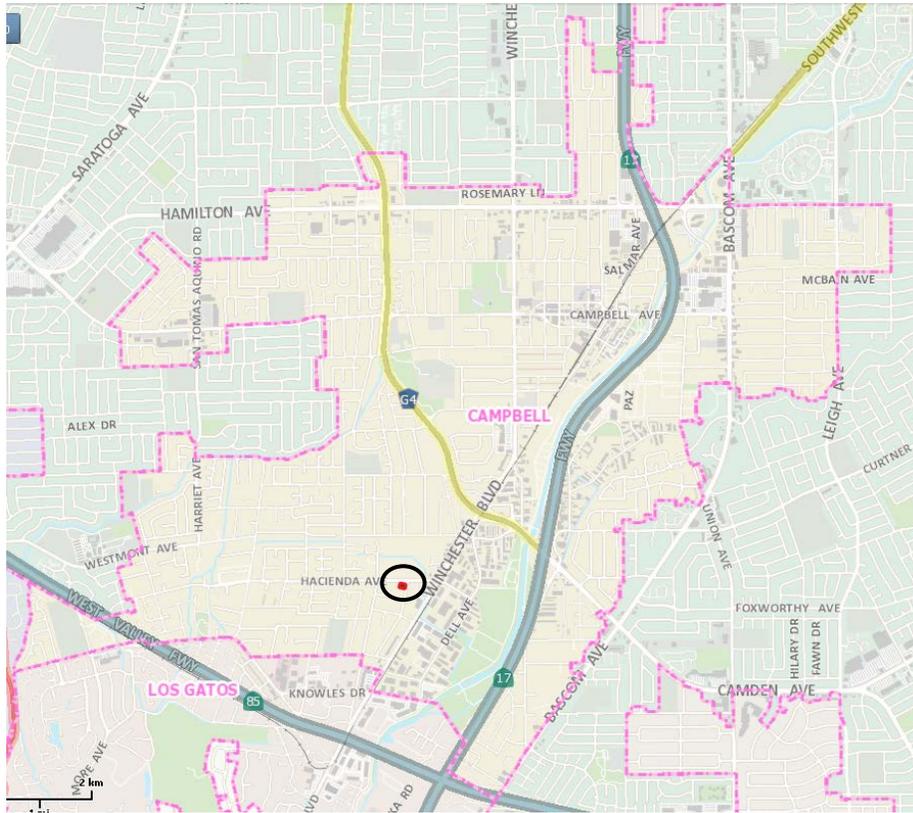
Parking:	<u>Provided</u>	<u>Minimum Required</u>
	9 spaces (6 enclosed)	9 spaces (3 covered)

**Project Entitlements:** Required land use entitlements for the proposed project include a Planned Development Permit for site configuration, architectural design and to create lots which do not have frontage on a public street, Tentative Parcel Map to create three single family lots and one commonly owned lot, Zoning Map Amendment to change the zoning from R-M (Multiple-Family Residential) to P-D (Planned Development), and Tree Removal Permit to allow removal of one protected tree.

**Other public agencies whose approval is required:** None

### Project Location

**Figure 1: Regional Setting**



**Figure 2: Project Site**

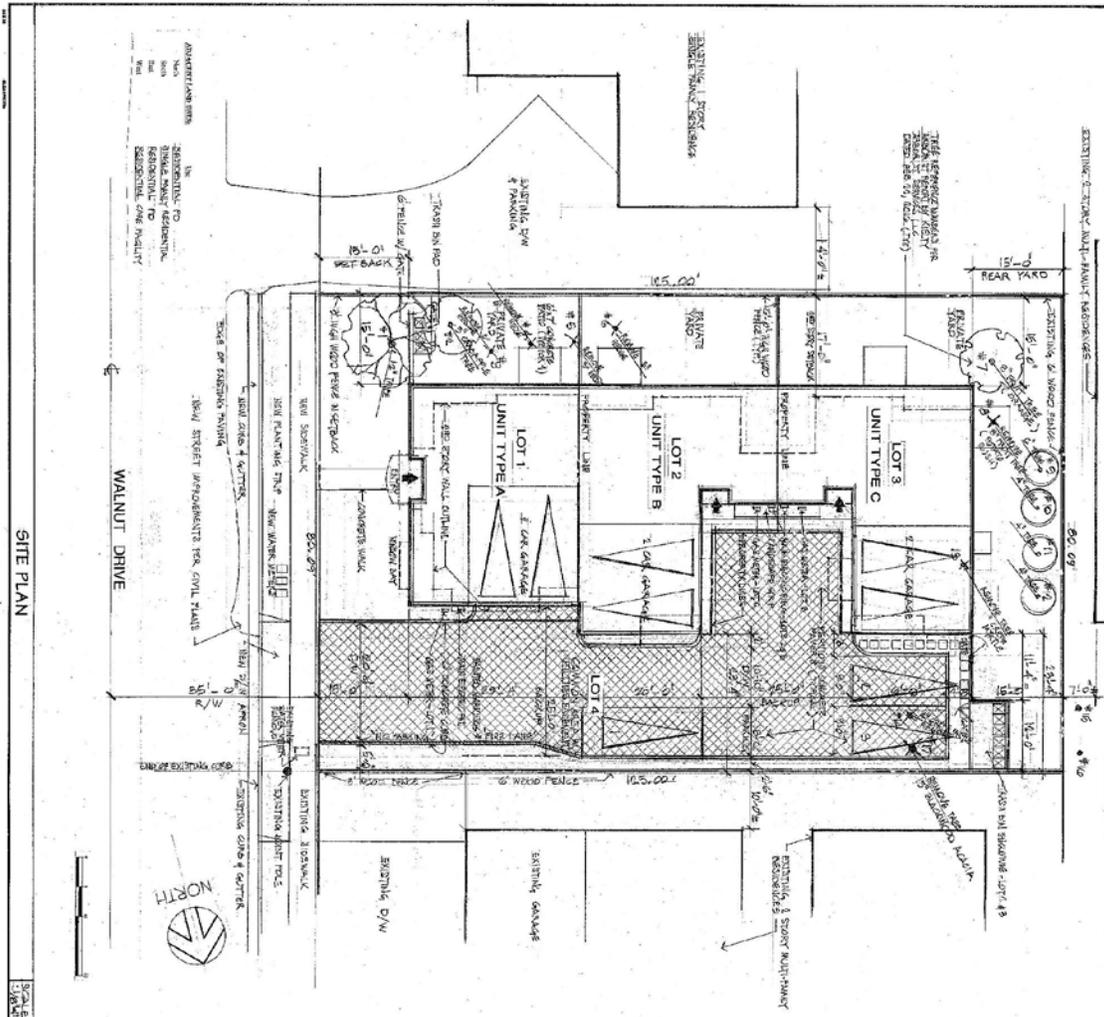


**Project Address: 1223 Walnut Drive, Campbell CA 95008**





Site Plan



**PROJECT DATA**

NO.	DESCRIPTION	DATE	BY
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2	REVISED	11/10/10	LS
3	REVISED	12/15/10	LS
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240	REVISED	09/10/30	LS
241	REVISED	10/10/30	LS
242	REVISED	11/10/30	LS
243	REVISED	12/10/30	LS
244	REVISED	01/10/31	LS
245	REVISED	02/10/31	LS
246	REVISED	03/10/31	LS
247	REVISED	04/10/31	LS
248	REVISED	05/10/31	LS
249	REVISED	06/10/31	LS
250	REVISED	07/10/31	LS
251	REVISED	08/10/31	LS
252	REVISED	09/10/31	LS
253	REVISED	10/10/31	LS
254	REVISED	11/10/31	LS
255	REVISED	12/10/31	LS
256	REVISED	01/10/32	LS
257	REVISED	02/10/32	LS
258	REVISED	03/10/32	LS
259	REVISED	04/10/32	LS
260	REVISED	05/10/32	LS
261	REVISED	06/10/32	LS
262	REVISED	07/10/32	LS
263	REVISED	08/10/32	LS
264	REVISED	09/10/32	LS
265	REVISED	10/10/32	LS
266	REVISED	11/10/32	LS
267	REVISED	12/10/32	LS
268	REVISED	01/10/33	LS
269	REVISED	02/10/33	LS
270	REVISED	03/10/33	LS





## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project. Please see the checklist for additional information.

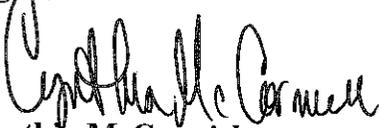
<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:

  
Cynthia McCormick

Date:

5-19-16  
City of Campbell

I. AESTHETICS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

a-b) The site is located on Walnut Drive. The General Plan has not identified any scenic vistas or scenic resources within the project area. The project is not located near a state scenic highway. The existing residence to be demolished has not been determined to be historically significant. There are 10 existing trees on the property. Only one of the trees is proposed for removal; a Black acacia tree that is considered a nuisance.

c) The project will not have a significant adverse effect on the scenic value of the area. The project is subject to the San Tomas Area Neighborhood Plan (STANP). The STANP provides development standards (e.g., setbacks and height) as well as design criteria for neighborhood compatibility, scale and mass, surface articulation, building orientation, and privacy. The project has been designed so that the public street elevation fosters the appearance of a single family residence. The design includes architectural features that help break up the mass of the three-unit, two-story townhome structure.

d) The project will not have a significant adverse effect on day or nighttime views in the area. The project is subject to lighting design standards, pursuant to City Code section 21.18.090, whereby exterior lighting shall be architecturally integrated with the character of the structure(s) and fully shielded or recessed. Outdoor lighting fixtures shall be designed and installed so that light rays are not emitted across property lines, to the extent possible.

**Based on the above discussion, No mitigation is necessary or required in relation to impact on Aesthetics.**

**II. AGRICULTURE AND FOREST RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

- |  |                          |                          |                          |   |
|--|--------------------------|--------------------------|--------------------------|---|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

**DISCUSSION:**

a-e) The property is not zoned for farm or agricultural land uses and it is not under a Williamson Act contract. No forest land, as defined in Public Resources Code section 12220(g) exists on the property.

**Therefore, no mitigation is necessary or required in relation to impacts on Agricultural and Forest Resources.**

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

**DISCUSSION:**

The Bay Area Air Quality Management District (BAAQMD) regulates stationary sources of air pollution in the nine counties that surround San Francisco Bay. The City of Campbell is located within the southern region of the San Francisco Bay Area air basin. The Bay Area Air Quality Management District’s (BAAQMD) CEQA Guidelines assist Lead Agencies in evaluating potential air quality impacts of projects. Specifically, these Guidelines explain the procedures that BAAQMD recommends be followed during environmental review processes required by the California Environmental Quality Act (CEQA). The Guidelines provide direction on how to evaluate potential air quality impacts, how to determine whether these impacts are significant, and how to mitigate these impacts. The goal of the CEQA Guidelines is to minimize air quality impacts of plans and development proposals.

The BAQMD CEQA Guidelines provide screening criteria to determine if a project may have potentially significant impacts requiring a detailed analysis. This preliminary screening provides the lead agency with a conservative indication of whether the proposed project would result in the generation of construction-related criteria air pollutants and/or precursors that exceed the *Thresholds of Significance*. If all of the *Screening Criteria* are met, the construction of the proposed project would result in a less-than-significant impact from criteria air pollutant and precursor emissions.

BAAQMD has established significance thresholds for determining whether a project may have a substantial, or potentially substantial, adverse change in air quality within the area affected by the project. Where no significant air quality impacts of a project can be identified (i.e., none of the significance thresholds are exceeded), a Negative Declaration can be prepared. Pending final resolution of a court issued a writ of mandate regarding BAAQMD’s CEQA Guidelines (updated May 2012), BAAQMD is no longer recommending that the Thresholds be used as a generally applicable measure of a project’s significant air quality impacts. Although the updated thresholds are no longer recommending, lead agencies may continue to rely on the Air District’s 1999 Thresholds of Significance in determining the significance of an individual project’s air quality impacts. The project was evaluated under both thresholds of significance as discussed below:

Under the BAAQMD May 2011 CEQA Guidelines, the threshold for single-family residential construction-related air pollutants is 114-units, while the threshold for greenhouse gas emissions is 56 units. The project, which would create three residential units, is below these significance thresholds.

Under the BAAQMD's 1999 CEQA Guidelines, the size of project likely to exceed the 80 lbs/day NO<sub>x</sub> threshold for total emissions from project operations is 320 single-family units. The three unit single-family residential project is below this significance threshold. Per the BAAQMD's 1999 CEQA Guidelines, sources of air pollutant emissions from construction activities that comply with all applicable BAAQMD regulations (e.g., control measures), would be considered a less than significant impact.

a-e) Air emissions associated with the proposed project would not be considered significant since the size of the proposed project would not exceed the BAAQMD's threshold levels for potential significance. Traffic generated by the project would not have the potential to generate significant air quality impacts. Increases in emissions and odors resulting from construction activities (e.g., demolition activities; transport of workers, machinery and construction materials; earthmoving, and construction) are considered temporary and can be minimized through site control measures that will be required as conditions of approval.

The following conditions of approval will be placed on the project:

1. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and required to maintain at least two feet of freeboard.
2. All active construction areas and exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times per day.
3. All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
4. All visible mud, soil or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
7. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
9. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
10. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on Air Quality.**

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-d) There are no known species identified as a candidate, sensitive, or special status species within the project area. The development is located on an infill lot that is currently developed with a single-family home. The property is not located near a creek or other body of water and therefore the project is not expected to affect any riparian habitat, sensitive natural community, native resident or migratory fish or wildlife species, or federally protected wetlands.

e) The project applicant’s Arborist has provided an inventory of 10 trees on the site. Only one (1) of the trees, a 13.6 inch Black acacia tree, is protected by City Code (any tree with at least one trunk measuring twelve inches or greater in diameter) for an undeveloped lot (i.e., a lot that becomes vacant following demolition of structures). While the Black acacia tree provides good screening, it is considered a nuisance and will be removed, as its roots are invasive towards water sources. Nine trees will remain on the property, exceeding the six-tree minimum requirement for this property (one tree per 2,000 square feet of net lot area). The Arborist has provided a tree protection plan to help reduce impacts to the trees being preserved. The applicant will be required to replace the removed tree with one (1) new 24” box tree, in compliance with the City’s Tree Preservation Ordinance.

f) There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan in effect for the project area and no conflict with such a plan is anticipated.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on Cultural Resources.**

V. CULTURAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

**DISCUSSION:**

a-d) There are no known historical resources, archeological resources, paleontological, unique geological features, or human remains on the property. If archaeological, paleontological, or cultural resources or human remains are discovered, a standard City Condition of Approval will require proper handling of any discovered archeological or paleontological resources, per General Plan Strategy CNR-1.1b.

Archaeological Resources: In accordance with CEQA and the State Public Resources Code, require the discontinuation of all work in the immediate vicinity and the preparation of a resource mitigation plan and monitoring program by a licensed archaeologist if archaeological resources are found on any sites within the City.

Should human remains be discovered during excavation or construction, such remains shall be handled pursuant to § 7050.5 of the California Health and Safety Code and § 5097.94 of the California Public Resources Code. Specifically, in the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The Santa Clara County Coroner shall be notified and shall make a determination as to whether remains are Native American in origin and take such actions as required by law.

**Based on the above discussion, No mitigation is necessary or required at this time in relation to impacts on Cultural Resources.**

VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

(a-e): The subject site is located near the seismically active San Francisco Bay Area. The site is not located in the earthquake fault zone area (Alquist-Priolo Earthquake Fault Zoning Act 1972) established by the California Department of Conservation. The primary seismic risk at the site is related to very strong ground shaking from potential major earthquake events on active faults in the region. The known active faults capable of producing earthquakes that would cause the highest ground accelerations at the subject site are the San Andreas, Hayward and Calaveras Faults. San Andreas Fault is located at approximately 7.3 miles southwest to the site. Monte Vista Fault is located approximately 3.4 miles south-southwest to the site. Hayward Fault and Calaveras Fault are located at approximately 10.3 and 13.0 miles northeast of the site, respectively. The project site is outside the area designated by the State Geologist as being vulnerable to liquefaction. The project's preliminary grading, draining, and utility plan indicates the project would include minimal grading, which would not result in substantial soil erosion or the loss of topsoil. The project would not involve the use of septic tanks or alternative waste water disposal systems.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on geology and soils.**

VII. GREENHOUSE GAS EMISSIONS:

An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project’s direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

Would the project:

- |  |                          |                          |   |                          |
|--|--------------------------|--------------------------|---|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |

**DISCUSSION:**

a-b) As discussed under the Air Quality section, the project would not generate significant greenhouse gas emissions, either directly or indirectly. The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**Therefore no mitigation is necessary or required in relation to impacts on greenhouse gas emissions.**

**VIII. HAZARDS AND HAZARDOUS MATERIALS:**

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-h) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. The project is not located in a Wildland-Urban Interface Fire Area and would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Therefore no mitigation is necessary or required in relation to hazards and hazardous materials.**

IX. HYDROLOGY AND WATER QUALITY: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-j) The project will be subject to standard conditions of approval requiring conformance with applicable water quality and hydrology standards. Given these requirements, the project will not a) violate any water quality standards or waste discharge requirements; b) substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; c-d) substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; e) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; f) otherwise substantially degrade water quality; g) place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; h) place within a 100-year flood hazard area structures which would impede or redirect flood flows; i) expose people or structures to a significant risk of loss, injury or death

involving flooding, including flooding as a result of the failure of a levee or dam; or j) be subject to inundation by seiche, tsunami, or mudflow.

The following conditions of approval will be placed on the project

1. All active construction areas shall be watered at least twice daily.
2. Cover all trucks hauling soil and other loose materials stationed or prior to leaving the site.
3. Pave, apply water, or apply non-toxic soil stabilizers on all unpaved surfaces, and staging areas at the construction site.
4. Sweep daily all paved access roads, parking areas, staging areas, and adjacent public streets as directed by the City Engineer.
5. Enclose, cover, water or apply soil binders to exposed stockpiles.
6. Install sandbags or other erosion control measures to prevent runoff to all roadways, waterways or public walkways accessed by the public.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on Hydrology and Water Quality Resources.**

X. LAND USE AND PLANNING: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-c) The project involves an application to create three (3) new attached single-family townhomes. The project would occur on a 12,814 gross square foot residential zoned property which allows the proposed use. The proposed project would not physically divide an established community or conflict with any habitat conservation or natural community plans of the City of Campbell. The City of Campbell General Plan includes numerous goals, objectives and policies to guide new development. The proposed project does not conflict with any goals or policies of the City’s General Plan, Subdivision ordinance or Zoning ordinance. Based on the above discussion, the project does not present the potential for a significant adverse effect on the environment related to land use and planning.

**No mitigation is necessary or required in relation to impacts on Land Use and Planning.**

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-b) The property is not categorized or referenced within the General Plan as having mineral deposits of value to the region and has not been recognized as being a locally important mineral resource recovery site. Based on the above discussion, the project does not present the potential for a significant adverse effect on the environment related to mineral resources.

**No mitigation is necessary or required in relation to impacts on Mineral Resources.**

XII. NOISE: Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-d) The project site is subject to several sources of urban noise including vehicular traffic on Walnut Drive. The project will not a) expose persons to or generation of noise levels in excess of standards established in the City’s general plan or noise ordinance; b) expose persons to or generate excessive groundborne vibration or groundborne noise levels; c) create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or d) create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. e-f) The project is not located within an airport land use plan or within two miles of a public airport or public use airport or within the vicinity of a private airstrip.

The following conditions of approval will be placed on the project

1. Construction activities will be limited to daytime hours of 8:00 am to 5:00 p.m. weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. Construction is prohibited on Sundays and Holidays unless an exception is granted by the Building Official.
2. No pile driving is allowed for construction of the project.
3. All internal combustion engines for construction equipment used on the site will be properly muffled and maintained.
4. All stationary noise generating construction equipment, such as air compressors and portable power generator, will be located as far as practical from the existing residences and businesses.

**Based on the above discussion, No mitigation is necessary or required in relation to Noise impacts.**

XIII. POPULATION AND HOUSING: Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-c) The project involves the demolition of one single-family home and construction of three new attached single-family townhomes. The neighborhood is primarily comprised of single-family homes and townhomes. The project does not have the potential to induce substantial population growth, displace substantial numbers of existing housing, or displace substantial numbers of people. Based on the above discussion, the project does not present the potential for a significant adverse effect on the environment related to population and housing.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on Population and Housing.**

XIV. PUBLIC SERVICES:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

**DISCUSSION:**

a) Fire protection services are provided by the Santa Clara County Fire District. Development of the project will comply with the most current Building and Fire Code requirements. Police protection is provided by the City of Campbell. The project site is already served by the Campbell Police Department, and development of the project would not affect their ability to provide services. The project site is located in the Moreland School District and the Campbell Union High School District. Development of the project would result in a negligible increase in the number of school age children attending local schools. Park in-lieu fees would be collected for any net increase in residences to help fund improvements to City parks. The City is served by the Santa Clara County Library System, which has a branch library located in Campbell. Property taxes and assessments fund the library operations.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on Public Services.**

XV. RECREATION:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-b) The project will not significantly increase the use of existing neighborhood, regional or other recreational facilities, nor does the project require construction or expansion of recreational facilities. The applicant will be required to pay a park in-lieu fee.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on Recreation.**

XVI. TRANSPORTATION/TRAFFIC: Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

a-f) The proposed project would include the construction of three attached single-family townhomes. The project is projected to generate a negligible amount of new vehicle traffic. The project will not conflict with any City plan, ordinance, or policy or applicable congestion management program. The proposed project would not result in a significant change in traffic patterns, substantially increase hazards due to a design feature, or result in inadequate emergency access. The proposed project will not conflict with any adopted policies or plans supporting alternative transportation.

**Therefore no mitigation is necessary or required in relation to transportation and traffic.**

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**DISCUSSION:**

The project involves demolition of an existing residence and construction of three (3) new single-family attached townhomes on a residential zoned property. Water supply to the project site is served by Santa Clara Valley Water and sewer services are provided by West Valley Sanitation District. Development of the proposed project would not significantly increase the demand for water or sanitary sewer facilities. Development of the proposed project will be conditioned so as to not significantly increase stormwater runoff compared to existing conditions.

a-c) The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; or require or result in the construction of new storm water drainage facilities or expansion of existing facilities.

d-g) The project would have sufficient water supplies available to serve the project from existing entitlements and resources; have adequate capacity to serve the project's projected wastewater treatment demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and comply with federal, state, and local statutes and regulations related to solid waste.

**Based on the above discussion, No mitigation is necessary or required in relation to impacts on Utilities and Service Systems.**

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

## SUMMARY OF MITIGATION MEASURES

1. **Aesthetics:** None Required
2. **Agricultural Resources:** None Required
3. **Air Quality:** None Required. Standard conditions of approval apply.
4. **Biological Resources:** None Required
5. **Cultural Resources:** None Required. Standard conditions of approval apply.
6. **Geology and Soils:** None Required
7. **Greenhouse Gas Emissions:** None Required
8. **Hazards and Hazardous Materials:** None Required
9. **Hydrology and Water Quality:** None Required. Standard conditions of approval apply.
10. **Land Use and Planning:** None Required
11. **Mineral Resources:** None Required
12. **Noise:** None Required
13. **Population and Housing:** None Required
14. **Public Services:** None Required
15. **Recreation:** None Required
16. **Transportation and Traffic:** None Required
17. **Utilities and Service Systems:** None Required
18. **Mandatory Findings of Significance:** None Required

## II. REFERENCE MATERIALS

Exhibits (May be viewed at <http://www.cityofcampbell.com/General/PublicNotices.htm>):

1. Tree Inventory and Assessment, dated February 22, 2016.

### Reference Documents:

1. Bay Area Air Quality Management District (BAAQMD), December 1999, *BAAQMD CEQA Guidelines - Assessing the Air Quality Impacts of Projects and Plans*
2. Bay Area Air Quality Management District (BAAQMD), updated May 2012, *BAAQMD CEQA Air Quality Guidelines*
3. Bay Area Air Quality Management District (BAAQMD), December 2008, *Source Inventory of Bay Area Greenhouse Gas Emissions*.
4. California Environmental Protection Agency (CEPA) California Air Resources Board (CARB), April 2005, *Air Quality and Land Use Handbook: A Community Health Perspective*.
5. California Environmental Protection Agency (CEPA) California Air Resources Board (CARB), November 16, 2007, *Staff Report: California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit*.
6. California Natural Diversity Database, 2000.
7. California Office of Planning and Research (OPR), June 19, 2008, *Technical Advisory: CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*.
8. CEQA Guidelines, 2012 version.
9. City of Campbell General Plan.
10. City of Campbell Zoning Code.
11. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Community Map Number 06085C0239H, Effective Date May 18, 2009.
12. State of California, Seismic Hazard Zones Map, San Jose West Quadrangle, February 7, 2002.
13. U.S. Environmental Protection Agency, April 15, 2009, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007*.



## San Tomas Area Community Coalition

P.O. Box 320663  
Los Gatos CA 95032

408.410.6528 phone  
info@staccna.org  
<http://staccna.org>

City of Campbell  
70 N. First Street  
Campbell CA 95008

April 25, 2016

**Attn:** SARC  
Paul Kermoyan, Director Community Development Department  
Cindy McCormick, Senior Planner

**Subject:** :PLN2016-019 — 1223 Walnut Dr

Dear SARC Committee Members and Staff:

STACC members have reviewed the plans for a new home for the three -unit attached town-home development which replaces an existing single family residence at 1223 Walnut Dr. It has been reviewed by the STACC Board, and was also reviewed by all attendees at our last member meeting.

As the proposed development is currently zoned R-M (Multi Family Residential), the community would support a Zoning Map Amendment changing this lot to PD so as to allow for development of single family homes rather than an apartment complex.

That being said, we have standards within the STANP which encourage lower density residential development, so as to be more in keeping with the existing residential neighborhoods. Attached, please find a copy of STANP with some key statements highlighted. (*See Attachment A - STANP*)

As you well know, the STANP was established to help maintain the unique character of the neighborhood. Ours is something precious in this modern world, a neighborhood where people can safely walk their dogs, bike with their children, play in their front yards, and hang out talking to neighbors. Yes, it is in fact a bit old fashioned, but we like it that way. In fact, so do the many young families moving into our neighborhood. As a result, both young and long established residents work hard to keep our neighborhoods unique rural character, large lots and mature landscaping.

While Planned Developments allow for more flexibility, they still need to apply the standards of the original underlying land use designation of the General Plan. (*See Attachment B - Planned Development municode 21.12.030*) In this case, the standards that apply are those outlined in the Campbell Code of Ordinances. (*Attachment C - 21.08.050 - R-M (Multiple-family)*).

**FAR and Maximum Lot Coverage:** As Staff has already noted, this project does not meet a number of the standards, either by those of the STANP or by the relevant Campbell Code of Ordinances. The FAR requested is 66%, which is not just 16% greater than the 50%, if you look at this as a percentage of the 50% allowed by the R-M District it would place this project at a FAR of more than 25% than allowed.

Using the same calculations, the Lot Coverage of this project calculates out to 73%, while the ordinance limits this to 40%. That's a huge difference.

**Second Story Balcony and Windows.** The STANP specifically discourages second story balconies overlooking other homes. In this case, they overlook existing town-homes. In addition, the windows on the second story overlook both the single family residence at 1235 Walnut Dr and the town-home yards at 1221 Walnut Dr.

**Planting area on North side of driveway fence line.** While most homes have a 5' planting area to allow for plantings of bushes and trees along the fence line, this project has only 2'6" to 1', thus preventing the planting of anything which could soften the appearance of the driveway and provide privacy between the new development and the existing neighbors.

### **We propose the following changes to this design:**

- Reduce the number of town-homes to two. This will allow compliance with Maximum floor area ratio of 50%, and Maximum lot coverage of 40%, and allows for more flexibility in the design, as well as larger, more attractive homes which fit in better with the neighborhood.
- Change the second story design by having windows not required for egress placed higher up on the wall to allow light and air, but not encourage viewing. Perhaps transom windows. Remove the balconies, perhaps a bay window or other window type instead.
- Require 5' of landscaping along north side of driveway fence line to allow plantings which will provide both privacy and make the homes more attractive.
- Remove the sidewalks, curbs and gutters. The STANP Appendix B Street Improvement designates Walnut Dr as a street to remain with no curb, gutter and sidewalks.

Planned Development does not mean “let’s just wing it, anything goes”. It means a thoughtful and careful application of the standards to allow for development that will enhance an area, allow reasonable growth, and still maintain the value and character of the existing neighborhood.

Approval of this project as it now stands would set a precedent within the area of the STANP of allowing developments to override standards and code requirements which have been hard fought and long defended by the residents. We do not want to see the establishment of a precedent of ignoring the standards for the benefit of the developer. We would love to see a well designed single family residential project which the neighborhood could support.

We ask that you keep this in mind while you review this proposed development, and encourage the developer to go back to the drawing board and make revisions which will keep this project within STANP and Campbell Code of Ordinance guidelines.

There are good things to be said about this design. The developer has made efforts to keep the appearance of the homes within the standards of the STANP by creating variety in the roof planes, a good use of textural materials, second story setback, and landscaping, as well as pavers for the driveway.

We believe an attractive and valuable design can be created which will allow both the neighborhood and the developer to benefit.

Best regards,



Audrey Kiehtreiber

President

Attachments:

*Attachment A - STANP*

*Attachment B - Planned Development municode 21.12.030*

*Attachment C - 21.08.050 - R-M (Multiple-family)*



City of Campbell

Community Development and Public Works Departments

# SAN TOMAS AREA NEIGHBORHOOD PLAN

Campbell City Hall  
70 N. First Street  
Campbell, CA 95008  
408.866.2140  
[www.ci.campbell.ca.us](http://www.ci.campbell.ca.us)

Adopted by Resolution No. 8574  
Effective December 16, 1993  
Amended by Resolution No. 9633  
Effective January 18, 2000

**ACKNOWLEDGMENTS****City Council-1993**

Barbara Conant, Mayor  
 Jeanette Watson, Vice-Mayor  
 John Ashworth  
 Donald Burr  
 Robert Dougherty

**City Council-2000**

Jane P. Kennedy, Mayor  
 Matthew Dean  
 Robert Dougherty  
 Dan Furtado  
 Jeanette Watson

**Planning Commission-1993**

I. Bud Alne, Chairperson  
 Lee Akridge  
 Mel Lindstrom  
 Jane Meyer-Kennedy  
 Jay Perrine

**Planning Commission-2000**

Elizabeth Gibbons, Chairperson  
 Mel Lindstrom, Vice Chairperson  
 Tom Francois  
 Joe Hernandez  
 Bradway Jones  
 Susan Kearns  
 Dennis Lowe

**San Tomas Study Task Force-1993**

Patty Heintz  
 Pat McCullough  
 Jim Mackay  
 Dawn Vadbunker  
 John Ashworth  
 I. Bud Alne

Karl Lucas  
 Susanne Waher  
 Rich Taborek  
 Pam Warren  
 Donald Burr  
 Jane Meyer-Kennedy

**City Staff - 1993**

**Campbell Community Development Department :**  
 Steven Piasecki, AICP, Community Dev. Director  
 Randal Tsuda, AICP, Senior Planner  
 Curtis Banks, AICP, Project Manager-1993

**Campbell Public Works Department:**  
 Robert Kass, Public Works Director  
 Bill Helms, Land Development Manager  
 Joan Bollier, P.E., City Engineer  
 Michelle Quinney, P.E., City Engineer  
 Gary Kruger, P.E., Traffic Engineer

**City Staff - 2000**

**Campbell Community Development Department :**  
 Steven Piasecki, AICP, Comm.Dev. Director (*former*)  
 Sharon Fierro, Interim Comm. Dev. Director  
 Katrina Rice Schmidt, AICP, Project Planner

**Campbell Public Works Department:**  
 Robert Kass, Public Works Director  
 Bill Helms, Land Development Manager  
 Michelle Quinney, P.E., City Engineer  
 Matthew Jue, P.E., Acting Traffic Engineer  
 Derek Gade, P.E., Assistant Engineer

**Consultants**

Mark R. Srebnik, Architect, AIA, Design Criteria  
 Saw Yu Wai, Transportation Graphics  
 Jeff Berberich, Land Use Graphics

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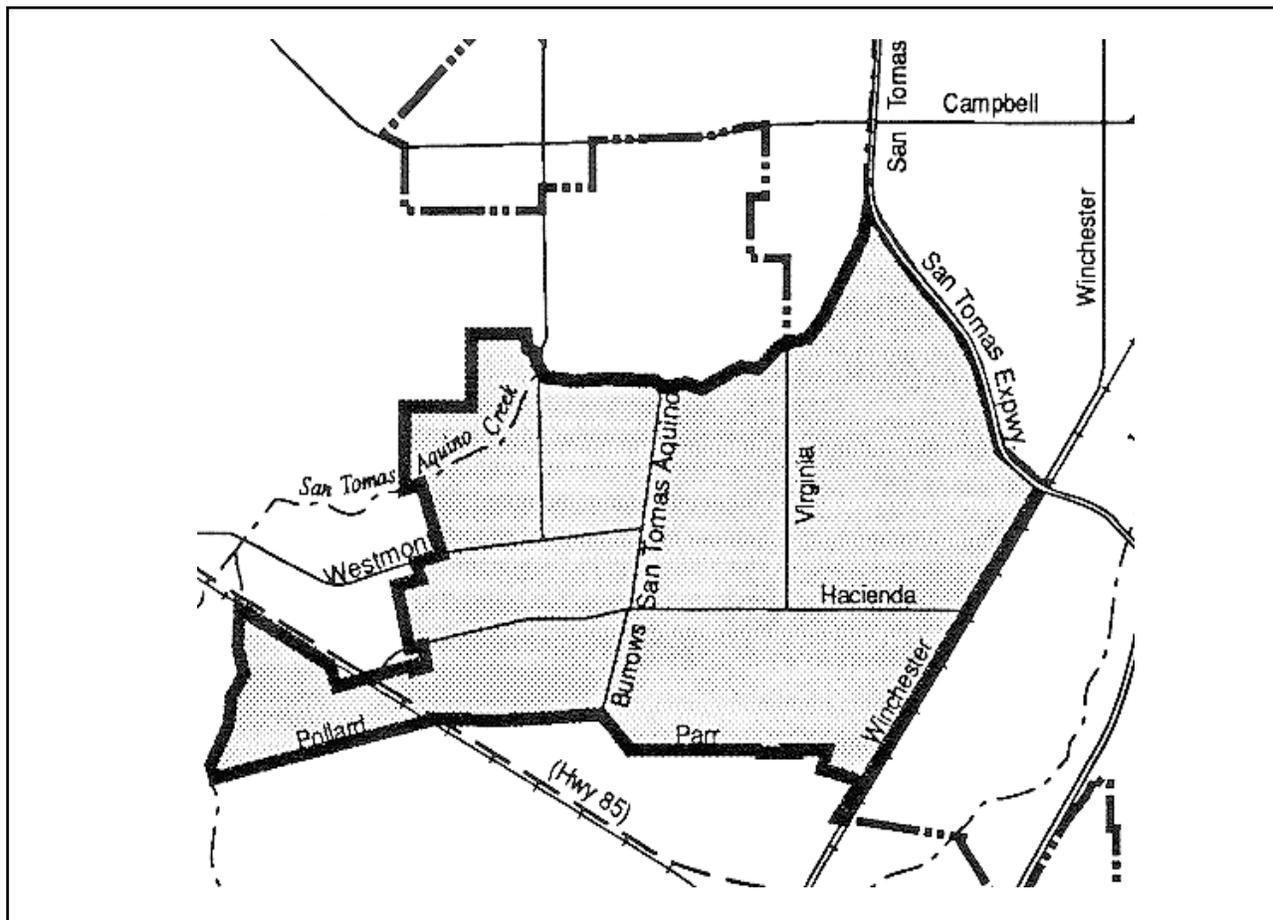
## San Tomas Area Neighborhood Plan

### INTRODUCTION

The purpose of the San Tomas Area Neighborhood Plan is to provide a coherent framework for development in the San Tomas Area. This document establishes land use and transportation policies for use in the San Tomas Area. The Plan serves several purposes. Most importantly it establishes specific policies to preserve the unique character of the San Tomas Area and enhance the quality of life for its residents. In addition, the Plan serves as an educational resource to guide building or remodeling in the San Tomas Area.

The San Tomas Area is a residential neighborhood equaling approximately 1-1/2 square miles located in the southwest portion of the City. The area is unique in that it retains a more informal character than other parts of Campbell, in part due to the large, often irregular lots and to the lack of standard curbs, gutters and sidewalks along its streets.

### San Tomas Neighborhood



## San Tomas Area Neighborhood Plan

Since 1980, the City recognized the San Tomas Area as unique in terms of its rural character and has maintained a policy of:

1. Maintaining the area as low-density residential
2. Encouraging larger-than-minimum lot sizes
3. Encouraging the planting of trees, shrubs, greenery and other landscaping materials in new developments.
4. Preserving existing trees and shrubs
5. Considering alternate street improvements in appropriate areas

In 1991, the Campbell City Council authorized the San Tomas Study to review land use and transportation policies for the San Tomas Area. The Study responded to concerns raised by residents of the San Tomas Area over recent projects considered out of character with the area and concerns about increasing traffic in the neighborhood. The San Tomas Area Neighborhood Plan is the result of the San Tomas Study.

The Plan was developed after extensive public participation. Approximately 30 meetings were held in the nine month period between January 1993 and September 1993. The land use and transportation policies contained in the Plan were developed by residents of the San Tomas Area and City representatives through a series of neighborhood workshops.

The San Tomas Study began in January 1993 with a kick-off meeting which all residents and property owners of the San Tomas Area were invited to attend. At the kick-off meeting, the San Tomas Area was divided into four neighborhoods. Residents in each area selected seven representatives to serve on a neighborhood work group.

Work group members represented their neighborhood in meetings with staff to develop goals and suggested policies for their neighborhood. Meetings were held with residents in each neighborhood to allow them an opportunity to comment on the recommendations made by their neighborhood work group.

The goals developed by each neighborhood work group were then forwarded to the San Tomas Study Task Force which reconciled the various neighborhood policies and drafted the San Tomas Neighborhood Plan. The Task Force was comprised of the following representatives:

- Two members from each neighborhood work group
- Two members of the City Council
- Two members of the Planning Commission
- The City's Architectural Advisor

San Tomas Area  
Neighborhood Plan

Upon completion of the draft plan, the San Tomas Task Force held an area-wide meeting where the plan was presented and discussed. Based on input from the area-wide meeting, the plan was modified and sent to the Planning Commission and City Council for public hearings.

In addition to extensive public participation, the Plan is noteworthy because it is Campbell's first neighborhood plan. The Plan recognizes the unique qualities of the San Tomas Area and serves as a blueprint for the concrete steps to be taken to preserve the neighborhood. As such, the San Tomas Area Neighborhood Plan may serve as model for other areas of the City.

In 1998, the City Council authorized a limited review of the San Tomas Plan focusing on street standards and minor additions to existing single family homes. Staff held several community meetings and surveyed residents regarding the two issues. The amendments were then scheduled for public hearings before the Planning Commission and City Council in late 1999 and early 2000.

**San Tomas Area  
Neighborhood Plan**

**LAND USE ISSUES**

**Goal Statement**

These policies are intended to preserve the unique qualities of the San Tomas Area. New development and additions should respect and enhance the best aspects of the area. **The San Tomas Area will remain a primarily low-density single family residential area.**

**Objectives**

- 1. Ensure that the size of homes are in proportion to lot size.
- 2. New developments and additions to existing homes should be integrated with homes in the surrounding area.
- 3. Ensure that projects in planned developments zones are compatible with the surrounding area.
- 4. Use landscaping to enhance the rural characteristics of the area.
- 5. Establish criteria to determine larger than minimum lot size.

**Land Use Policies**

**A. Relationship to Municipal Code**

Development standards stated in Title 21 of the Campbell Municipal Code that are not specified in this section shall remain applicable. In the case of conflict between the San Tomas Neighborhood Plan and Title 21 of the Campbell Municipal Code, the standards contained herein shall prevail.

**B. Setbacks**

1. Front Yard Setbacks

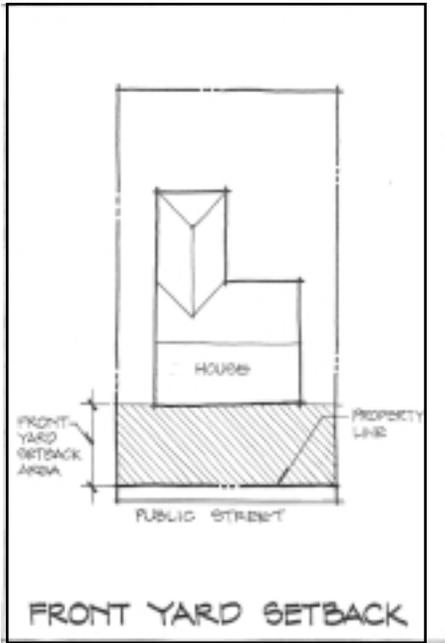
The minimum front yard setback shall be shown on Page 5.

Exceptions:

- a. The entrance to a garage or carport shall be no closer than 25’ to any public right-of-way.
- b. A minimum street side yard setback of 12’ shall be provided on corner lots.

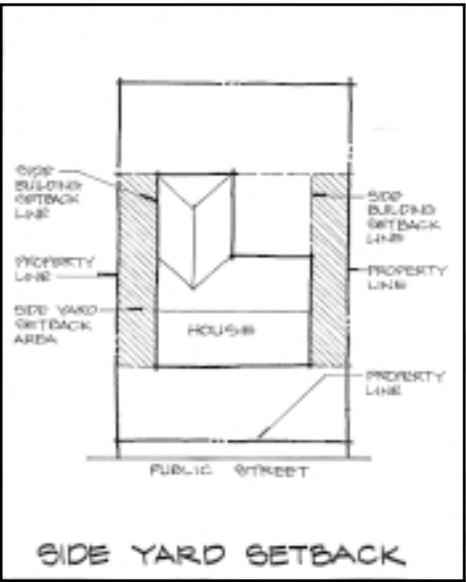
**San Tomas Area  
Neighborhood Plan**

<u>Zoning District</u>	<u>Setback</u>
R-1-6	20'
R-1-8	20'
R-1-9	20'
R-1-10	25'
R-1-16	25'



2. Side Yard Setbacks

<u>Zoning District</u>	<u>Setback</u>
R-1-6	The greater of five feet, or one-half the height of the building wall adjacent to the property line.
R-1-8,9,10,16	<ol style="list-style-type: none"> <li>a. At least one side yard shall be the greater of 10' or sixty percent of the height of the building wall adjacent to the property line.</li> <li>b. The other side yard shall be the greater of eight feet or sixty percent of the height of the building wall adjacent to the property line.</li> <li>c. The side yard setbacks for legally created lots with a lot width less than 60' shall be the greater of five five or one-half the height of the building wall adjacent to the property line.</li> </ol>



**San Tomas Area  
Neighborhood Plan**

3. Rear Yard Setbacks

Zoning District

Setback

R-1-6

- a. 20'
- b. 10' where the useable rear yard area = 20 x Lot width. (For the purposes of this section, the useable rear yard area shall be defined as that area bounded by the rear building lines extended to the side lot lines and rear property line.)

R-1-8

20'

R-1-9

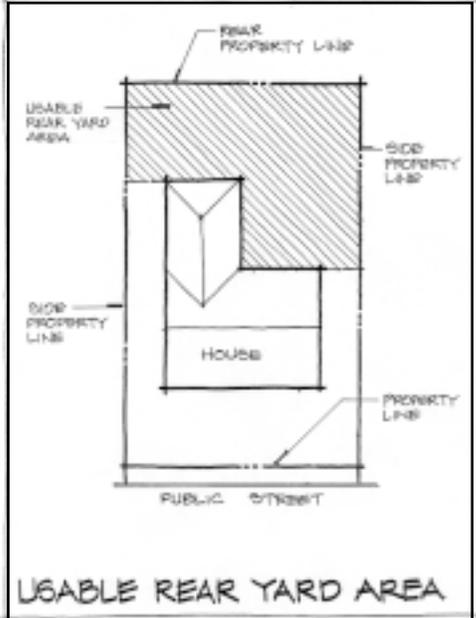
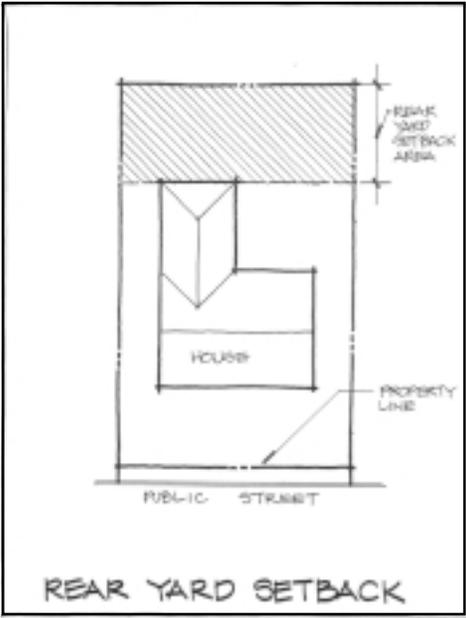
25'

R-1-10

25'

R-1-16

25'



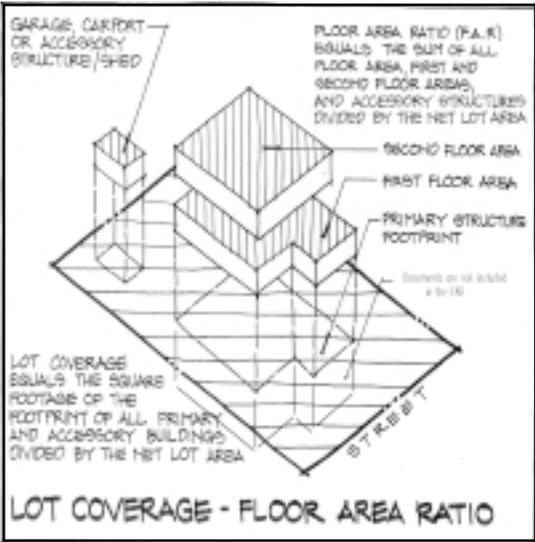
**C. Building Coverage/Floor Area Ratio (FAR)**

The maximum building coverage and FAR for a residential building with all its accessory buildings including private garages and carports shall be as shown below. The floor area contained within a basement with a ceiling height less than 2- feet above existing natural grade, is exempt from the FAR requirement.

**San Tomas Area  
Neighborhood Plan**

Building coverage and FAR calculations shall be of the net lot area, excluding private streets, common areas or the stem of flag lots:

<u>Zoning District</u>	<u>Building Coverage Ratio</u>	<u>Floor Area</u>
R-1-6	40%	.45
R-1-8	35%	.45
R-1-9	35%	.45
R-1-10	35%	.45
R-1-16	35%	.45



Additions in excess of .45 FAR may be added to existing single family homes when the following criteria are met:

1. The total building area does not exceed a .50 FAR
2. The home has been finaled for occupancy for at least one year
3. The property owner applies for site and architectural approval
4. The Planning Commission provides notice in accordance with the Municipal Code
5. The Planning Commission makes the following findings and approves the addition:
  - a. the addition is a simple extension along existing building lines
  - b. it complies with the STANP design guidelines
  - c. it is compatible with the architecture of the existing home and the adjacent neighborhood
6. The lot area is less than 8,000 square feet.
7. A property with a net lot area of 8,000 to 8,999 square feet may add to an existing home, as long as the sum of all floor area of the home does not exceed 4,000 square feet regardless of the FAR.

**D. Exceptions for Legal Non-Conforming Lots**

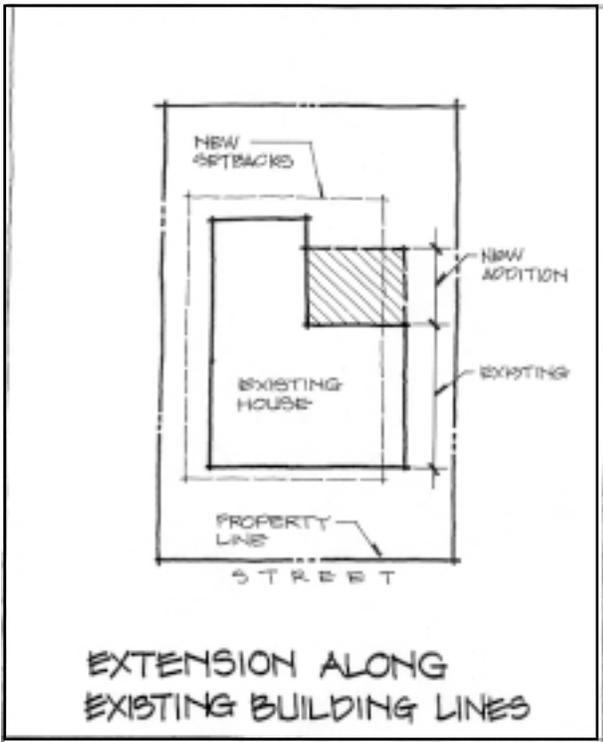
1. The property owner of a legally created lot that does not meet the minimum lot size requirement for the district in which it is located (e.g. a 6,000 square foot lot located in an R-1-10 zoning district) is permitted an exception, as provided below, to the side and rear setbacks and lot coverage requirements.
2. The side and rear setbacks and lot coverage requirements for legal nonconforming lots shall be based on the standards of the zoning district in which the lot would be conforming (e.g. the setback and lot coverage requirement for a 6,000 square foot lot in an R-1-10 zoning district would be based on the standards for the R-1-6 zoning district.)

**San Tomas Area  
Neighborhood Plan**

**E. Extension Along Existing Building Lines**

Additions to legally existing structures may be extended along the first floor of existing building lines even when the existing first floor setbacks do not meet the setback requirements for the San Tomas Area.

- 1. Extensions only apply to first story additions that are not detrimental to the public health, safety or general welfare of persons residing or working in the neighborhood (e.g. an addition in the front yard area along an existing building wall may not be placed in a manner that impairs pedestrian or vehicular safety.)
- 2. The extension may maintain existing setbacks but shall not further encroach into any required setback area.
- 3. All second story additions must comply with the standards for the San Tomas Area.



**F. Maximum Building Height**

The maximum height of a building shall be 28 and shall not exceed 2-1/2 stories measured from the adjacent natural grade.

**San Tomas Area  
Neighborhood Plan**

**G. Minimum Lot Width**

1. The minimum width of all newly created parcels, except parcels on cul-de-sac bulbs, shall be as follows:

<u>Zoning District</u>	<u>Minimum Lot Width</u>
R-1-6	60'
R-1-8	70'
R-1-9	70'
R-1-10	80'
R-1-16	80'

2. The minimum lot width for all newly created parcels on the bulb of a cul-de-sac shall be 60 feet.

**H. Front Yard Paving**

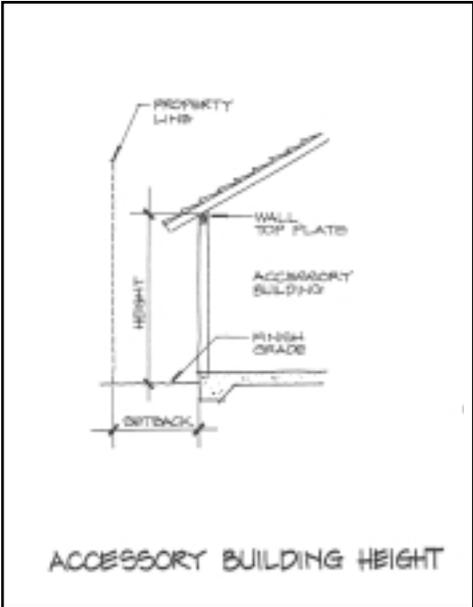
A minimum of 50% of the required front yard setback area must remain unpaved. Increases in the amount of allowable paving may be approved by the Community Development Director if necessary to provide safe ingress and egress from the site.

**I. Accessory Buildings**

Accessory buildings and detached private garages and carports, not exceeding one story nor 14 feet in height may be allowed as follows:

1. Setbacks for accessory buildings, including private garages and carports shall be five feet for buildings with a wall height of eight feet or less. The height may be increased by one foot for each additional 1-1/2 feet of setback up to a minimum of 14', as described in the table below.

<u>Wall Height</u>	<u>Setback</u>
8' to 9'	5.0'
9' to 10'	6.5'
10' to 11'	8.0'
11' to 12'	9.5'
12' to 13'	11.0'
13' to 14'	12.5'
14'	14.0'



**San Tomas Area  
Neighborhood Plan**

- 2. Other than the standards specified in this Section, accessory buildings shall be developed in accordance with the requirements specified in Section 21.08.020.D of the Campbell Municipal Code.

**J. Landscaping**

- 1. All new developments shall be required to provide a minimum of one tree per 2,000 square feet of net lot area. Existing trees within the net lot area shall be included in the total. All new trees shall be planted within the net lot area.
- 2. All new development shall comply with the Water Efficient Landscape Guidelines, as adopted by the City Council, for retention of existing plant materials.

**K. Site and Architectural Review**

- 1. Construction of a building or structure on an undeveloped lot in an R-1-8, R-1-9, R-1-10 and R-1-16 Zoning District shall be permitted only after the project receives site and architectural approval by the Planning Commission. The requirements for site and architectural approval are set forth in Chapter 21.42 of the Campbell Municipal Code.
- 2. Construction of a building or structure on an undeveloped lot in an R-1-6 Zoning District and additions to existing structures in all single family residential zoning districts shall be permitted only after the project receives site and architectural approval by the Community Development Director, except additions to single family homes that exceed .45 FAR. Additions to single family homes in excess of a .45 FAR but are less than a .50 FAR require Site and Architectural approval by the Planning Commission.
- 3. All applications for new development shall include photographs of the subject site and properties on both sides of the street.
- 4. The following design criteria shall be used by applicants, City staff, the Planning Commission and the City Council to evaluate proposed new developments and additions to existing developments in the San Tomas Area.

Intent

The San Tomas Area has a distinct character from the rest of Campbell. The criteria contained in this section have been developed to protect and reinforce the desirable characteristics of

San Tomas Area  
Neighborhood Plan

this area. The criteria are intended to provide guidance to applicants and consistency in design review.

The criteria apply basic design principles which are general in nature and reflect the major concerns of neighborhood compatibility and site planning, including the relationship of a home to its neighbors. In an existing neighborhood, such as the San Tomas Area, new development and additions to existing homes should have their own design integrity while incorporating some design elements and materials found in the neighborhood. These criteria are not intended to prescribe a specific style or design.

Compatibility

1. New homes and additions to existing homes should incorporate representative architectural features of homes in the San Tomas Area such as, shape, form, roof pitch, and materials. Architectural design features historically found in the San Tomas Area are described below. New projects should avoid abrupt changes that result from introducing radically different designs or sizes of structures.

Some projects have utilized design features that are not commonly found in the area and are out of scale with surrounding homes. Special care must be used when introducing design features not commonly found in the area to ensure they are architecturally compatible with the surrounding neighborhood.

Architectural features historically found in the San Tomas Area include the following:

- Simple rectangular shaped forms
- Simple rooflines: gabled or hipped
- Shallow window fenestration
- Visually light roof materials (composition, shingles)
- Wood siding or stucco exteriors
- One or two car garages (detached and attached)

Features not commonly found in the area include:

- Complex shapes
- Complex rooflines
- Tall two story entry ways or heavy columns
- Complex window fenestration
- Stucco with heavy moldings

**San Tomas Area  
Neighborhood Plan**

- 2. Use exterior materials compatible with homes in the San Tomas Area.
- 3. New homes and additions to existing homes should not be “walled-off” from adjacent homes as viewed from the street.
- 4. Front yard landscape similar to the adjacent home is encouraged.

Scale & Mass

Building scale refers to the proportional relationship of a structure in relation to objects next to it, such as other buildings or people. Building mass is the size of a structure.

- 1. The perceived scale and mass of new homes should be compatible with homes in the surrounding area. Minimize the use of design features that accentuates the size of new houses so that they do not appear significantly larger than the adjacent homes. This can be accomplished by minimizing the use of two story vertical design elements such as turrets and two story entry ways, where possible, use one and a half story designs with dormers or partial two story designs.



Not Desirable



Desirable

**San Tomas Area  
Neighborhood Plan**

- 2. The perceived scale and mass of a proposed addition to an existing home should be of a similar shape and form as those in the original house. The perceived scale and mass should also be compatible with homes in the surrounding area.
- 3. Architectural elements within the design of new homes and additions to existing homes should be in proportion to the overall home design.

Surface Articulation (Changes within wall and roof planes)

- 1. The amount of wall and roof plane articulation should be similar to adjacent homes. Most of the homes in the area have simple geometric shapes and forms. The homes are usually comprised either of one or more rectangular shapes with gable or hipped roofs or with intersecting pitched roofs.
- 2. Design of homes should avoid long unarticulated wall and roof planes especially, on two story elevations.
  - a. Changes within the wall and roof planes can be accomplished when one of the forms is setback several feet or when a gable end fronts the street, and through the use of porches that run across the front of the house.
  - b. Changes within the wall and roof planes can also be accomplished through the textural use of materials. This is seen in the use of horizontal wood lap siding, wood trim around windows and doors and shingle textures on the roofs.



Long Unarticulated Massing



Articulated Massing

San Tomas Area  
Neighborhood Plan

Building Orientation

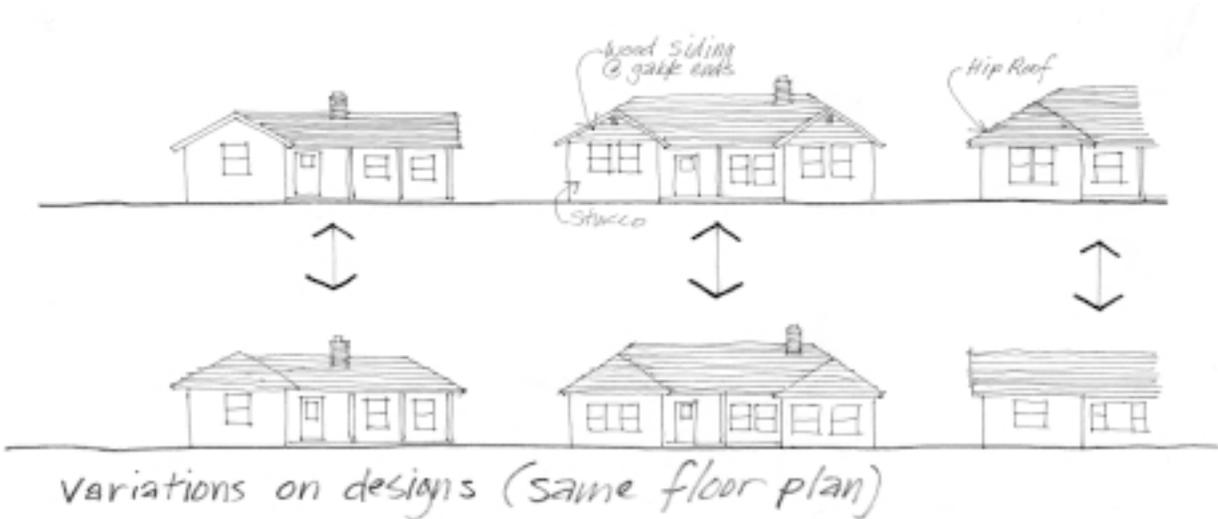
- 1. New homes and additions to existing homes should be located on the lot in a similar manner as adjacent homes within the current setback requirements.
- 2. Garages should not dominate the front facade. To limit the prominence of garages, projects shall incorporate at least one of the measures below. This section shall apply to new garages and additions to existing garages.
  - a. Garages placed in front of the house should not exceed 50% of the linear front elevation with the remainder of the elevation devoted to living area or porch.
  - b. Garages exceeding 50% of the linear front elevation shall either:
    - (1) Recess the garage from the front wall of the house a minimum of five feet.
    - (2) Provide an entry porch or trellis extending the front of the face of the garage.
  - c. Orient the entry to the garage away from the street.
  - d. Other similar features as approved by the Community Development Director.

Exterior Design Variation

- 1. Exterior elevations should be significantly varied with a project. To accomplish this:
  - a. No two identical elevations should be adjacent to one another nor directly across the street from one another, including mirror image elevations.
  - b. No more than 25% of the homes on a block should have the same elevation.

**San Tomas Area  
Neighborhood Plan**

- 2. Significant varied exterior elevations means substantial changes in the shape, mass, roofline, front entry treatment, window usage and materials that can be seen in the designs.



Grading

Most of the homes in the San Tomas Area have pad heights close to natural grade. To avoid accentuating the height of buildings and to ensure the privacy of existing adjacent homes, grading should be limited to the minimum amount necessary to provide adequate drainage.

Privacy Impacts

- 1. Most privacy impacts are due to the number, placement and size of second floor windows. To minimize adverse impacts on neighboring properties, carefully place windows (by studying sightlines) to avoid privacy impacts on neighboring backyards. Methods to accomplish this include, but are not limited to, the following:
  - a. Use smaller windows to help minimize the perception of privacy invasion.
  - b. Place sills up as high as possible in conformance with building codes.
- 2. If large windows are desired, plant non-deciduous trees in the sightline corridor to obscure views.

**San Tomas Area  
Neighborhood Plan**

3. Second floor decks oriented toward the side and rear yards can be a source of privacy invasion to the backyards of adjacent homes. To avoid this:
  - a. Minimize the size of decks.
  - b. Use a solid wall instead of an open railing (especially towards the sideyards).

Integration of Additions with the Existing Home

1. Exterior materials of a proposed addition should match the existing home, unless the entire exterior is being replaced to match the new addition.
2. Integrate second story additions into the overall design of the house in order to avoid a “tacked on” appearance.
3. The design of the addition should be consistent with the original home. This means that materials and architectural elements are used in a consistent manner. The design of the home should also be visually compatible with the adjacent design.
4. The rooflines of the addition including roof slope should be consistent with the existing house, unless a steeper slope is needed to accommodate a one and a half story design.
5. New windows should either match the style, material and color of the original windows or the original windows should be replaced to match the ones used on the addition.
6. New window treatments should also be in keeping with the styles found in the adjacent homes.

**L. General Plan/Zoning Amendments**

The criteria below should be applied to amendments to change the General Plan and/or the Zoning Designation of parcel(s) in the San Tomas Area.

1. The proposed general plan and/or zoning designation should be at least equal to the predominate general plan and/or zoning designation of parcels contiguous to, or directly across a public right-of-way from the subject site.

**San Tomas Area  
Neighborhood Plan**

- 2. Notwithstanding the above, existing parcels that are designated for single family residential development which are contiguous to other parcels designated for single family residential must remain designated for single family residential.
- 3. With the exception of parcels directly abutting Winchester Boulevard, no General Plan Amendment in the San Tomas Area should exceed the low-medium density classification of 6-13 units per acre.
- 4. In situations where no general plan and/or zoning designation is predominant, the Planning Commission and City Council shall determine the appropriate general plan and/or zoning designation based upon land use factors specific to the subject site. The factors to be considered include, but are not limited to, the following:
  - Compatibility with adjoining land uses
  - Privacy Impacts
  - Traffic
  - Noise
- 5. Notice of a public hearing for a General Plan and/or Zoning Amendment shall be as specified in Chapter 21.78 of the Campbell Municipal Code. In addition, a notice containing the time, place and general purpose of the hearing shall be placed at the project site at least 10 days prior to the meeting.

**M. Planned Development Zones**

The standards below shall apply to Planned Development (PD) projects in the San Tomas Area:

Low Density Residential Projects (less than six units per acre)

- 1. Low density residential projects in PD zones shall conform with the standards for single family development contained with this document and the Campbell Municipal Code, except that private local access streets shall be permitted when there is a home owner’s association established to maintain them.
- 2. In addition to the parking requirements for single family homes specified in Section 21.50.50 of Campbell Municipal Code, low density residential PD projects shall provide shared guest parking totaling two spaces per unit. Spaces located in the driveways of the units shall not be included as guest parking.

San Tomas Area  
Neighborhood Plan

- 3. The minimum lot size for low density residential projects in PD zones shall be at least equal to the predominant minimum lot size requirement of parcels contiguous to, or directly across a public right-of-way from the subject site.
  - a. In situations where no minimum lot size requirement is predominant, the Planning Commission and City Council shall determine the appropriate minimum lot size based upon land use factors specific to the subject site.
  - b. The minimum lot size shall not include the private local access street, common areas or open space areas.
  - c. Common areas and open space areas are exempt from the minimum lot size requirements.

Low-Medium Density Projects (6-13 units per acre)

1. Low-Medium density developments in PD zones shall be compatible with the existing neighborhood. To integrate new projects with the neighborhood, low-medium density developments should conform to the following criteria:

- a. To the extent possible, the public street elevation of any unit or building group shall foster the appearance of single family residential design. The width of the individual units should be expressed architecturally on the exterior elevation.
- b. Building design shall contain traditional single family architectural elements. These elements may include, but are not limited to, defined entries, porches, projecting eaves and overhangs. The intent of this criteria is to provide a single-family residential scale and help reduce building mass.
- c. The entry way of units adjacent to a public street shall be oriented to the public street and should not be walled-off or inward oriented. The backs of units and privacy fences should not face public streets.
- d. The appearance of attached garages shall be minimized by incorporating the measures listed below, or other similar measures as approved by the Community Development Director:

(1) Limit garage doors to no more than 50% of the linear front elevation of a unit or building group, with the remainder of the elevation devoted to living area or porch.

- (2) Garages which exceed 50% of the front elevation shall either:
- Provide an entry porch with a porch roof or trellis extending in front of the face of the garage.
  - Recess the garage from the front wall of the house a minimum of five feet.

San Tomas Area  
Neighborhood Plan

2. The maximum height for a low-medium density development shall be 28 feet and not exceed 2-1/2 stories.
3. Buildings shall be setback 15' from the property line of adjacent parcels and the public right-of-way, except that garages or carports shall be 25' from any public right-of-way.

**San Tomas Area  
Neighborhood Plan**

**TRANSPORTATION ISSUES**

**Goal Statement**

The City should manage and develop the transportation system in the area to retain the rural character while providing for adequate traffic, pedestrian and bicycle circulation and safety. For local streets it is undesirable to introduce urban street standards in those neighborhoods that have remained rural.

**Objectives**

- 1. Maintain the rural appearance of the local streets in the San Tomas Area.
- 2. Take the minimum amount of right-of-way and provide only the minimum street widths necessary to maintain appropriate traffic function and safety.
- 3. Match the actual use of streets with their functional classification and also provide for a more uniform physical appearance along all streets.
- 4. Traffic through the area should be discouraged and routed via Winchester Boulevard, Pollard Road, Quito Road and Campbell Avenue.

**Transportation Policies**

**A. Truck Routes**

Truck routes in the San Tomas Area should be restricted to arterial routes and only those collectors where the predominant abutting land uses are commercial and industrial. This means that only Pollard Road and Winchester Boulevard are truck routes within the San Tomas Area and the Campbell Municipal Code should be changed accordingly.

**B. Street Design Standard Implementation Policies**

1. New Streets

All newly created streets shall be designed and built according to the San Tomas Public Improvement Plan and the corresponding City Standard details. New streets shall be improved with rolled curbs for improved drainage.

**San Tomas Area  
Neighborhood Plan**

2. Existing Streets

Existing streets are required to be improved consistent with the San Tomas Street Improvement Plan (attached).

- a. Any proposed new development located on those streets identified for street improvements would be required to dedicate right-of-way to the predominant dimension and construct the street to the predominant street width, install curb, gutters, sidewalks and street lights, as necessary.

3. Deferred Improvement Agreements

Deferred improvement agreements may be taken in lieu of installation of street improvements in the San Tomas Area, as determined by the City Engineer.

4. Removal of Existing Improvements

Property owners may apply for an encroachment permit to remove existing improvements that are not required under the San Tomas Street Improvement Plan. The property owner shall remove these improvements at their cost.

5. Return of Excess Right-of-Way

Property owners may request that any right-of-way no longer necessary under this policy be reverted to the property owner. The City’s current procedures for vacation of excess right-of-way will apply.

6. Existing Deferred Street Improvement Agreements

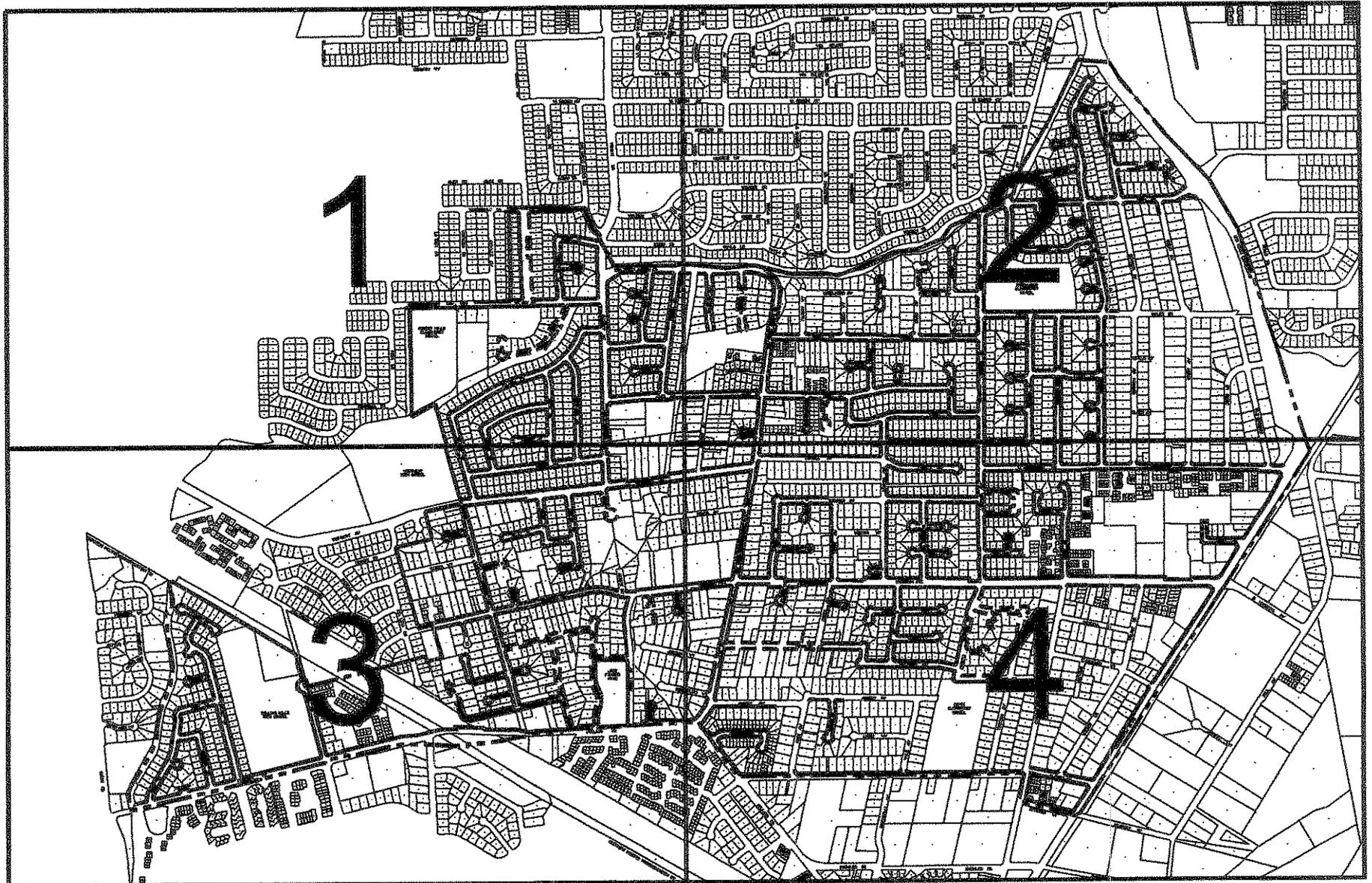
Previous practice has created a number of secured improvement agreements for properties which under the current San Tomas Policy will no longer be required. A notice of fulfillment of the agreement will be recorded and the securities returned.

7. Exceptions

All exceptions to the policies contained in this document shall be subject to review and approval by the City Council.

**Appendix A**  
**San Tomas Public Improvement Plan**

# SAN TOMAS PUBLIC IMPROVEMENT PLAN INDEX



# SAN TOMAS PUBLIC IMPROVEMENT PLAN



Scale: 1" = 650'

**Legend:**

Curb, Gutter, Sidewalk, and Lighting

Rolled Curb

San Tomas Area Boundary

\* Map represents type of improvements only - (actual location of improvements not accurately shown)

Adopted By City Council Jan. 18, 2000



# SAN TOMAS PUBLIC IMPROVEMENT PLAN



Scale: 1" = 650'

**Legend:**

Curb, Gutter, Sidewalk, and Lighting



Rolled Curb

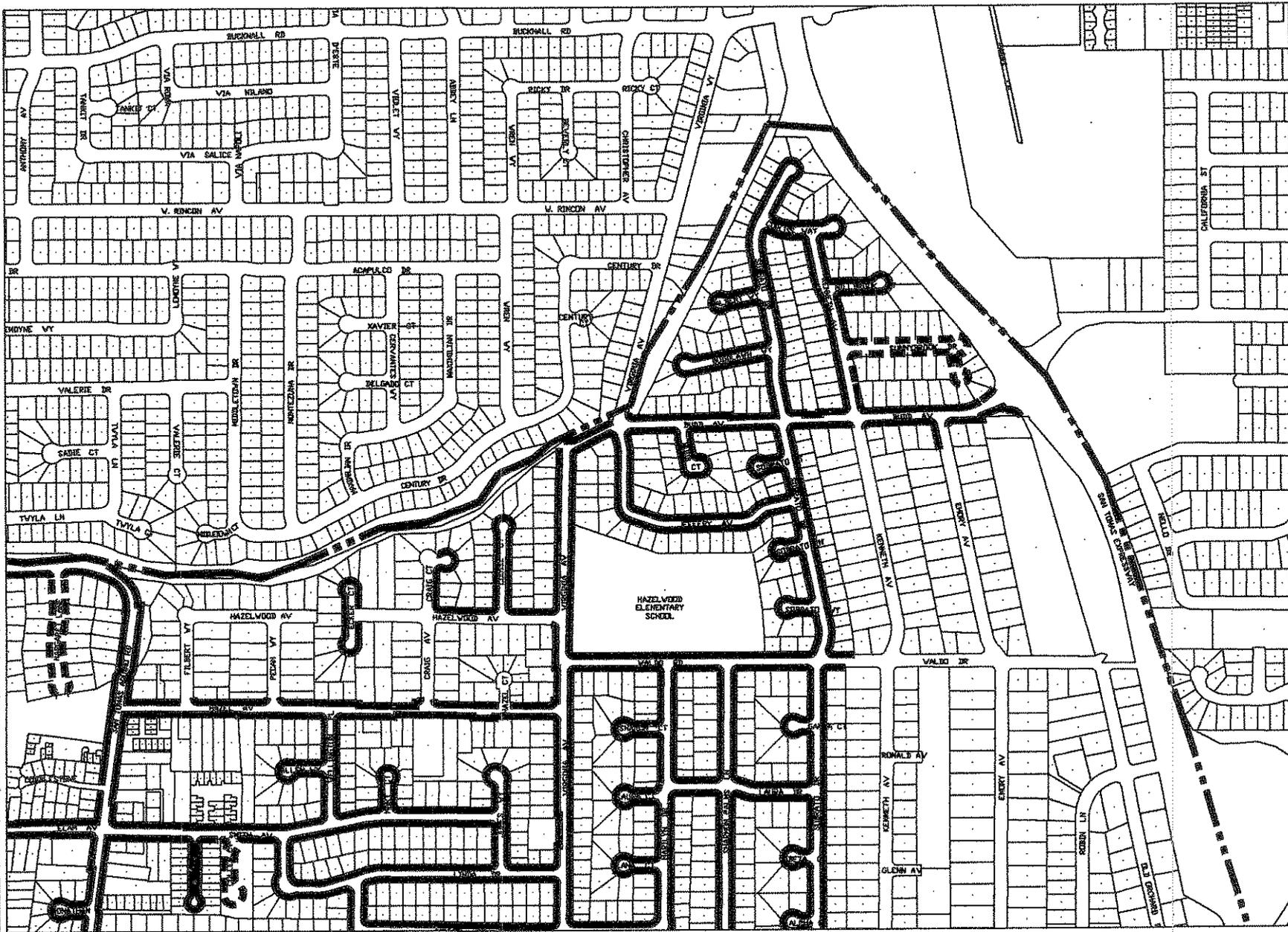


San Tomas Area Boundary



\* Map represents type of improvements only - (actual location of improvements not accurately shown)

Adopted By City Council Jan. 18, 2000



# SAN TOMAS PUBLIC IMPROVEMENT PLAN



Scale: 1" = 650'

**Legend:**

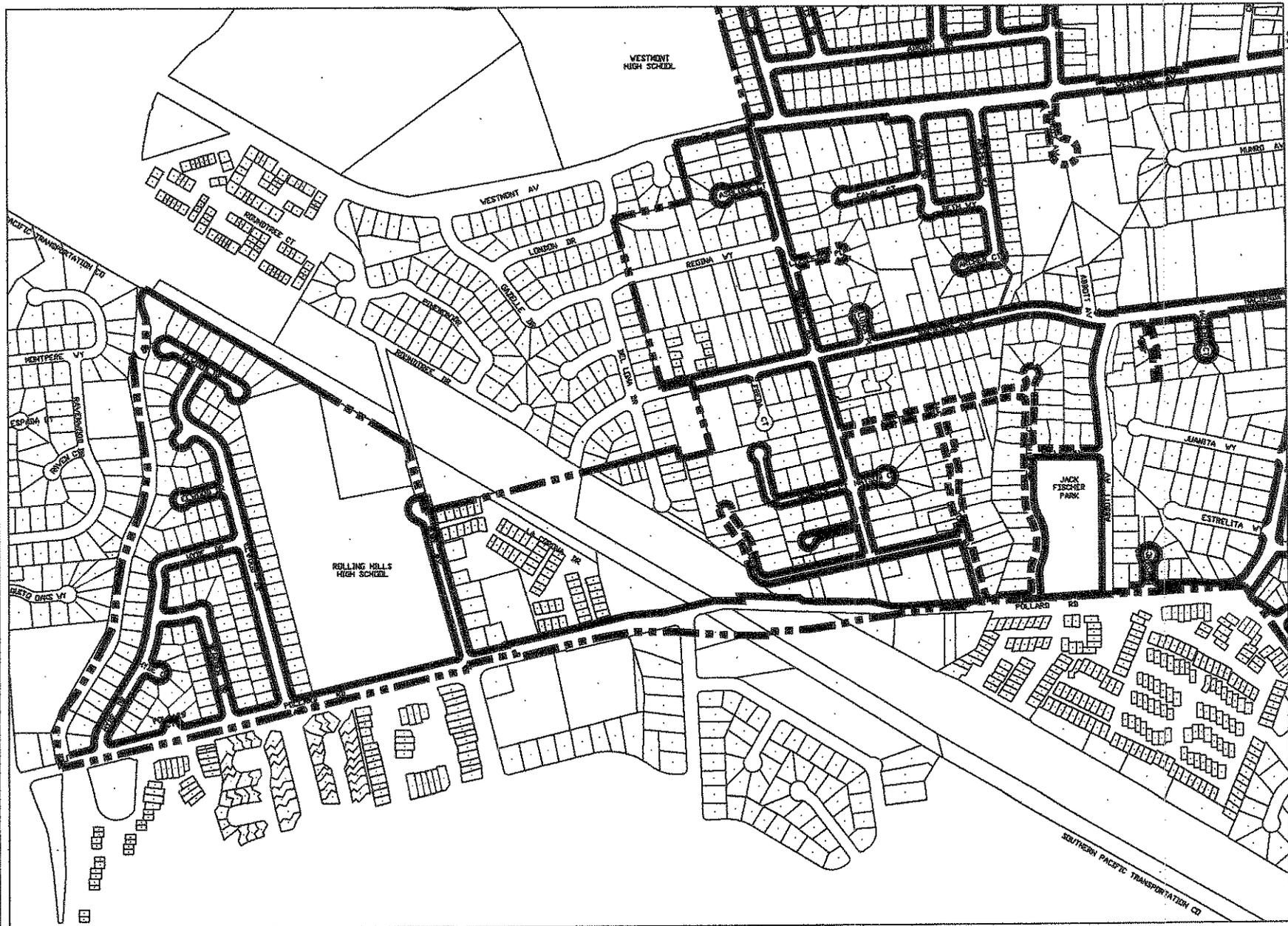
Curb, Gutter, Sidewalk, and Lighting

Rolled Curb

San Tomas Area Boundary

\* Map represents type of improvements only - (actual location of improvements not accurately shown)

Adopted By City Council Jan. 18, 2000





**Appendix B**  
**Streets Listed by Type of Improvements**

# Streets Listed by Type of Improvements - Adopted by City Council Resolution **Attachment 4**

(A) Streets or street segments that are fully or substantially improved with curb, gutter and/or sidewalk improvements; or with rolled curbs (infill lots will continue to require full improvements)

- 1 Adrien Drive
- 2 Albert Way
- 3 Allen Way
- 4 Alpha Court
- 5 Archer Court
- 6 Archer Way
- 7 Ashlock Court
- 8 Audrey Avenue (south side-from east of Oburn to Burrows)
- 9 Bearden Drive
- 10 Bedal Lane
- 11 Beta Court
- 12 Beth Way
- 13 Bracebridge Court
- 14 Bucknam Avenue (Peggy to Shadle and Sonuca to Virginia)
- 15 Bucknam Court
- 16 Budd Avenue
- 17 Budd Court
- 18 Buddlawn Way
- 19 Capri Drive (north of Hacienda)
- 20 Capri Drive (West Parr to Division)
- 21 Chapman Drive (south side from Capri School to Virginia)
- 22 Cobblestone (Private street)
- 23 Connie Drive
- 24 Cora Court
- 25 Corliss Way
- 26 Crockett Avenue (South of San Tomas Aquino Road)
- 27 Cullen Court
- 28 De Carli Court
- 29 Del Loma
- 30 Division
- 31 Ebbets Drive
- 32 Ecker Court
- 33 Elwood Drive
- 34 Fairland Court
- 35 Fairlands Avenue
- 36 Fawn Court
- 37 Fawn Drive
- 38 Gamma Court
- 39 Gay Avenue
- 40 Ginden Court
- 41 Ginden Drive
- 42 Glenblair Way
- 43 Gwen Drive
- 44 Hacienda Court
- 45 Hacienda Avenue (west of Harriett)
- 46 Harriet Avenue (North of Westmont)
- 47 Harriet Court
- 48 Hazel Court (Private)
- 49 Hyde Court
- 50 Hyde Drive
- 51 Inskip Drive
- 52 Inwood Drive
- 53 Inwood Court
- 54 Jeffery Avenue
- 55 Jonathan Court
- 56 Jones Way
- 57 Kara Way (private)
- 58 Keith Drive (west of San Tomas Aquino Road)
- 59 Kenneth Avenue (north of Budd Avenue)
- 60 La Corona Drive (private)
- 61 La Plata Plaza
- 62 Lamont Court
- 63 Lana Court
- 64 Laura Court
- 65 Laura Drive

**(A) Streets or street segments that are fully or substantially improved with curb, gutter and/or sidewalk improvements; or with rolled curbs (infill lots will continue to require full improvements) -- continue** Attachment 4

- 66 Linda Drive
- 67 Littleton Place)
- 68 Louise Court
- 69 Lovell Avenue-north side (between San Tomas Aquino and Sonuca)
- 70 Lovell Avenue (east of Sonuca)
- 71 Loyalton Drive
- 72 Luika Place
- 73 Maggio Court
- 74 Manton Court
- 75 Margaret Lane
- 76 Marilyn Drive
- 77 Marsan Court
- 78 Mary Court
- 79 Maysun Court
- 80 McCoy Avenue
- 81 Millbrook Court
- 82 Miller Avenue
- 83 More Avenue
- 84 Oburn Court
- 85 Parkhurst Drive
- 86 Patricia Court
- 87 Peachtree Court
- 88 Peggy Avenue (west side-north of Hacienda)
- 89 Peggy Court
- 90 Pollard Court
- 91 Robnick Court
- 92 Saffle Court (private)
- 93 Scott Court
- 94 Shadle Avenue
- 95 Sharmon Palms Lane
- 96 Sharon Court
- 97 Sheila Court
- 98 Silacci Drive
- 99 Smith Avenue
- 100 Smokey Court
- 101 Sobrato Court
- 102 Sobrato Lane
- 103 Sobrato Way
- 104 Sobrato Drive
- 105 Sonuca Ave (east side between Hacienda and Lovell)
- 106 Sonuca Court
- 107 Steinway Avenue (from 300 feet east of Peggy to Virginia)
- 108 Summerfield Drive
- 109 Sunnarbor Court
- 110 Sunnoaks Avenue
- 111 Sunnypark Court
- 112 Theresa Avenue (from 600 feet east of Virginia to West Parr Avenue)
- 113 Torero Plaza
- 114 Vanderbilt Drive (San Tomas Aquino to Weston)
- 115 Van Dusen Drive
- 116 Via Rancho
- 117 Virginia Avenue (south of Hacienda)
- 118 Virginia Court
- 119 Waldo Road (west of Sobrato)
- 120 Wellington Place
- 121 Weston Drive (west side of street)
- 122 York Avenue (unimproved portion)

**(B) Streets to remain with no curb, gutter and sidewalks\***

- 1 Abbott (east side, south of Hacienda)
- 2 Abbott (between Westmont and Hacienda)
- 3 Audrey (unimproved portion from Hack to Capri School)
- 4 Audrey (unimproved portion northside between Hack and Burrows)
- 5 Bucknam (Peggy to Sonuca)
- 6 Capri Drive (Hacienda to West Parr)
- 7 Chapman Drive (between Winchester and Capri; and Capri to Theresa)

**(B) Streets to remain with no curb, gutter and sidewalks\* -- continued**

- 8 Chapman Drive (from Theresa west to existing curb)
- 9 Craig Avenue (South of Hazelwood)
- 10 Craig Court (North of Hazelwood)
- 11 Crockett Avenue
- 12 Emory Avenue
- 13 Estrelita Way
- 14 Filbert Way
- 15 Freda Court
- 16 Glenn Avenue (off Kenneth)
- 17 Hack Avenue
- 18 Hazelwood (Adjacent to Filbert and Pecan)
- 19 Hazelwood (south and north side between Ecker and Virginia)
- 20 Juanita Way
- 21 Kenneth Avenue (Budd to Sunnoaks)
- 22 Lovell Avenue (south side between San Tomas Aquino and Sonuca)
- 23 Lucot Way
- 24 Munro Avenue
- 25 Old Orchard Road
- 26 Pecan Way
- 27 Peggy Avenue-(east side north of Hacienda)
- 28 Peggy Avenue (south of Hacienda)
- 29 Regina Way
- 30 Robin Lane
- 31 Ronald Avenue (off Kenneth)
- 32 Sonuca Ave-(west side between Hacienda and Lovell)
- 33 Stevens Court
- 34 Sunnybrook Drive
- 35 Theresa Avenue (from 600 feet east of Virginia to West Parr Avenue)
- 36 Vale Avenue
- 37 Waldo Road (east of Sobrato)
- 38 Walnut Drive
- 39 Wekiva Way
- 40 Wendell Drive

**(C) Higher Volume Streets that require full Curb, Gutter and Sidewalk improvements**

- 1 Burrows Road
- 2 Elam Avenue
- 3 Hacienda Avenue (east of Harriett)
- 4 Hazel Avenue
- 5 Pollard Road
- 6 San Tomas Aquino Road
- 7 Virginia Avenue (north of Hacienda)
- 8 Westmont Avenue (between Westmont High School and San Tomas Aquino Road)
- 9 West Parr Drive
- 10 Winchester Boulevard

**(D) Streets with Partial Improvements that require Curb, Gutter and Sidewalks to Provide More Consistent Improvements**

- 1 Harriet Avenue (Between Westmont and Van Dusen)
- 2 Sonuca Avenue (between Lovell and Linda)
- 3 Steinway Avenue from Peggy Avenue to 300 feet east of Peggy
- 4 Weston Drive

**(E) Streets that require rolled curbs for drainage purposes**

- 1 Steinway Avenue from Burrows to Peggy
- 2 Walters Avenue
- 3 York Avenue (unimproved portion)

**(F) Streets to be improved to provide safe pedestrian access to schools or parks**

- 1 Abbott Avenue - west side, south of Hacienda (add sidewalks to existing rolled curb)
- 2 Chapman Drive-south side (from Theresa to Capri School) (add curb, gutter, sidewalks)

**(G) New streets planned to serve possible future development**

- 1 Abbott Extension (north of Hacienda)
- 2 Rollinghills Center
- 3 Elam and Harriet
- 4 Hacienda near Harriet

Notes \* Some of these streets have intermittent improvements in front of some parcels. These owners would be given the option to remove these improvements at their own cost.

21.08.050 - R-M (Multiple-family) zoning district.

- A. Purpose of R-M (Multiple-family) zoning district. The R-M zoning district identifies areas appropriate to provide a variety of dwelling types. The allowable maximum density range is six to thirteen dwelling units per gross acre. The R-M zoning district is intended to provide for single-family, two-family, and multiple-family dwelling units on parcels ranging from six thousand square feet for single-family, seven thousand square feet for two-family, and nine thousand square feet for three-family dwelling units. The R-M zoning district is consistent with the low-medium density residential land use designation of the General Plan.
- B. Permitted uses in R-M (Multiple-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):
1. Accessory structures;
  2. Apartments;
  3. Duplexes;
  4. Family child day care homes, small;
  5. Garage/yard sales, private;
  6. Groundwater recharge facilities;
  7. Home occupations;
  8. Parks, public;
  9. Residential care homes, small;
  10. Residential service facilities, small;
  11. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
  12. Schools - K-12, public;
  13. Single-family dwellings;
  14. Supportive housing;
  15. Transitional housing.
- C. Uses allowed with conditional use permit in R-M (Multiple-family) zoning district. The following uses are permitted with a conditional use permit in compliance with Chapter 21.46, (Conditional Use Permits):
1. Bed and breakfast inns;
  2. Community/cultural/recreational center;
  3. Convalescent/rest homes;
  4. Emergency shelters;
  5. Family child day care homes, large;
  6. Government offices and facilities (local, state, or federal);
  7. Monastery, convent, parsonage, or nunnery;
  8. Public utility structures and service facilities;
  9. Residential care homes, large;
  10. Residential recreational facilities, private;

- 11. Residential service facilities, large;
  - 12. Rooming and Boarding houses;
  - 13. Satellite television or personal internet broadband dishes/antenna (greater than three feet in diameter);
  - 14. Schools - K-12, private;
  - 15. Tennis courts, private;
  - 16. Reserved;
  - 17. Wireless telecommunications facilities.
- D. Prohibited uses in R-M (Multiple-family) zoning district. The following uses are prohibited:
- 1. Commercial and industrial uses (except those allowed by a home occupation permit);
  - 2. Storage of commercial vehicles;
  - 3. Storage of supplies and materials for commercial or industrial purposes;
  - 4. Storage of supplies, materials, lumber, metal and junk exceeding an area of one hundred square feet, except when such are being used for construction on the property with a valid building permit;
  - 5. Any use which is obnoxious or offensive or creates a nuisance to the occupants or visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances;
  - 6. Any use inconsistent with state or federal law.
- E. General development standards for uses in R-M (Multiple-family) zoning district. New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-5 (General Development Standards - R-M Zoning District), in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Development and Operational Standards).

**Table 2-5  
General Development Standards - R-M Zoning District**

Development Feature	R-M
Minimum parcel size	6,000 square feet for a single-family dwelling.
	7,000 square feet for a two-family dwelling.
	9,000 square feet for a three-family dwelling.
	Parcels having an area greater than 9,000 square feet may be developed at a ratio of one dwelling unit for each 3,000 square feet of parcel area.
Minimum parcel width	60 ft.

Minimum public frontage	25 ft./15 ft. for flag lots
Maximum allowable density	6 to 13 d.u./gross acre
Open space required for multiple-family dwelling units	An area of not less than 300 square feet for each dwelling unit for recreational purposes (if not a townhouse or condominium).
	When serving multiple-family dwelling units, the area may be private or common. The area shall be in addition to the required front setback between the structure and any street property line. It shall be specifically designed for recreational use, whether active or passive, and shall not be occupied by driveways, parking spaces, or walkways between structures.
	When serving multiple-family dwelling units, a recreation area may be provided for each dwelling unit, or all the required space may be combined in one area. A rooftop recreation space may be counted as a part of the required space; provided, it is at least 300 square feet in area. The area may be occupied by recreational facilities (e.g., deck, patio, playground equipment, porch, or swimming pool); provided, they are open on at least two sides and not covered by a roof or canopy. When the recreation area is 500 square feet or more in size, a recreation structure may be built on not more than 25 percent of the area. No dimension of an area to be counted as open space shall be less than 10 ft.
Setbacks required	
Front	20 ft.
Side (each)	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Street side	12 ft.
Rear	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Vehicular access	25 feet to any public right-of-way.

Maximum floor area ratio	0.50
Maximum lot coverage	40%
Main structure maximum height	35 ft./2 ½ stories
Distance between non-accessory structures on the same lot	The distance equal to building wall height of the taller of the two structures.
Accessory structures	See <u>Section 21.36.020</u> (Accessory structures)
Fences, walls, lattice, and screens	See <u>Section 21.18.060</u> (Fences, walls, lattice and screens)
Landscaping	See <u>Section 21.26.020</u> (Landscaping requirements for individual zoning districts)
Motor vehicle parking	See <u>Chapter 21.28</u> (Parking and Loading)

(Ord. 2108 § 1(part), 2008; Ord. 2070 § 1 (Exh. A)(part), 2006; Ord. 2043 § 1(part), 2004).

(Ord. No. 2182, § 1(Exh. A), 10-7-2014)

21.08.050 - R-M (Multiple-family) zoning district.

- A. Purpose of R-M (Multiple-family) zoning district. The R-M zoning district identifies areas appropriate to provide a variety of dwelling types. The allowable maximum density range is six to thirteen dwelling units per gross acre. The R-M zoning district is intended to provide for single-family, two-family, and multiple-family dwelling units on parcels ranging from six thousand square feet for single-family, seven thousand square feet for two-family, and nine thousand square feet for three-family dwelling units. The R-M zoning district is consistent with the low-medium density residential land use designation of the General Plan.
- B. Permitted uses in R-M (Multiple-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):
1. Accessory structures;
  2. Apartments;
  3. Duplexes;
  4. Family child day care homes, small;
  5. Garage/yard sales, private;
  6. Groundwater recharge facilities;
  7. Home occupations;
  8. Parks, public;
  9. Residential care homes, small;
  10. Residential service facilities, small;
  11. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
  12. Schools - K-12, public;
  13. Single-family dwellings;
  14. Supportive housing;
  15. Transitional housing.
- C. Uses allowed with conditional use permit in R-M (Multiple-family) zoning district. The following uses are permitted with a conditional use permit in compliance with Chapter 21.46, (Conditional Use Permits):
1. Bed and breakfast inns;
  2. Community/cultural/recreational center;
  3. Convalescent/rest homes;
  4. Emergency shelters;
  5. Family child day care homes, large;
  6. Government offices and facilities (local, state, or federal);
  7. Monastery, convent, parsonage, or nunnery;
  8. Public utility structures and service facilities;
  9. Residential care homes, large;
  10. Residential recreational facilities, private;

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  7. Home occupations;
  8. Parks, public;
  9. Residential care homes, small;
  10. Residential service facilities, small;
  11. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
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  2. Community/cultural/recreational center;
  3. Convalescent/rest homes;
  4. Emergency shelters;
  5. Family child day care homes, large;
  6. Government offices and facilities (local, state, or federal);
  7. Monastery, convent, parsonage, or nunnery;
  8. Public utility structures and service facilities;
  9. Residential care homes, large;
  10. Residential recreational facilities, private;

- 11. Residential service facilities, large;
  - 12. Rooming and Boarding houses;
  - 13. Satellite television or personal internet broadband dishes/antenna (greater than three feet in diameter);
  - 14. Schools - K-12, private;
  - 15. Tennis courts, private;
  - 16. Reserved;
  - 17. Wireless telecommunications facilities.
- D. Prohibited uses in R-M (Multiple-family) zoning district. The following uses are prohibited:
- 1. Commercial and industrial uses (except those allowed by a home occupation permit);
  - 2. Storage of commercial vehicles;
  - 3. Storage of supplies and materials for commercial or industrial purposes;
  - 4. Storage of supplies, materials, lumber, metal and junk exceeding an area of one hundred square feet, except when such are being used for construction on the property with a valid building permit;
  - 5. Any use which is obnoxious or offensive or creates a nuisance to the occupants or visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances;
  - 6. Any use inconsistent with state or federal law.
- E. General development standards for uses in R-M (Multiple-family) zoning district. New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-5 (General Development Standards - R-M Zoning District), in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Development and Operational Standards).

**Table 2-5  
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	7,000 square feet for a two-family dwelling.
	9,000 square feet for a three-family dwelling.
	Parcels having an area greater than 9,000 square feet may be developed at a ratio of one dwelling unit for each 3,000 square feet of parcel area.
Minimum parcel width	60 ft.

Minimum public frontage	25 ft./15 ft. for flag lots
Maximum allowable density	6 to 13 d.u./gross acre
Open space required for multiple-family dwelling units	An area of not less than 300 square feet for each dwelling unit for recreational purposes (if not a townhouse or condominium).
	When serving multiple-family dwelling units, the area may be private or common. The area shall be in addition to the required front setback between the structure and any street property line. It shall be specifically designed for recreational use, whether active or passive, and shall not be occupied by driveways, parking spaces, or walkways between structures.
	When serving multiple-family dwelling units, a recreation area may be provided for each dwelling unit, or all the required space may be combined in one area. A rooftop recreation space may be counted as a part of the required space; provided, it is at least 300 square feet in area. The area may be occupied by recreational facilities (e.g., deck, patio, playground equipment, porch, or swimming pool); provided, they are open on at least two sides and not covered by a roof or canopy. When the recreation area is 500 square feet or more in size, a recreation structure may be built on not more than 25 percent of the area. No dimension of an area to be counted as open space shall be less than 10 ft.
Setbacks required	
Front	20 ft.
Side (each)	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Street side	12 ft.
Rear	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Vehicular access	25 feet to any public right-of-way.

Maximum floor area ratio	0.50
Maximum lot coverage	40%
Main structure maximum height	35 ft./2 ½ stories
Distance between non-accessory structures on the same lot	The distance equal to building wall height of the taller of the two structures.
Accessory structures	See <u>Section 21.36.020</u> (Accessory structures)
Fences, walls, lattice, and screens	See <u>Section 21.18.060</u> (Fences, walls, lattice and screens)
Landscaping	See <u>Section 21.26.020</u> (Landscaping requirements for individual zoning districts)
Motor vehicle parking	See <u>Chapter 21.28</u> (Parking and Loading)

(Ord. 2108 § 1(part), 2008; Ord. 2070 § 1 (Exh. A)(part), 2006; Ord. 2043 § 1(part), 2004).

(Ord. No. 2182, § 1(Exh. A), 10-7-2014)

- 11. Residential service facilities, large;
  - 12. Rooming and Boarding houses;
  - 13. Satellite television or personal internet broadband dishes/antenna (greater than three feet in diameter);
  - 14. Schools - K-12, private;
  - 15. Tennis courts, private;
  - 16. Reserved;
  - 17. Wireless telecommunications facilities.
- D. Prohibited uses in R-M (Multiple-family) zoning district. The following uses are prohibited:
- 1. Commercial and industrial uses (except those allowed by a home occupation permit);
  - 2. Storage of commercial vehicles;
  - 3. Storage of supplies and materials for commercial or industrial purposes;
  - 4. Storage of supplies, materials, lumber, metal and junk exceeding an area of one hundred square feet, except when such are being used for construction on the property with a valid building permit;
  - 5. Any use which is obnoxious or offensive or creates a nuisance to the occupants or visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances;
  - 6. Any use inconsistent with state or federal law.
- E. General development standards for uses in R-M (Multiple-family) zoning district. New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-5 (General Development Standards - R-M Zoning District), in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Development and Operational Standards).

**Table 2-5  
General Development Standards - R-M Zoning District**

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	7,000 square feet for a two-family dwelling.
	9,000 square feet for a three-family dwelling.
	Parcels having an area greater than 9,000 square feet may be developed at a ratio of one dwelling unit for each 3,000 square feet of parcel area.
Minimum parcel width	60 ft.

Minimum public frontage	25 ft./15 ft. for flag lots
Maximum allowable density	6 to 13 d.u./gross acre
Open space required for multiple-family dwelling units	An area of not less than 300 square feet for each dwelling unit for recreational purposes (if not a townhouse or condominium).
	When serving multiple-family dwelling units, the area may be private or common. The area shall be in addition to the required front setback between the structure and any street property line. It shall be specifically designed for recreational use, whether active or passive, and shall not be occupied by driveways, parking spaces, or walkways between structures.
	When serving multiple-family dwelling units, a recreation area may be provided for each dwelling unit, or all the required space may be combined in one area. A rooftop recreation space may be counted as a part of the required space; provided, it is at least 300 square feet in area. The area may be occupied by recreational facilities (e.g., deck, patio, playground equipment, porch, or swimming pool); provided, they are open on at least two sides and not covered by a roof or canopy. When the recreation area is 500 square feet or more in size, a recreation structure may be built on not more than 25 percent of the area. No dimension of an area to be counted as open space shall be less than 10 ft.
Setbacks required	
Front	20 ft.
Side (each)	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Street side	12 ft.
Rear	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Vehicular access	25 feet to any public right-of-way.

Maximum floor area ratio	0.50
Maximum lot coverage	40%
Main structure maximum height	35 ft./2 ½ stories
Distance between non-accessory structures on the same lot	The distance equal to building wall height of the taller of the two structures.
Accessory structures	See <u>Section 21.36.020</u> (Accessory structures)
Fences, walls, lattice, and screens	See <u>Section 21.18.060</u> (Fences, walls, lattice and screens)
Landscaping	See <u>Section 21.26.020</u> (Landscaping requirements for individual zoning districts)
Motor vehicle parking	See <u>Chapter 21.28</u> (Parking and Loading)

(Ord. 2108 § 1(part), 2008; Ord. 2070 § 1 (Exh. A)(part), 2006; Ord. 2043 § 1(part), 2004).

(Ord. No. 2182, § 1(Exh. A), 10-7-2014)

*(Attachment B - Planned Development municode 21.12.030)***21.12.030 - P-D (Planned Development) zoning district.**

- A. Purpose. The P-D zoning district is intended to provide a degree of flexibility that is not available in other zoning districts so as to allow developments that are more consistent with site characteristics while creating an optimum quantity and use of open space and good design. The zoning district allows within its boundaries a use or development, or a combination of uses or types of uses or types of developments that is (are) determined to be in conformance with the underlying land use designation of the General Plan. It is not the intent of the P-D zoning district to allow more residential units than would normally be allowed by other residential zoning districts which are deemed consistent with the General Plan.
- B. General Plan. The P-D zoning district is consistent with the underlying land use designation of the General Plan.
- C. San Tomas area. San Tomas area neighborhood plan policies are incorporated herein by reference. The San Tomas neighborhood area plan policies shall only apply to properties within the boundaries of the San Tomas area. The map outlining the boundaries of the San Tomas area is maintained at the community development department. In the case of conflict between the San Tomas area neighborhood plan policies and requirements contained in this chapter, the policies of the San Tomas area neighborhood plan shall prevail.
- D. Allowable uses in the P-D zoning district. Any use or development that is determined to be consistent with the General Plan of the city may be approved in the planned development zoning district, subject to the criteria established in subsection (G)(6) of this section. Development plans shall be approved either through an administrative planned development permit, in compliance with subsection (G)(1) of this section, or by City Council resolution or ordinance, in compliance with subsection (G)(9) of this section. In order to aid the City Council in adoption of a resolution or ordinance, the planning commission shall also hold a public hearing and shall transmit its findings and recommendations by resolution to the City Council. Establishment of a liquor establishments or a liquor store shall require approval of a conditional use permit pursuant to the requirements of Chapter 21.46, (Conditional Use Permits).
- E. Design guidelines. In its review of development projects, the decision-making body shall take into consideration any relevant design guidelines that have been adopted by the city.
- F. Prohibited uses in the P-D (Planned Development) zoning district. The following uses are prohibited:
1. Any business that includes smoking tobacco on site (e.g., smoking lounges, hookah lounges, etc.).
  2. Any use inconsistent with state or federal law.
- G. Establishing the P-D zoning district.
1. Unless initiated by the city, an application for a zone change to a P-D zoning district for a specific parcel or area shall include a development plan.
  2. The city may initiate a zone change to a P-D zoning district for a specific parcel or area, without providing a development plan, when the purpose of the zone change is determined to serve the best interests of the city.
- H.

*(Attachment C - 21.08.050 - R-M (Multiple-family))*

## 21.08.050 - R-M (Multiple-family) zoning district.

- A. Purpose of R-M (Multiple-family) zoning district. The R-M zoning district identifies areas appropriate to provide a variety of dwelling types. The allowable maximum density range is six to thirteen dwelling units per gross acre. The R-M zoning district is intended to provide for single-family, two-family, and multiple-family dwelling units on parcels ranging from six thousand square feet for single-family, seven thousand square feet for two-family, and nine thousand square feet for three-family dwelling units. The R-M zoning district is consistent with the low-medium density residential land use designation of the General Plan.
- B. Permitted uses in R-M (Multiple-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):
1. Accessory structures;
  2. Apartments;
  3. Duplexes;
  4. Family child day care homes, small;
  5. Garage/yard sales, private;
  6. Groundwater recharge facilities;
  7. Home occupations;
  8. Parks, public;
  9. Residential care homes, small;
  10. Residential service facilities, small;
  11. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
  12. Schools - K-12, public;
  13. Single-family dwellings;
  14. Supportive housing;
  15. Transitional housing.
- C. Uses allowed with conditional use permit in R-M (Multiple-family) zoning district. The following uses are permitted with a conditional use permit in compliance with Chapter 21.46, (Conditional Use Permits):
1. Bed and breakfast inns;
  2. Community/cultural/recreational center;
  3. Convalescent/rest homes;
  4. Emergency shelters;
  5. Family child day care homes, large;
  6. Government offices and facilities (local, state, or federal);
  7. Monastery, convent, parsonage, or nunnery;
  8. Public utility structures and service facilities;
  9. Residential care homes, large;
  10. Residential recreational facilities, private;

- 11. Residential service facilities, large;
  - 12. Rooming and Boarding houses;
  - 13. Satellite television or personal internet broadband dishes/antenna (greater than three feet in diameter);
  - 14. Schools - K-12, private;
  - 15. Tennis courts, private;
  - 16. Reserved;
  - 17. Wireless telecommunications facilities.
- D. Prohibited uses in R-M (Multiple-family) zoning district. The following uses are prohibited:
- 1. Commercial and industrial uses (except those allowed by a home occupation permit);
  - 2. Storage of commercial vehicles;
  - 3. Storage of supplies and materials for commercial or industrial purposes;
  - 4. Storage of supplies, materials, lumber, metal and junk exceeding an area of one hundred square feet, except when such are being used for construction on the property with a valid building permit;
  - 5. Any use which is obnoxious or offensive or creates a nuisance to the occupants or visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances;
  - 6. Any use inconsistent with state or federal law.
- E. General development standards for uses in R-M (Multiple-family) zoning district. New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-5 (General Development Standards - R-M Zoning District), in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3, (Development and Operational Standards).

**Table 2-5  
General Development Standards - R-M Zoning District**

Development Feature	R-M
Minimum parcel size	6,000 square feet for a single-family dwelling.
	7,000 square feet for a two-family dwelling.
	9,000 square feet for a three-family dwelling.
	Parcels having an area greater than 9,000 square feet may be developed at a ratio of one dwelling unit for each 3,000 square feet of parcel area.
Minimum parcel width	60 ft.

Minimum public frontage	25 ft./15 ft. for flag lots
Maximum allowable density	6 to 13 d.u./gross acre
Open space required for multiple-family dwelling units	An area of not less than 300 square feet for each dwelling unit for recreational purposes (if not a townhouse or condominium).
	When serving multiple-family dwelling units, the area may be private or common. The area shall be in addition to the required front setback between the structure and any street property line. It shall be specifically designed for recreational use, whether active or passive, and shall not be occupied by driveways, parking spaces, or walkways between structures.
	When serving multiple-family dwelling units, a recreation area may be provided for each dwelling unit, or all the required space may be combined in one area. A rooftop recreation space may be counted as a part of the required space; provided, it is at least 300 square feet in area. The area may be occupied by recreational facilities (e.g., deck, patio, playground equipment, porch, or swimming pool); provided, they are open on at least two sides and not covered by a roof or canopy. When the recreation area is 500 square feet or more in size, a recreation structure may be built on not more than 25 percent of the area. No dimension of an area to be counted as open space shall be less than 10 ft.
Setbacks required	
Front	20 ft.
Side (each)	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Street side	12 ft.
Rear	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).
Vehicular access	25 feet to any public right-of-way.

Maximum floor area ratio	0.50
Maximum lot coverage	40%
Main structure maximum height	35 ft./2 ½ stories
Distance between non-accessory structures on the same lot	The distance equal to building wall height of the taller of the two structures.
Accessory structures	See <u>Section 21.36.020</u> (Accessory structures)
Fences, walls, lattice, and screens	See <u>Section 21.18.060</u> (Fences, walls, lattice and screens)
Landscaping	See <u>Section 21.26.020</u> (Landscaping requirements for individual zoning districts)
Motor vehicle parking	See <u>Chapter 21.28</u> (Parking and Loading)

(Ord. 2108 § 1(part), 2008; Ord. 2070 § 1 (Exh. A)(part), 2006; Ord. 2043 § 1(part), 2004).

(Ord. No. 2182, § 1(Exh. A), 10-7-2014)



**CITY OF CAMPBELL · PLANNING COMMISSION**  
**Staff Report · June 14, 2016**

**PLN2016-180**                      Public hearing to consider a City-initiated Zoning Text Amendment  
**City-initiated**                      (PLN2016-180) to amend Campbell Municipal Code Chapters 21.20  
**Text Amendment**                      and 21.24 regarding density bonus regulations.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

- 1. Adopt a Resolution**, incorporating the attached findings (reference **Attachment 1**), recommending that the City Council adopt an ordinance amending Chapters 21.20 and 21.24 of the Campbell Zoning Code.

**ENVIRONMENTAL DETERMINATION**

Modifications to the Zoning Code are considered a project under the California Environmental Quality Act (CEQA). However, such an action may be exempt from CEQA if the lead agency finds that there is no possibility that it will have a significant effect on the environment. The proposed text amendment is intended to modify existing regulatory requirements to be consistent with state law and would not have a significant effect on the environment. Therefore, staff recommends that the project be found categorically exempt from environmental review under CEQA §15061(b)(3).

**BACKGROUND**

The City Council's FY2015-2016 Priority Setting Session established a Work Plan item to discuss the City's Inclusionary Housing Ordinance and Density Bonus Ordinance to provide an analysis of discreet components and options. Two study sessions were held in October 2015 where the Council discussed several affordable housing issues including the need to bring the City's existing Density Bonus Ordinance into compliance with State law.

**State Density Bonus Law:** The State Density Bonus Law (Government Code Sections 65915 and 65918) was first adopted in 1979, and required local governments to grant a density bonus to a housing developer whose project of five or more units contained affordable housing for low- or very-low income households or for senior citizens.

Density bonuses benefit developers by authorizing construction of units that would otherwise exceed the maximum allowable density under the existing zoning and development standards. Incentives and waivers also benefit developers by providing site flexibility through reductions in setback, floor area, height, parking, and other requirements.

The City of Campbell adopted a Density Bonus Ordinance in 1991 and updated the Ordinance in 2005 in compliance with SB 1818 (effective January 1, 2005) which significantly amended the State Density Bonus Law, providing: a higher density bonus for a lower percentage of affordable units using a sliding scale; provision for up to three (3) development concessions or incentives depending on the percentage of affordable units provided; or a density bonus if a developer donated land for very low income housing. Density Bonus Law has undergone further revisions since 2005.

**AB2222:** Effective January 1 2015, Assembly Bill 2222 (AB2222) amended sections of the State Density Bonus Law. The Bill's major provisions require developers to replace all of a property's pre-existing affordable units; extends the affordability period for rental units from 30 to 55 years; and expands the use of equity sharing in for-sale units. The Bill also includes some minor edits that do not have substantive changes. Changes under AB2222 do not apply to applications submitted before January 1 2015. The key provisions of AB2222 are discussed below.

Replacement Units: Pursuant to AB2222, an applicant shall replace any rental dwelling units that either exist at the time of application, or have been vacated or demolished in the five-year period preceding the application, which are or have been:

1. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very-low income;
2. Subject to any other form of rent or price control; or
3. Occupied by lower or very-low income households (<80% of the area median income)

The replacement units must be the equivalent size and/or type and be made available at affordable rent/cost to households in the same or lower income category as currently/previously occupied (e.g., a low-income rental unit would be replaced with another low-income unit with rents set at 1/12<sup>th</sup> of 30% of 60% of area median income).

Term of Affordability for Rental Units: AB 2222 specifies that all affordable and replacement rental units shall be subject to a recorded affordability restriction for at least 55 years. This provision replaces the prior 30-year restriction. Affordable ownership units do not have a term of affordability under the amended Density Bonus law, as described below.

Equity Sharing: Prior to 2013, lower-income density bonus ownership units remained affordable for 30 years. However, AB2222 eliminated the ownership affordability term and extended the equity sharing model (as opposed to Resale Restriction provisions) to all affordable density bonus ownership units where it previously only applied to moderate income ownership units. There are consequences and benefits to this change. Under the equity sharing model, the owner can sell the home immediately and capture a portion of the equity gained on the property after deducting the affordable subsidy. The City would acquire the subsidized difference between the affordable rate and the market rate as well as a portion of the equity. In this regard, the affordable unit would be lost but the City would apply the funds to another affordable housing project. The

City will generally be required to apply the funds within five years towards the construction, rehabilitation, or preservation of affordable housing as further described in Health and Safety Code Section 33334.2(e). Housing developments with inclusionary units as opposed to density bonus units would still be subject to the Resale Restriction Agreement. Under the resale restriction model, the homebuyer gains little to no price appreciation until the home has been held onto for a number of years. The home can be sold at full market value for a windfall profit at the end of the affordability period (with no money returning to the City for its affordable programs).

**AB744:** Effective January 1 2016, Assembly Bill 744 (AB744) also amended sections of the State Density Bonus Law. In adopting AB744, the Legislature highlighted the expense of building affordable housing due to several factors including the affordable price subsidy and the high cost of land required to meet minimum parking standards. The analysis also pointed out that seniors or individuals with special needs may have fewer vehicles or drive less frequently. Moreover, local parking requirements may not reflect the actual need for housing developments that are close to transit stations. Consequently, AB744 limits parking requirements for developments containing affordable housing near transit.

Parking Standards: AB744 provides that, if requested by the developer, the City may not require more parking than provided by Density Bonus Law unless the City has completed a parking study that conforms to the requirements of Government Code Section 65915(p)(7). The parking study must have been completed in the previous seven years and include the following: 1) an analysis of available parking; 2) differing levels of transit access; 3) walkability to transit; 4) potential for shared parking; 5) effect of parking requirements on housing costs; and 6) car ownership rates for lower income households, seniors, and residents with special needs.

Under AB744, developments containing affordable housing and located near transit will be entitled to greatly reduced parking requirements. A housing development cannot be required to provide more than 0.5 parking spaces per bedroom if it:

- Includes either 11 percent very-low income units or 20 percent low income units; *and*
- Is “within one-half mile of a major transit stop”; *and*
- Has “unobstructed access” to the transit stop.

Thus, the City must grant the parking reduction unless a citywide parking study (discussed above) provides substantial evidence that a higher parking ratio is required. However, in no event may the required parking be greater than the ratio provided under Density Bonus law for projects that are not located near transit (e.g., two spaces for two- to three-bedroom units). The parking ratios for density bonus projects that are not located near transit will remain the same in the Density Bonus Ordinance.

Reduced parking standards also apply to a “special needs” rental housing development that is 100% affordable to lower income households (excluding a manager’s unit). The maximum parking for “special needs” rental housing is 0.3 parking spaces per unit if it has either paratransit

service or unobstructed access to, and is within one-half mile of, a fixed bus route that operates at least eight times per day.

**Case Law:** In addition to State Legislation, the Courts have weighed in on various affordable housing issues including for example in 2009 *Palmer/Sixth Street Properties L.P. v. City of Los Angeles* (“Palmer”). Under *Palmer*, the Second District Court of Appeal held that local inclusionary ordinances requiring affordable “rental” housing violate the Costa Hawkins Act, the State law governing rent control. Consequently, the City cannot require affordable rental units under the Inclusionary Ordinance. Any affordable rental units provided “voluntarily” after 2009 were potentially eligible for density bonuses.

Inclusionary Units as Density Bonus Units: In 2013, under *Latinos Unidos del Valle de Napa y Solano v. County of Napa* (“LUNA”), the First District Court of Appeal held that cities and counties must provide State-required density bonus and other incentives for inclusionary units. In other words, a developer does not necessarily have to provide units above and beyond what is required under the Inclusionary Ordinance to qualify for a density bonus or regulatory incentives.

## **DISCUSSION**

The City’s Density Bonus Ordinance is contained in Campbell Zoning Code Chapter 21.20. Although the City’s ordinance is technically out of date, the provisions of AB2222 and AB744 have been in effect in the City since January 2015 and January 2016, respectively. The City has not received any new Density Bonus applications since either law took effect<sup>1</sup>. However, the City expects Cresleigh Homes to submit a density bonus project for the Del Grande property in the next few months following design feedback from the Planning Commission on June 28, 2016.

### **Proposed Zoning Code Amendments**

The draft text amendment (reference Attachment 2 – Draft Changes to Zoning Ordinance) includes revisions related to the changes described in the Background section of this report:

Definitions: Density Bonus Law includes important terms that need to be defined to provide clarity to staff, developers, the general public, and City officials. The draft text amendment includes these terms as new definitions in Section 21.20.20, as follows:

- Major transit stop
- Replace
- Special needs housing
- Unobstructed access
- Within one-half mile of a major transit stop

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<sup>1</sup> The St. Antons development application was submitted in November 2014

Replacement Units: A project involving a demolition or conversion will need to demonstrate compliance with the housing replacement provisions of AB2222 in order to receive a density bonus. The Developer will need to submit an Affordable Housing Plan to the City with details regarding all dwelling units existing on the site in the five-year period preceding the date of application submittal, including the income and household size of all rental tenants. The Affordable Housing Plan must be submitted prior to the project being found complete and scheduled for review and approval by the City Council. Applicants must also sign and record a Density Bonus Agreement containing covenants and restrictions before a building permit can be issued.

The draft text amendment modifies Sections 21.20.030 (Eligibility for Density Bonuses), 21.20.080 (Density Bonus for Condominium Conversions), 21.20.130 (Affordable Housing Plan Submittal), and 21.20.150 (Developer Affordable Housing Agreement) to ensure compliance with the replacement unit provisions of the Density Bonus Law.

#### Parking Standards:

Several sections of the City's existing Density Bonus Ordinance reference Density Bonus parking standards. In addition to revising the parking standards pursuant to AB744, staff has replaced the word "revised" with "reduced" to better reflect the actual effect of the Density Bonus provision. Accordingly, the draft text amendment amends Sections 21.20.020 (Definitions), 21.20.120 (Standards for Density Bonus Residential Developments), 21.20.130 (Affordable Housing Plan Submittal), 21.20.140 (City Review of Application for Density Bonuses and Other Incentives), and 21.20.150 (Developer Affordable Housing Agreement).

#### Inclusionary Units as Density Bonus Units

The City's existing Density Bonus Ordinance indicates that density bonus target units "must be in addition to, or provided to a lower income category than, those required by the city's inclusionary housing requirements." However, as held in *LUNA*, the City must apply density bonus provisions to inclusionary units. Nevertheless, if a developer desires affordable units to meet both local inclusionary and State density bonus requirements, the units must meet both sets of criteria. For example, for-sale moderate-income units qualify for a density bonus under State law only if they are located in a common interest development where all the units are offered for purchase; whereas a single-family home subdivision that is not a common interest development (e.g., with a homeowner's association) is not eligible for a density bonus under State law, even if it includes affordable units.

The draft text amendment modifies Sections 21.20.90 (Density Bonus Summary Table) and 21.20.100 (Calculation of Density Bonus) in accordance with case law under *LUNA* and *Palmer*. The draft text amendment also amends the Inclusionary Housing Ordinance Section 21.24.040 to be consistent with the *LUNA* court ruling.

### Affordability Term

In accordance with State Density Bonus Law the draft text amendment amends Sections 21.20.120 (Standards for Density Bonus Residential Developments) and 21.20.160 (Continued Affordability and Initial Occupancy) to change the affordability term for rental units from 30 years to 55 years and eliminate the affordability term for ownership units.

### Equity Sharing

As discussed in the background section of this report, affordable ownership density bonus units are subject to an equity sharing agreement and can be sold immediately after purchase. While the affordable unit would be lost, the City would retain the subsidized difference between the affordable rate and the market rate and a share of the equity. Housing developments with inclusionary units as opposed to density bonus units would still be subject to the Resale Restriction Agreement. The draft text amendment amends Section 21.20.160 to reflect the equity sharing provision.

## **GENERAL PLAN COMPLIANCE**

In accordance with Campbell Municipal Code Section 21.60.070, amendments 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 discussion highlights staff's analysis of these three findings.

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

The General Plan establishes a foundation upon which the City Council and Commissions can base policy decisions regarding affordable housing. The proposed amendments would be consistent with the following General Plan policies and strategies:

- |                 |  |
|-----------------|--|
| Goal H-2:       | Improve housing affordability for both renters and homeowners in Campbell.   |
| Policy H-2.1:   | Preservation of Affordable Housing: Work with property owners, tenants and non-profit purchasers to facilitate the preservation of assisted rental housing   |
| Program H-2.1c: | Monitor Lower Income Household Displacement: The City will monitor housing affordability in the community on an ongoing basis, will consider the impacts of new housing development on the existing supply of affordable housing throughout the development review process, and will consider possible strategies to address local displacement issues as they are identified. |

- Policy H-2.4: Special Needs Housing: Assist in the provision of housing and supportive services to persons with special needs, including (but not limited to): seniors, single parents with children, persons with disabilities, the homeless, and those at risk of becoming homeless.
- Goal H-3: Encourage the provision of housing affordable to a variety of household income levels.
- Policy H-3.1: Inclusionary Housing: Support the development of additional affordable housing by nonprofit and for-profit developers through financial assistance and/or regulatory incentives.
- Policy H-5.2: Regulatory Incentives: Provide regulatory and/or financial incentives where appropriate to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards.
- Program H-5.2a: Density Bonus: The City will continue to offer density bonus and/or regulatory incentives/concessions to facilitate the development of affordable and/or senior housing. The City will advertise its density bonus provisions on its website, explain how density bonuses work in tandem with inclusionary requirements, and promote in discussions with prospective development applicants.
- 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.

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

The proposed Zoning Text Amendment furthers the public interest, convenience, and general welfare of the city because it would ensure that Chapter 21.20 is in compliance with state density bonus law and that the City is meeting its legal requirements. In accordance with state law, the text amendment allows density bonuses in excess of the ranges specified in the General Plan Land Use Element when a specified percentage of units for very-low, low or moderate income households are proposed. In addition, the proposed amendment would remove constraints to affordable housing development by reducing required parking ratios for projects that are eligible for a density bonus. In providing such incentives, it is the intent of the City to facilitate the development of affordable housing and implement the goals, objectives and policies of the General Plan Housing Element.

To ensure that the significantly reduced parking standards would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City, the City may perform a citywide parking study to potentially support the need for a higher parking ratio in accordance with Density Bonus Law.

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

The proposed text amendments are primarily contained in Chapter 21.20 (Density Bonus and Other Incentives for Affordable Residential Units, Senior Housing and Childcare Facilities). An amendment is also needed in Chapter 21.24 (Inclusionary Housing Ordinance), Section 21.24.040(B) in order to maintain internal consistency within the Zoning Code.

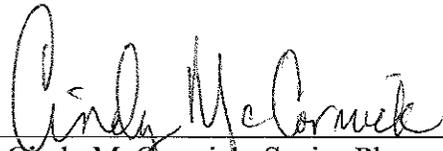
## NOTIFICATION

Notice of this public hearing for the proposed Zoning Code Text Amendment was published in the local newspaper as required by City Code.

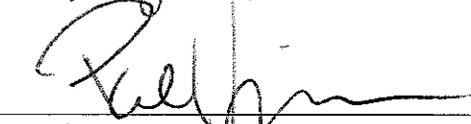
### Attachments:

1. Findings for Approval of File No. PLN2016-180
2. Draft changes to the Zoning Ordinance
3. Chapter 21.20 (Density Bonus Ordinance)
4. Chapter 21.24 (Inclusionary Housing Ordinance)
5. State Legislation (AB2222)
6. State Legislation (AB744)

Prepared by:

  
Cindy McCormick, Senior Planner

Reviewed by:

  
Paul Kermoyan, Community Development Director

## **FINDINGS FOR APPROVAL OF FILE NO. PLN2016-180**

APPLICANT: City of Campbell  
P.C. MEETING: June 14, 2016

Findings for approval of City-initiated Text Amendment (PLN2016-180) to amend Campbell Zoning Code: Chapter 21.20 of the Zoning Ordinance to be consistent with State law.

The Planning Commission finds as follows with regard to File No. PLN2016-180

### Environmental Findings

1. The project consists of a Text Amendment amending Campbell Zoning Code: Chapter 21.20 of the Zoning Ordinance to be consistent with State law.
2. No substantial evidence has been presented from which a reasonable argument could be made that shows that the project will have a significant adverse impact on the environment.
3. The proposed Text Amendment is exempt from the California Environmental Quality Act under Section 15061.b.3 because it has no potential for resulting in a physical change to the environment.

### Evidentiary Finding

1. The legislature of the State of California has, in Government Code Section 65915(a), required all cities and counties to adopt an ordinance that specifies how compliance with State Density Bonus Law will be implemented.
2. The proposed Zoning Text Amendment furthers the goals, objectives, and policies of the City's General Plan Housing Element to encourage the provision of housing affordable to a variety of household income levels.
3. Density bonuses and/or regulatory incentives/concessions facilitate the development of affordable and/or senior housing by reducing the costs of development.
4. Review and adoption of this Text Amendment is done in compliance with California Government Code Sections 65853 through 65857, which require a duly noticed public hearing of the Planning Commission whereby the Planning Commission shall provide its written recommendation to the City Council for its consideration

Based on the foregoing findings of fact, the Planning Commission further finds and concludes 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.

Ordinance No. \_\_\_\_\_

**BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
AMENDING CERTAIN SECTIONS OF TITLE 21 (Zoning) OF THE CAMPBELL  
MUNICIPAL CODE RELATING TO DENSITY BONUS**

The City Council of the City of Campbell does ordain as follows:

**SECTION 1. – Purpose:** Campbell Municipal Code section 21.20.010 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

The purposes of this chapter of the Campbell Municipal Code, Revised are: (1) to provide incentives for the production of housing for very low-income, low-income, moderate-income, and senior households; (2) to provide incentives for the creation of rental housing serving lower and moderate-income households; (3) to provide incentives for the construction of childcare facilities serving very low-, low-, and moderate-income households; and (4) to implement Sections 65915, 65915.5 and 65917 of the California Government Code as required by Government Code Section 65915(a). In enacting this chapter it is also the intent of the city of Campbell to implement the goals, objectives, and policies of the city's General Plan Housing Element, which includes a goal to encourage the provision of housing affordable to a variety of household income levels and identifies a density bonus policy as one method to encourage the development of affordable housing (~~Goal H-5.4~~ Policy H-5.2 Regulatory Incentives, Program ~~5.1(a)~~ 5.2(a) Density Bonus).

**SECTION 2.** Campbell Municipal Code section 21.20.020 is amended to read as follows with underlining indicating new text:

**21.20.020 - Definitions.**

For purposes of this chapter, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this chapter its most reasonable interpretation.

"Affordable ownership cost" means average monthly housing costs, during the first calendar year of a household's occupancy, as determined by the city, including mortgage payments, loan issuance fees, if any, property taxes, reasonable allowances for utilities and property maintenance and repairs, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For moderate-income households: one-twelfth of thirty-five percent of one hundred ten percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-

- bedroom unit and one additional person for each additional bedroom thereafter;
2. For lower-income households: one-twelfth of thirty percent of seventy percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;
  3. For very low-income households: one-twelfth of thirty percent of fifty percent of area median income adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, which does not exceed the following:

1. For lower-income households: one-twelfth of thirty percent of sixty percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter;
2. For very low-income households: one-twelfth of thirty percent of fifty percent of area median, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

"Applicant" means a person or entity who applies for a residential project and, if the applicant does not own the property on which the residential project is proposed, also means the owner or owners of the property.

"Area median income" means area median income for Santa Clara County as published pursuant to California Code of Regulations, Title 25, Section 6932, (or its successor provision).

"Childcare facility" means a commercial child day care facility defined in Campbell Municipal Code, Revised Section 21.72.020 as a commercial or non-profit child day care facility not operated as a small or large child day care home and includes infant facilities, preschools, sick child facilities and school-age day care facilities.

"Density bonus" means a density increase, granted pursuant to this chapter, over the otherwise allowable maximum residential density on a site.

"Density bonus units" means living units granted pursuant to this chapter which exceed the otherwise allowable maximum residential density for a residential project.

"Development standard" means a condition that applies to the actual construction or physical site of a residential project (as opposed to standards for entitlement processing or fees) pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution or regulation.

"First approval" means the first of the following approvals to occur with respect to a residential project: building permit, planned development permit, tentative parcel map, tentative subdivision map, conditional use permit, site and architectural review permit, or other discretionary city land use approval.

"Household income" means the combined adjusted gross income for all adult persons living in a living unit as calculated for the purpose of the Section 8 Program under the United States Housing Act of 1937, as amended, or its successor.

"Incentives and concessions" means regulatory concessions as listed in Sections 21.20.050 and 21.20.110.

"Inclusionary unit" means an ownership or rental living unit which is required under Chapter 21.24 to be rented at affordable rents or sold at an affordable ownership cost to specified households.

"Living unit" means one or more rooms designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping and bathroom facilities.

"Lower-income household" means a household whose household income does not exceed the lower income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Major transit stop" means an existing site, or a site included in the applicable regional transportation plan, containing a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

"Market rate unit" means a living unit, which is not a target unit or an inclusionary unit.

"Maximum residential density" means the maximum number of living units permitted by the zoning ordinance on the date an application for a residential project is deemed complete. This definition is used to calculate a density bonus pursuant to this chapter.

"Minor modification" means a modification that is technical in nature, as opposed to substantive or material.

"Moderate-income household" means a household whose household income does not exceed the moderate income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

"Qualifying resident" means a senior citizen or other person eligible to reside in a senior housing project.

"Replace" shall mean:

1. As to dwelling units that are occupied on the date of application, "replace" shall mean to provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy;
2. As to dwelling units have been vacated or demolished in the five-year period preceding the application, "replace" shall mean to provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families.

"Residential project" means any parcel map, subdivision map, conditional use permit, site and architectural review permit, building permit, or other city approval, which authorizes the construction of five or more living units.

"Senior housing project" means a senior citizen residential development of thirty-five living units or more as defined in California Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to California Civil Code Section 798.76 or 799.5.

"Special needs housing" means any housing, including supportive housing, intended to benefit, in whole or in part, persons identified as having special needs relating to any of the following: Mental health; Physical disabilities; Developmental disabilities, including, but not limited to, intellectual disability, cerebral palsy, epilepsy, and autism; the risk of homelessness; or housing intended to meet the housing needs of persons eligible for

mental health services funded in whole or in part by the Mental Health Services Fund, created by Section 5890 of the Welfare and Institutions Code.

"Target units" means living units that will be restricted for sale or rent to qualifying residents or will be restricted for sale or rent to, and affordable to, very low-, lower- or moderate-income households thereby qualifying a residential project for a density bonus under this chapter. Inclusionary units may not be target units unless they are offered at a lower income category as explained in Section 21.20.100(6).

"Unobstructed access" means a resident is able to access a major transit stop from a residential project without encountering natural or constructed impediments.

"Within one-half mile of a major transit stop" means that all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

"Very low-income household" means a household whose household income does not exceed the very low income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

**SECTION 3.** Campbell Municipal Code section 21.20.030 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

**21.20.030 - Eligibility for density bonuses.**

- 1. A residential project is eligible for a density bonus if it:
  - 4 a. Creates at least five additional living units, not including any density bonus units;
  - 2 b. Includes a request for a density bonus as part of an application for the first approval of a residential project; and
  - 3 c. Meets the criteria for a density bonus established in Sections 21.20.030, 21.20.040, 21.20.060, 21.20.070 or 21.20.080.

2. A residential project shall be ineligible for a density bonus, incentive, concession, waiver, or modified parking provided by this Chapter unless it provides all replacement housing required in accordance with Section 21.20.080 of this Chapter.

**SECTION 4.** - Campbell Municipal Code section 21.20.080 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

**21.20.080 - Density bonus for properties with existing rental units ~~condominium conversions~~.**

1. A residential project for a conversion of existing rental apartments to condominiums may be eligible for a density bonus or other incentives of equivalent financial value as specified in Government Code Section 65915.5.

2. A residential project shall be ineligible for a density bonus incentive, concession, waiver, or modified parking provided by this Chapter if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or have been (if the dwelling units have been vacated or demolished in the five-year period preceding the application) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, subject to any other form of rent or price control through the City's valid exercise of its police power, or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

a. The proposed housing development, inclusive of the units replaced pursuant to this Chapter contains affordable units at the percentages set forth in this Chapter.

b. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

3. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to the applicable provisions of this Chapter.

**SECTION 5. - Summary tables.** The Density Bonus Summary table in Campbell Municipal Code section 21.20.090 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

The following table summarizes the available density bonuses, incentives, and concessions.

<b><u>Density Bonus Summary</u></b>				
Types of Affordable Units Providing Eligibility for a Density Bonus	Minimum %	Bonus Granted	Additional Bonus for Each 1% Increase over the Minimum %	% Target Units Required for Maximum 35% Bonus
<p>A density bonus may be selected from only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a childcare facility. As provided in Section 21.20.100(56), <u>in order for target units provided must be in addition to, or provided to a lower income category than, those required by to meet both the city's inclusionary housing requirements and State density bonus requirements, the units must meet both sets of criteria. For-sale moderate-income units qualify for a density bonus under State law <i>only</i> if they are located in a common interest development where all the units are offered for purchase; a single-family home subdivision that is not a common interest development is not eligible for a density bonus under State law, even if it includes affordable units</u></p>				
Very low income	5%	20%	2.5%	11%
Lower income	10%	20%	1.5%	20%
Moderate income (ownership units only)	10%	5%	1%	40%
Senior housing project	100% senior	20%	—	—
Land donation for very low-income housing	10% of market-rate units	15%	1%	30% of market-rate units
Condominium conversion — moderate income	33%	25% <sup>(A)</sup>	—	—
Condominium conversion — lower income	15%	25% <sup>(A)</sup>	—	—
Childcare facility	—	Sq. ft. in childcare facility <sup>(A)</sup>	—	—

Notes:  
 (A) Or an incentive of equal value, at the city's option.

**SECTION 6. Calculation of density bonus.** Subsection 6 of Campbell Municipal Code section 21.20.100 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

6. ~~Inclusionary units will only be counted as target units qualifying a project for a density bonus, or incentives and concessions, if the inclusionary units are made available at a lower affordable rent income category or lower affordable ownership cost income category than mandated by the inclusionary requirements set forth in Chapter 21.24. Inclusionary units that are counted as target units shall remain affordable for the length of time required in Chapter 21.24, which is fifty-five years for rental units and forty-five years for owner-occupied units.~~

If an applicant desires affordable units to satisfy both the inclusionary requirements set forth in Chapter 21.24 and State density bonus requirements, the units must meet both the criteria of Chapter 21.24 and the State density bonus requirements as applied under this Chapter.

Example: An applicant proposes to develop a one hundred-unit residential ~~rental~~ for-sale project and seeks a twenty percent density bonus by reserving five percent of the living units, or five living units, for very low-income households.

The inclusionary requirements in Chapter 21.24 require that ~~six percent~~ 15% of the living units in a residential for-sale project shall be sold at affordable ownership cost to lower-income households and moderate-income households. ~~rental project be reserved for very low-income households (the "required very low-income inclusionary units") and nine percent of the living units must be reserved for lower-income households (the "required lower-income inclusionary units"). Thus, in this one hundred-unit residential project, the applicant is required to reserve six of the living units for very low-income households and nine of the units for lower income households. Because the required inclusionary units do not count as target units qualifying a project for a density bonus unless the inclusionary units are reserved for a lower income category than required under Chapter 21.24, Therefore an additional 10 inclusionary units are needed to meet the 15% inclusionary requirement. †The income unit break down for this one hundred-unit project would be as follows:~~

<u>Example</u>					
	Inclusionary Units	Target Units	DB Units	Remaining Units	Total
Very low income:	<del>6 (55 years)</del>	5 (30 years)			44 <u>5</u>
Lower income:	<del>9 (55 years)</del> <u>2</u>				9 <u>2</u>
<u>Moderate income:</u>	<u>8</u>				<u>8</u>

Market rate:			20	80 <u>85</u>	400 <u>105</u>
				Total units	120

However, if the applicant reserves any of the required lower income inclusionary units for very low income households, then these units will qualify as target units qualifying the project for a density bonus. If five of the required lower income inclusionary units are reserved for very low income units, then those five units would be considered target units qualifying the project for a density bonus. In this scenario, the income unit break down would be as follows:

	Inclusionary Units	Target/ Inclusionary Units	DB Units	Remaining Units	Total
Very low income:	6 (55 years)	5 (55 years)			11
Lower income:	4 (55 years)				4
Market rate:			20	85	105
				Total units	120

**SECTION 7. - Standards for density bonus residential developments.** The term of affordability for rental projects specified in Subsection 1 of Campbell Municipal Code section 21.20.120 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

1. Target units qualifying a residential project for a density bonus shall remain affordable as follows:
  - a. Rental target units shall remain affordable to the designated income group for a minimum of ~~thirty~~ 55 years or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program applicable to the living units, ~~or if they are inclusionary units being counted as target units pursuant to Section 21.20.100(6).~~
  - b. ~~Owner-occupied target units shall remain affordable for forty five years.~~

**SECTION 8. Standards for density bonus residential developments.** Subsection 4 of Campbell Municipal Code section 21.20.120 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

4. Parking Standards
  - a. Upon the request of the developer, the city shall not require off-street parking for a residential project meeting the criteria of Sections 21.20.030 and 21.20.040(1) ~~or (2)~~ that exceeds the following:

- a. (1) Studio to one-bedroom units: one (1) on-site parking space;
- b. (2) Two to three-bedroom units: two (2) on-site parking spaces;
- c. (3) Four and more bedroom units: two and one-half (2.5) parking spaces.

b. Upon the request of the developer, the city shall not require a vehicular parking ratio that exceeds the following ratios for housing developments that are eligible for a density bonus and meet the criteria below. However, if the city, at its cost, has conducted an area wide or citywide parking study in the last seven years, then the city may find, based on substantial evidence, that a higher parking ratio is required than shown in the following table. In no event may the required parking be greater than the ratio provided in subsection (a) of this section. The parking study must conform to the requirements of Government Code Section 65915(p)(7).

<u>Type of development</u>	<u>Off-street parking spaces</u>
<u>Rental or ownership housing development with:</u> 1. <u>At least 11% very low income or 20% lower income units; and</u> 2. <u>Within one-half mile of a major transit stop; and</u> 3. <u>Unobstructed access to the major transit stop.</u>	<u>0.5 per bedroom</u>
<u>Rental housing development with:</u> 1. <u>All units affordable to lower income households except manager's unit(s); and</u> 2. <u>Within one-half mile of a major transit stop; and</u> 3. <u>Unobstructed access to the major transit stop.</u>	<u>0.5 per unit</u>
<u>Senior citizen rental housing development with All units affordable to lower income households except manager's unit(s); and either has paratransit service or is within one-half mile of fixed bus route service that operates 8 times per day, with unobstructed access to that service.</u>	<u>0.5 per unit</u>
<u>Special needs rental housing development with all units affordable to lower income households except manager's unit(s) and either has paratransit service or is within one-half mile of fixed bus route service that operates 8 times per day, with unobstructed access to that service.</u>	<u>0.3 per unit</u>

c. Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a residential project is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a residential

project may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

**SECTION 9.** Campbell Municipal Code section 21.20.130 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

**21.20.130 - Affordable housing plan submittal; requirements for application for density bonus and other incentives.**

1. An application for a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced parking standard pursuant to this chapter shall be submitted as part of the first approval of the residential project. It shall be included in an affordable housing plan and processed concurrently with all other applications required for the residential project.
2. Upon submittal, the community development director shall determine if the affordable housing plan is complete and conforms to the provisions of this chapter. No application for a first approval for a residential project requesting a density bonus, incentives, concessions, ~~or~~ waivers, or reduced parking standards may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this section.
3. The affordable housing plan shall include the following information:
  - a. A description of any requested density bonuses, incentives, concessions, ~~waivers,~~ or modifications of development standards, ~~or modified~~ reduced parking standards;
  - b. Identification of the base project without the density bonus, number and location of all target units qualifying the project for a density bonus, level of affordability of the target units, and identification of the bonus units;
  - c. The preferences given in selecting occupants shall be set forth;
  - d. For all incentives and concessions except those listed in Section 21.20.110(2), a pro forma demonstrating that the requested incentives and concessions result in identifiable, financially sufficient and actual cost reductions;
  - e. For waivers or modifications of development standards: (a) a pro forma demonstrating that the waiver or modification is necessary to make the residential project economically feasible based upon appropriate financial analysis and documentation; and (b) evidence that the development standards for which a waiver is requested will have the effect of precluding the construction of the residential project at the densities or with the incentives or concessions permitted by this chapter;
  - f. The cost of reviewing any required pro forma data submitted in support of a request for a concession, incentive, waiver or modification, including, but not limited to, the cost to the city of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall also include: (a) the actual cost

reduction achieved through the incentive, concession, waiver, or modification; and (bii) evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices;

- g. If the applicant is proposing a modification of the requirement that the target units be constructed concurrently with the market rate units, the affordable housing plan shall describe the proposed phasing at the same level of detail as required in the application for the residential project, specify the security to be provided to the city to ensure that the target units will be constructed, and explain how the proposed phasing would provide greater public benefit than providing the target units concurrently with the market rate units;
- h. If a density bonus or concession is requested for a senior housing project, the application shall provide that units in the residential project shall be occupied by qualified residents;
- i. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings in Government Code Section 65915(h) can be made;
- j. If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facility and provide evidence that the findings included in Government Code Section 65915(i) can be made;
- k. If a mixed use building or development is proposed, the application shall provide evidence that the findings included in Section 21.20.110(4)(g) can be made;
- l. For residential projects subject to the inclusionary housing requirements set forth in Chapter 21.24, the affordable housing plan shall also incorporate the requirements of Section 21.24.060(A), and only one affordable housing plan need be submitted;
- m. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size, if known, of residents occupying dwelling units when the site contained the maximum number of dwelling units;
- n. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five- year period preceding the date of submittal of the application;
- o. A statement that the project will provide all replacement housing required in accordance with Section 21.20.080 of this Chapter;

p. If a parking reduction is requested, a table showing parking required by the zoning ordinance and proposed parking. If a parking reduction is requested, evidence that the project is eligible for the requested parking reduction.

- 4. Upon submittal, the community development director shall determine if the affordable housing plan submitted in support of a request for a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced parking standard is complete and conforms to the provisions of this chapter and Chapter 21.24. No application for a first approval for a residential project requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this chapter.

**SECTION 10. City review of application for density bonuses and other incentives.**

Subsection 1 of Campbell Municipal Code section 21.20.140 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- 1. An application for a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced parking standard pursuant to this chapter shall be reviewed as part of the first approval of the residential project by the approval body with authority to approve the residential project, unless additional review by the planning commission or City Council is required by Chapter 21.62. Any decision regarding a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced standard may be appealed as part of an appeal of the residential project as provided in Chapter 21.62. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.

**SECTION 11. Developer affordable housing agreement.** Campbell Municipal Code section 21.20.150 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- A. Developers requesting a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced standard granted pursuant to this chapter, shall agree to enter into a developer affordable housing agreement with the city. A developer affordable housing agreement shall be made a condition of the discretionary planning permits for all residential projects pursuant to this chapter and shall be recorded as a restriction on any parcels on which the target units will be constructed. When the inclusionary requirements of Chapter 21.24 apply, one affordable housing agreement will be recorded incorporating the requirements of both chapters.

- B. The developer affordable housing agreement shall be recorded prior to final or parcel map approval, or, where the residential project does not include a map, prior to issuance of a building permit for any structure in the residential projects. The developer affordable housing agreement shall run with the land and bind all future owners and successors in interest.
- C. The developer affordable housing agreement shall be in a form provided by the city and shall include, without limitation, the following:
  - 1. The total number of units approved for the residential project;
  - 2. The number, location, and level of affordability of the target units and the inclusionary units;
  - 3. The number of replacement units in accordance with Section 21.20.080 of this Chapter;
  - 4. Standards for determining affordable rent or affordable ownership cost for the target units and any inclusionary units;
  - 5. The location, unit size in square feet, and number of bedrooms of target units and any inclusionary units;
  - 6. Provisions to ensure initial and continuing affordability in accordance with the requirements of this chapter and Chapter 21.24, including the execution and recordation of subsequent agreements ensuring continued affordability pursuant to Sections 21.20.120 and 21.24.060;
  - 7. A schedule for completion and occupancy of target units and inclusionary units in relation to construction of market rate units;
  - 8. A description of any incentives, concessions, waivers, or reductions being provided by the city;
  - 9. A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third party beneficiaries under the agreement;
  - 10. Procedures for qualifying tenants and prospective purchasers of target units, including preferences;
  - 11. Provisions requiring maintenance of records to demonstrate compliance with this chapter;
  - 12. Other provisions to ensure implementation and compliance with this chapter and Chapter 21.24, if applicable.
- D. In the case of senior citizen housing developments, the developer affordable housing agreement shall provide that units in the residential development shall be occupied by qualified residents.
- E. Developer affordable housing agreements for land dedication, childcare facilities, and condominium conversion shall ensure continued compliance with all conditions included in Sections 21.20.060, 21.20.070 and 21.20.080 respectively.

F. Fees. The building permit application shall be accompanied by the processing fees or deposits established by the city's schedule of fees and charges. All fees shall cover the costs of BMR eligibility determination and BMR document preparation, processing and administration, as established in Sections 21.20.160 and 21.20.180.

**SECTION 12. Continued affordability and initial occupancy.** Subsection A of Campbell Municipal Code section 21.20.160 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

~~A. Owner-Occupied Target Units. A resale restriction, covenant, deed of trust and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each affordable for-sale unit. These documents shall, in the case of target units, which are initially sold, be for a term of forty-five years and shall be renewed at each change of title for a period of forty-five years. The resale restriction, or other documents authorized by this subsection, and any change in the form of any such documents which materially alters any policy in the documents, shall be approved by the community development director or his or her designee prior to being executed with respect to any residential project.~~

A. **For-Sale Target Units.** An applicant shall agree to, and the city shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The City shall enforce any equity sharing agreement, unless it is in conflict with the requirement of another public funding source or law. The following apply to the equity sharing agreement:

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.
2. For purposes of this Subsection, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
3. For purposes of this Subsection, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

**SECTION 13. Continued affordability and initial occupancy.** Subsection B of Campbell Municipal Code section 21.20.160 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. Rental Target Units. A regulatory agreement, covenant, deed of trust, and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each residential project containing affordable rental units for a minimum term of ~~thirty~~ 55 years or more. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the residential project.

**SECTION 14. GENERAL REQUIREMENTS.** Subsection B of Campbell Municipal Code Section 21.24.040 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. **Exceptions.** ~~For purposes of calculating the number of affordable units required by this section, any additional units authorized as a density bonus pursuant to Chapter 21.20, (Density Bonus and Affordable Housing Incentives) of this code shall not be counted in calculating the required number of affordable units. Additionally, t~~The community development director may grant exceptions to the requirements of this chapter to residential projects located within the redevelopment project area, upon a finding that such exception is necessary to effective implementation of the redevelopment plan, while maintaining overall compliance with affordable housing production requirements set forth in Health and Safety Code Section 33413.

**SECTION 15.** This Ordinance shall become effective (30) days following its passage and adoption and shall be published once within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by the following roll call vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:

APPROVED:

\_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk

## Chapter 21.20 - DENSITY BONUS AND OTHER INCENTIVES FOR AFFORDABLE RESIDENTIAL UNITS, SENIOR HOUSING AND CHILDCARE FACILITIES\*

Sections:

\* Prior ordinance history: Ord. 2043.

### 21.20.010 - Purpose.

The purposes of this chapter of the Campbell Municipal Code, Revised are: (1) to provide incentives for the production of housing for very low-income, low-income, moderate-income, and senior households; (2) to provide incentives for the creation of rental housing serving lower and moderate-income households; (3) to provide incentives for the construction of childcare facilities serving very low-, low-, and moderate-income households; and (4) to implement Sections 65915, 65915.5 and 65917 of the California Government Code as required by Government Code Section 65915(a). In enacting this chapter it is also the intent of the city of Campbell to implement the goals, objectives, and policies of the city's General Plan Housing Element, which includes a goal to encourage the provision of housing affordable to a variety of household income levels and identifies a density bonus policy as one method to encourage the development of affordable housing (Goal H-5.1 Regulatory Incentives, Program 5.1(a) Density Bonus).

(Ord. 2102 § 1(part), 2008).

### 21.20.020 - Definitions.

For purposes of this chapter, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this chapter its most reasonable interpretation.

"Affordable ownership cost" means average monthly housing costs, during the first calendar year of a household's occupancy, as determined by the city, including mortgage payments, loan issuance fees, if any, property taxes, reasonable allowances for utilities and property maintenance and repairs, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For moderate-income households: one-twelfth of thirty-five percent of one hundred ten percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;
2. For lower-income households: one-twelfth of thirty percent of seventy percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;
3. For very low-income households: one-twelfth of thirty percent of fifty percent of area median income adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, which does not exceed the following:

1. For lower-income households: one-twelfth of thirty percent of sixty percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter;

2. For very low-income households: one-twelfth of thirty percent of fifty percent of area median, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

"Applicant" means a person or entity who applies for a residential project and, if the applicant does not own the property on which the residential project is proposed, also means the owner or owners of the property.

"Area median income" means area median income for Santa Clara County as published pursuant to California Code of Regulations, Title 25, Section 6932, (or its successor provision).

"Childcare facility" means a commercial child day care facility defined in Campbell Municipal Code, Revised Section 21.72.020 as a commercial or non-profit child day care facility not operated as a small or large child day care home and includes infant facilities, preschools, sick child facilities and school-age day care facilities.

"Density bonus" means a density increase, granted pursuant to this chapter, over the otherwise allowable maximum residential density on a site.

"Density bonus units" means living units granted pursuant to this chapter which exceed the otherwise allowable maximum residential density for a residential project.

"Development standard" means a condition that applies to the actual construction or physical site of a residential project (as opposed to standards for entitlement processing or fees) pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution or regulation.

"First approval" means the first of the following approvals to occur with respect to a residential project: building permit, planned development permit, tentative parcel map, tentative subdivision map, conditional use permit, site and architectural review permit, or other discretionary city land use approval.

"Household income" means the combined adjusted gross income for all adult persons living in a living unit as calculated for the purpose of the Section 8 Program under the United States Housing Act of 1937, as amended, or its successor.

"Incentives and concessions" means regulatory concessions as listed in Sections 21.20.050 and 21.20.110.

"Inclusionary unit" means an ownership or rental living unit which is required under Chapter 21.24 to be rented at affordable rents or sold at an affordable ownership cost to specified households.

"Living unit" means one or more rooms designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping and bathroom facilities.

"Lower-income household" means a household whose household income does not exceed the lower income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Market rate unit" means a living unit, which is not a target unit or an inclusionary unit.

"Maximum residential density" means the maximum number of living units permitted by the zoning ordinance on the date an application for a residential project is deemed complete. This definition is used to calculate a density bonus pursuant to this chapter.

"Minor modification" means a modification that is technical in nature, as opposed to substantive or material.

"Moderate-income household" means a household whose household income does not exceed the moderate income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

"Qualifying resident" means a senior citizen or other person eligible to reside in a senior housing project.

"Residential project" means any parcel map, subdivision map, conditional use permit, site and architectural review permit, building permit, or other city approval, which authorizes the construction of five or more living units.

"Senior housing project" means a senior citizen residential development of thirty-five living units or more as defined in California Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to California Civil Code Section 798.76 or 799.5.

"Target units" means living units that will be restricted for sale or rent to qualifying residents or will be restricted for sale or rent to, and affordable to, very low-, lower- or moderate-income households thereby qualifying a residential project for a density bonus under this chapter. Inclusionary units may not be target units unless they are offered at a lower income category as explained in Section 21.20.100(6).

"Very low-income household" means a household whose household income does not exceed the very low income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

(Ord. 2102 § 1(part), 2008).

#### 21.20.030 - Eligibility for density bonuses.

A residential project is eligible for a density bonus if it:

1. Creates at least five additional living units, not including any density bonus units;
2. Includes a request for a density bonus as part of an application for the first approval of a residential project; and
3. Meets the criteria for a density bonus established in Sections 21.20.030, 21.20.040, 21.20.060, 21.20.070 or 21.20.080.

(Ord. 2102 § 1(part), 2008).

#### 21.20.040 - Density bonuses for affordable and senior housing.

1. Very Low- and Lower-Income Housing and Senior Housing. A residential project is eligible for a twenty percent density bonus if the applicant seeks a density bonus and agrees to provide one of the following:
  - a. Ten percent of the total living units as target units affordable to lower-income households;
  - b. Five percent of the total living units as target units affordable to very low-income households; or
  - c. A senior housing project.
2. Moderate-Income Housing. A residential project is eligible for a five percent density bonus if it meets all of the following criteria:
  - a. The applicant seeks a density bonus and agrees to provide at least ten percent of the total living units as target units affordable to moderate-income households;
  - b. The residential project is a common interest development as defined by Section 1351 of the California Civil Code; and
  - c. All of the living units in the residential project are offered to the public for purchase.

3. Additional Density Bonus. The density bonus for which the residential project is eligible shall increase if the percentage of target units affordable to very low-, lower-, and moderate-income households exceeds the base percentage established in subsections (1) and (2) above, as follows:
  - a. Very Low-Income Units. For each one percent increase above five percent in the percentage of target units affordable to very low-income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty-five percent.
  - b. Lower-Income Units. For each one percent increase above ten percent in the percentage of target units affordable to lower-income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty-five percent.
  - c. Moderate-Income Ownership Units. For each one percent increase above ten percent of the percentage of target units reserved for sale at an ownership cost affordable to moderate-income households, the density bonus shall be increased by one percent up to a maximum of thirty-five percent.

(Ord. 2102 § 1(part), 2008).

#### 21.20.050 - Incentives and concessions for affordable housing.

An applicant for a density bonus may seek incentives and concessions as follows:

1. One incentive or concession for residential projects where, based on affordable rents or ownership costs, at least ten percent of the total units are target units affordable to lower-income households, at least five percent of the total units are target units affordable to very low-income households, or at least ten percent of the total units are target units affordable to moderate-income households at affordable ownership costs;
2. Two incentives or concessions for residential projects where at least twenty percent of the total units are target units affordable to lower-income households based on affordable rents or ownership costs, at least ten percent of the total units are target units affordable to very low income, or at least twenty percent of the total units are target units affordable to moderate-income households at affordable ownership costs;
3. Three incentives or concessions for residential projects where at least thirty percent of the total units are target units affordable to lower-income households based on affordable rents or ownership costs, at least fifteen percent of the total units are target units affordable to very low-income households, or at least thirty percent of the total units are target units affordable to moderate-income households at affordable ownership costs.

(Ord. 2102 § 1(part), 2008).

#### 21.20.060 - Density bonus for land dedication.

A residential project may be eligible for a density bonus when an applicant for a residential project chooses to dedicate land to the city for the construction of very low-income housing as specified in California Government Code Section 65915(h).

(Ord. 2102 § 1(part), 2008).

#### 21.20.070 - Density bonus or incentive for childcare facilities.

A residential project that is eligible for a density bonus and includes a childcare facility that will be located on the premises of, as part of, or adjacent to the residential project, may be eligible for an additional density bonus or an additional concession or incentive that contributes significantly to the

economic feasibility of the construction of the childcare facility as specified in Government Code Section 65915(i).

(Ord. 2102 § 1(part), 2008).

21.20.080 - Density bonus for condominium conversions.

A residential project for a conversion of existing rental apartments to condominiums may be eligible for a density bonus or other incentives of equivalent financial value as specified in Government Code Section 65915.5.

(Ord. 2102 § 1(part), 2008).

21.20.090 - Summary tables.

The following tables summarize the available density bonuses, incentives, and concessions.

Density Bonus Summary

Types of Affordable Units Providing Eligibility for a Density Bonus	Minimum %	Bonus Granted	Additional Bonus for Each 1% Increase over the Minimum %	% Target Units Required for Maximum 35% Bonus
A density bonus may be selected from only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a childcare facility. As provided in Section 21.20.100(5), target units provided must be in addition to, or provided to a lower income category than, those required by the city's inclusionary housing requirements.				
Very low income	5%	20%	2.5%	11%
Lower income	10%	20%	1.5%	20%
Moderate income (ownership units only)	10%	5%	1%	40%
Senior housing project	100% senior	20%	—	—
Land donation for very low-income housing	10% of market-rate units	15%	1%	30% of market-rate units
Condominium conversion	33%	25% <sup>(A)</sup>	—	—

— moderate income				
Condominium conversion — lower income	15%	25% <sup>(A)</sup>	—	—
Childcare facility	—	Sq. ft. in childcare facility <sup>(A)</sup>	—	—

## Notes:

(A) Or an incentive of equal value, at the city's option.

## Incentives and Concessions Summary

Target Units or Category	% of Target Units		
Pursuant to State Density Bonus			
Very low income	5%	10%	15%
Lower income	10%	20%	30%
Moderate income (ownership units only)	10%	20%	30%
Maximum Incentive(s)/ Concession(s) <sup>(A)(B)(C)(D)</sup>	1	2	3

## Notes:

(A) A concession or incentive may be requested only if an application is also made for a density bonus.

(B) Concessions or incentives may be selected from only one category (very low, lower, or moderate).

(C) No concessions or incentives are available for land donation.

(D) Condominium conversions and childcare facilities may have one concession or a density bonus at the city's option, but not both.

(Ord. 2102 § 1(part), 2008).

#### 21.20.100 - Calculation of density bonus.

1. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.
2. The density bonus units shall not be included in the "total units" when determining the number of target units required to qualify a residential project for a density bonus pursuant to Section 21.20.040(1) or (2). When calculating the required number of target units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.
3. The applicant may request a lesser density bonus than the project is entitled to, but no reduction may be permitted in the number of target units or land dedication required to qualify a residential project for a density bonus. Regardless of the number of target units or size of land dedication, no residential project may be entitled to a total density bonus of more than thirty-five percent.
4. Each residential project is entitled to only one density bonus, which may be selected by the applicant based on the percentage of either very low-income units, lower-income units, or moderate-income ownership units, or the project's status as a senior housing project. Density bonuses from more than one category may not be combined, except that bonuses for land dedication pursuant to Section 21.20.060 may be combined with bonuses granted pursuant to Section 21.20.040, up to a maximum of thirty-five percent, and an additional square footage bonus for childcare facilities may be granted as described in Section 21.20.070.
5. Land dedications that qualify a project for a density bonus do not fulfill the inclusionary housing requirements set forth in Chapter 21.24.
6. Inclusionary units will only be counted as target units qualifying a project for a density bonus, or incentives and concessions, if the inclusionary units are made available at a lower affordable rent income category or lower affordable ownership cost income category than mandated by the inclusionary requirements set forth in Chapter 21.24. Inclusionary units that are counted as target units shall remain affordable for the length of time required in Chapter 21.24, which is fifty-five years for rental units and forty-five years for owner-occupied units.

Example: An applicant proposes to develop a one hundred-unit residential rental project and seeks a twenty percent density bonus by reserving five percent of the living units, or five living units, for very low-income households.

The inclusionary requirements in Chapter 21.24 require that six percent of the living units in a residential rental project be reserved for very low-income households (the "required very low-income inclusionary units") and nine percent of the living units must be reserved for lower-income households (the "required lower-income inclusionary units"). Thus, in this one hundred-unit residential project, the applicant is required to reserve six of the living units for very low-income households and nine of the units for lower-income households. Because the required inclusionary units do not count as target units qualifying a project for a density bonus unless the inclusionary units are reserved for a lower income category than required under Chapter 21.24, the income unit break down for this one hundred-unit project would be as follows:

	Inclusionary Units	Target Units	DB Units	Remaining Units	Total
Very low income:	6 (55 years)	5 (30 years)			11
Lower income:	9 (55 years)				9

Market rate:			20	80	100
				Total units	120

However, if the applicant reserves any of the required lower-income inclusionary units for very low-income households, then these units will qualify as target units qualifying the project for a density bonus. If five of the required lower-income inclusionary units are reserved for very low-income units, then those five units would be considered target units qualifying the project for a density bonus. In this scenario, the income unit break down would be as follows:

	Inclusionary Units	Target/ Inclusionary Units	DB Units	Remaining Units	Total
Very low income:	6 (55 years)	5 (55 years)			11
Lower income:	4 (55 years)				4
Market rate:			20	85	105
				Total units	120

(Ord. 2102 § 1(part), 2008).

#### 21.20.110 - Standards for incentives and concessions; waiver or modification of development standards.

1. Concessions and incentives may be approved by the planning commission, unless the residential project or concessions otherwise require approval by the City Council. The applicant shall provide a pro forma demonstrating to the city that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l)(1). For purposes of this chapter, as defined in Government Code Section 65915(l), concessions and incentives means any of the following:
  - a. A reduction in site development standards or a modification of zoning code requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient and actual cost reductions.
  - b. Approval of mixed use zoning in conjunction with the residential project if commercial, office, industrial, or other land uses will reduce the cost of the residential project and if the commercial, office, industrial, or other land uses are compatible with the residential project and the existing or planned development in the area where the proposed residential project will be located.

- c. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient and actual cost reductions.
2. Waiver or Modification. Applicants may also seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential project meeting the criteria of Sections 21.20.030 and 21.20.040(1) or (2) at the densities or with the incentives or concessions permitted by this section. The applicant shall show: (1) that the development standards will preclude construction, and (2) the waiver or modification is necessary to make the residential project economically feasible based upon appropriate financial analysis and documentation as specified in Section 21.20.130.
  3. Nothing in this section requires the city to provide direct financial incentives for the residential project, including, but not limited to, the provision of publicly owned land or waiver of fees or dedication requirements.
  4. For purposes of this chapter, concessions and incentives include reductions in site development standards or modifications of zoning code, and other incentives or concessions defined in Government Code Section 65915(l) that result in identifiable, financially sufficient and actual cost reductions. The approved set of concessions includes the following:
    - a. Reduction in required on-site parking as described in CMC Section 21.20.120(4);
    - b. Expedited processing pursuant to a mutually agreed upon schedule (with appropriated indemnification language);
    - c. Deferral of the collection of impact fees on market rate units until issuance of a certificate of occupancy.

(Ord. 2102 § 1(part), 2008).

#### 21.20.120 - Standards for density bonus residential developments.

1. Target units qualifying a residential project for a density bonus shall remain affordable as follows:
  - a. Rental target units shall remain affordable to the designated income group for a minimum of thirty years or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program applicable to the living units, or if they are inclusionary units being counted as target units pursuant to Section 21.20.100(6).
  - b. Owner-occupied target units shall remain affordable for forty-five years.
2. All target units shall be reasonably dispersed throughout the residential project and shall be comparable to the design of the market rate units in terms of distribution of model types, number of bedrooms, appearance, materials and finished quality of the market rate units in the development. There shall not be significant identifiable differences between target and market rate units visible from the exterior, and the size and design of the target units shall be reasonably consistent with the market-rate units in the development. Target units shall have the same access to project amenities and recreational facilities as market rate units.
3. All building permits for target units qualifying a residential project for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the target units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for target units qualifying a residential project for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units. The time requirements set forth in this subsection for issuance of building permits for market rate units and for final inspections for occupancy for market rate units may be modified to accommodate phasing schedules, model variations, or other factors in a residential project, if the city determines this will provide greater public benefit and a detailed

schedule for construction or occupancy of the target units is included in the affordable housing plan, as described in Section 21.20.130.

4. Upon the request of the developer, the city shall not require off-street parking for a residential project meeting the criteria of Sections 21.20.030 and 21.20.040(1) or (2) that exceeds the following:
  - a. Studio to one-bedroom units: one on-site parking space;
  - b. Two to three-bedroom units: two on-site parking spaces;
  - c. Four and more bedroom units: two and one-half parking spaces.

Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a residential project is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a residential project may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(Ord. 2102 § 1(part), 2008).

21.20.130 - Affordable housing plan submittal; requirements for application for density bonus and other incentives.

1. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be submitted as part of the first approval of the residential project. It shall be included in an affordable housing plan and processed concurrently with all other applications required for the residential project.
2. Upon submittal, the community development director shall determine if the affordable housing plan is complete and conforms to the provisions of this chapter. No application for a first approval for a residential project requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this section.
3. The affordable housing plan shall include the following information:
  - a. A description of any requested density bonuses, incentives, concessions, waivers or modifications of development standards or modified parking standards;
  - b. Identification of the base project without the density bonus, number and location of all target units qualifying the project for a density bonus, level of affordability of the target units, and identification of the bonus units;
  - c. The preferences given in selecting occupants shall be set forth;
  - d. For all incentives and concessions except those listed in Section 21.20.110(2), a pro forma demonstrating that the requested incentives and concessions result in identifiable, financially sufficient and actual cost reductions;
  - e. For waivers or modifications of development standards: (a) a pro forma demonstrating that the waiver or modification is necessary to make the residential project economically feasible based upon appropriate financial analysis and documentation; and (b) evidence that the development standards for which a waiver is requested will have the effect of precluding the construction of the residential project at the densities or with the incentives or concessions permitted by this chapter;
  - f. The cost of reviewing any required pro forma data submitted in support of a request for a concession, incentive, waiver or modification, including, but not limited to, the cost to the city of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall also include: (a) the actual cost reduction achieved through the incentive, concession, waiver, or

- modification; and (b) evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices;
- g. If the applicant is proposing a modification of the requirement that the target units be constructed concurrently with the market rate units, the affordable housing plan shall describe the proposed phasing at the same level of detail as required in the application for the residential project, specify the security to be provided to the city to ensure that the target units will be constructed, and explain how the proposed phasing would provide greater public benefit than providing the target units concurrently with the market rate units;
  - h. If a density bonus or concession is requested for a senior housing project, the application shall provide that units in the residential project shall be occupied by qualified residents;
  - i. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings in Government Code Section 65915(h) can be made;
  - j. If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facility and provide evidence that the findings included in Government Code Section 65915(i) can be made;
  - k. If a mixed use building or development is proposed, the application shall provide evidence that the findings included in Section 21.20.110(4)(g) can be made;
  - l. For residential projects subject to the inclusionary housing requirements set forth in Chapter 21.24, the affordable housing plan shall also incorporate the requirements of Section 21.24.060(A), and only one affordable housing plan need be submitted.
4. Upon submittal, the community development director shall determine if the affordable housing plan submitted in support of a request for a density bonus, incentive, concession, waiver, modification, or revised parking standard is complete and conforms to the provisions of this chapter and Chapter 21.24. No application for a first approval for a residential project requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this chapter.

(Ord. 2102 § 1(part), 2008).

#### 21.20.140 - City review of application for density bonuses and other incentives.

1. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this chapter shall be reviewed as part of the first approval of the residential project by the approval body with authority to approve the residential project, unless additional review by the planning commission or City Council is required by Chapter 21.62. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed as part of an appeal of the residential project as provided in Chapter 21.62. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.
2. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:
  - a. The residential project is eligible for a density bonus and any concessions, incentives, waivers, modifications, or reduced parking standards requested; conforms to all standards for affordability included in this chapter; and includes a financing mechanism for all implementation and monitoring costs;

- b. Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation if required by Section 21.20.110;
  - c. If the density bonus is based all or in part on dedication of land, the approval body has made the findings included in Government Code Section 65915(h);
  - d. If the density bonus, incentive, or concession is based all or in part on the inclusion of a childcare facility, the approval body has made the finding included in Government Code Section 65915(i);
  - e. If the incentive or concession includes mixed use buildings or developments, the approval body has made the finding included in Section 21.20.110(4)(g);
  - f. If a waiver or modification is requested, the applicant has shown that the waiver or modification is necessary to make the housing units economically feasible by providing appropriate financial analysis and documentation as described in Section 21.20.110(5), and that the development standards will have the effect of precluding the construction of the residential project at the densities or with the incentives or concessions permitted by this section.
3. The approval body may deny a request for an incentive or concession for which the findings set forth in Section 21.20.140(2) can be made only if it makes a written finding, based upon substantial evidence, of either of the following:
    - a. The incentive or concession is not required to provide for affordable rents or affordable ownership costs; or
    - b. The incentive or concession would have a specific adverse impact upon public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower-, very low- and moderate-income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete.
  4. The approval body may deny a requested waiver or modification for which the findings set forth in Section 21.20.140(2) can be made only if it makes a written finding, based upon substantial evidence, of either of the following:
    - a. The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower-, very low- and moderate-income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or
    - b. The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources.
  5. The approval body may deny a density bonus or concession that is based on the provision of childcare facilities and for which the findings set forth in Section 21.20.140(2) can be made only if it makes a written finding, based on substantial evidence, that the city already has adequate childcare facilities.
  6. A request for a minor modification of an approved affordable housing plan may be granted the community development director or designee if the modification is substantially in compliance with the original affordable housing plan and conditions of approval. A minor modification is technical in nature, as opposed to substantive or material. Substantive or material changes to the affordable housing plan shall be processed in the same manner as the original plan.

(Ord. 2102 § 1(part), 2008).

21.20.150 - Developer affordable housing agreement.

- A. Developers requesting a density bonus, incentive, concession, waiver, modification, or revised parking standard granted pursuant to this chapter, shall agree to enter into a developer affordable housing agreement with the city. A developer affordable housing agreement shall be made a condition of the discretionary planning permits for all residential projects pursuant to this chapter and shall be recorded as a restriction on any parcels on which the target units will be constructed. When the inclusionary requirements of Chapter 21.24 apply, one affordable housing agreement will be recorded incorporating the requirements of both chapters.
- B. The developer affordable housing agreement shall be recorded prior to final or parcel map approval, or, where the residential project does not include a map, prior to issuance of a building permit for any structure in the residential projects. The developer affordable housing agreement shall run with the land and bind all future owners and successors in interest.
- C. The developer affordable housing agreement shall be in a form provided by the city and shall include, without limitation, the following:
  - 1. The total number of units approved for the residential project, the number, location, and level of affordability of the target units and the inclusionary units;
  - 2. Standards for determining affordable rent or affordable ownership cost for the target units and any inclusionary units;
  - 3. The location, unit size in square feet, and number of bedrooms of target units and any inclusionary units;
  - 4. Provisions to ensure initial and continuing affordability in accordance with the requirements of this chapter and Chapter 21.24, including the execution and recordation of subsequent agreements ensuring continued affordability pursuant to Sections 21.20.120 and 21.24.060;
  - 5. A schedule for completion and occupancy of target units and inclusionary units in relation to construction of market rate units;
  - 6. A description of any incentives, concessions, waivers, or reductions being provided by the city;
  - 7. A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third party beneficiaries under the agreement;
  - 8. Procedures for qualifying tenants and prospective purchasers of target units, including preferences;
  - 9. Provisions requiring maintenance of records to demonstrate compliance with this chapter;
  - 10. Other provisions to ensure implementation and compliance with this chapter and Chapter 21.24, if applicable.
- D. In the case of senior citizen housing developments, the developer affordable housing agreement shall provide that units in the residential development shall be occupied by qualified residents.
- E. Developer affordable housing agreements for land dedication, childcare facilities, and condominium conversion shall ensure continued compliance with all conditions included in Sections 21.20.060, 21.20.070 and 21.20.080 respectively.

(Ord. 2102 § 1(part), 2008).

21.20.160 - Continued affordability and initial occupancy.

- A. Owner-Occupied Target Units. A resale restriction, covenant, deed of trust and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each affordable for-sale unit. These documents shall, in the case of target units, which are initially sold, be for a term of forty-five years and shall be renewed at each change of title for a period of forty-five years. The resale restriction, or other documents authorized by this subsection, and any change in the form of any such documents which materially alters any policy in the documents, shall be approved by the community development director or his or her designee prior to being executed with respect to any residential project.
- B. Rental Target Units. A regulatory agreement, covenant, deed of trust, and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each residential project containing affordable rental units for a minimum term of thirty years or more. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the residential project.
- C. Eligibility Requirements. No household shall be permitted to begin occupancy of a target unit unless the city or its designee has approved the household's eligibility. If the city or its designee maintains a list of, or otherwise identifies, eligible households, initial and subsequent occupants of target units shall be selected first from the list of identified households, to the maximum extent possible, in accordance with rules approved by the community development director or his or her designee.
- D. Priority for Rental or Purchase of Units. Preference in the rental or purchase of target units shall be given, first (for up to ten percent of all target units subject to this chapter) to income eligible employees of the city of Campbell, second to income eligible existing Campbell residents, and third to income eligible persons employed within the city limits of the city of Campbell.

(Ord. 2102 § 1(part), 2008).

#### 21.20.180 - Implementation and enforcement.

- A. The City Council may adopt guidelines, by resolution, to assist in the implementation of all aspects of this chapter.
- B. No permit, license, subdivision approval or map, or other approval or entitlement for a residential project shall be issued, including without limitation a final inspection for occupancy or certificate of occupancy, until all requirements applicable to the residential project at such time pursuant to this chapter have been satisfied.
- C. The city attorney shall be authorized to enforce the provisions of this chapter and all affordable housing agreements, regulatory agreements, resale controls, deeds of trust, or similar documents placed on target units, by civil action and any other proceeding or method permitted by law.
- D. Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any applicant or owner from the requirements of this chapter.
- E. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. 2102 § 1(part), 2008).

## Chapter 21.24 - INCLUSIONARY HOUSING ORDINANCE

### Sections:

#### 21.24.010 - Findings.

The City Council finds that:

- A. Housing prices and rents in the city of Campbell have increased at a significantly higher rate than general wages. The lack of affordable housing in Campbell forces many residents to pay a very high percentage of their income for housing or to commute considerable distances, adding to air pollution and traffic congestion in Campbell and throughout Santa Clara County. The lack of affordable housing has made it more difficult to recruit workers from out of the area, in general, especially workers in lower-paying jobs, potentially affecting the economic vitality of the Campbell. New housing developments do not, to any appreciable extent, provide housing affordable to low- and moderate-income households.
- B. Continued new housing developments which do not include housing for low- and moderate-income households will serve to further aggravate the current shortage of affordable housing by reducing the small remaining supply of undeveloped land.
- C. The City Council approved the City's housing element of the general plan which includes a goal to encourage the provision of housing affordable to a variety of household income levels (Goal H-3.1 Housing Development; Policy H-3.2a Citywide Inclusionary Housing Ordinance).
- D. Implementation of the inclusionary ordinance is a necessary part of the City's efforts to meet its general plan housing element goals and objectives and its region wide affordable housing obligations. Through the inclusionary ordinance, at least fifteen percent of the units in a new housing development of ten or more units will be price or rent restricted as units for low- and moderate-income households. In some circumstances, developers will be offered an option of providing affordable units off-site or payment of an in-lieu housing fee.

(Ord. 2074 Att. 3 (part), 2006).

#### 21.24.020 - Purpose of chapter.

The purpose of this chapter is to further the City's efforts to require housing available to very low-income, low-income and moderate-income households. The city's general plan implements the established policy of the State of California that each community should foster an adequate supply of housing for persons at all economic levels.

Providing the affordable units required by this chapter will help to ensure that part of Campbell's remaining developable land is used to provide affordable housing. An economically balanced community is only possible if part of the new housing built in the City is affordable to households with limited incomes. Requiring builders of new housing to include some housing affordable to households at a range of incomes is fair, not only because new development without affordable units contributes to the shortage of affordable housing, but also because zoning and other ordinances concerning new housing should be consistent with the community's goal to foster an adequate supply of housing for persons at all economic levels. In general, affordable units within each housing development will serve the goal of maintaining an economically balanced community.

The inclusionary housing ordinance is required by the council to promote and protect the public health, safety, and general welfare while preserving and enhancing the aesthetic quality of the City. (Ordinance 2060, December 2005 Code Update, Title 21 Zoning, 21.01.030 Purpose).

(Ord. 2074 Att. 3 (part), 2006).

21.24.030 - Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

"Affordable ownership cost" means average monthly housing costs during the first calendar year of a household's occupancy, as determined by the City, including mortgage payments, loan insurance fees, if any, property taxes, reasonable allowances for utilities and property maintenance and repairs, homeowners insurance and homeowners association dues, if any, which do not exceed the following:

1. For lower-income households: one-twelfth of thirty percent of seventy percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit and one additional person for each additional bedroom thereafter.
2. For moderate-income households: one-twelfth of thirty-five percent of one hundred ten percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit and one additional person for each additional bedroom thereafter.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, which do not exceed the following:

1. For lower-income households: one-twelfth of thirty percent of sixty percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.
2. For very low-income households: one-twelfth of thirty percent of fifty percent of area median, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

"Affordable units" means living units which are required under this chapter to be rented at affordable rents or available at an affordable housing cost to specified households.

"Applicant" means a person or entity who applies for a residential project and, if the applicant does not own the property on which the residential project is proposed, also means the owner or owners of the property.

"Area median income" means area median income for Santa Clara County as published pursuant to California Code of Regulations, Title 25, Section 6932 (or its successor provision).

"Construction cost index" means the Engineering News Record San Francisco Building Cost Index. If that index ceases to exist, the community development director shall substitute another construction cost index which in his or her judgment is as nearly equivalent to the original index as possible.

"Eligible household" means a household whose household income does not exceed the maximum specified in Section 21.24.040 of this chapter for a given affordable unit.

"First approval" means the first of the following approvals to occur with respect to a residential project: building permit, planned development permit, tentative parcel map, tentative subdivision map, conditional use permit, site and architectural review permit, or other discretionary city land use approval.

"For-sale project" means a residential project, or portion thereof, which is intended to be sold to owner-occupants upon completion.

"Household income" means the combined adjusted gross income for all adult persons living in a living unit as calculated for the purpose of the Section 8 Program under the United States Housing Act of 1937, as amended, or its successor.

"Inclusionary housing agreement" means an agreement between the city and an applicant, governing how the applicant shall comply with this chapter.

"Living unit" means one or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and bathroom facilities.

"Lower-income household" means a household whose household income does not exceed the lower income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Market rate unit" means a housing unit or the legal lot for such unit offered on the open market at the prevailing market rate for purchase or rental.

"Moderate-income household" means a household whose household income does not exceed one hundred twenty percent of the area median income Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

"Pending project" means a land use application that has been accepted by the community development department as complete before the effective date of the ordinance codified in this chapter shall be processed in compliance with the requirements in effect when the application was accepted as complete by the city.

"Rental project" means a residential project, or portion thereof, which is intended to be rented to tenants upon completion.

"Residential project" means any parcel map, subdivision map, conditional use permit, site and architectural review permit, building permit, or other city approval, which authorizes ten or more living units or residential lots, or living units and residential lots with ten or more in combination. In order to prevent evasion of the provisions of this chapter, contemporaneous construction of ten or more living units on a lot, or on contiguous lots for which there is evidence of common ownership or control, even though not covered by the same city land use approval, shall also be considered a residential project. Construction shall be considered contemporaneous for all units which do not have completed final inspections for occupancy and which have outstanding, at any one time, any one or more of the following: parcel map, subdivision map, or other discretionary city land use approvals, or building permits, or applications for such an approval or permits. A pending project shall not be considered a residential project under this chapter.

"Very low-income household" means a household whose household income does not exceed the very low-income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

(Ord. 2074 Att. 3 (part), 2006).

## 21.24.040 - General requirements.

- A. Percentage requirement. At least fifteen percent of all units in a residential project shall be made available at affordable rents or affordable ownership cost as prescribed in this section and shall be approved and completed not later than the times prescribed in Section 21.20.040 of this title, unless an alternative requirement is approved as set forth in Section 21.24.060 of this chapter.

For fractions of units in residential projects, where the fraction is 0.5 or greater, the owner of the property shall construct the next higher whole number of affordable units, and where the fraction is 0.49 or less, the owner shall construct the next lower whole number of affordable units.

- B. Exceptions. For purposes of calculating the number of affordable units required by this section, any additional units authorized as a density bonus pursuant to Chapter 21.20, (Density Bonus and

Affordable Housing Incentives) of this code shall not be counted in calculating the required number of affordable units. Additionally, the community development director may grant exceptions to the requirements of this chapter to residential projects located within the redevelopment project area, upon a finding that such exception is necessary to effective implementation of the redevelopment plan, while maintaining overall compliance with affordable housing production requirements set forth in Health and Safety Code Section 33413.

- C. Location and design of affordable units. All affordable units shall be reasonably dispersed throughout the project and shall be comparable to the design of the market-rate units in terms of distribution of model types, number of bedrooms, appearance, materials and finished quality of the market-rate units in the project. There shall not be significant identifiable differences between affordable units and market-rate dwelling units which are visible from the exterior of the dwelling units and the size and design of the dwelling units shall be reasonably consistent with the market-rate units in the development. Affordable units shall have the same access to project amenities and recreational facilities as market rate units.
- D. For-sale projects. Affordable units which are constructed in for-sale projects for owner-occupancy shall be sold at affordable ownership cost to lower-income households and moderate-income households.
- E. Rental projects. The affordable units which are constructed in rental projects shall be offered for rent at affordable rents to lower-income households and very low-income households. Of these affordable units in rental projects, forty percent of the required fifteen percent, or six percent of the total units in the residential project, shall be offered at affordable rents exclusively to very low-income households, provided that where this requirement for very low-income units would result in a fraction of a very low-income unit, the number of very low-income units shall be rounded up and the number of lower-income units which need not be very low-income units shall be rounded down.
- F. Priority for rental or purchase of units. Preference in the rental or purchase of affordable units shall be given, first (for up to ten percent of all affordable units subject to this chapter) to income eligible employees of the City of Campbell, second to income eligible existing Campbell residents, and third to income eligible persons employed within the city limits of the City of Campbell.

(Ord. 2074 Att. 3 (part), 2006).

#### 21.24.050 - Time performance.

- A. An application for first approval of a residential project will not be deemed complete until the applicant has submitted plans and proposals which demonstrate the manner in which the applicant proposes to meet the requirements of this chapter, including any plans for the construction of on-site units pursuant to Section 21.24.040 of this chapter or the applicant's selection of an alternative means of compliance pursuant to Section 21.24.070 of this chapter.
- B. Conditions to carry out the purposes of this chapter shall be imposed on the first approval for a residential project. Additional conditions may be imposed on later city approvals or actions, including without limitation planned development permits, tentative parcel maps, tentative subdivision maps, conditional use permits, site and architectural review permits, or building permits. The conditions of approval included with the first approval of the residential project shall further provide that prior to the recordation of the parcel map or final map in the case of subdivisions and or prior to the issuance of building permits in the case of all other land use permits to which this chapter applies, the applicant shall enter into an inclusionary housing agreement acceptable to the community development director that contains specific requirements implementing the condition of approval including, but not limited to, as applicable, the number of affordable units, the level(s) of affordability, location and type of affordable units, timing of construction of affordable units in relation to the construction of the market rate units contained in the development, preferences given in selecting occupants, and amount of the in-lieu fee, if any. The inclusionary housing agreement may be amended by the parties, provided the amendment is consistent with the condition of approval imposed as part of the

first approval and the then-existing city approvals. If such proposed amendment is minor or technical in nature, the community development director shall have authority to approve or disapprove the amendment on behalf of the city. If such proposed amendment makes a substantive or material change to the inclusionary housing agreement, such amendment shall be effective only if, following notice and hearing and such other procedures as may be required by law, approved by the city agency that gave the first approval on the project.

- C. No building permit shall be issued for any market rate unit until the applicant has obtained permits for affordable units sufficient to meet the requirements of Section 21.24.040 of this chapter, or received approval of an alternative requirement of Section 21.24.070 of this chapter. No final inspection for occupancy for any market rate unit shall be completed until the applicant has constructed the affordable units required by Section 21.24.040 of this chapter, or completed corresponding alternative performance under Section 21.24.070 of this chapter. The time requirements set forth in this subsection for issuance of building permits for market rate units and for final inspections for occupancy for market rate units may be modified to accommodate phasing schedules, model variations, or other factors in a residential project, if the city determines this will provide greater public benefit and an inclusionary housing agreement acceptable to the community development director or the Community Development Director's designee pursuant to subsection B of this section so provides.

(Ord. 2074 Att. 3 (part), 2006).

#### 21.24.060 - Continued affordability and city review of occupancy.

- A. Term of affordability—For-sale projects. A resale restriction, covenant, deed of trust and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each affordable owner-occupied unit. These documents shall, in the case of affordable units which are initially sold, be for a term of forty-five years and shall be renewed at the change of each title for a period of forty-five years. The resale restriction, or other documents authorized by this subsection, and any change in the form of any such documents which materially alters any policy in the documents, shall be approved by the community development director or his or her designee prior to being executed with respect to any residential project.
- B. Term of affordability—Rental projects. A regulatory agreement, covenant, deed of trust, and/or other documents acceptable to the Community Development Director or the Director's designee, shall be recorded against each unit/complex for residential projects containing affordable rental units. These documents shall, in the case of affordable units which are rented, be for a term of fifty-five years and shall be renewed at the change of each title for a period of fifty-five years. The regulatory agreement and other documents authorized by this subsection, shall run with the property and not be affected by the sale of the property or units in the project. The regulatory agreement and other documents authorized by this subsection, and any change in the form of any such document which materially alters any policy in the document, shall be approved by the Community Development Director or his or her designee prior to being executed with respect to any residential project.
- C. Eligibility requirements. No household shall be permitted to begin occupancy of an affordable unit unless the city or its designee has approved the household's eligibility. If the city or its designee maintains a list of, or otherwise identifies, eligible households, initial and subsequent occupants of affordable units shall be selected first from the list of identified households, to the maximum extent possible, in accordance with rules approved by the community development director or his or her designee.

(Ord. 2074 Att. 3 (part), 2006).

#### 21.24.070 - Alternatives.

An applicant may elect, in lieu of building affordable units within a residential project, to satisfy the requirements of this chapter by one of the following alternative modes of compliance, provided that the applicant includes such election in its application for the first approval of the residential project and that the criteria stated in the relevant subsection below are satisfied.

- A. Rental units in for-sale projects. Where owner-occupied affordable units are required by Section 21.24.040 of this chapter, instead construct as part of the residential project the same or a greater number of rental units, affordable to lower-income households and very low-income households in the proportions and at the rents as prescribed in Section 21.24.040(E) of this chapter. Substitution of rental units shall be allowed under this subsection only if either: (1) the rental units are at least equal in number of bedrooms to the owner-occupancy units which would have been allowed, or (2) any comparative deficiency in bedrooms is compensated for by additional units and/or affordability to households with lower incomes.
- B. Off-site construction. Construct, or make possible construction by another developer of, units not physically contiguous to the market-rate units (or units that are physically contiguous to the market-rate units if the City determines this will provide greater public benefit and if an inclusionary housing agreement acceptable to the Community Development Director or his or her designee pursuant to Section 21.24.050(B) of this chapter so provides) and equal or greater in number to the number of affordable units required under Section 21.24.040 of this chapter. Off-site construction pursuant to this subsection shall be approved only if:
  - 1. Approval has been secured for the off-site units not later than the time the residential project is approved and completion of the off-site units is secured by a requirement that final inspections for occupancy for the related market-rate units be completed after those for the affordable units, provided that the time requirements set forth in this subsection for final inspections for occupancy for market-rate units may be modified to accommodate phasing schedules, model variations, financing requirements, or other factors in a residential project for the off-site units, if the City determines this will provide greater public benefit, and if an inclusionary housing agreement acceptable to the Community Development Director or his or her designee pursuant to Section 21.24.050(B) of this chapter so provides;
  - 2. The off-site units will be greater in number, larger or affordable to households with lower incomes than would otherwise be required in Section 21.24.040 of this chapter;
  - 3. Financing or a viable financing plan is in place for the off-site units;
  - 4. In the event the off-site units receive any public assistance, the developer of the residential project will contribute to the off-site units economic value equivalent to the value of making on-site units in the developer's residential project affordable; and
  - 5. The City may require that completion of off-site units shall be further secured by the developer's agreement to pay an in-lieu fee in the amount due under subsection D of this section in the event the off-site units are not timely completed.
- C. Land dedication. Dedicate without cost to the city, a lot or lots within or contiguous to the residential project, sufficient to accommodate at least the required affordable units for the residential project. An election to dedicate land in lieu of compliance with other provisions of this chapter shall be allowed only if:
  - 1. The value of the lot or lots to be dedicated is sufficient to make development of the otherwise required affordable units economically feasible, and financing or a viable financing plan is in place for at least the required number of affordable units; and
  - 2. The lot or lots are suitable for construction of affordable housing at a feasible cost, served by utilities, streets and other infrastructure, there are no hazardous material or other material constraints on development of affordable housing on the lot or lots, and land use approvals have been obtained as necessary for the development of the affordable units on the lot or lots.

- D. In-lieu housing fee. Where a residential project has an approved density of six or fewer units per acre, the applicant may elect to pay an in-lieu housing fee, instead of developing the affordable units required in Section 21.24.040 of this chapter, pursuant to the requirements set forth below in this subsection.
1. The initial in-lieu fee schedule shall be set by City Council fee resolution or other action of the City Council so that the fee amounts are not greater than the difference between: (a) the amount of a conventional permanent loan that an inclusionary unit would support based on the affordable rent or sales price for the required inclusionary unit; and (b) the estimated total development cost of prototypical inclusionary units.
  2. The City Council may annually review the fees authorized by this subsection D of this section by resolution, and may, based on that review, adjust the fee amount. For any annual period during which the City Council does not review the fee authorized by this subsection, fee amounts shall be adjusted once by the community development director or his or her designee based on the construction cost index.
  3. In-lieu fees shall be calculated based on the fee schedule in effect at the time the fee is paid. In-lieu fees shall be paid prior to issuance of building permits for market-rate units in a residential project. If building permits are issued for only part of a residential project, the fee amount shall be based only on the number of units then permitted. Where payment is delayed, in the event of default or for any other reason, the amount of the in-lieu fee payable under this subsection D of this section shall be based upon the fee schedule in effect at the time the fee is paid.

(Ord. 2074 Att. 3 (part), 2006).

#### 21.24.080 - Use of in-lieu housing fees.

- A. All in-lieu fees collected under this chapter shall be deposited into a separate account to be designated the City of Campbell housing trust fund.
- B. The in-lieu fees collected under this chapter and all earnings from investment of the fees shall be expended exclusively to provide or assure continued provision of affordable housing in the city through acquisition, construction, development assistance, rehabilitation, financing, rent subsidies or other methods, and for costs of administering programs which serve those ends. The housing shall be of a type, or made affordable at a cost or rent, for which there is a need in the City and which is not adequately supplied in the City by private housing development in the absence of public assistance.

(Ord. 2074 Att. 3 (part), 2006).

#### 21.24.090 - Waiver of requirements.

Notwithstanding any other provision of this chapter, the requirements of this chapter shall be waived, adjusted or reduced if the applicant shows that there is no reasonable relationship between the impact of a proposed residential project and the requirements of this chapter, or that applying the requirements of this chapter would take property in violation of the United States or California Constitution or otherwise result in an unconstitutional application of this chapter. To receive a waiver, adjustment or reduction under this section, the applicant must file a written request together with the development application(s) when applying for a first approval for the residential project, and/or as part of any appeal which the City provides as part of the process for the first approval. The written request shall provide substantial evidence showing that there is no reasonable relationship between the impact of a proposed residential project and the requirements of this chapter, or that applying the requirements of this chapter would take property in violation of the United States or California Constitution or otherwise result in an unconstitutional application of this chapter. The City may assume that: (a) the applicant will provide the

most economical inclusionary units feasible meeting the requirements of this chapter; and (b) the applicant is likely to obtain housing subsidies when such funds are reasonably available. The waiver, adjustment, or reduction may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this section.

(Ord. 2074 Att. 3 (part), 2006).

### 21.24.100 - Enforcement.

- A. The City Council may adopt guidelines, by resolution, to assist in the implementation of all aspects of this chapter.
- B. No permit, license, subdivision approval or map, or other approval or entitlement for a residential project shall be issued, including without limitation a final inspection for occupancy or certificate of occupancy, until all requirements applicable to the residential project at such time pursuant to this chapter have been satisfied.
- C. The City Attorney shall be authorized to enforce the provisions of this chapter and all inclusionary housing agreements, regulatory agreements, resale controls, deeds of trust, or similar documents placed on affordable units, by civil action and any other proceeding or method permitted by law.
- D. Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any applicant or owner from the requirements of this chapter.
- E. The remedies provided for in this chapter shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. 2074 Att. 3 (part), 2006).

**Assembly Bill No. 2222**

## CHAPTER 682

An act to amend Sections 65915 and 65915.5 of the Government Code, relating to housing.

[Approved by Governor September 27, 2014. Filed with  
Secretary of State September 27, 2014.]

## LEGISLATIVE COUNSEL'S DIGEST

AB 2222, Nazarian. Housing density bonus.

The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

Existing law requires continued affordability for 30 years or longer, as specified, of all very low and low-income units that qualified an applicant for a density bonus.

This bill instead would require continued affordability for 55 years or longer, as specified, of all very low and low-income rental units that qualified an applicant for a density bonus. This bill would also include very low and low-income persons among the initial occupants of for-sale units. This bill also would prohibit an applicant from receiving a density bonus unless the proposed housing development would, for units subject to certain affordability requirements that were occupied by qualifying persons on the date of application, provide at least the same number of units of equivalent size or type, or both, to be made available for rent at affordable housing costs to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For those subject types of units that have been vacated or demolished at the time of application, this bill would condition a density bonus upon at least the same number of units of equivalent size or type, or both, as existed at the highpoint in the preceding 5 years being made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known.

Existing law also requires a city, county, or city and county to grant a density bonus or other incentives, as specified, when an applicant for approval to convert apartments to a condominium project agrees, among other things, to provide a specified percentage of units for low- or

moderate-income persons and families or for lower income households, as defined.

This bill also would prohibit an applicant from receiving a density bonus unless the proposed condominium project would replace the existing affordable units with at least the same number of affordable units of equivalent size or type, or both, and the proposed development, inclusive of the units replaced pursuant to the requirements described above, contains affordable units according to specified percentages or consists entirely of affordable units.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65915 of the Government Code is amended to read:

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 4100 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to

this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government’s proportionate share of appreciation shall be equal to the ratio of the local government’s initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity’s valid exercise of its police power; or occupied by lower or very low income households, unless

the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, “replace” shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Paragraph (3) of subdivision (c) does not apply to an applicant seeking a density bonus for a proposed housing development if their application

was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an

incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5

12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21

27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent

to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not be interpreted to require the waiver of a local

ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) “Maximum allowable residential density” means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is

inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: two onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide “onsite parking” through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

SEC. 2. Section 65915.5 of the Government Code is amended to read:

65915.5. (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, “density bonus” means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, “other incentives of equivalent financial value” shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall,

within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

(g) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity’s valid exercise of its police power; or occupied by lower or very low income households, unless the proposed condominium project replaces those units, as defined in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, and either of the following applies:

(1) The proposed condominium project, inclusive of the units replaced pursuant to subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, contains affordable units at the percentages set forth in subdivision (a).

(2) Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.

(h) Subdivision (g) does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

**Assembly Bill No. 744**

## CHAPTER 699

An act to amend Section 65915 of the Government Code, relating to housing.

[Approved by Governor October 9, 2015. Filed with  
Secretary of State October 9, 2015.]

## LEGISLATIVE COUNSEL'S DIGEST

AB 744, Chau. Planning and zoning: density bonuses.

The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents. Existing law requires continued affordability for 55 years or longer, as specified, of all very low and low-income units that qualified an applicant for a density bonus. Existing law prohibits a city, county, or city and county from requiring a vehicular parking ratio for a housing development that meets these criteria in excess of specified ratios. This prohibition applies only at the request of the developer and specifies that the developer may request additional parking incentives or concessions.

This bill would, notwithstanding the above-described provisions, additionally prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that includes the maximum percentage of low- or very low income units, as specified, and is located within  $\frac{1}{2}$  mile of a major transit stop, as defined, and there is unobstructed access to the transit stop from the development. The bill would also prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of specified amounts per unit on a development that consists solely of units with an affordable housing cost to lower income households, as specified, if the development is within  $\frac{1}{2}$  mile of a major transit stop and there is unobstructed access to the transit stop from the development, is a for-rent housing development for individuals that are 62 years of age or older that complies with specified existing laws regarding senior housing, or is a special needs housing development, as those terms are defined. The bill would require a subject development that is a for-rent housing development for individuals that are 62 years of age

or older or a special needs housing development to have either paratransit service or unobstructed access, within  $\frac{1}{2}$  mile, to fixed bus route service that operates at least 8 times per day. The bill would authorize a city, county, or city and county to impose a higher vehicular parking ratio based on substantial evidence found in an areawide or jurisdictionwide parking study, as specified. The bill would make findings and declarations, including that the subject of the bill is a matter of statewide concern and not a municipal affair.

By imposing additional duties on local governments in awarding density bonuses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Having a healthy housing market that provides an adequate supply of homes that are affordable to Californians at all income levels is critical to the economic prosperity and quality of life in the state.

(b) There exists a severe shortage of affordable housing, especially for persons and families of extremely low, very low, and low income, and there is an immediate need to encourage the development of new housing, not only through the provision of financial assistance but also through reforms to regulation.

(c) Affordable housing is expensive to build in California.

(d) The cost of building affordable housing in California is impacted by local opposition, changes imposed by local design and review, and requirements for on-site parking.

(e) The average construction cost per space, excluding land cost, in a parking structure in the United States is about \$24,000 for aboveground parking and \$34,000 for underground parking. In an affordable housing project with a fixed budget, every \$24,000 spent on a required parking space is \$24,000 less to spend on housing.

(f) The biggest single determinant of vehicle miles traveled and therefore greenhouse gas emissions is ownership of a private vehicle.

(g) A review of developments funded through the Department of Housing and Community Development's Transit-Oriented Development Implementation Program (TOD program) shows that lower income households drive 25 to 30 percent fewer miles when living within one-half mile of transit than those living in non-TOD program areas. When living within one-quarter mile of frequent transit, they drove nearly 50 percent less.

(h) When cities require off-street parking with all new residential construction, they shift what should be the cost of driving, the cost of parking a car, into the cost of housing, which artificially increases the cost of housing.

(i) Increases in public transportation and shared mobility options and the development of more walkable and bikeable neighborhoods reduce the demand for parking.

(j) Consistent with Chapter 488 of the Statutes of 2006 (AB 32) and Chapter 728 of the Statutes of 2008 (SB 375), it is state policy to promote transit-oriented infill development to reduce greenhouse gas emissions.

(k) The high cost of the land and improvements required to provide parking significantly increases the cost of transit-oriented development, making lower cost and affordable housing development financially infeasible and hindering the goals of SB 375.

(l) Eliminating minimum parking requirements will allow the limited funding available for affordable housing to support more housing for more Californians. A given housing subsidy fund can benefit about 6.5 times more households with no parking spaces than households with 2 spaces per unit.

(m) Minimum parking requirements provide large subsidies for parking, which in turn encourage more people to drive cars.

(n) Minimum parking requirements create a barrier to effective use of the density bonus law contained in Section 65915 of the Government Code. The parking required for the extra units adds construction and land costs that may be prohibitive and requires vacant land that may be unavailable, especially in locations near transit.

(o) Increasing the supply of affordable housing near transit helps achieve deeper affordability through reduced transportation costs, in addition to reduced housing costs.

(p) Governmental parking requirements for infill and transit-oriented development reduce the viability of transit by limiting the number of households or workers near transit, increasing walking distances, and degrading the pedestrian environment.

(q) Reducing or eliminating minimum parking requirements for infill and transit-oriented development and allowing builders and the market to decide how much parking is needed can achieve all of the following:

- (1) Ensure sufficient amounts of parking at almost all times.
- (2) Reduce the cost of development and increase the number of transit-accessible and affordable housing units.
- (3) Allow for more effective use of the density bonus law.
- (4) Increase density in areas with the most housing demand, and improve the viability of developing alternate modes of transportation, such as public transit, ridesharing, biking, and walking.
- (5) Reduce greenhouse gas emissions and vehicle miles traveled by removing an incentive to drive.

(r) It is the intent of the Legislature to reduce the cost of development by eliminating excessive minimum parking requirements for transit-oriented

developments that includes affordable housing, senior housing, and special needs housing.

(s) The Legislature further declares that the need to address infill development and excessive parking requirements is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities, including charter cities.

SEC. 2. Section 65915 of the Government Code is amended to read:

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(3) For the purposes of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and

low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Paragraph (3) of subdivision (c) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The

city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5

18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26

32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in

fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) “Child care facility,” as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) “Housing development,” as used in this section, means a development project for five or more residential units. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) “Maximum allowable residential density” means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2) and (3), upon the request of the developer, a city, county, or city and county shall not require a

vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: two onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

(2) Notwithstanding paragraph (1), if a development includes the maximum percentage of low- or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

(A) If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

(B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the

applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



reusing portions of the existing dwelling on property located at **1149 'A' S. San Tomas Aquino Road.**

3. Application of Velimir Sulic for a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision on property owned by Shahin Jahanbani located at **44 El Caminito Avenue.**
4. Application of Mike Masoumi for a Site and Architectural Review Permit (PLN2016-143) to allow for a 106 square foot second-story addition (converting balcony space to living space) to the rear of two units of an existing fiveplex on property located at **910 Michael Drive.**
5. Application of Steven Bonner for a Modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2014-57) for an existing restaurant, to modify the approved alcohol service from beer & wine to "general" (distilled spirits), extend the business closing time from 10:00 PM to 12:00 AM ("late-night activity"), increase the number of approved bar seats, permit amplified live entertainment, and allow occasional outdoor seating and service in the rear parking lot for special events, on property located at **368 E. Campbell Ave.**

After the regular meeting concludes, the Commission will convene to a Study Session to discuss the following:

1. Pre-Application for Mixed Use Development (Del Grande Properties)

**B. SARC Meeting of June 14, 2016:** SARC will review the following item(s):

1. PLN2016-143 – 910 Michael Drive - Site and Architectural Review Permit for an addition to an existing single-family residence.
2. PLN2016-123 – 1149 S. San Tomas Aquino Road – Site and Architectural Review Permit to allow the construction of a new single-family residence.

**C. 2016 California American Planning Association Conference – October 2016:** The City Council encourages training opportunities for its Commissions, Boards and Committees. Because the Commission did not take advantage of the recent 2016 California League of Cities Planning Commission Academy, there is another opportunity to attend a conference. Due to its location, there is budgeted money for two Planning Commissioners to attend (see link: <http://www.apacalifornia-conference.org/>). Please advise staff if you are interested. If there are more than two members interested, we'll have to discuss and determine which two Commissioners should go this time around.