

PLANNING COMMISSION
City of Campbell, California

7:30 P.M.
City Hall Council Chambers

July 12, 2016
Tuesday

AGENDA

ROLL CALL

APPROVAL OF THE MINUTES June 28, 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. PLN2016-138** Public Hearing to consider the application of Jaime Arafiles for a Site and Architectural Review Permit (PLN2016-138) to allow for a 499-square-foot, single-story addition to the rear of an existing residence located at **1045 Salerno Drive**. 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*

- 2. PLN2016-174** Public Hearing to consider the application of Leah Hernikl, on behalf of T-Mobile, for a Modification (PLN2016-174) of a previously approved Conditional Use Permit to allow the removal and replacement of three antenna panels and associated equipment on a PG&E Lattice Tower located at **1469 S. Bascom 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*

3. **PLN2016-200** Public Hearing to consider the Appeal (PLN2016-200) of Sarbajit and Sanhita Ghosal of a Fence Exception approved for a reduced setback (PLN2016-98) to allow a seven foot tall fence with a zero setback on the street side property line of a corner lot, located at **1071 Lovell Ave.** Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Naz Pouya, Project Planner*

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting of **July 26, 2016**, at 7:30 p.m., in the City Hall Council Chambers, 70 North First Street, Campbell, California.

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

JUNE 28, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of June 28, 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: Daniel Fama
	Associate Planner: Stephen Rose
	City Attorney: William Seligmann
	Recording Secretary: Corinne Shinn

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Reynolds, seconded by Commissioner Young, the Planning Commission minutes of the meeting of June 14, 2016, were approved as submitted. (4-0-0-3; Commissioners Bonhagen, Finch and Kendall abstained)

COMMUNICATIONS

Director Kermoyan listed a number of desk items:

1. Exhibit for Item 2 – Proposed colors and materials
2. Exhibit for Item 3 – Corrected setbacks on El Caminito
3. Item 3 - Letter from the Chamber of Commerce
4. Item 4 - Staff memo with recommended revisions to Condition 3 with exhibit
5. Item 5 - Staff memo with recommended revisions to Condition 4-e
6. Item 5 - Email from applicant (Steve Bonner)
7. Study Session Item - Email from Judy Pisano
8. Study Session Item - Email from Vickki Essert
9. Director's Report (left out of PC packet)

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Commissioner Finch:

- Said that she wanted to be on record with the following message.
- Reminded that she has now served on the Planning Commission for four years.
- Advised that she has not yet seen an item under consideration by the Planning Commission be decided based on the emotions of the Planning Commission.
- Stated that she is pleased with the professionalism of her colleagues. Their decisions are based on facts, guidelines and not on emotion or personal agendas. There are regulations that have to be followed and she is pleased to see that be the case in her experience as a member of this Commission.

CONSENT

None

PUBLIC HEARINGS

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

1. **PLN2016-130** Public Hearing to consider the application of Jimmy Chang on behalf of Cambridge Educational Center dba C2 Education, for a Conditional Use Permit (PLN2016-130) to allow the establishment of a (small) tutoring center on property located at **509 E. Hamilton Avenue**. Staff is recommending that this item be deemed Categorically 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*

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

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

Commissioner Kendall said she did not understand why this application was not a Director-level decision. Why is a Use Permit required?

Planner Daniel Fama advised that there are a wide number of uses within zoning districts that require a Conditional Use Permit.

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

Jimmy Chang, Project Applicant:

- Said that he is the representative for C2 Education.
- Advised that they are establishing a small tutoring center that serves students from kindergarten through high school.
- Added that they provide one-on-one training on academic testing.
- Said that this business will be of benefit to the other businesses in this center as well as to the surrounding neighborhood whose children may be potential students at this center. Their students' parents are likely potential shoppers in the retail establishments while they wait for their child to undergo a tutoring session.
- Stated that this use would have a minimal impact on parking. At their maximum peak hours they would have up to five or six students, one full-time facility manager and between three and five part-time teachers.

Philip Langohr, Property Owner, AIG Properties, Wisconsin, IL:

- Said that his company is the original developer of this center and he is here from Wisconsin and thought he would attend in support of their potential tenant.
- Assured that this use would serve as a good co-tenant of this center.

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

Motion: Upon motion of Commissioner Finch, seconded by Commissioner Bonhagen, the Planning Commission adopted Resolution No. 4303 approving a Conditional Use Permit (PLN2016-130) to allow the establishment of a (small) tutoring center on property located at 509 E. Hamilton Avenue, 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. 2 into the record as follows:

2. **PLN2016-123** Public Hearing to consider the application of Terry Martin, AIA for a Site and Architectural Review Permit (PLN2016-123) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at **1149 'A' S. San Tomas Aquino Road**. Staff is recommending that this item be deemed Categorically 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 Finch asked staff to clarify the FAR setbacks for this parcel. Are they based on a 15,000 square foot lot or the useable 9,000 square feet?

Planner Stephen Rose said that the total lot size of 15,000 square feet includes a small section of Turner Way, a private drive. The FAR is based on a 9,000 square foot lot size.

Commissioner Kendall provided the Site and Architectural Review Committee report as follows:

- Reported that SARC reviewed this item on June 14, 2016 and was supportive with some suggested changes that were accepted by the applicant.

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

Terry Martin, Project Architect:

- Stated their total agreement with the conditions of approval.
- Said he was available for any questions by the Commission.
- Concluded that he looks forward to approval of this request.

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

Commissioner Kendall said that she likes the proposed colors, the fact the house is located in the center of the lot, that this plan is well done and she concluded that she has no objections to this application.

Motion: Upon motion of Commissioner Finch, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4304 approving a Site and Architectural Review Permit (PLN2016-123) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at 1149 'A' S. San Tomas Aquino Road, subject

to the conditions of approval, with the revised plans dated June 14, 2016, and the color board exhibit submitted as a desk item this evening, 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. 3 into the record as follows:

3. **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 Categorical 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 Bonhagen asked if the setback was different from the original proposal.

Planner Stephen Rose:

- Advised that the existing building is set back 25 feet from the public right-of-way.
- Added that they are proposing a 26-foot front setback for a house constructed on the proposed front lot.
- Reminded that the current proposal for the front house is set back 29-feet from the front property line.
- Reminded that this tonight's action is just for the map and that the setbacks shown on the plans would not be bound by what is shown.

Commissioner Rich asked what the justification is for placing limitations on this site.

Planner Stephen Rose said the proposed front lot setback was established by averaging the existing homes' frontages along this street resulting in a calculated average. The rear lot residence's building height restrictions are due to privacy impact concerns.

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

Barton Hechtman, Attorney, 848 The Alameda, San Jose:

- Explained that he is Land Use Counsel for the applicant. He has been doing land use work for 25 years now.
- Reported that they had distributed two desk items.
- Advised that they are mindful of neighbor and Planning Commission concerns raised at the last meeting.
- Cautioned that the Commission cannot impose specific development requirements on a subdivision map request.
- Added that he had discussed this issue with the City's Attorney, William Seligmann, and neither of them had found any case law with a similar situation as this.
- Pointed out that every house in this neighborhood can be up to 35 feet in height.
- Said that he doesn't believe the pretext exists to impose conditions on the building envelope with this map request.
- Reminded that the City of Campbell does not have a Solar Ordinance that might deal with solar impacts.
- Stated that the Commission must deal with the facts.
- Suggested that the City Attorney would not be able to answer to a judge as to why the back house is being limited to an 18-foot height. That doesn't make sense.
- Said that law is all about fairness.
- Said he offers a proposed solution. He displayed a table that compares their proposal to that of City staff.
- Reported that a 32-foot tall house was recently constructed 19-feet away from the front property line. This is just four houses down from this project site.
- Said that with their proposed conditions, the applicant is extending beyond the minimums.
- Stated that they have no objection to the condition for the retention of the large cedars at the front of the site. His client has no intention of removing those trees.
- Asked for approval.
- Advised that they are voluntarily agreeing to these conditions although they don't think that they are compliant with the Subdivision Map Act.

Commissioner Young asked Mr. Hechtman if he was aware that the corner property at Winchester is a mixed-use building that is within the Winchester Boulevard Master Plan area.

Barton Hechtman replied yes and added that the building on that adjacent property is at an approximately 46-foot height.

Commissioner Young stated that the reason he asked was because it is in a different area/zoning and not the same.

Russell Pfirman, Resident on California Street:

- Said that since the last meeting on this item, he has given thought to the issue of subjective versus objective information.

- Admits that he is “emotionally objective to this application.
- Pointed out that both sides can find language from the same text to come up with very different opinions.
- Said if one asks the question, “Does this proposal enhance this neighborhood?” the answer is, “No, not even close!”
- Said that this is a nice 3/4–acre lot that is proposed to be divided into two smaller lots that are less than the average size of the lots in this neighborhood.
- Stated that what is proposed here does not fit.
- Added that R-1-6 zoning doesn’t really apply in this neighborhood.
- Suggested that “existing conditions” in this neighborhood alone should allow this neighborhood to retain its character.
- Asked that this project be denied to allow the true character of this street to be retained.

LeeAnn Kuntz, Resident on El Caminito Avenue:

- Stated her resentment over remarks of this proposal serving to “feather” this project from the adjacent commercial project at the corner with Winchester.
- Pointed out that emotion and passion are standards of a democracy.
- Stressed her preference for no flag lots on El Caminito.
- Asked the Commission to side with the neighbors and not with a developer.

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

Commissioner Reynolds:

- Said that he has not changed his position from the previous meetings.
- Stated that this project does not fit within this existing neighborhood.
- Reminded that the City’s General Plan speaks to neighborhood compatibility. Flag lots are not a predominate pattern of this neighborhood.

Commissioner Kendall:

- Stated that she also has not changed her mind since previous meetings but for opposite reasons than those stated by Commissioner Reynolds.
- Said that this request meets zoning regulations.
- Added that she is fairly certain that the purchasers of this lot made this purchase with the idea of subdividing it and likely checked the zoning prior.
- Pointed out that one cannot assume that what these owners put on these lots would be hideous or inconsistent with the neighborhood.
- Said that they are willing to settle for a maximum 28-foot building height when they could have 35-feet by normal standards.
- Advised that she is more inclined to fall in line with the General Plan and zoning.
- Said she accepts the conditions that the applicant is willing to impose on himself.

Commissioner Young:

- Said he sees two differences with this lot and others further down the street. One, it has the mixed-use development on the corner. Next, it is the entrance point into this neighborhood.

- Stated his support of property owner rights. In this case, someone has purchased this lot and wants to build what he is allowed to.
- Added that he respects the neighbors' feelings balanced against this owner's rights for his property.
- Assured that the project architect as well as the SARC Committee will come through when the homes are reviewed.

Director Paul Kermoyan:

- Clarified that in an R-1-6 zoning district the construction of a new home does not come to the Planning Commission for design review.
- Added that the permits are straight through the Building Department.
- Said that the purpose for staff incorporating proposed development standards with this lot split was to ensure consistency with its neighborhood.

Commissioner Kendall asked if it would at least require SARC review.

Chair Dodd replied no. That would be a different requirement than the norm.

Director Paul Kermoyan agreed. He said it would be "over the top" and redefining a process that has not been codified in the regulations at all.

Commissioner Rich:

- Admitted that if he lived in this neighborhood he would side with the neighbors regarding flag lots.
- Said that he is not a big fan of flag lots but as the Code is currently written they are allowed.
- Reminded that there are three flag lots there now.
- Stated that he is supportive of staff's recommendation based on the facts submitted.

Commissioner Bonhagen:

- Stated his agreement with Commissioner Rich, Kendall and Young.
- Said that there is no basis to deny this request. The General Plan allows two lots here.
- Questioned whether the best option was to support the staff recommendation or the owner's proposal.

Chair Dodd:

- Said that she disagrees that this applicant is "not asking for something different." He is. He's asking to split a lot.
- Agreed that "everyone has rights."

Commissioner Finch:

- Pointed out that the staff recommendation for the future home to be constructed on the back (flag) lot would allow a maximum height of 18 feet.

- Said that after hearing what the attorney for the applicant has said, she thinks a maximum height at 28 feet is reasonable while still less than the 35 feet allowed under the Codes.
- Reminded that this split is allowed per the requirements. These owners purchased this property with the understanding that it could be split. This Commission has guidelines that it must follow.

Commissioner Young:

- Said that the General Plan says that a lot split is available.
- Added that if the Commission denies this, it needs specific findings to support that denial.
- Said the choices are a compromise or absolute denial.
- Said that while he prefers a maximum height of 18 feet for the home on the flag lot, 28 feet is still better and represents a compromise on both sides.

Commissioner Rich:

- Said that his response to Chair Dodd's position is that this Commission must find the basis for denial.
- Perhaps one way would be to increase the size of lots necessary for a lot split.
- Reiterated his understanding and admitted that he personally would not want a lot split if this was his neighborhood.

Commissioner Reynolds:

- Suggested that the issues of height, setbacks and size of homes be set aside. The issue is the division of a specific lot.
- Stated that the Commission has to look at the existing character and development pattern. There are currently no flag lots on El Caminito and the Commission is considering changing that.
- Reminded that the General Plan states clearly the need to "maintain and support existing development patterns" and splitting this property does not do that.
- Assured that the Commission has the authority to deny this application since it would be changing the character of this neighborhood to split this lot.

Commissioner Kendall:

- Questioned how one home as seen from the street with another located at the back changes this neighborhood significantly. This is simply adding one new neighbor to an existing established neighborhood.

Commissioner Reynolds:

- Gave as an analogy, "If we cut a couch in half with a chain saw, do we have one couch or two?"
- Stated that splitting one lot into two is changing the character and is against the General Plan. Once divided, this parcel is not the same.

Commissioner Kendall reminded the Commission that the zoning for this land is R-1-6. There can be two lots here.

Commissioner Reynolds reminded that the zoning is guided by the General Plan.

Director Paul Kermoyan:

- Explained that the Land Use Map is a part of the General Plan. This site could be divided because of its underlying density.
- Pointed out that this request is one that he had the authority to consider and decide at a ministerial level. Staff looked at it and found that what was at issue was the terms of development specifically when considering solar access and/or privacy impacts.
- Said that Commissioner Reynold sees the mere fact of subdividing this lot as being inconsistent with the General Plan.

Chair Dodd said that it represents placing another home on an area of this parcel that is normally open space.

Commissioner Bonhagen:

- Said that he doesn't see this flag lot as changing the character of this neighborhood. There are other flag lots on nearby streets. There are only two other lots on this street with potential for creating flag lots. One is the adjacent neighbor and the other is a house across the street and over.
- Stated that height restrictions are of concern to an adjacent neighbor but not to the rest of the neighborhood.
- Suggested that putting in a tri-plex or duplex on this property would change the character of the neighborhood.
- Said it seems that there are five Commissioners who support this request and two who do not.

Commissioner Young:

- Directed a question to Commissioner Reynolds
- Asked if he is prepared to help draft findings required for denial.
- Admitted that he does not have suggested language to complete the draft findings for denial provided by staff.

Director Paul Kermoyan referenced Findings 8, 9, 10, 11 and 12 that all require additional text to render those findings adequate to serve a denial decision.

Chair Dodd asked Director Kermoyan if he has enough information.

Director Kermoyan said Attachment 3 (Findings for Denial) requires additional facts to be added where blank lines currently appear in order to support a denial.

City Attorney William Seligmann added that the "because" parts of those findings are important as long as the facts support the rule.

Commissioner Young admitted that he couldn't do it. It wasn't happening.

Commissioner Rich:

- Stated that he is supportive of the staff recommendation.
- Explained that having a one-story on the back lot is important.
- Admitted that he is uncomfortable when he is in someone's backyard that has an adjacent second story home looming over it. Therefore, he is more comfortable with a one-story home on the back (flag) lot.

Commissioner Kendall:

- Opined that a 28-foot-high home on the proposed back lot is a stretch.
- Expressed her support for the 18-foot height recommended by staff.

Chair Dodd:

- Questioned others' opinions as to whether none of the policies of the General Plan support not splitting the lot.
- Said that she reads it a different way.
- Admitted that if she wouldn't want it (flag lot) in her neighborhood she is uncomfortable approving it (flag lot) on another street.
- Asked Director Paul Kermoyan whether this decision is precedent setting.

Director Paul Kermoyan:

- Stated that he doesn't believe precedent is ever really set. Every lot is different and unique.

Chair Dodd asked what about if another lot split comes up.

Director Paul Kermoyan said that if and when an administrative application is concerning to him, he would bring it forth to the Planning Commission.

Commissioner Finch asked about the range of setbacks along El Caminito.

Planner Stephen Rose said that the smallest setback is a 10-foot setback on a corner lot. The largest setback is 52 feet. The average is 29 feet.

Commissioner Finch:

- Said that the 26-foot front setback for the front lot, as proposed by the applicant, is in line.
- Stated her support for limiting the back house to single-story as recommended by staff.
- Advised that she is fine with the owner's proposed 26-foot setback for the front house as long as the trees are retained. She asked how far back those trees are.

Planner Stephen Rose said that they are approximately 10 feet back off the sidewalk.

Commissioner Reynolds:

- Offered the question, "If this was next door to my house, would I support it?"
- Admitted that he hears the passion coming from the community.

- Added that he is here to represent the entire community. He looks at the General Plan and takes their concerns into consideration. In this case, it sounds like we are not taking their concerns under consideration.
- Stated that for him, this is cut and dry. It is a change of pattern, character and density.

Commissioner Young:

- Said that if this was to the rear of his home, he would accept it but it would be a compromise.
- Agreed that there is a difficult discussion here. A logical solution is needed.
- Stated that the 18-foot height limitation on the back house is a compromise since the established maximum height for a secondary living unit is 14 feet.

Commissioner Bonhagen:

- Stated that if this were in his neighborhood/area, he would be okay with this.
- Added that he lives on the first block off Hamilton Avenue. There are commercial properties along Hamilton with duplexes one lot in next to that and then single-family homes beyond.
- Suggested that the issue of setting precedent was talked about at one of the previous meetings.
- Reminded that there are only two more parcels on this street that could possibly be split.
- Offered to make a motion at this time.

Motion: Upon motion of Commissioner Bonhagen, seconded by Commissioner Kendall, the Planning Commission adopted Resolution No. 4305 approving 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, subject to the conditions of approval as modified:

- Condition 6-a-1 change from 29 to 26 feet and from 28 ½ to 25 ½ feet;
 - Finding 14 “majority 25 feet and proposing 26 feet);
 - Finding 15 – changing 29 foot setback to read 26 foot setback,
- by the following roll call vote:

AYES: Bonhagen, Finch, Kendall, Rich and Young
NOES: Dodd and Reynolds
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. **PLN2016-143** Public Hearing to consider the application of Mike Masoumi for a Site and Architectural Review Permit (PLN2016-143) to allow for a 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**. Staff is recommending that this item be deemed Categorically 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 about the revision for the trash enclosure.

Planner Stephen Rose replied that staff had asked SARC to identify another location for the trash bin enclosure, which is depicted on the exhibit.

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

Mike Masoumi, Applicant:

- Said he is here to ask for a 106 square foot addition.
- Reported that the balcony caused a fire and he has decided to turn that balcony space into living space to make the units more livable.

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

Commissioner Rich said that SARC had found this to be a straightforward request. He said he would support it as proposed.

Motion: Upon motion of Commissioner Reynolds, seconded by Commissioner Rich, the Planning Commission adopted Resolution No. 4306 approving a Site and Architectural Review Permit (PLN2016-143) to allow for a 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, subject to the conditions of approval, with an amendment to Condition 3 regarding the placement of the trash enclosure, 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. 5 into the record as follows:

5. **PLN2016-105** Public Hearing to consider the application of Steven Bonner for a Modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2014-57/PLN2015-195) 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 Avenue**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Tentative City Council Meeting Date: July 19, 2016. Project Planner: *Daniel Fama, Associate Planner*

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

Chair Dodd asked for any disclosures by the members of the Commission.

Commissioner Young said he had a conversation with Mr. Bonner and visited the location on both Saturday and Sunday this past weekend.

Commissioner Kendall said she had a phone conversation with Mr. Bonner.

Commissioners Reynolds, Bonhagen and Rich all advised they had met with Mr. Bonner.

Commissioner Finch said that while Mr. Bonner contacted her by phone on Monday, she was unable to take the call as she had her grandchildren visiting.

Chair Dodd asked if there were questions of staff.

Commissioner Rich asked if the live performance restrictions are based on square footage.

Planner Daniel Fama said that the maximum number of entertainers is four.

Director Paul Kermoyan added that when the applicant originally proposed this restaurant, the idea was to have acoustical music in the background to provide ambiance for diners.

Commissioner Young asked how many restaurants operate this many hours.

Planner Daniel Fama said that Pino's Trattoria does. He added that the overall number of hours itself has not been a concern outside of the closing time.

Commissioner Reynolds asked staff if the enforcement issue that came up during the last festival resulted in any City Ordinances being violated.

Director Paul Kermoyan:

- Said that there was a post-festival meeting held after that to discuss issues.
- Added that a pamphlet is being prepared for downtown business owners to clarify to them what is possible to occur from their location in relation to the festivals underway.
- Advised that a Conditional Use Permit is an Ordinance that allows business to occur within the building and not outside of it.
- Reminded that the festivals held downtown are run by the Chamber and they allow businesses to participate outside.
- Admitted that Socialight was not the only business doing so. There were quite a few.
- Said that it is important to educate everyone involved moving forward to future such festivals.

Planner Daniel Fama said that the current Conditional Use Permit for Socialight has a specific condition regarding outdoor activity. It is not allowed.

Commissioner Reynolds asked again if this was a violation to the Use Permit. Yes or no.

Planner Daniel Fama replied yes.

Commissioner Reynolds asked if the violation was criminal. If not, why was Police involved.

City Attorney William Seligmann said that the violation is subject to criminal penalties.

Commissioner Reynolds asked if the applicant was notified of the need.

Director Paul Kermoyan said that the Chamber has its own flyer that tells the downtown businesses how to participate in the Chamber's festivals.

Commissioner Reynolds asked why that reference is even in this report. He doesn't see a correlation.

Director Paul Kermoyan said that staff prepared a balanced report following the revocation hearing with altered conditions with the understanding that the Planning Commission would ask how this use has been operating since the last hearing. The report update is a fair and factual statement.

Commissioner Reynolds said it is a common hiccup that requires clarification for the future.

Commissioner Finch asked staff if the window issue has yet been resolved.

Planner Daniel Fama said that is a separate issue and staff continues to work with Mr. Bonner on it.

Commissioner Rich stressed the need for clear language on the issue of overconcentration. It needs to be tightened.

Planner Daniel Fama said that issue was discussed by Council. Council expects the Planning Commission to make its decisions on overconcentration based on a case-by-case basis.

Commissioner Rich said that there is no language that differentiates between the number of seats versus the number of alcohol service licenses in an area.

Commissioner Bonhagen:

- Said that the Commissioner considers the issue of concentration to make sure it is not a problem or that there are too many establishments with alcohol.
- Pointed out that most impacts occur after midnight.
- Asked what is the specific concern or problem related to the festival events such as Boogie and Oktoberfest. Is it safety? Is it crime?

Planner Daniel Fama explained that the Chamber secures permits for an event in the public right-of-way. They may be blamed in the event that something goes wrong.

Director Paul Kermoyan added that the Chamber has to secure insurance as well as County Health permits for outside service. Everything that occurs outdoors during a festival falls under the umbrella of the Chamber. County Health as well as ABC (Alcohol Beverage Control) representatives both monitor and walk the event to look for violations of their standards.

Chair Dodd opened the Public Hearing for Agenda Item No. 5.

Steve Bonner, Applicant:

- Reminded that he had submitted a letter.
- Reported that the Type 47 license is both needed and deserved. It has been earned and should be issued.
- Asked that the Commission extend his closing time to midnight rather than 11:30 p.m. as recommended by staff.
- Said that having full service alcohol license (Type 47) is a huge issue. When a restaurant like his can't give a customer the food and/or drink of their choice, they won't come in.
- Added that this evening some restaurateurs will speak to this.

- Said that this is a matter of equality and fairness. All dining restaurants in the downtown have the Type 47 license except his. His is the only one except for a wine bar that didn't request Type 47.
- Reported that 70 percent of their revenue is from food service and has been the case since they started.
- Said he did his "year" and have during that time been named the "best restaurant in town". They have been waiting for the opportunity to request the Type 47 license after their proving year. They have been fighting hard to stay alive this whole year. They don't make money yet and need these extra hours of operation into the evening to accomplish what they have set out to do. They receive accolades from magazines and newspapers. They are concerned about the community.
- Pointed out that during that time period another use, Vesper, was allowed a Type 47 license right away.
- Said that he has Gary Shelly, a Michelin chef, on board.
- Said that it is now time to adjust some of the limitations imposed on The Socialight.
- Asked the Commission to embrace The Socialight and help us to prosper.
- Opined that unnecessary restrictions strangle a business from what it is trying to achieve.
- Advised that they need to be able to get to a second turnover of tables.
- Said that they just need an even playing field. It's what's fair. A Type 47 license is what is essential for their survival. Not having it puts them at a disadvantage. Again they are the only restaurant without a Type 47 license so please approve it this time.
- Said that while he prefers a midnight closing, even 11:30 p.m. would make a huge difference from the existing 10 p.m.
- Asked that they be allowed amplified music with no restrictions. They want to start with music.
- Pointed out that they are asking to add three more bar stools for a maximum of 1, which is supported by staff.
- Reminded that they have had no violations.

Paul Brown, Resident on Holland Lane, San Jose:

- Said he is the owner of DB Development.
- Recounted that he often brings people to Socialight. He likes it there. It's quiet.
- Said it would be a nice addition to have general alcohol service as well.

Aiden Wiltse, Resident of San Juan Bautista:

- Advised that he is the General Manager for The Socialight.
- Reported that lack of general alcohol service hinders them in providing full service to their customers and also affects their livelihood. They have established goals to reach bonus levels. Having another turnover of the tables would be possible with the expanded hours to midnight.
- Advised that the peak dining hours are between 7 and 9 p.m.
- Admitted that while 11:30 p.m. closing would be a step in the right direction, a midnight closing would better serve their needs.

Marty Behler, Resident of San Jose:

- Advised that she has been on staff at The Socialight for three weeks. She started as a hostess and as of today is serving as the Marketing Manager.
- Said that she wants to raise two issues – the closing time and general alcohol service.
- Reported that part of her job as Marketing Manager will be to bring in special events. There is a disadvantage in accomplishing that without a Type 47 license.
- Asked the Commission to let them be as successful as possible.

Gary Shelly, Resident on Harrison Ave, Campbell:

- Stated that he has been a Campbell resident for the last five years.
- Advised that he has worked at six different Michelin starred restaurants.
- Said that having to close by 10 p.m. is ridiculous and a hindrance to this business. It also hinders staffs' abilities to achieve goals that lead to bonuses.

Edgar Zaldana, Resident of Gilroy:

- Said that he has worked at Socialight for four months now.
- Admitted that it can be stressful to have to kick customers out by 10 p.m.
- Added that it hampers everything and hinders earnings
- Said that he wants to be a part of a diverse community as is Campbell.

Len Duncan, Resident of San Jose:

- Reported that he has a close affinity to Campbell and serves on a Veterans Foundation in Campbell.
- Added that Steve Bonner is a long-time friend.
- Asked that Mr. Bonner be given the opportunity to be successful with Socialight. It is the nicest restaurant in Campbell. It is a "target" restaurant and not a bar.
- Recounted that he travels internationally and has guests who come here from around the world. He brings them to Socialight.
- Asked that Mr. Bonner be allowed to recoup his investment.

Rita Archer, Resident on Del Roy Court, Campbell:

- Said that she was over at Pruneyard with Tessora's Wine Bar and moved it from there to downtown Campbell.
- Added that she is on the Board of the Campbell Chamber of Commerce.
- Stated that the Chamber has no problems with The Socialight. Steve Bonner is eager, ambitious and enthusiastic. He has a positive spirit.
- Asked that he be approved for what he is asking for this evening.

Rob O'Neal, Resident of San Jose:

- Described The Socialight as an upscale tavern, bar and restaurant combined.
- Added that it is also an asset to downtown Campbell.
- Stated that women can come to The Socialight and feel comfortable there.
- Said that Steve Bonner is there all the time.

Chair Dodd closed the Public Hearing for Agenda Item No. 5.

Commissioner Rich:

- Said he like to direct some questions to the representative present this evening from the Campbell Police Department.
- Asked if there are any concerns having eight restaurants in this segment of the downtown and the related calls for service. Is there a correlation between the number of calls related to the type of liquor license?

Sergeant David Livingstone, Campbell Police:

- Said he didn't have specific statistics to offer this evening.
- Advised that areas that are more concentrated with bars (such as The Spot and Cardiff) and/or alcohol-serving businesses that have later operational hours result in more demands for service.

Commissioner Dodd asked if there are more calls for service generated from one end of downtown or the other.

Sgt. David Livingston said that the calls for service are spread out.

Commissioner Rich asked if the concern for the CPD is not concentration but rather type of establishment.

Sgt. David Livingston said he does not have specific numbers available tonight.

Commissioner Rich asked if certain hours result in the most calls for service on a Friday and Saturday.

Sgt. David Livingston said Thursday, Friday and Saturday after midnight. One can visibly see the change as patrons leave restaurants for bars.

Commissioner Rich asked if CPD has any major concern with allowing a full liquor license at this location.

Sgt. David Livingston said they have no major concerns.

Commissioner Reynolds asked if there is a known correlation with specific demographics. Is it true that the most problems come from those in the 21 to 35 year age group as compared to the 45 to 65 year old demographic?

Sgt. David Livingston agreed that a younger crowd results in more issues. These two demographics have very different lifestyles.

Commissioner Finch:

- Pointed out that there has been no discussion about the proposed outside dining area in the parking lot at the back.
- Stated that she was not supportive of that idea at all. That lot is intended for parking and not for outdoor dining.
- Said that she is leaning toward supporting the Type 47 license and a closing of either 11:30 p.m. or 12 a.m.

Commissioner Rich:

- Said he supports all of the staff recommendations except for the Type 47 license that he feels should be granted.
- Reminded that the PD does not have concerns about it. It seems the issues with alcohol are with the types of business in which served rather than the concentration of available locations in a particular area.
- Pointed out that if there are issues, they can be addressed.
- Said he is okay with extending the closing time either to 11:30 p.m. or 12 a.m.
- Stated that he is not in favor of the parking lot seating as that potentially creates too many issues.
- Reiterated his support for the staff recommendations except for that on Type 47 license, which he supports approving.

Commissioner Bonhagen:

- Said that this makes sense.
- Said that he also likes the staff recommendations but also has no problem supporting the Type 47 license.
- Reminded that this business has been in operation now for one year without problem so there is no reason to hold back.
- Stated that he has no problem with a midnight closing time.

Commissioner Reynolds:

- Said that he supports the Type 47 license.
- Reported that he has frequented The Socialight many times.
- Recounted how one time he took some out-of-town visitors there. When they noticed the non-availability of cocktails outside of beer and wine, they wanted to go elsewhere. That was an embarrassing situation for him.
- Pointed out that this is a fine dining establishment. The lack of a Type 47 license is affecting jobs and earnings for these employees.
- Said he would support the closing time.
- Added that he would like to encourage letting this applicant control the amplification for the live entertainment.
- Reminded that The Socialight has a quiet restaurant ambiance. At some restaurants one has to scream to be heard.
- Said that allowing outdoor dining to occur occasionally in the back parking is something he is torn on. Parking in the downtown is hard.
- Stated that instead he would like to ask the applicant to come back or allow the Director to approve this aspect at a later date in order to see what happens with these modifications to the use.

Commissioner Young:

- Stated that he is happy to see that the applicant is in compliance. However, he also reported that he was surprised to see 11 bar seats at the bar approved for 9 bar seats when he visited on Saturday this past weekend.
- Said that overall the applicant has performed well.

- Stated that the proposed outside parking area for dining is not supportable especially given that the handicapped parking space is located there.
- Agreed that the house could work on the amplification.
- Reminded that the Council had wanted the Planning Commission to consider and answer on the issue of what is overconcentration. Therefore, if the Commission recommends this, it is saying that there is not an overconcentration. There is more a “saturation” than an overconcentration.
- Pointed out that this restaurant is open almost 24 hours a day since they only close for about 5 hours a day.
- Said he supports the seating proposal as recommended by staff and reminded that chairs can move around a lot.
- Cautioned that placement of chairs and/or bar seats could potentially impede wheelchair access to the restrooms.
- Said he supports inside amplification, proposed hours, added seats but not outdoor dining on the back parking lot.

Commissioner Kendall:

- Agreed with Commissioner Young’s points about in-house music amplification.
- Admitted that in her view there is an overconcentration of alcohol serving businesses in the downtown.
- Pointed out that this is a small downtown with only four blocks in length. It doesn’t run through a couple of miles as does Los Gatos’ downtown.
- Stated that there is an impact with all of these liquor serving establishments. She is more inclined to stick with the beer and wine license at this location.
- Said that remaining with a 10 p.m. closing may be too limiting on this business. If there is no Type 47 license, she can support a midnight closing. With a Type 47 she would support an 11:30 p.m. closing.
- Added that she is okay with 12 seats at the bar although the seating changes that can and occurs both inside and outside makes her uncomfortable.
- Stressed that she does not support any rear parking lot dining uses. Not even for special events.

Commissioner Bonhagen:

- Said that he supports the Type 47 license.
- Reminded that every full-service restaurant downtown has a Type 47 including some that opened after The Sociallight.
- Questioned any reason to deny this one.

Commissioner Kendall said the reason is overconcentration in the downtown, which she firmly believes has been reached, especially in that block.

Commissioner Bonhagen asked why that is a problem.

Commissioner Kendall said because that issue is of concern for the City Council.

Commissioner Rich:

- Said that a good point is made in asking “what’s the issue?”.

- Admitted that he is not concerned about concentration but rather type of establishment serving.
- Said he does worry about the future.
- Stated that he is comfortable with an 11:30 p.m. closing with a Type 47 license. Otherwise, he agrees with the staff recommendations.

Commissioner Young:

- Said that consistency is important and considering the known versus the unknown.
- Pointed out that the business plan for this use has changed. The original proposal was for a retail component (selling lights). Now the retail is just wine. A smoothie bar was there for a while and is now gone.
- Said that if more seats are approved, it is important to ensure that they don't appear somewhere else.

Commissioner Reynolds:

- Reported that the smoothies are not gone. They are still there but just no longer out in view inside the restaurant but rather in the kitchen. They make delicious smoothies.
- Added that they have a \$15,000 coffee machine.
- Said that this change from beer and wine to Type 47 is not adding to the concentration but rather just changing the type of alcohol available to be served.

Chair Dodd:

- Asked Director Kermoyan, since tonight's decision by the Commission will simply serve as a recommendation on to Council, why not just approve per staff recommendations and put back onto them the issue of overconcentration.
- Pointed out that this Commission has asked for direction from Council as to how to identify overconcentration and what they want to see in the downtown.

Director Paul Kermoyan said that the ultimate decision is that of the City Council. The Commission is a recommending body. Council takes the Commission's recommendation and makes the final decision.

Chair Dodd:

- Said that The Socialight is an extremely good restaurant. A Type 47 license may not necessarily enhance it.
- Reminded that we have seen a number of changes and they may come back later for another modification.
- Added that this Commission didn't make them "jump through hoops" but rather asked them to comply with their Conditional Use Permit.
- Said that they have done wonderfully following the imposed restrictions.

Commissioner Kendall said that adding three extra seats at the bar is creating a "bar" thing. She said if they want 11:30 p.m. closing and a Type 47 license with just nine seats at the bar, she'd be satisfied.

Commissioner Young pointed out that the bar is pretty big with big screens. It is not really consistent with fine dining.

Commissioner Reynolds:

- Said that this business is simply trying to compete, grow and comply.
- Pointed out that no one here is in opposition tonight. There are no letters of opposition. There has been nothing but positive feedback from the audience and no concerns have been raised by Campbell PD.
- Suggested going with the Type 47 license, a midnight closing, amplification for the live entertainment and three additional seats at the bar.
- Reminded that there are still catch-all conditions in the Conditional Use Permit to bring this use back if there are violations be it this owner or a future owner operating at this location.
- Suggested, "Let's see what they can do."

Commissioner Bonhagen said he ditto's that exactly – a midnight closing, Type 47 license, self-amplification and three added seats at the bar.

Commissioner Rich said he takes exception to closing hour of midnight together with amplification. If amplification is allowed, he can support to 11:30 but not to midnight. He also supports the Type 47 and the 12 seats total at the bar.

Commissioner Finch:

- Reminded that this Commission initially denied this use in 2014.
- Added that the applicant at that time wanted to be a retail use with bar and food. As she recalled, they wanted to create a place where "our generation" could hang out in the evening.
- Said that she is leaning toward Commissioner Kendall's recommendation of the Type 47 without the additional three bar seats and with an 11:30 p.m. close.

Commissioner Young said he too agrees with Commissioners Finch and Kendall. He added that this restaurant is open more hours than others in the downtown.

Motion: **Upon motion of Commissioner Rich, seconded by Commissioner Kendall, the Planning Commission adopted Resolution No. 4307 recommending that the City Council approve a Modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2014-57/PLN2015-195) for an existing restaurant, on property located at 368 E. Campbell Avenue, as follows:**

- **Modify the approved alcohol service from beer & wine to "general" (Type 47) license;**
- **Extend the business closing time for customers from 10:00 p.m. to 11:30 p.m., with staff leaving by midnight.**
- **Allow in-house amplification for live entertainment;**
- **Leave the number of approved bar seats at 9;**
- **Correct the opening hour of 6 a.m. per the desk item;**

subject to the conditions of approval, by the following roll call vote:

AYES: Dodd, Finch, Kendall, Rich and Young

NOES: Bonhagen and Reynolds

ABSENT: None

ABSTAIN: None

Chair Dodd advised that this item would be considered by the City Council at its meeting of July 19, 2016.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

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

- Reminded the Commission that he has sufficient budget to send two members of the Planning Commission to the California APA (American Planning Association) annual meeting in Pasadena from October 22nd through 25th. If more than two indicate interest than names will be drawn from among those interested in going.

ADJOURNMENT

The Planning Commission meeting adjourned at 11:05 p.m. immediately to a Study Session and subsequently to the next Regular Planning Commission Meeting of **July 12, 2016**.

SUBMITTED BY: _____

Corinne Shinn, Recording Secretary

APPROVED BY: _____

Cynthia Dodd, Chair

ATTEST: _____

Paul Kermoyan, Secretary

RESOLUTION NO. 4303

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A CONDITIONAL USE PERMIT (PLN2016-130) TO ALLOW THE ESTABLISHMENT OF A (SMALL) TUTORING CENTER ON PROPERTY LOCATED AT **509 E. HAMILTON AVENUE**. FILE NO.: PLN2016-130

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 PLN2016-130:

1. The project site is located within an existing shopping center at the northwest corner of E. Hamilton Avenue and SB Highway 17 off-ramp.
2. The project site is zoned C-2 (General Commercial) as shown on the Campbell Zoning Map.
3. The project site is designated *General Commercial* as shown on the Campbell General Plan Map.
4. Surrounding uses include residential to the north, a freeway to the east, commercial to the south, and commercial and residential to the west.
5. The proposed project is a small tutoring center for children.
6. A small tutoring center is classified as a Conditional Use in the C-2 Zoning District.
7. The hours of operation shall be restricted to 9:00 AM to 9:00 PM, daily.
8. The project generates a parking demand less than the previous use, and therefore is complaint with the applicable parking standard.

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

1. The proposed project 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 Municipal Code.
3. The proposed use will not create a nuisance due to litter, noise, traffic, vandalism, or other factors.
4. The proposed use will not significantly disturb the peace and enjoyment of the nearby residential neighborhood.
5. The proposed use will not significantly increase the demand on City services.

6. The 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.
7. The site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate.
8. The project Categorically Exempt under Section 15303, Class 3(c) of the California Environmental Quality Act (CEQA), which exempts a change of use in a building of less than 10,000 square feet where only minor changes to the building are proposed.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Conditional Use Permit (PLN2016-130) to allow the establishment of a (small) tutoring center on property located at **509 E. Hamilton Avenue**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 28th day of June, 2016, by the following roll call vote:

AYES:	Commissioners:	Dodd, Bonhagen, 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
Conditional Use Permit (PLN2016-130)

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 Conditional Use Permit (PLN2016-130) to allow the establishment of a small tutoring center within an existing commercial building located at **509 E. Hamilton Avenue**. The project shall substantially conform to the Project Plans and the Project Description stamped as received by the Community Development Department on April 21, 2016, except as may be modified by the Conditions of Approval contained herein.
2. Permit Expiration: The Conditional Use Permit (PLN2016-130) approval shall be valid for one (1) year from the date of final approval. Within this one-year period an application for a building permit must be submitted. Failure to meet this deadline or expiration of an issued building permit will result in the Conditional Use Permit approval 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. Revocation of Permit: Non-compliance with these standards, or any other conditions of approval specified herein or any standards, codes, or ordinances of the City of Campbell or State of California shall be grounds for consideration of revocation of the Conditional Use Permit by the Planning Commission.
5. Operational Standards: Consistent with the submitted Project Description, operation of the small tutoring center pursuant to this Conditional Use Permit shall be required to conform to the following operational parameters. Significant deviations from these parameters (as determined by the Community Development Director) shall require approval of a Modification to the Conditional Use Permit approved herein.
 - a. **Approved Use**: The approved use is a small tutoring center as defined by the Campbell Municipal Code.
 - b. **Number of Students**: The maximum number of students allowed at one time is twelve (12).
 - c. **Operational Hours**: Hours of operation for the small tutoring center shall be restricted to 9:00 AM to 9:00 PM, daily, exclusive of the customary and reasonable use of the facility for administrative activity.

- d. **Noise:** Unreasonable levels of noise, sounds and/or voices, generated by the establishment or its participants shall not be audible to a person of normal hearing capacity from outside the enclosed tenant space.
- e. **Property Maintenance:** The tutoring center shall maintain all exterior areas of the business free from graffiti, trash, rubbish, posters and stickers placed on the property.
- f. **Outdoor Storage:** No equipment, materials or business vehicles shall be parked and/or stored outside or within the parking lot.
- g. **Trash & Clean Up:** All trash, normal clean up, carpet cleaning, etc. shall be done during the approved operational hours.
- h. **Parking:** The parking lot shall be maintained in compliance with the standards in Campbell Municipal Code. All parking and driveway areas shall be developed and maintained in compliance with the approved plans and Chapter 21.28 (Parking and Loading) of the Campbell Municipal Code. All parking areas shall be regularly swept and cleaned to remove litter and debris from the parking areas and driveways. Parking shall be restricted for on-site uses only.

Building Division:

- 6. Permits Required: A building permit application shall be required for the proposed Tenant Improvements to the (e) vacant commercial space. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
- 7. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
- 8. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
- 9. 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.
- 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. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.
- 11. Title 24 Energy Compliance: California Title 24 Energy Compliance forms CF-1R and MF-1R shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
- 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 Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.

13. Non-Point Source: 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. Santa Clara County Fire Department (378-4010)
 - b. West Valley Sanitation District (378-2407)
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. 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.

RESOLUTION NO. 4304

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2016-123) TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE REUSING PORTIONS OF THE EXISTING DWELLING ON PROPERTY LOCATED AT **1149 'A' S. SAN TOMAS AQUINO ROAD.**

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 PLN2016-123:

1. The project site is zoned R-1-9 (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-1-9 (Single Family Residential) Zone District with approval of a Site and Architectural Review Permit.
4. The property is within the San Tomas Area Neighborhood Plan.
5. The project site is an approximately 15,246 square-foot property (9,530 sq. ft. exclusive of right of way) located along Turner Way, west of San Tomas Aquino Road, south of Westmont Avenue, and north of Hacienda Avenue.
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;
3. The project is consistent with applicable adopted design guidelines; and
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 (PLN2016-123) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at **1149 'A' S. San Tomas Aquino Road**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 28th day of June, 2016, by the following roll call vote:

AYES:	Commissioners:	Dodd, Bonhagen, 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 (PLN2016-123)

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 (PLN2016-123) to allow the construction of a new single-family residence reusing portions of the existing dwelling located at **1149 'A' S. San Tomas Aquino Road**. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on June 14, 2016, and color and material exhibit submitted as a desk item on June 28, 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 July 8, 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.
6. Tree Planting: Two additional trees shall be planted on the property to achieve a minimum of five trees based on the property lot size. The trees species selected shall not be a “fruit tree” or “eucalyptus tree” as defined in the Campbell Municipal Code.
7. Tree Removal Permit Required: The removal of any of the five required trees, irrespective of species or size, shall require review and approval through a Tree Removal Permit.

Building Division

8. Permits Required: A demolition permit is required for the structure to be removed. A building permit application shall be required for the proposed new single family structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
9. Project Description: The scope of work proposed under this project constitutes construction of a new single-family dwelling. The Building Inspection Division will consider this project as new construction, and fees will be calculated based on the comparative similarities to new construction.
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. Seismic Requirements: Additions and Alterations to (e) residential structures shall comply with Section 3404 of the 2013 California Building Code (CBC).
15. 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.
16. 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.
17. 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.
18. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - West Valley Sanitation District (378-2407)
 - Santa Clara County Fire Department (378-4010)
 - Bay Area Air Quality Management District (Demolitions Only)
 - San Jose Water Company (279-7900)
 - School District:
 - Campbell Union School District (378-3405)
 - Campbell Union High School District (371-0960)
 - Moreland School District (379-1370)
 - Cambrian School District (377-2103)

Note: To determine your district, contact the offices identified above. Obtain the School District payment form from the City Building Division, after the Division has approved the building permit application.

19. 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.
20. 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.

21. Build It Green: Applicant shall complete and submit a “Build it Green” inventory of the proposed new single family project prior to issuance of building permit.
22. California Green Building Code: This project is subject to the mandatory requirements for Residential Structures (Chapter 4) under the California Green Building Code, 2013 edition.
23. 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.
24. New Dwelling: This structure shall be classified as a new Single Family Dwelling under Chapter 18.32 of the Campbell Municipal Code and shall be equipped with residential fire sprinklers compliant with Section R313 of the California Residential Code 2013 ed.

Public Works Department

25. Reimbursements: Prior to issuance of any grading or building permits for the site, reimburse the City for previously constructed public improvements in the amount of \$825.00.
26. 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 \$464.00.
27. The following conditions only apply if the applicant has a need to install / upgrade utility services (water, sewer, gas, etc.) in S. San Tomas Aquino Road:
 - a. Utility Encroachment Permit: Separate permits for the installation of utilities to serve the project 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.
 - b. 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. Join trenches for new utilities shall be used whenever possible.
 - c. 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. S. San Tomas Aquino Road 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.

28. 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 and any pavement restoration installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.

29. 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.

Fire Department

30. Formal Plan Review: Review of this development proposal is limited to accessibility 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 Division all applicable construction permits.

RESOLUTION NO. 4305

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A TENTATIVE PARCEL MAP (PLN2016-46) TO ALLOW A TWO-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON PROPERTY LOCATED AT **44 EL CAMINITO AVENUE.**

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 PLN2016-46:

Environmental Finding

1. The project is Categorically Exempt under Section 15315, Class 15, of the California Environmental Quality Act (CEQA) pertaining to the division of property in urbanized areas into four or fewer parcels when the division is in conformance with the City's General Plan and Zoning Code.

Evidentiary Findings

1. The project site is within the R-1-6 (Single-Family Residential) Zoning District.
2. The project site has a *Low Density Residential (less than 6 units/gr. ac.)* General Plan designation.
3. The proposed project is an application for a Tentative Parcel Map to allow a subdivision resulting in two single-family residential lots.
4. The proposed subdivision would result in two lots consistent with the applicable provisions of the Zoning and Subdivision and Land Development Codes, including minimum lot size, minimum width dimension, and minimum access way.
5. The proposed Tentative Parcel Map will result in densities of 5.73 and 3.60 units per gross acre for the new Parcel 1 and Parcel 2, respectively, which is consistent with the General Plan.
6. The Campbell Subdivision and Land Development Code designates the Planning Director (Community Development Director) as the decision-making authority for Tentative Parcel Maps.
7. Administrative decisions of the Community Development Director are considered pursuant to the administrative decision processes prescribed by CMC Chapter 21.71 of the Campbell Municipal Code.
8. The administrative decision process allows the Community Development Director to refer any request to the Planning Commission for a decision pursuant to CMC Section 21.38.020.

9. The Community Development Director decided to refer this permit to the Planning Commission for a decision in response to public concerns and requests for a public hearing.
10. The neighborhood (which includes El Caminito, Cherry, Catalpa, & California) is predominantly comprised of one and two-story residences, and the closest two-story home on El Caminito Avenue is approximately 28-feet in height, and is considered a well-established height for two-story single-family development in the City of Campbell.
11. The imposition of a 28-foot (2-story) restriction on the front lot (Lot 1) correlates to the height of the closest two-story home on El Caminito Avenue, and is necessary to protect the best interests of the surrounding properties and supports the existing character, integrity and development pattern of the surrounding neighborhood.
12. Construction of a two-story home on the rear lot would create undesirable privacy impacts on the adjoining parcels, as a two story home would overlook existing rear yards of the adjoining homes, and impinge on the solar exposure of the adjacent western property.
13. The imposition of an 18-foot height limit for the rear/flag lot (Lot 2) is necessary to protect the best interests and integrity of the surrounding properties or neighborhood by serving to mitigate the potential for privacy impacts and retain solar exposure for the adjacent western property.
14. The majority of homes on El Caminito have a roughly 25-foot front setback and the applicant is proposing 26-foot front setback and the immediately adjacent homes have greater than average front setbacks.
15. By requiring a 26-foot front setback for the front lot (Lot 1), the project would promote Strategy LUT-5.2a by 'maintaining and supporting the existing character and development pattern of the neighborhood' considering that the average setback for El Caminito Avenue is closer to 29-feet, and a 26-foot setback would provide additional distance to be more in line with the immediately adjacent homes.
16. The imposition of development restriction to require the retention of the two deodar cedar trees for the front lot (Lot 1) is consistent with Policy LUT-5.2 in that it serves to 'maintain a safe, attractive, pedestrian friendly neighborhood' and Strategy LUT-10.a by promoting a site design and layout that 'retains natural features such as mature trees'.
17. Development restrictions on the parcel map have been included as Conditions of Approval which are necessary to protect the best interests of the surrounding property or neighborhood (CMC 20.16.030) and mitigate clear and significant impacts which would otherwise be inconsistent with specific goals, strategies or policies contained within the City of Campbell General Plan and/or the City of Campbell Municipal Code.

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

1. The proposed Tentative Parcel Map does not impair the balance between the housing needs of the region and the public service needs of its residents and available fiscal and environmental resources.
2. The design of the Tentative Parcel Map provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
3. The proposed development will aid in the harmonious development of the immediate area.
4. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
5. No substantial evidence has been presented from which a reasonable argument could be made that shows that the project, as currently presented and subject to the required conditions of approval, will have a significant adverse impact on the environment.
6. The applicant's proposal, as conditioned, would be consistent with the following goals, policies, and strategies of the City of Campbell General Plan:

Goal LUT-5: Preservation and enhancement of the quality character and land use patterns that support the neighborhood concept.

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-5.2: Residential Neighborhoods: Maintain safe, attractive, pedestrian friendly residential neighborhoods with identifiable centers and consistent development patterns and a range of public and private services.

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.

Policy LUT-10.1a: Natural Feature Retention: Encourage site design that incorporates or otherwise retains natural features such as mature trees, terrain, vegetation, wildlife and creeks.

7. The conditions of approval imposed on the project are reasonable and necessary under the circumstances to maintain the character of the neighborhood and protect the best interests of the surrounding properties and neighborhood.

8. The project is Categorically Exempt under Section 15315, Class 15, of the California Environmental Quality Act (CEQA).

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision on property located at **44 El Caminito Avenue**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 28th day of June, 2016, by the following roll call vote:

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

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Tentative Parcel Map (PLN2016-46)

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. Tentative Parcel Map Project: Approval is granted for a Tentative Parcel Map (PLN2016-46) to allow the division of one residential parcel into two standard residential parcels on property located at **44 El Caminito Avenue**. The Final Parcel Map shall substantially conform to the Revised Parcel Map prepared by Donald R. Peoples (Engineer C29588, S2464), dated as received by the Planning Division on March 17, 2016.
2. Parcel Map Expiration: The Parcel Map approval is valid for a period of two (2) years from the effective date of approval. By this time the Final Map must be recorded.
3. Fencing Plan: The building permit plans for the new residences shall include a detailed "fencing plan" indicating placement of new fencing around the property.
4. Park Impact Fee: A Park Impact Fee per unit is due upon development of the site. Credit will be given for the existing single-family residence. Prior to recordation of the Final Parcel Map, 75% of this fee is due. The remaining 25% is due prior to issuance of a certificate of building occupancy. Presently, the park impact fee is \$17,447 per unit. Should this fee change prior to final map submittal, the new fee will apply.
5. Other Agency Requirements: If additional requirements from local agencies are received prior to application of the Final Parcel Map, they shall be considered required for submittal of the Final Parcel Map.
6. Development Restrictions: The following restrictions shall apply to the future development of the properties approved herein:
 - a. Front Lot (Lot 1):
 1. Front Setback: A 26-foot minimum front setback shall be required from back of sidewalk, or 25½ feet back from the front property line, whichever is more restrictive.
 2. Height: Future development shall be restricted to 28-feet and two-stories.
 3. Deodar Cedar Trees: The two large deodar cedar trees located in the front yard of Lot 1 shall be retained in accordance with the City's Tree Protection Ordinance. Removal of either or both trees shall require review and approval by the Planning Commission. Dead trees may be

removed with a dead tree removal permit, and shall not require Planning Commission review or approval.

b. Rear/Flag Lot (Lot 2):

1. Height: Future development shall be restricted to 18-feet and one-story.

PUBLIC WORKS DEPARTMENT

7. Parcel Map: Prior to issuance of any grading or building permits for the project, the applicant shall submit a Parcel Map for recordation upon approval by the City, pay various fees/deposits and submit the map in a digital format acceptable to the City.
8. Vacation of Public Easement: Tract Map No. 179 which created this lot also created a 25 foot "Building Line" to enforce building setbacks when this property was still in the County. If it is the applicant's intent to take advantage of the less restrictive R-1-6, 20 foot front setback, then the existing Building Line needs to be vacated / abandoned by City Council. Prior to issuance of any grading or building permits for the site, the applicant would need to fully complete the street vacation process, including approval by the City Council.
9. Monumentation for Parcel Map: Prior to recordation of the Parcel Map, the applicant shall provide a cash deposit (100% of the monument estimate) for setting all monuments shown on the map. Monuments shall be set per section 20.76.010 of the Campbell Municipal Code including but not limited to setting permanent pipe monuments (three-fourths inch galvanized steel pipe two feet long approximately six inches below finished grade) at each boundary of all lot corners within a subdivision, along the exterior boundary lines at intervals of approximately five hundred feet and at all beginning of curves and ending of curves on property lines, and monument boxes at intersections of all street monument line tangents.
10. Demolition: Prior to recordation of the Parcel Map, the applicant shall obtain a demolition permit and remove any nonconforming structures.
11. Soils Report: Upon submittal of the Parcel Map, applicant shall provide a soils report prepared by a registered geotechnical or civil engineer.
12. Grading and Drainage Plan: Prior to recordation of the Parcel Map, 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.
13. Storm Drain Area Fee: Prior to recordation of the Parcel Map, the applicant shall pay the required Storm Drain Area fee, currently set at **\$2,120.00** per net acre, which is **\$721.00**.
14. 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.

15. Tree Removals: To accommodate the required street improvements one street tree will be removed as part of this project. A new street tree will be installed to replace the tree removed.
16. Utilities: 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.
17. Water Meters and Sewer Cleanouts: Existing and proposed water meters and sewer cleanouts shall be relocated or installed on private property behind the public right-of-way line.
18. Utility Coordination Plan: Prior to recordation of the Parcel Map, 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.
19. 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. El Caminito 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.
20. Street Improvement Agreements / Plans / Encroachment Permit / Fees / Deposits: Prior to recordation of the Parcel Map, 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:

- a. Show location of all existing utilities within the new and existing public right of way.
- b. Removal of existing driveway approach and necessary sidewalk, curb and gutter.
- c. Installation of City approved street trees at 30 feet on center.
- d. Installation of City standard curb, gutter, sidewalk and ADA compliant driveway approach. Installation of engineered structural pavement section to centerline, as required by the City Engineer.
- e. Installation of asphalt concrete overlay per street pavement restoration plan for utility installation and/or abandonment, as required by the City Engineer.
- f. Installation of service laterals for water, sanitary and storm drain utilities.
- g. Installation of traffic control, stripes and signs.
- h. Construction of conforms to existing public and private improvements, as necessary.
- i. Submit final plans in a digital format acceptable to the City.

21. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy of the last unit, the applicant shall have the required street improvements and pavement restoration installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
22. 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.
23. Utility Encroachment Permit(s): 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 encroachment permits for sanitary sewer, gas, water, electric and all other utility work.
24. 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.

FIRE DEPARTMENT

25. Limited Review: Review of this Development propose 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.

RESOLUTION NO. 4306

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2016-143) TO ALLOW 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.**

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 PLN2016-143:

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 beyond that existing at the time of the lead agency's determination.

Evidentiary Findings

1. The project site is zoned R-3 (Multiple Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated High Density Residential (21-27 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The proposed project will be compatible with the R-M (Multiple Family Residential) Zone District with approval of a Site and Architectural Review Permit.
4. The project site is located on the south side of Michael Drive, south of E. Campbell Avenue, north of Apricot Avenue, east of Union Avenue, and west of S. Bascom Avenue.
5. The applicant's proposal would 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. As conditioned, the proposal would also establish a new location for trash storage which would be adequately screened.
6. The enclosed area will be fabricated to match the existing building walls (beige stucco) and install windows which maintain the symmetry of the existing design of the second-story, and improve the appearance of the building which had been damaged by fire.
7. The applicant's proposal would not disrupt any trees, or result in an appreciable impact to landscaping, open space, traffic, circulation or result in an adverse aesthetic impact.

8. 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.
9. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
10. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.

Based upon the foregoing findings of fact and pursuant to Campbell Municipal Code Sec. 21.42.020 the Planning Commission further finds and concludes that:

1. The traffic generated from the development will not have adverse affects on traffic conditions on abutting streets;
2. The layout of the site provides adequate vehicular and pedestrian entrances, exit driveways, and walkways;
3. The arrangement of off-street parking facilities prevents traffic congestion and adequately meet the demands of the users;
4. The location, height, and material of walls, fences, hedges and screen plantings will ensure harmony with adjacent development and/or conceal storage areas, utility installations, or other potentially unsightly elements of the project;
5. The project maximizes open space around structures, for access to and around structures, and the establishment and maintenance of landscaping for aesthetic and screening purposes;
6. The project maximizes areas of improved open space to protect access to natural light, ventilation, and direct sunlight, to ensure the compatibility of land uses, to provide space for privacy, landscaping, and recreation;
7. The project minimizes the unnecessary destruction of existing healthy trees;
8. The project enhances the overall appearance of the city by improving the appearance of individual development projects within the city;
9. The project complements the surrounding neighborhoods and produce an environment of stable and desirable character;
10. The project enhances the city's character and should not have an adverse aesthetic impact upon existing adjoining properties, the environment, or the city in general;

11. The project promotes the use of sound design principles that result in creative, imaginative solutions and establish structures of quality design throughout the city and which avoid monotony and mediocrity of development;
12. The project promotes maintenance of the public health, safety, general welfare, and property throughout the city;
13. The project, as conditioned, is consistent with the city's general plan and all applicable design guidelines and special plans;
14. 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 beyond that existing at the time of the lead agency's determination.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2016-143) to allow 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**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 28th day of June, 2016, by the following roll call vote:

AYES:	Commissioners:	Dodd, Bonhagen, 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 (PLN2016-143)**

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 to allow 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** within the R-M (Multiple Family Residential) Zoning District. The project shall substantially conform to the project plans stamped as received by the Planning Division on April 28, 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 (July 8, 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. Plan Revisions: Prior to building permit submittal, the applicant shall revise the project plans to reflect the following changes and revisions:
 - a. Accessory Structures: The plans shall indicate the two sheds on the property. The structure against the carport shall be noted as "to be removed" and that the shed at the rear of the property (if it can comply with setbacks) shall be noted as "to be repaired to original condition" if it is to be retained.
 - b. Wires: Several loose wires extend overhead between buildings providing cable and other utility services. With the reconstruction of the rear unit, please note on the plans that such wires shall be integrated into the structure (installed inside the walls), run through conduit (painted to match the building walls) or placed underground, to eliminate the need for overhead connections between units.
 - c. Landscaping: Please note on the plans that patches of landscaping throughout the site, which were damaged by weeds, are to be replanted and irrigated pursuant to the original "S"71-70 approval.
 - d. Trash Enclosure: The plans shall indicate the inclusion of the trash enclosure in the location illustrated by the desk item presented on June 28, 2016 (west side of parking stall 2 where noted on the project plans). The final design and placement of the trash enclosure shall be subject to review and approval by the Community Development Director.

4. 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. Please add a note to the cover sheet of the project plans indicating this requirement (i.e. Planning Final Required).
5. 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.
6. Compliance with Other Regulations: The applicant shall comply with other state, county, and city ordinances that pertain to the proposed project and where they are conducted.
7. Contractor Contact Information Posting: 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.
8. 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.
9. Roof Vents: The applicant shall coordinate mechanical and plumbing plans to minimize the number of roof vents that are visible from the street frontage. The applicant shall provide the location of such vents on the building plan elevations and roof plans, to the satisfaction of the Community Development Director, prior to issuance of a building permit.
10. Construction Activities: The applicant shall abide by the following requirements during construction:
 - a. 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.
 - b. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
 - c. Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - d. 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.
 - e. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.
11. Landscape Maintenance: The owner/operator of the property shall provide on-going maintenance of the required landscaping for the project.

Building Division

12. Permits Required: A building permit application shall be required for the proposed complete remodeling and addition to the existing structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
13. Project Description: The Building Inspection Division considers this project as new construction, and fees will be calculated based on the comparative similarities to new construction. This project has been reviewed under the provisions of Chapter 18.32 of the City Campbell Municipal Code in determining how this project is defined.
14. Plan Preparation: Portions of this project require 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.
15. Construction Plans: The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
16. Size Of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
17. 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.
18. Seismic Requirements: Additions and Alterations to (e) residential structures shall comply with Section 3404 of the 2013 California Building Code (CBC).
19. Title 24 Energy Compliance: California Title 24 Energy Compliance forms CF-1R and MF-1R shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
20. 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.
21. 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.
22. 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. School District:
- d. Campbell Union School District (378-3405)
- e. Campbell Union High School District (371-0960)
- f. Moreland School District (379-1370)
- g. Cambrian School District (377-2103)

Note: To Determine your district, contact the offices identified above. Obtain the School District payment form from the City Building Division, after the Division has approved the building permit application.

- h. Bay Area Air Quality Management District (Demolitions Only)
- i. San Jose Water Company (279-7900)

23. 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.
24. 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.
25. Construction Fencing: This project shall be properly enclosed with construction fencing to prevent unauthorized access to the site during construction. The construction site shall be secured to prevent vandalism and/or theft during hours when no work is being done. All protected trees shall be fenced to prevent damage to root systems.
26. Build It Green: Applicant shall complete and submit a “Build it Green” inventory of the proposed new single family project prior to issuance of building permit.
27. 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.
28. Residential Structures: This project shall comply with the mandatory requirements for Residential Structures, Chapter 4 of the California Green Building Code 2013 ed.
29. Fire Sprinklers Required: This Structure, as a new Single Family Dwelling under Chapter 18.32 of the Campbell Municipal Code, shall be equipped with residential fire sprinklers compliant with Section R313 of the California Residential Code 2013 ed.

FIRE DEPARTMENT

30. Formal Plan Review: Review of this development proposal is limited to accessibility 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 Division all applicable construction permits.
31. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specification SI-7.

RESOLUTION NO. 4307

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THAT THE CITY COUNCIL APPROVE A MODIFICATION (PLN2016-105) TO A PREVIOUSLY-APPROVED CONDITIONAL USE PERMIT (PLN2014-57/PLN2015-195) 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 11:30 PM ("LATE-NIGHT ACTIVITY"), AND ALLOW AMPLIFIED LIVE ENTERTAINMENT, ON PROPERTY LOCATED AT **368 E. CAMPBELL AVENUE**. FILE NO.: PLN2016-105

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 PLN2016-105:

1. The project site is zoned C-3 (Central Business District) and designated *Central Commercial* by the General Plan Land Use Element.
2. The project site is located at the southeast corner of Campbell and Central Avenues.
3. The project site consists of an 8,200 square-foot parcel, improved with a 6,500 square-foot two-story building with retail and office.
4. On June 17, 2014, a Conditional Use Permit (PLN2014-57) was approved by the City Council, establishing a restaurant use, The Socialight, to occupy the site with beer and wine sales, late night activities (an early morning 5:00 a.m. operational hour opening), and live entertainment in the building.
5. On July 21, 2015, the City Council modified (PLN2015-195) the previously approved Conditional Use Permit to establish new conditions to resolve outstanding code enforcement violations.
6. As recommended by the Planning Commission, the requested Modification (PLN2016-105) to the previously approved Conditional Use Permit (PLN2014-57 / PLN2015-195) would 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"), and permit amplified live entertainment, allow occasional outdoor seating and service in the rear parking lot for special events.
7. The approval of a Modified Conditional Use Permit incorporates applicable operational standards of the Downtown Alcohol Beverage Policy.
8. Alcohol beverage service in the restaurant shall be ancillary and subordinate to the primary purpose of serving food.
9. Policies found within the Campbell General Plan and Downtown Campbell Development Plan articulate a desire to promote and enhance a downtown

environment that provides a desirable balance of land uses including shopping, services, and entertainment. This vision is evidenced in policies that encourage a mix of day and evening activities, a distinctive retail presence, a diversity of eating establishments, support for neighborhood-serving businesses, and protection of surrounding residential neighborhoods.

10. The City Council adopted the 'Downtown Alcohol Beverage Policy', as an implementation tool of the Campbell General Plan and Downtown Development Plan. The Policy is intended to balance the health and safety of the community while still maintaining the commercial viability of the downtown in which restaurants have an essential role.
11. Conformance to the provisions of the Downtown Alcohol Beverage Policy is the basis to which the City shall review new applications for alcohol beverage service. Restrictions to the hours of operation, amount of bar area seating, and alcohol beverage service, are necessary to protect the public health, safety and welfare.
12. The Downtown Alcohol Beverage Policy strongly recommends that Conditional Use Permits for establishments for on-site consumption of alcohol beverages be limited to a closing time of no later than 12:00 AM. However, the Planning Commission retains the discretion to allow lesser hours as necessary to satisfy the required findings provided for in CMC Secs. 21.46.070 and 21.46.040. To satisfy such findings, a public closing time of 11:30 PM subject to the last patron entry 11:00 PM is necessary.
13. The over-concentration alcohol-serving establishments within a compact downtown district can create a cumulative impact that overwhelms the area creating an undesirable result such as drunkenness in public, vandalism, and disorderly conduct.
14. Use of the rear parking area for occasional seating creates parking, security, and exiting issues, which preclude this activity.
15. The approval of a Conditional Use Permit Modification incorporates applicable operational standards of the Downtown Alcohol Beverage Policy.
16. Alcohol beverage service in the restaurant shall be ancillary and subordinate to the primary purpose of serving food.

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 Conditional Use Permit approval, and complies 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 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;
4. 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;
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property.
6. The establishment, maintenance, or operation of the proposed use 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.
7. The establishment will not result in an over-concentration of these uses in the surrounding area;
8. The establishment will not create a nuisance due to litter, noise, traffic, vandalism, or other factors;
9. The establishment will not significantly disturb the peace and enjoyment of the nearby residential neighborhood;
10. The establishment will not significantly increase the demand on city services;
11. As conditioned, the establishment will be consistent with the Campbell Downtown Alcohol Policy.
12. The project is Categorically Exempt under Section 15060(c)(2) of the California Environment Quality Act (CEQA), pertaining to activities that will not result in a direct or reasonably foreseeable indirect physical change to the environment.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve a Modification (PLN2016-105) to a previously approved Conditional Use Permit (PLN2014-57/PLN2015-195) for property located at **368 E. Campbell Avenue**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 28th day of June, 2016, by the following roll call vote:

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

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

RECOMMENDED CONDITIONS OF APPROVAL
Conditional Use Permit Modification (PLN2016-105)

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.

1. Approved Project: Approval is granted for a Modification (PLN2016-105) to a previously approved Conditional Use Permit (PLN2014-57/PLN2015-195) to extend the business closing time from 10:00 PM to 11:30 PM ("late-night activity"), modify the approved alcohol service from beer & wine to "general" (distilled spirits), and allow amplified live entertainment, in association with an existing restaurant with beer and wine service, located at **368 E. Campbell Avenue**. The project shall substantially conform to the Revised Project Plans and Project Description stamped as received by the Planning Division on April 21, 2016 and March 22, 2016, respectively, except as may be modified by the conditions of approval contained herein.
2. Approval Expiration: This Approval shall be valid for one year, expiring July 19, 2017. Within this one-year period, a Type 47 Alcoholic Beverage Control (ABC) license must be secured or the Modified Conditional Use Permit shall be rendered void. If this Approval expires, operation of the use shall revert back to the previous Conditional Use Permit (PLN2014-57/PLN2015-195) as approved by City Council Resolution No. 11866. Once established, approval for a restaurant and bar with general alcohol service shall be valid in perpetuity on the property subject to continued operation of the use. Abandonment, discontinuation, or ceasing of operations for a continuous period of twelve months shall void the Conditional Use Permit approved herein.
3. Previous Conditions of Approval: The previously approved Conditions of Approval provided in City Council Resolution No. 11866 shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein, except as noted by Condition No. 2.
4. Operational Standards: Consistent with Downtown Alcohol Beverage Policy and other City standards, any restaurant operating pursuant to the Conditional Use Permit approved herein shall conform to the following operational standards.
 - a. **Restaurant Seating/Patron Occupancy**: Total indoor patron occupancy shall be limited to 49 seated persons, composed of 40 dining room seats and 9 bar seats, subject to the maximum occupancy capacities of certain rooms as determined by the California Building Code (CBC). At no time shall there be more than 49 patrons within the establishment, excluding those waiting for service. It is the responsibility of the business owner to provide adequate entrance controls to ensure that patron occupancy is not exceeded.
 - b. **Maximum Occupancy Sign**: The business owner shall install a new maximum occupancy sign of a size to be determined by the Community Development

Director, conspicuously posted within the premises, which shall include the maximum occupancy noted herein and include a visual depiction on the final floor plan configuration.

- c. **Bar Area Seating:** The bar area shall be composed of no more than nine (9) bar seats as shown on the approved project plans. No part of the dining area shall be considered part of the bar area.
- d. **Floor Plan:** All chairs and tables within the dining area shall consist of standard-height furniture (i.e., not "high-top"). All tables and chairs shall be placed in such a manner to allow sufficient area for dining and shall not be stacked or removed from the dining area or placed outside. At no time shall the seating be reconfigured to create large open spaces for patrons to congregate, dance, drink, or socialize.
- e. **Hours of Operation:** Hours of operation shall be as follows. By the end of 'Business Hours' (11:30 PM) all patrons shall have exited the restaurant, however, patrons shall not be permitted to enter after 11:00 PM. By the end of the 'Operational Hours' (12:00 AM) all employees shall be off the premises.
 - Business Hours 6:00 AM – 11:30 PM, daily
 - Operational Hours 5:00 AM – 12:00 AM, daily
- f. **Food Service:** Full menu food service shall be provided at all times during the Business Hours in the dining, outdoor seating, and bar areas (i.e., the kitchen shall not be closed).
- g. **Live Entertainment:** Live entertainment, limited to two (2) musicians for the purpose of providing ambient music, shall be permitted 11:00 AM to 10:00 PM, daily, subject to approval of a Live Entertainment Permit in compliance with CMC 5.24. Amplification shall be limited to the establishment's built-in speaker system. On-site security shall be provided as required by the Police Department. The door shall remain closed at all times when live entertainment is occurring, except for the entering and exiting of patrons and staff.
- h. **Dancing Prohibited:** At no time shall the business owner allow any form of dancing.
- i. **Doors and Windows:** Doors and windows shall remain closed after 10:00 PM and during live entertainment performances.
- j. **Cover Charge:** At no time shall a cover charge be required or a donation necessary in order to patronize the establishment.
- k. **Alcohol Beverage Service:** Alcohol beverage service in the dining area shall only be allowed in conjunction with food service. The dining area shall not be converted to a bar area or dance area.
- l. **Bar Area Meal Service:** Meal service shall be available in the bar area at all times.

- m. **Outdoor Seating:** Outdoor seating shall be considered part of the dining area subject to all restrictions herein. Total patron occupancy in the outdoor seating shall be limited to the number of approved seats as specified by an approved Outdoor Seating Permit.
- n. **Loitering:** There shall be no loitering allowed outside the business and within the outside dining area that may be approved pursuant to an Outdoor Seating Permit. The business owner is responsible for monitoring the premises to prevent loitering.
- o. **Noise:** Unreasonable noise—defined as noise, regardless of decibel level, which obstructs the free use of neighboring properties so as to unreasonably interfere with the comfortable enjoyment of the neighboring residents—shall not be generated by the live entertainment. In the event verified complaints are received by the City regarding such unreasonable noise, the Community Development Director may immediately modify the business hours and/or impose additional restrictions on the live entertainment, including but not limited to, reducing the number of performers, and prohibiting amplified entertainment, subject to the project being brought back to the Planning Commission for review.
- p. **Smoking:** “No Smoking” signs shall be posted on the premises in compliance with CMC 6.11.060.
- q. **Trash & Clean Up:** All trash, normal clean up, carpet cleaning, etc. shall occur during the approved ‘Operational Hours’. If determined necessary by the Community Development Director to protect the public health and safety, the existing refuse enclosure shall be modified to incorporate a roof covering and sanitary drain connection. Refuse and recycling receptacles shall be kept within the enclosure except during collection in compliance with Chapter 6.04 of the Campbell Municipal Code.
- r. **Liquor License:** The business owner shall maintain in good standing a Type 47 license (On-Sale General for Bona Fide Public Eating Place) from the State Department of Alcoholic Beverage Control for the sale of alcoholic beverages. The license shall include Business Hour and other applicable restrictions consistent with the Conditional Use Permit approved herein. A copy of the issued license shall be provided to the Community Development Department prior to issuance of a Business License.
- s. **Alcohol Sales:** The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period, consistent with ABC licensing regulations. The business owner shall provide sales records on demand to the City to verify compliance with this standard.
- t. **Employee Training:** The establishment shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association and the Department of Alcoholic Beverage Control.
- u. **Designated Driver Program:** The establishment shall maintain and actively promote a designated driver program (e.g., complimentary non-alcoholic

beverages for designated drivers), including posting in a conspicuous place contact information for local designated driver services.

- v. **Taxicab Service:** The establishment shall post in a conspicuous place the telephone numbers of local taxicab services.
 - w. **Outdoor Activity:** Other than outdoor seating as permitted by an Outdoor Seating Permit, no outdoor activity, including cooking, and "special event" activities, is permitted in association with the establishment.
5. **Revocation of Permit:** Operation of the restaurant and bar pursuant to the Conditional Use Permit approved herein is subject to Sections 21.68.020, 21.68.030 and 21.68.040 of the Campbell Municipal Code authorizing the City Council to modify or revoke a Conditional Use Permit if it is determined that the sale of alcohol has become a nuisance to the City's public health, safety or welfare or for violation of the Conditional Use Permit or any standards, codes, or ordinances of the City of Campbell.

At the discretion of the Community Development Director, if the establishment generates two (2) verifiable complaints related to violations of conditions of approval and/or related to the service of alcohol within a twenty-four (24) month period, a public hearing before the City Council, upon recommendation of the Planning Commission, may be scheduled to consider modifying conditions of approval or revoking the Conditional Use Permit. The Community Development Director may commence proceedings for the revocation or modification of use permits upon the occurrence of less than two (2) complaints if the Community Development Director determines that the alleged violation warrants such an action. In exercising this authority, the decision making body may consider the following factors, among others:

- a. The number and types of Police Department calls for service at or near the establishment that are reasonably determined to be a direct result of patrons actions;
- b. The number of complaints received from residents, business owners and other citizens concerning the operation of an establishment,
- c. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;
- d. The number and kinds of complaints received from the State Alcoholic Beverage Control office and the County Health Department; and
- e. Violation of conditions of approval.



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • July 12, 2016

PLN2016-138 Public Hearing to consider the application of Jaime Arafiles for a Site and Architectural Review Permit (PLN2016-138) to allow for a 499-square-foot, single-story addition to the rear of an existing residence located at **1045 Salerno Drive**, 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 for a 499-square-foot, single-story addition to the rear of an existing residence located at **1045 Salerno Drive**, 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 Designation:	R-1-8 (Single-Family Residential)	
General Plan Designation:	Low-Density Residential (less than 4.5 units/gr. acre)	
Net Lot Area:	9,101 sq. ft.	
Building Height:	14 feet (one-story)	35 feet Maximum Allowed
Building Square Footage:		
Existing Living Area:	1,414 square-feet	
Existing Garage:	589 square feet	
Proposed Living Area:	<u>499 square-feet</u>	
	2,502 square-feet	
Floor Area Ratio (FAR):	27%	45% Maximum Allowed
Building (Lot) Coverage:	28 ¹ %	40% Maximum Allowed
Setbacks	<u>Existing/Proposed</u>	<u>Required</u>
Front (west):	25 feet	20 feet
Side (north):	10 feet	5 feet or half the wall height
Side (south):	5 feet	5 feet or half the wall height
Rear (east):	61 feet	5 feet or half the wall height
Garage (west):	102 feet	25 feet

¹ Including an approximately 40 sq. ft. covered front porch.

Surrounding Uses

North: Single Family Residence (R-1-8 Zoning)

South: Single Family Residence (R-1-8 Zoning)

East: Single Family Residence (R-1-8 Zoning)

West: Single Family Residence (R-1-8 Zoning)

DISCUSSION

Project Location: The project site is located within the Cambrian 36 annexed area, commonly known as "Campbell Village," on the west side of Salerno Drive, south of Curtner Avenue (reference **Attachment 3** – Location Map). This portion of the annexation area was pre-zoned to the R-1-8 (Single-Family Residential) Zoning District.

Project Description: The applicant is seeking approval of a Site and Architectural Review Permit to allow for a 499 square-foot single-story addition to the rear of an existing single-story, 1,414 square-foot single-family residence (reference **Attachment 4** – Project Plans).

ANALYSIS

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 one-story addition, in a predominantly one-story neighborhood, 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

Zoning District: The R-1-8 (Single-Family Residential) Zoning District maintains the same development standards (height, setbacks, FAR, etc.) of the R-1-6 Zoning District, with the exception of the minimum lot size required (8,000 square-feet). However, due to larger lot sizes and the potential for larger homes with greater neighborhood impacts in this zoning district, new homes and additions to existing homes require approval of a Site and Architectural Review Permit by the Planning Commission. As indicated under 'Project Data', the proposed single-story, single-family residence conforms to the applicable development standards.

Pursuant to CMC 21.42.20, an addition to a single-family residence in the R-1-8 zoning district requires approval of a Site and Architectural Review Permit by the Planning Commission.

Site Layout: The project site is a rectangular parcel measuring roughly 70 feet wide by 130 feet deep, with the existing single-story single-family residence located near the center of the property, with a detached garage in the rear. Vehicular access to the site is served by a driveway which runs along the northern property line (reference **Attachment 4** - Project Plans).

Architecture: The proposed 499 square-foot addition would match the existing residence's materials and colors, incorporating dark-grey asphalt composition shingle roofing and white stucco walls (reference **Attachment 5** – Property Photos). While portions of the existing residence incorporate a brick wainscoting (i.e. front façade and portions of right/north elevation),

where the addition is proposed (on the rear) the building walls are completely stucco and would match as proposed.

Landscaping & Trees: Whenever a building is expanded, the City may require conformance to the City's landscaping requirements (CMC 21.26.030). As the property already is fully landscaped, and no trees are proposed for removal in association with the permit, no additional landscaping or trees are required.

Site and Architectural Review Committee: The Site and Architectural Review Committee (SARC) reviewed this application at its meeting of June 28, 2016. The Committee was supportive of the project as presented.

Attachments:

1. Findings for Approval of File No.: PLN2016-138
2. Conditions of Approval of File No.: PLN2016-138
3. Location Map
4. Project Plans
5. Property Photos

Prepared by:



Stephen Rose, Associate Planner

Approved by:



Paul Kermoyan, Community Development Director

FINDINGS FOR APPROVAL OF FILE NO. PLN2016-138

SITE ADDRESS: 1045 Salerno Drive
APPLICANT: Jaime Arafiles, PE
OWNER: Ryan & Rachelle Wallace
P.C. MEETING: July 12, 2016

Findings for Approval of a Site and Architectural Review Permit to allow for a 499-square-foot, single-story addition to the rear of an existing residence located at **1045 Salerno Drive.**

The Planning Commission finds as follows with regard to file number PLN2016-138:

Environmental Finding(s)

1. The project qualifies as a Categorically 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 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 project site is located within the Cambrian 36 annexed area, commonly known as "Campbell Village," on the west side of Salerno Drive, south of Curtner Avenue.
4. The proposed project consists of a one-story 2,502 square-foot (1,414 sq. ft. residence, 499 sq. ft. detached garage) single-story, single-family residence with a building coverage of 28% and a floor area ratio of 27.5%.
5. The proposed project will be compatible with the R-1-8 (Single Family Residential) Zoning District with approval of a Site and Architectural Review Permit.
6. The existing residence provides two parking spaces, satisfying the applicable parking requirement.
7. The proposal is consistent with the City adopted Design Guidelines for Single Family Homes.

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;
3. The project is consistent with applicable adopted design guidelines; and

4. This project is Categorical Exempt under Section 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to minor to minor alterations to existing private structures.

CONDITIONS OF APPROVAL FOR FILE NO. PLN2016-138

SITE ADDRESS: 1045 Salerno Drive
APPLICANT: Jaime Arafiles, PE
OWNER: Ryan & Rachelle Wallace
P.C. MEETING: July 12, 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 (PLN2016-138) to allow for a 499-square-foot, single-story addition to the rear of an existing residence located at **1045 Salerno Drive**. The project shall substantially conform to the project plans and color and material board as received by the Planning Division on May 31, 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 2, 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 final Building Permit clearance. 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. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Campbell Municipal Code Section 21.18.060 and shall be submitted for review and approval by the Community Development Department.

6. Contractor Contact Information Posting: 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.
7. 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

8. Permits Required: A building permit application shall be required for the proposed addition to the existing structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
9. 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.
10. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
11. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
12. 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.
13. 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.

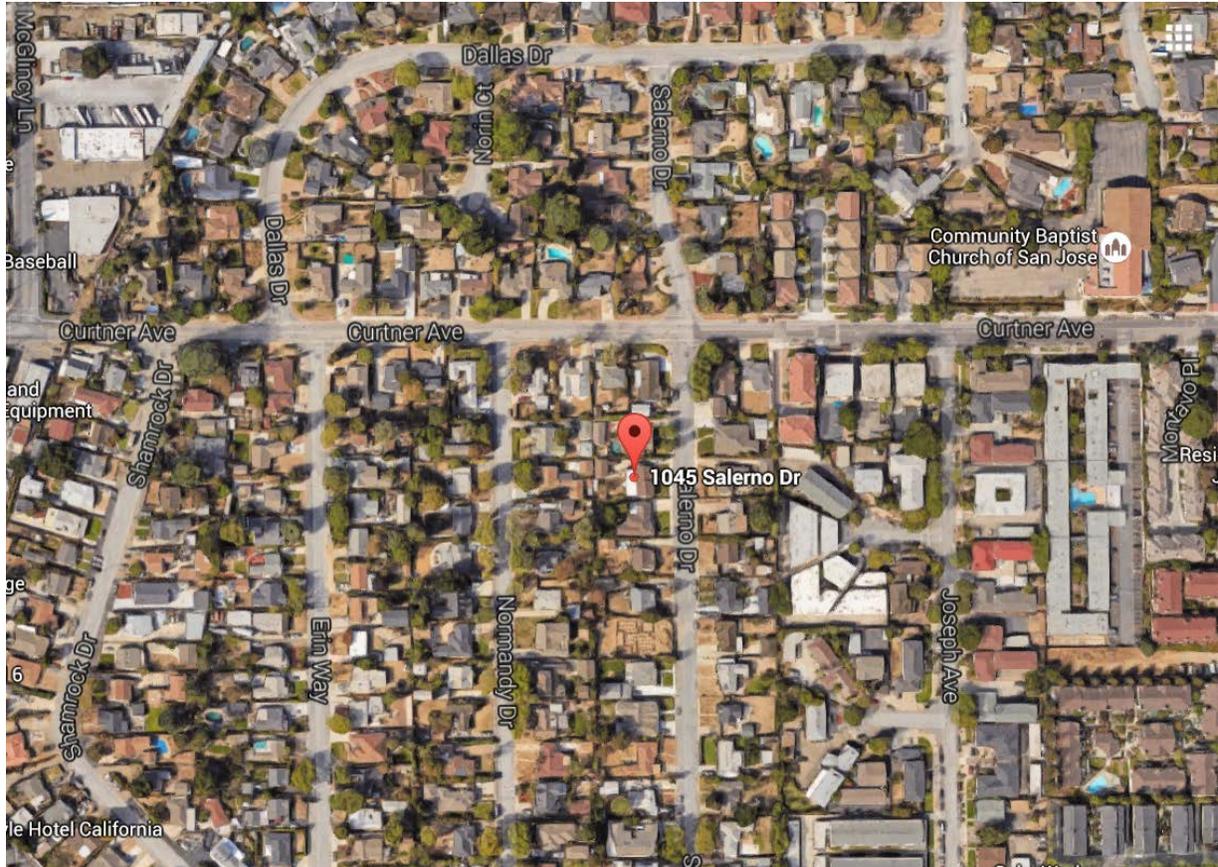
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14. **Special Inspections:** When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the 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.
15. **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.
16. **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.
17. **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.
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.
20. **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.

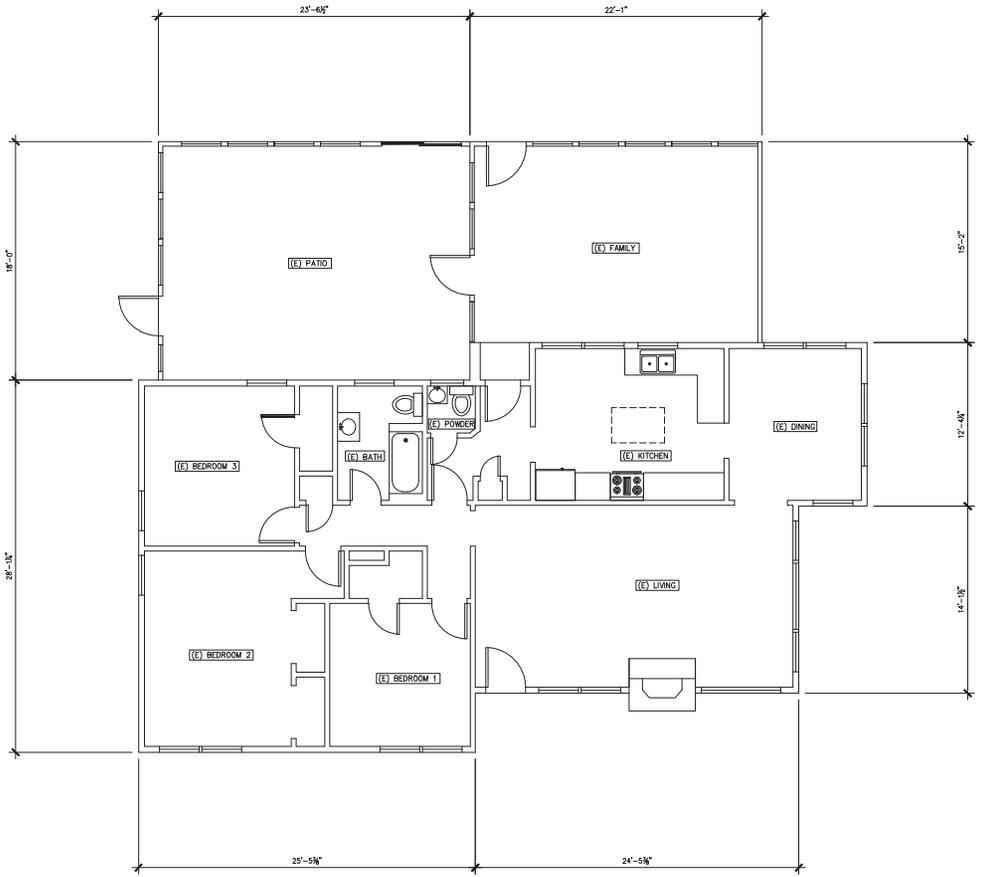
FIRE DEPARTMENT

21. **Formal Plan Review:** Review of this development proposal is limited to accessibility 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 Division all applicable construction permits.

Location Map





EXISTING FLOOR PLAN
 SCALE 1/4" = 1' - 0"

REVISIONS	BY
REVIEW SET	JPA
DATE	

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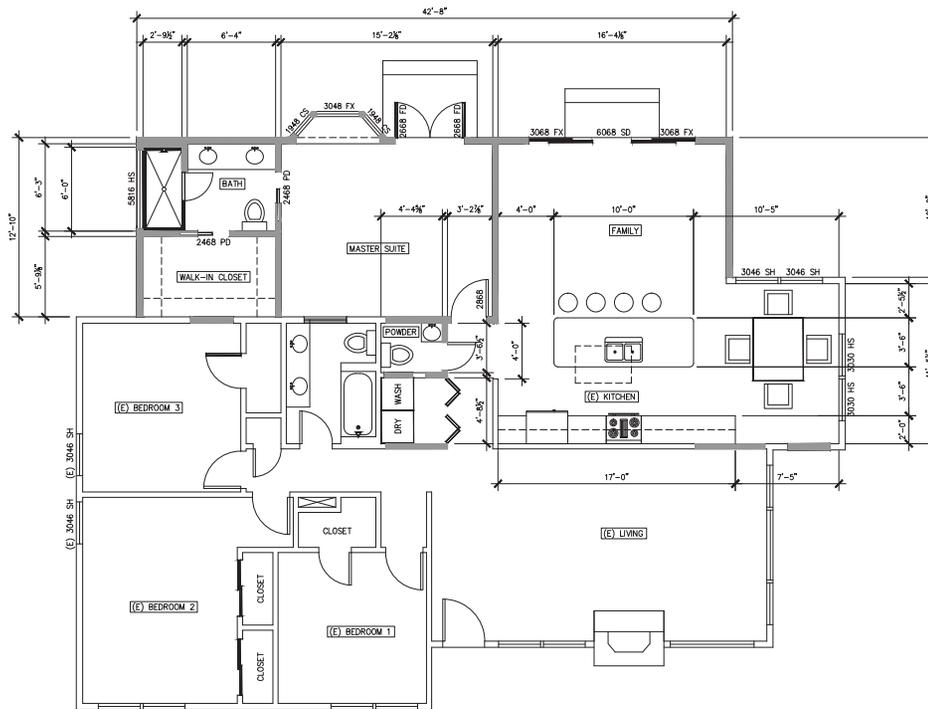


JAIME P. ARAFILES, PE
 32108 Alvarado Blvd., #250, Union City, CA 94587
 Phone: (510) 386-0809 Email: jparafiles@aaf.com

EXISTING FLOOR PLAN

INTERIOR ALTERATIONS
 1045 SALERNO DRIVE
 CAMPBELL, CA 95008

DESIGN	JA
CHECKED	JPA
DATE	JANUARY 18, 2018
SCALE	AS NOTED
JOB NO.	2162902
SHEET	



PROPOSED FLOOR PLAN

SCALE: 1/4" = 1' - 0" AREA OF ADDITION = 327 SQ. FT.

REVISIONS	BY
REVIEWER SET	JFA
0616	

THE PLANS AND THIS PROJECT SETTING IN THE CITY OF SALERNO, CALIFORNIA, ARE THE PROPERTY OF JAIME P. ARAFILES, PE. NO PART OF THIS PROJECT SETTING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JAIME P. ARAFILES, PE.

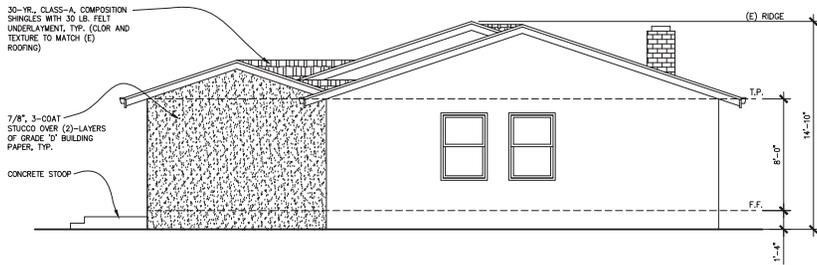


JAIME P. ARAFILES, PE
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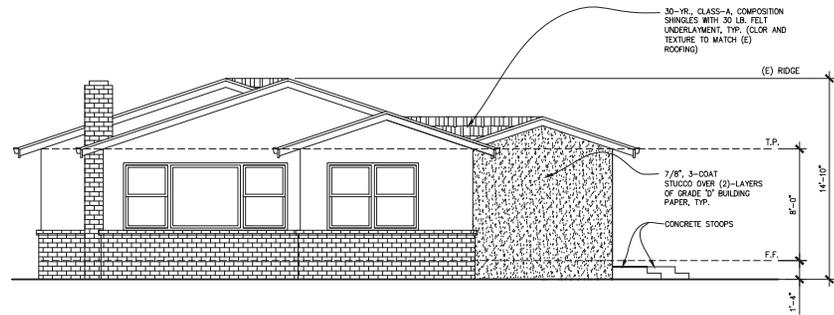
PROPOSED FLOOR PLAN

ONE STORY ADDITION
 1045 SALERNO DRIVE
 CAMPBELL, CA 95008

DRAWN	JA
CHECKED	JPA
DATE	JANUARY 18, 2018
SCALE	AS NOTED
JOB NO.	2162902
SHEET	



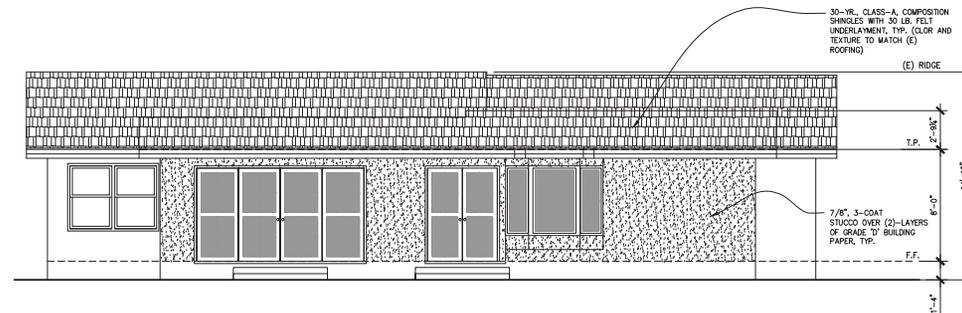
LEFT SIDE ELEVATION
SCALE 1/4" = 1' - 0"



RIGHT SIDE ELEVATION
SCALE 1/4" = 1' - 0"



EXISTING FRONT ELEVATION
SCALE 1/4" = 1' - 0"



REAR ELEVATION
SCALE 1/4" = 1' - 0"

REVISIONS	BY
REVIEW SET 0416	JPA

THIS DOCUMENT IS THE PROPERTY OF INTERIOR ALTERATIONS AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS TO BE RETURNED TO INTERIOR ALTERATIONS UPON COMPLETION OF THE PROJECT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INTERIOR ALTERATIONS.



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BUILDING ELEVATIONS

INTERIOR ALTERATIONS
1045 SALERNO DRIVE
CAMPBELL, CA 95008

DRAWN	JA
CHECKED	JPA
DATE	JANUARY 18, 2018
SCALE	AS NOTED
JOB NO.	2162902
SHEET	

Property Photos





CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • July 12, 2016

PLN2016-174 Public Hearing to consider the application of Leah Hernikl, on behalf of T-Mobile, for a Modification (PLN2016-174) to a previously approved Conditional Use Permit (PLN2010-144) to allow the removal and replacement of three antenna panels and associated equipment on a PG&E Lattice Tower located at **1469 S. Bascom Avenue**, in a P-F/O-S (Public Facilities/Open Space) Zoning District.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving a Modification (PLN2016-174) to a previously approved Conditional Use Permit (PLN2010-144) to allow the removal and replacement of three antennas and associated equipment on a PG&E Lattice Tower located at **1469 S. Bascom Avenue**, 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: P-F/O-S (Public Facilities/Open Space)
 General Plan Designation: Open Space

Facility Height	Existing	Proposed
Top of PG&E Tower:	125-feet	No Change
Top of Antennas:	124-feet, 6-Inches	No Change ¹

T-Mobile Antennas	Existing	Proposed
	6	6

Surrounding Uses

North: VTA light-rail line
 South: Log Gatos Creek
 East: Bascom Avenue
 West: VTA light-rail line

Project Site: The project site is located along the west side of S. Bascom Avenue, at the intersection with the VTA light-rail line and abutting the Los Gatos Creek (reference

¹ Whereas the proposed antennas are slightly taller (5-feet existing vs. 7.5-feet proposed) the antennas would be mounted at the same height as the existing panels.

Attachment 3 - Location Map). The PG&E lattice tower, which is located near the northeast corner of the site, is shared by T-Mobile² & AT&T.

DISCUSSION

Background: On February 22, 2011 the Planning Commission adopted Resolution No. 4013 (reference **Attachment 7**) approving a Conditional Use Permit (PLN2010-144) to install new wireless telecommunications antennas and related equipment on a PG&E transmission tower. The approval established an expiration date of March 5, 2021.

Applicant's Proposal: The applicant is seeking approval of a Modification (PLN2016-174) to a previously approved Conditional Use Permit (PLN2010-144) to allow the removal and replacement of three antenna panels and associated equipment on a PG&E Lattice Tower. The applicant's proposal would replace three of the six (6) 5-foot antenna panels, with three (3) 7.5-foot tall panels. To accommodate the larger 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 2006³, 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

² Previously AT&T, T-Mobile & MetroPCS occupied the site. MetroPCS subsequently merged with T-Mobile.

³ 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).

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 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 *Open Space*. This land use designation is intended to provide high-quality public services and facilities to residents, businesses and visitors in a manner that maintains the small town character of Campbell. The General Plan Land Use Element provides policies that may be taken into consideration by the Planning Commission in review of this project:

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 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 PF/OS (Public Facilities/Open Space) Zoning District which is consistent with the Open Space land use designation of the General Plan. This zoning district is intended to protect the public health, safety and welfare; to protect and preserve open space land as a limited and valuable resource; to permit a reasonable use of open space land while at the same time preserving and protecting its inherent open space and characterizes to assure its continued availability as agricultural land, scenic land, recreational land, conservation, or natural resource land. Pursuant to CMC 21.34.020 (Definitions; Wireless Telecommunications Facilities), and CMC 21.34.030 (Permits required.), a modification of a non-stealth wireless telecommunications facility use in a PF/OS 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:

Threshold	Parameters for Towers on Private Property⁴	Proposed	Compliance (Y/N)
Height	10% or one additional antenna array not more than 20 feet higher	No Height Increase	Y
Width	20-feet or the tower width at level of appurtenance ⁵	Less than 1-foot	Y
Cabinets	Four new equipment cabinets	No 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 a non-reflective gray finish to match existing	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.

Length of Permit Term: As an eligible facility request (EFR), the applicant is not seeking to extend the duration of their permit⁶. As such, the facility shall expire on March 5, 2021.

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. PLN2016-174
2. Conditions of Approval of File No. PLN2016-174
3. Location Map

⁴ Where a numeric or percentage requirement is stated (i.e. height & width), the greater of the two standards applies.

⁵ Tower width at level of appurtenance is estimated to be four feet.

⁶ 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.

4. Project Plans
5. Radio Frequency (RF) Compliance Assessment
6. Photo-simulations
7. P.C. Res. 4013

Prepared by:



Stephen Rose, Associate Planner

Approved by:



Paul Kermoyan, Community Development Director

FINDINGS FOR APPROVAL OF FILE NO(S). PLN2016-174

SITE ADDRESS: 1469 S. Bascom Avenue
APPLICANT: Leah Hernikl, Permit Me, Inc. (on behalf of T-Mobile)
OWNER: PG&E
P.C. MEETING: July 12, 2016

Findings for approval of a Modification (PLN2016-174) to a previously approved Conditional Use Permit (PLN2010-144) to allow the removal and replacement of three antennas and associated equipment on a PG&E Lattice Tower located at 1469 S. Bascom Avenue, in a P-F / O-S (Public Facilities / Open Space) Zoning District.

The Planning Commission finds as follows with regard to file number(s) PLN2016-174:

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 Open Space 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-F / O-S (Public Facilities / Open Space) zoning district.
3. The requested Modification (PLN2016-174) to the previously approved Conditional Use Permit (PLN2010-144) would allow for the removal and replacement of three (3) 5-foot tall panels, with three (3) 7.5-foot tall panels on an existing PG&E Lattice Tower. To accommodate the larger 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.
4. Modifications of non-stealth wireless telecommunication facilities are permitted in the P-F / O-S (Public Facilities / Open Space) zoning district subject to the approval of a Modification of the previously approved 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. 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).
7. On February 22, 2011 the Planning Commission adopted Resolution No. 4013 approving a Conditional Use Permit (PLN2010-144) to install new wireless telecommunications antennas and related equipment on a PG&E transmission tower. The approval established an expiration date of March 5, 2021.
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)" and will retain the expiration date of March 5, 2021 as established by the previously approved Conditional Use Permit (PLN2010-144).

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). PLN2016-174

SITE ADDRESS: 1469 S. Bascom Avenue
APPLICANT: Leah Hernikl, Permit Me, Inc. (on behalf of T-Mobile)
OWNER: PG&E
P.C. MEETING: July 12, 2016

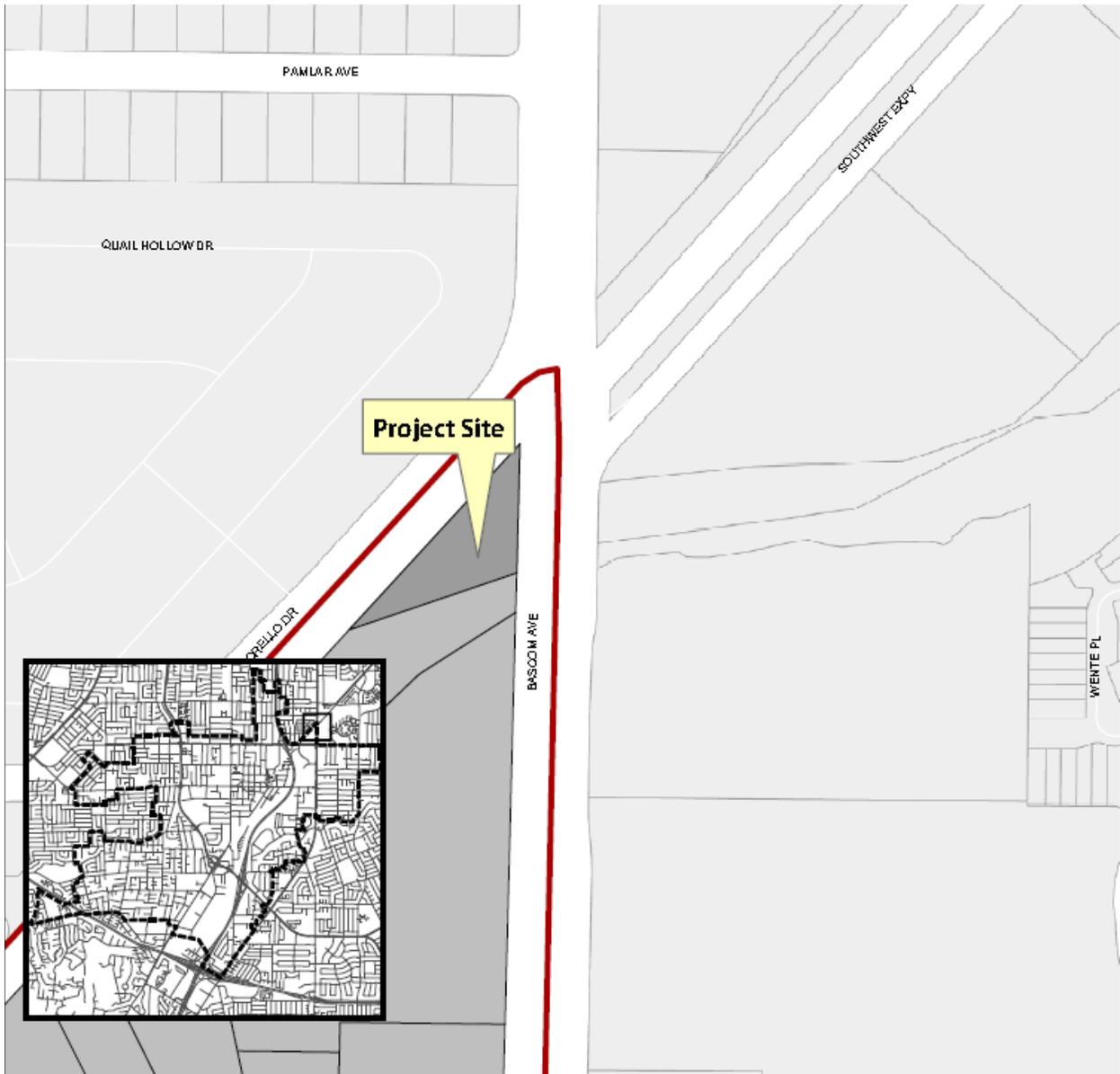
The applicant is hereby notified, as part of this application, that (s)he is required to meet the following conditions in accordance with the ordinances of the City of Campbell and the State of California. The lead department with which the applicant will work is identified on each condition where necessary. 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 (PLN2016-174) to a previously approved Conditional Use Permit (PLN2010-144) to allow the removal and replacement of three antenna panels and associated equipment on an existing PG&E Lattice Tower located at **1469 S. Bascom Avenue**. The project shall substantially conform to the Project Plans and Photo-simulations dated as received on May 19, 2016, except as modified by the Conditions of Approval contained herein.
2. Revisions to Plans: Prior to building permit submittal, the project plans shall note that all antenna panels shall be painted a non-reflective gray finish to match the PG&E tower. This condition of approval is required to maintain the concealment element established by the previously approved Conditional Use Permit (PLN2010-144) established by Planning Commission Resolution No. 4013.
3. 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 (PLN2010-144). As such, the Modification approved herein shall expire on March 5, 2021. If the use is to continue after that time, the applicant shall apply for a new permit.
4. Previous Conditions of Approval: As an “Eligible Facility Request (EFR)” all conditions of approval from the previously approved Conditional Use Permit (PLN2010-144) established by Planning Commission Resolution No. 4013 shall remain in effect, except as modified herein.

Location Map



T-MOBILE WEST LLC



PG&E BASCOM HWY 17

1469 S BASCOM AVE
CAMPBELL, CA 95008

SF70135M

RFDS VER#: 5 04/08/2016

PG&E
BASCOM
HWY 17

SF70135M
1469 S BASCOM AVE
CAMPBELL, CA 95008

ISSUE STATUS

DATE	DESCRIPTION	CD	90%	B.S.
12/14/15				
04/17/16	CLIENT REV.			M.H.
05/04/16	CD 100%			D.H.

DRAWN BY: D. HAYES

CHECKED BY: S. SAVG

APPROVED BY: K. SORENSEN

DATE: 05/04/16

Streamline Engineering
Civil Design Inc.
8445 Sierra College Blvd, Suite E, Concord, CA 94526
Contact: Kevin Sorenson, Phone: 916-690-1350
E-Mail: kevin@streamlineeng.com Fax: 916-690-1941
THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL CITY, STATE AND FEDERAL REQUIREMENTS. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES.



PROJECT DESCRIPTION

A MODIFICATION TO AN (E) UNMANNED T-MOBILE TELECOMMUNICATION FACILITY CONSISTING OF:

- REMOVING & REPLACING (3) (E) T-MOBILE ANTENNAS W/ (3) (N) T-MOBILE ANTENNAS
- REMOVING & REPLACING (E) BATTERY CABINET W/ (1) (N) PTS 8003
- REMOVING (E) CDMA RADIO CABINET
- REMOVING (3) (E) TMAS

PROJECT INFORMATION

SITE NAME: PG&E BASCOM HWY 17 SITE #: SF70135M
 COUNTY: SANTA CLARA JURISDICTION: CITY OF CAMPBELL
 APN: 282-24-002 POWER: PG&E
 SITE ADDRESS: 1469 S BASCOM AVE CAMPBELL, CA 95008 TELEPHONE: AT&T
 CURRENT ZONING: -
 CONSTRUCTION TYPE: I-B
 OCCUPANCY TYPE: U, (UNMANNED COMMUNICATIONS FACILITY)
 PROPERTY OWNER: PG&E 245 MARKET ST MAIL CODE N100 SAN FRANCISCO, CA 94105
 APPLICANT: T-MOBILE WEST LLC 1855 GATEWAY BLVD 9TH FLOOR CONCORD, CA 94520-3200
 LEASING CONTACT: ATTN: CHRISTINE CASEY (415) 806-8750
 ZONING CONTACT: ATTN: LEAH HERNIKL (480) 799-1182
 CONSTRUCTION CONTACT: ATTN: WES FREY (707) 315-6796
 LATITUDE: N 37° 17' 51.03" NAD 83
 LONGITUDE: W 121° 55' 55.12" NAD 83
 AMSL: ±173'

VICINITY MAP



DRIVING DIRECTIONS

FROM: 1855 GATEWAY BLVD, CONCORD, CA 94520-3200
 TO: 1469 S BASCOM AVE, CAMPBELL, CA 95008

- HEAD SOUTHEAST ON GATEWAY BLVD 108 FT
- TAKE THE 1ST RIGHT ONTO CLAYTON RD 0.3 MI
- MERGE ONTO CA-242 S VIA THE RAMP TO OAKLAND 1.2 MI
- MERGE ONTO I-680 S 49.4 MI
- CONTINUE ONTO I-280 N 3.9 MI
- TAKE THE RACE ST/SOUTHWEST EXPY EXIT 0.1 MI
- KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR SOUTHWEST EXPY AND MERGE ONTO SOUTHWEST EXPY 1.5 MI
- TURN RIGHT ONTO STOKES ST 0.2 MI
- TURN LEFT ONTO S BASCOM AVE 0.3 MI
- DESTINATION WILL BE ON THE RIGHT

END AT: 1469 S BASCOM AVE, CAMPBELL, CA 95008
 ESTIMATED TIME: 55 MINUTES ESTIMATED DISTANCE: 57 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 CODE, PART 12, TITLE 24 C.C.R. ANSI/ISA-TIA-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

PG&E INFORMATION

TOWER INFO:
 TOWER SAP#: 40756316
 TOWER#: 0/4
 LINE NAME: EL PATIO / SAN JOSE A 115KV
 PROJECT#: -
 SBE#: SFA-C07-135A

PG&E CONTACT INFO:
 LAND AGENT CONTACT: MATT RANGE (415) 973-3353
 E-MAIL: M3RH@PG&E.COM
 MAYA HERR-ANDERSON (415) 973-5736
 E-MAIL: M4HA@PG&E.COM

PROJECT MANAGER: RICHARD SARTIN
 MOBILE: (415) 308-9400
 E-MAIL: RRSR@PG&E.COM

ADDRESS: 245 MARKET ST
 MAIL CODE N100
 SAN FRANCISCO, CA 94105

SHEET INDEX

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	-
A-1	OVERALL SITE PLAN	-
A-2	ENLARGED SITE PLAN	-
A-3	EQUIPMENT PLAN & DETAIL	-
A-4	ANTENNA PLAN & DETAIL	-
A-5	ANTENNA PLAN & DETAIL	-
A-6	ELEVATIONS	-
A-7	ELEVATIONS	-
S-1	STRUCTURAL NOTES & DETAILS	-
E-1	ELECTRICAL & GROUNDING PLAN	-

APPROVAL

RF
LEASING
ZONING
CONSTRUCTION
T-MOBILE
PG&E

T-MOBILE WEST LLC

 1855 GATEWAY BLVD 9TH FLOOR
 CONCORD, CA 94520

SHEET TITLE:

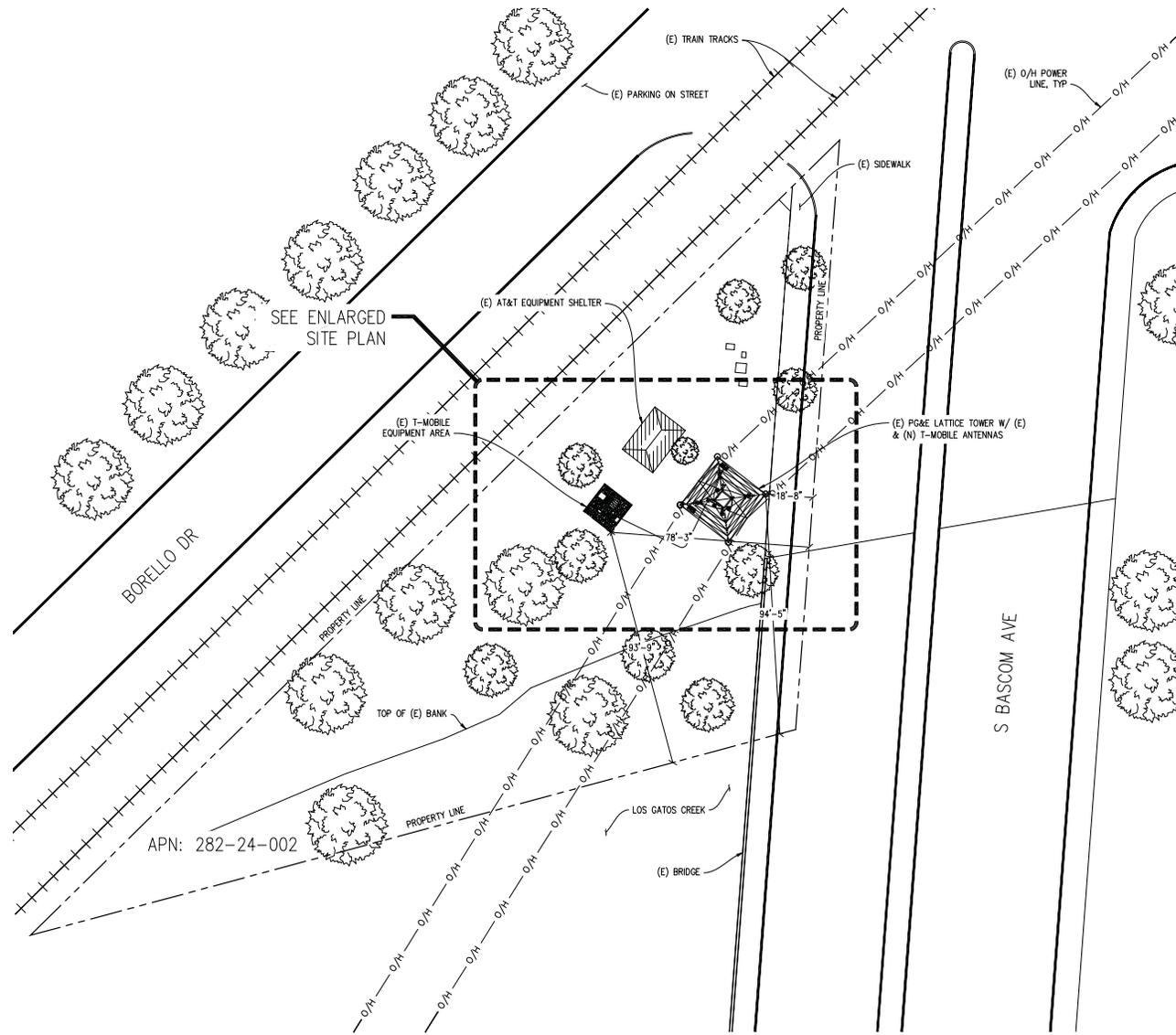
TITLE

SHEET NUMBER:

T-1

PROJECT GENERAL NOTES

1. THIS FACILITY IS AN UNOCCUPIED WIRELESS TELECOMMUNICATION FACILITY.
2. PLANS ARE NOT TO BE SCALED AND ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY, UNLESS NOTED OTHERWISE.
3. THE SCOPE OF WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
4. PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTORS SHALL VISIT THE JOB SITE AND BE RESPONSIBLE FOR ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS, AND CONFIRM THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER AND ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PAY FOR PERMIT FEES, AND TO OBTAIN SAID PERMITS AND TO COORDINATE INSPECTIONS.
6. THE CONTRACTOR SHALL RECEIVE, IN WRITING, AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
7. CALL BEFORE YOU DIG: CONTRACTOR IS REQUIRED TO CALL 811 (NATIONWIDE "CALL BEFORE YOU DIG" HOTLINE) AT LEAST 72 HOURS BEFORE DIGGING.
8. ALL WORK PERFORMED 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 REGARDING THE PERFORMANCE OF THE WORK.
9. THE GENERAL CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST SKILLS AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES. CONTRACTOR SHALL ALSO COORDINATE ALL PORTIONS OF THE WORK UNDER THE CONTRACT, INCLUDING CONTACT AND COORDINATION WITH THE CONSTRUCTION MANAGER AND WITH THE LANDLORD'S AUTHORIZED REPRESENTATIVE.
10. THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, PAVING, CURBS, GALVANIZED SURFACES, ETC., AND UPON COMPLETION OF WORK, REPAIR ANY DAMAGE THAT OCCURRED DURING CONSTRUCTION TO THE SATISFACTION OF THE PROJECT MANAGER.
11. KEEP GENERAL AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DIRT, DEBRIS AND RUBBISH. REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE.
12. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED, OR OTHERWISE DISCONNECTED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, AS DIRECTED BY THE RESPONSIBLE ENGINEER, AND SUBJECT TO THE APPROVAL OF THE OWNER AND/OR LOCAL UTILITIES.
13. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC AND ALL OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK SHALL BE PROTECTED AT ALL TIMES.
14. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
15. THE CONTRACTOR SHALL PROVIDE A TOILET FACILITY DURING ALL PHASES OF CONSTRUCTION.
16. SUFFICIENT MONUMENTATION WAS NOT RECOVERED TO ESTABLISH THE POSITION OF THE BOUNDARY LINES SHOWN HEREON. THE BOUNDARY REPRESENTED ON THIS MAP IS BASED ON COMPILED RECORD DATA AND BEST FIT ONTO EXISTING IMPROVEMENTS. IT IS POSSIBLE FOR THE LOCATION OF THE SUBJECT PROPERTY TO SHIFT FROM THE PLACEMENT SHOWN HEREON WITH ADDITIONAL FIELD WORK AND RESEARCH. THEREFORE ANY SPATIAL REFERENCE MADE OR SHOWN BETWEEN THE RELATIONSHIP OF THE BOUNDARY LINES SHOWN HEREON AND EXISTING GROUND FEATURES, EASEMENTS OR LEASE AREA IS INTENDED TO BE APPROXIMATE AND IS SUBJECT TO VERIFICATION BY RESOLVING THE POSITION OF THE BOUNDARY LINES.
17. THE CONTRACTOR TO VERIFY THE LATEST/CURRENT RF DESIGN.
18. WHERE APPLICABLE, CONTRACTOR SHALL PROVIDE SEPARATE PLANS, SPECIFICATIONS, FEES AND PERMITS FOR ANY REVISION TO ANY FIRE SPRINKLER AND/OR ALARM SYSTEM ON THE PREMISES AS MAY BE NEEDED TO COMPLETE THE WORK DEPICTED HEREIN, USING A C-10 LICENSED SUBCONTRACTOR FOR ALL SUCH WORK.



OVERALL SITE PLAN
 1"=20'-0"
 0 10' 20' 40' 60' 100'

**PG&E
 BASCOM
 HWY 17**
 SF70135M
 1469 S BASCOM AVE
 CAMPBELL, CA 95008

ISSUE STATUS

DATE	DESCRIPTION	CD	REV.	B.S.
12/14/15		CD	90%	B.S.
04/17/16		CLIENT REV.		M.H.
05/04/16		CD	100%	D.H.
-	-	-	-	-
-	-	-	-	-

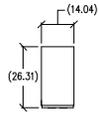
DRAWN BY: D. HAYES
 CHECKED BY: S. SANG
 APPROVED BY: K. SORENSEN
 DATE: 05/04/16

Streamline Engineering
 Civil Design Inc.
 8445 Sierra College Blvd. Suite E Contra Costa, CA 94746
 Contact: Kevin Sorenson Phone: 916-690-1300
 E-Mail: kevin@streamlineeng.com Fax: 916-690-1341
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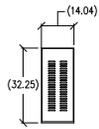


T-Mobile
 T-MOBILE WEST LLC
 1855 GATEWAY BLVD 9TH FLOOR
 CONCORD, CA 94520

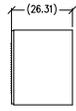
SHEET TITLE:
 OVERALL SITE PLAN
SHEET NUMBER:
 A-1



TOP VIEW

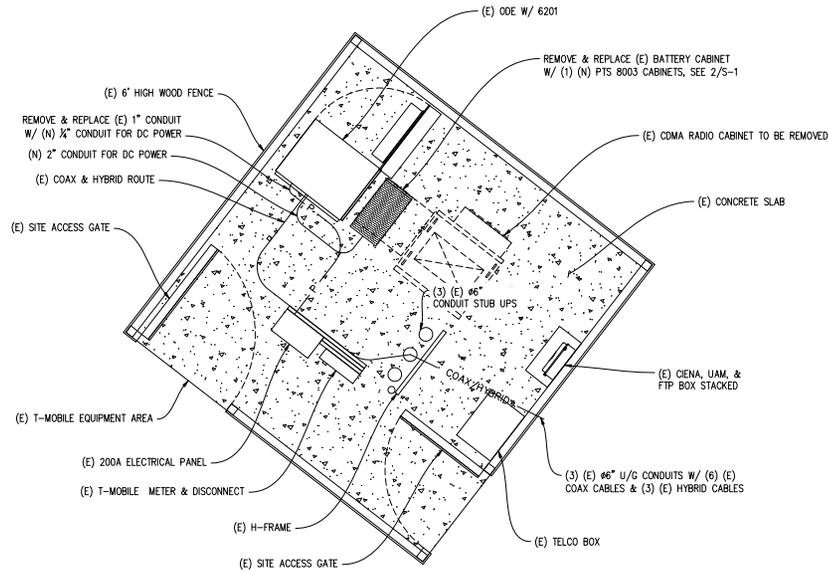


FRONT VIEW



RIGHT VIEW

① PTS BATTERY CABINET DETAIL
 1/2"=1'-0" MAX WEIGHT = 565.2 LBS



EQUIPMENT PLAN

1/2"=1'-0"



**PG&E
 BASCOM
 HWY 17**

SF70135M
 1469 S BASCOM AVE
 CAMPBELL, CA 95008

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	04/11/16	CLIENT REV.			M.H.
	05/04/16	CD	100%		D.H.

DRAWN BY: D. HAYES

CHECKED BY: S. SAVG

APPROVED BY: K. SORENSEN

DATE: 05/04/16

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 8445 Sierra College Blvd, Suite E, Conite Bay, CA 95746
 Contact: Kevin Sorenson, Phone: 916-990-1300
 E-Mail: kevin@streamlineeng.com Fax: 916-990-1941
REGISTERED PROFESSIONAL ENGINEER, CIVIL ENGINEER, LICENSE NO. 44669
 STATE OF CALIFORNIA



T-Mobile
 T-MOBILE WEST LLC
 1855 GATEWAY BLVD, 9TH FLOOR
 CONCORD, CA 94520

SHEET TITLE:

EQUIPMENT PLAN

SHEET NUMBER:

A-3

**PG&E
BASCOM
HWY 17**

SF70135M
1469 S BASCOM AVE
CAMPBELL, CA 95008

ISSUE STATUS

Δ	DATE	DESCRIPTION	CD	90%	B.S.
	12/14/15	CD 90%			M.H.
	04/11/16	CLIENT REV.			D.H.
	05/04/16	CD 100%			

DRAWN BY: D. HAYES

CHECKED BY: S. SAWG

APPROVED BY: K. SORENSEN

DATE: 05/04/16

Streamline Engineering
Civil Design Inc.

8445 Sierra College Blvd, Suite E, Conite Bay, CA 95746
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E-Mail: kevin@streamlineeng.com Fax: 916-860-1041

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T-Mobile

T-MOBILE WEST LLC

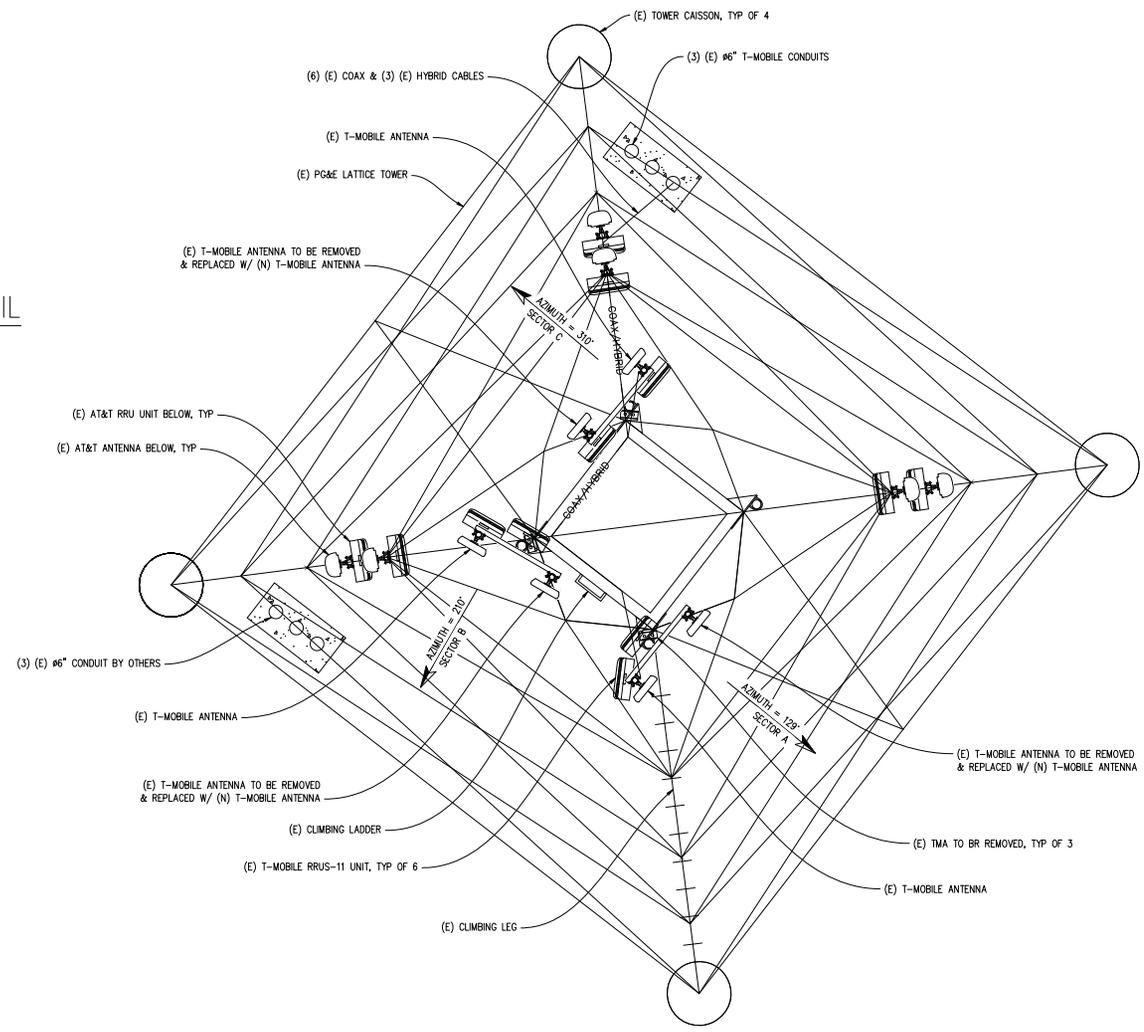
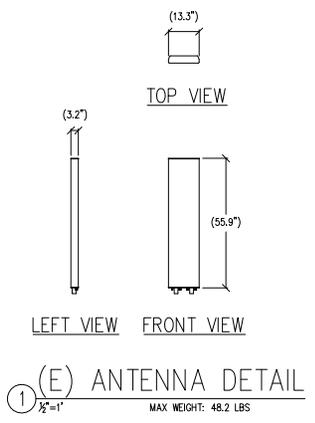
1855 GATEWAY BLVD 9TH FLOOR
CONCORD, CA 94622

SHEET TITLE:

ANTENNA PLAN
& DETAIL

SHEET NUMBER:

A-4



(E) ANTENNA PLAN
1/2"=1'-0"

NOTICE
EXISTING TOWER TO BE ANALYZED BY OTHERS. STREAMLINE ENGINEERING & DESIGN INC. IS NOT RESPONSIBLE FOR THE EVALUATION OF THE EXISTING TOWER, BASE PLATE, ANCHOR BOLTS, FOUNDATION OR ANTENNA/RRU MOUNT FRAMING & CONNECTIONS FOR THE EXISTING AND NEW LOADING CONDITIONS.

(E) T-MOBILE ANTENNA TO BE REMOVED & REPLACED W/ (N) T-MOBILE ANTENNA, TYP OF 3
 (E) T-MOBILE ANTENNA, TYP OF 6
 (E) RRUS-11 UNIT, TYP OF 6
 (E) TMA TO BE REMOVED, TYP OF 3

10'-0" MIN RADIAL CLEARANCE

(E) INSULATOR, TYP

(E) PG&E LATTICE TOWER

(E) AT&T ANTENNA, TYP

(E) CLIMBING LEG

(E) T-MOBILE EQUIPMENT AREA
 (E) SITE ACCESS GATE
 (3) (E) AT&T CONDUITS

(3) (E) #6" U/G CONDUITS W/ (6) (E) COAX CABLES & (3) (E) HYBRID CABLES

(E) COAX LEG W/ (6) (E) 1 1/2" COAX CABLES & (3) (E) HYBRID CABLES

(E) AT&T EQUIPMENT SHELTER

(3) (E) #6" T-MOBILE CONDUITS

TOP OF (E) T-MOBILE WOOD FENCE
 ±6'-6" A.G.L.

GROUND LEVEL
 0'-0"

(E) SOUTHEAST ELEVATION
 1/8"=1'-0"

TOP OF (E) TOWER EXTENSION
 ±125'-0" A.G.L.
 RAD CENTER OF (E) T-MOBILE ANTENNAS
 ±122'-0" A.G.L.
 TOP OF (E) PG&E LATTICE TOWER & (E) FIBER LINE
 ±114'-2" A.G.L.
 TOP OF (E) INSULATOR
 ±109'-1" A.G.L.

RAD CENTER OF (E) AT&T ANTENNA
 ±61'-7" A.G.L.

RAD CENTER OF (E) AT&T ANTENNA
 ±55'-5" A.G.L.

RAD CENTER OF (E) AT&T ANTENNA
 ±50'-5" A.G.L.

NOTICE

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NOTE:

PAIN (E) & (N) ANTENNAS TO MATCH (E) TOWER

REMOVE & REPLACE (E) T-MOBILE ANTENNA W/ (N) T-MOBILE ANTENNA, TYP OF 3, ON (N) MOUNT PIPE
 (E) T-MOBILE ANTENNA, TYP OF 3
 (E) RRUS-11 UNIT, TYP OF 6

10'-0" MIN RADIAL CLEARANCE

(E) INSULATOR, TYP

(E) PG&E LATTICE TOWER

(E) AT&T ANTENNA, TYP

(E) CLIMBING LEG

(E) T-MOBILE EQUIPMENT AREA
 (E) SITE ACCESS GATE
 (3) (E) AT&T CONDUITS

(3) (E) #6" U/G CONDUITS W/ (6) (E) COAX CABLES & (3) (E) HYBRID CABLES

(E) COAX LEG W/ (6) (E) 1 1/2" COAX CABLES & (3) (E) HYBRID CABLES

(E) AT&T EQUIPMENT SHELTER

(3) (E) #6" T-MOBILE CONDUITS

(N) SOUTHEAST ELEVATION
 1/8"=1'-0"

**PG&E
 BASCOM
 HWY 17**

SF70135M
 1469 S BASCOM AVE
 CAMPBELL, CA 95008

ISSUE STATUS

DATE	DESCRIPTION	CD	90%	B.S.
12/14/15	CD 90%			
04/17/16	CLIENT REV.			M.H.
05/04/16	CD 100%			D.H.

DRAWN BY: D. HAYES

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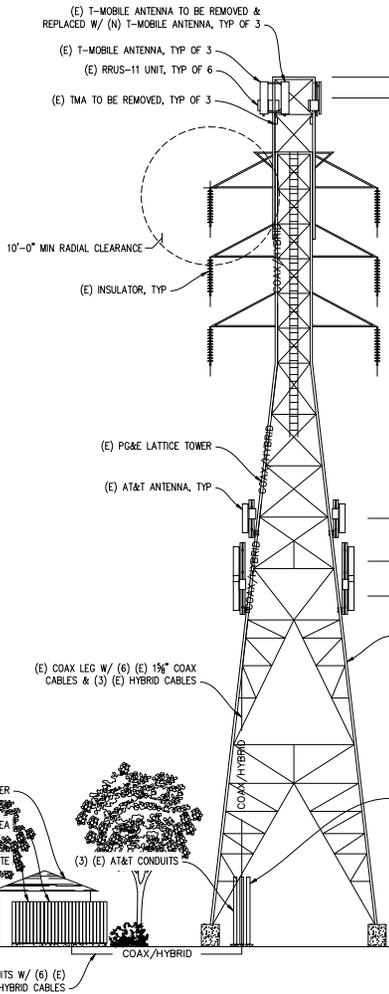
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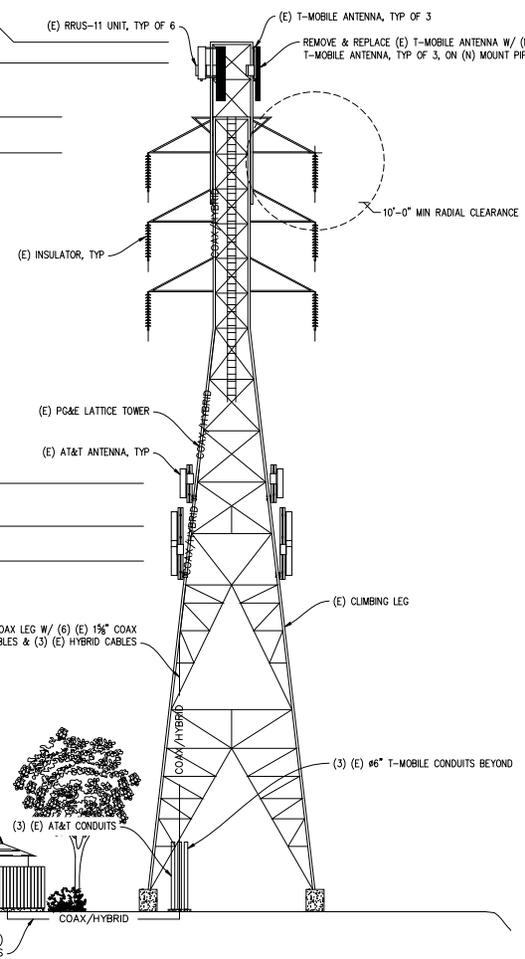
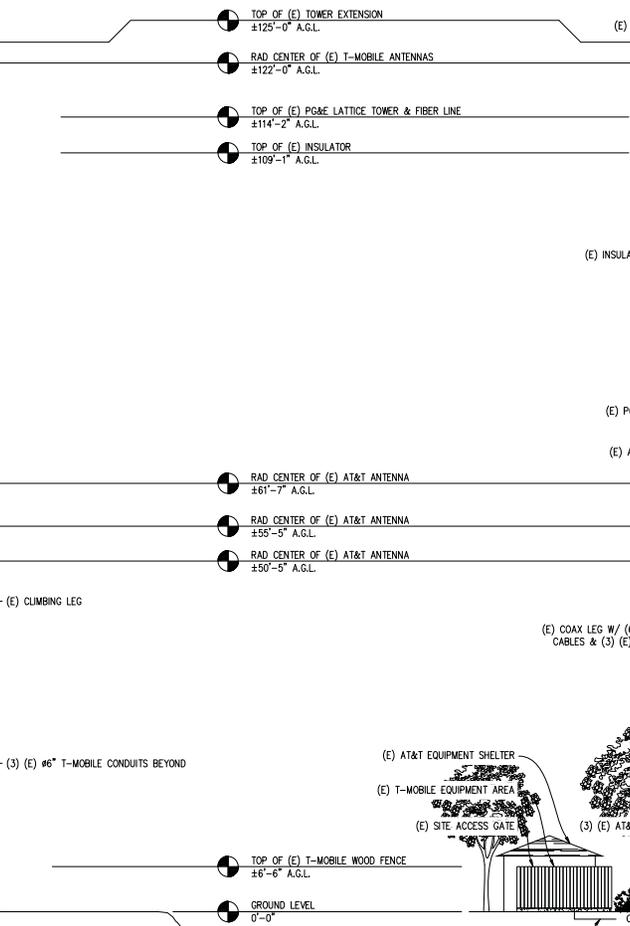


T-Mobile
 T-MOBILE WEST LLC
 1855 GATEWAY BLVD 9TH FLOOR
 CONCORD, CA 94620

SHEET TITLE:
 ELEVATIONS
 SHEET NUMBER:
A-6



(E) SOUTHWEST ELEVATION
1/8"=1'-0"



(N) SOUTHWEST ELEVATION
1/8"=1'-0"

NOTICE
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NOTE:
PAINT (E) & (N) ANTENNAS TO MATCH (E) TOWER

**PG&E
BASCOM
HWY 17**
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1469 S BASCOM AVE
CAMPBELL, CA 95008

ISSUE STATUS

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T-Mobile
T-MOBILE WEST LLC
1855 ANTENNA BLVD 9TH FLOOR
CONCORD, CA 94622

SHEET TITLE:
ELEVATIONS

SHEET NUMBER:
A-7

CONSTRUCTION NOTES

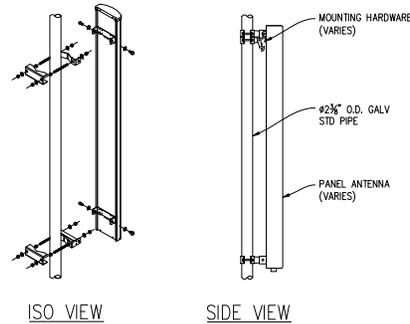
- EXISTING BUILDING CONSTRUCTION CONDITIONS INDICATED ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO PROCEEDING WITH CONSTRUCTION OR ORDERING OF MATERIALS. IF EXISTING CONDITIONS DO NOT ALLOW FOR DETAILS OF CONSTRUCTION AS SHOWN ON THESE DRAWINGS, NOTIFY ENGINEER OF RECORD FOR RESOLUTION PRIOR TO PROCEEDING. CONTRACTOR SHALL EXPOSE AND REVIEW EXISTING CONDITIONS IN A TIMELY MANNER SUCH THAT ALTERNATE DESIGNS OR DETAILS, IF REQUIRED, MAY BE GENERATED WITHOUT DELAY TO THE PROJECT.
- DURING CONSTRUCTION, THE CONTRACTOR SHALL NOT ALTER, DAMAGE OR REMOVE ANY PART OF THE EXISTING STRUCTURE UNLESS SPECIFICALLY DETAILED ON THESE DRAWINGS.
- THE INTENT OF THESE DRAWINGS IS THAT THE WORK OF THE ADDITION, ALTERATION, REHABILITATION, OR RECONSTRUCTION IS TO BE IN ACCORDANCE WITH THE 2013 CBC. SHOULD ANY EXISTING CONDITIONS SUCH AS DETERIORATION OR NONCOMPLYING CONSTRUCTION BE DISCOVERED WHICH IS NOT COVERED BY THE CONTRACT DOCUMENTS WHEREIN THE FINISHED WORK WILL NOT COMPLY WITH THE 2013 CBC, A CHANGE ORDER, OR A SEPARATE SET OF PLANS AND SPECIFICATIONS, DETAILING AND SPECIFYING THE REQUIRED WORK SHALL BE PREPARED AND SUBMITTED TO AND APPROVED BY THE BUILDING DEPARTMENT PRIOR TO PROCEEDING WITH THE WORK.
- ALL WORK AND MATERIALS SHOWN ARE NEW UNLESS INDICATED AS EXISTING (E).
- IT MAY BE NECESSARY TO REMOVE ARCHITECTURAL FINISHES, PLUMBING PIPES AND FIXTURES, ELECTRICAL CONDUIT, FIXTURES, PANELS, BOXES, TELEPHONE OR FIRE ALARM WIRING AND FIXTURES OR OTHER NON-STRUCTURAL ITEMS TO INSTALL STRUCTURAL WORK AND MATERIALS SHOWN ON THESE DRAWINGS. SUCH ITEMS SHALL BE REMOVED, REPAIRED AND/OR REPLACED TO MATCH PRE-CONSTRUCTION CONDITIONS AT THE CONTRACTORS EXPENSE.
- ALL WEATHER PROOFING, INCLUDING BUT NOT LIMITED TO TORCH DOWN, CAULKING, Z-FLASHING OR ANY OTHER MATERIAL, THAT MAY BE ALTERED DURING INSTALLATION SHALL BE REPAIRED REPLACED AND/OR MODIFIED TO ENSURE THE BUILDING AT THE INSTALLATION SITE IS WEATHER PROOF.
- ANY PROPOSED SUBSTITUTIONS FOR STRUCTURAL MEMBERS, HARDWARE, ANCHOR TYPES, OR DETAILING INDICATED IN THESE DRAWINGS SHALL BE SUBMITTED TO AND REVIEWED BY THE ENGINEER OF RECORD PRIOR TO ORDERING MATERIALS. SUCH REVIEW SHALL BE BILLED ON A TIME AND MATERIALS BASIS TO THE CONTRACTOR WITH NO GUARANTEE THAT THE SUBSTITUTION WILL BE ALLOWED.

STRUCTURAL STEEL NOTES

- ALL STEEL CONSTRUCTION INCLUDING FABRICATION, ERECTION AND MATERIALS SHALL COMPLY WITH ALL REQUIREMENTS OF THE AISC SPECIFICATION FOR THE DESIGN, FABRICATION, AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS AND THE 2013 CBC.
- ALL STRUCTURAL STEEL SHALL BE ASTM A36 UNLESS OTHERWISE NOTED. ALL WF (WIDE FLANGE) & WT (TEE) SHAPES TO BE ASTM A992 (F_y=50,000 PSI) UNLESS NOTED OTHERWISE. ALL STRUCTURAL TUBING (TS OR HSS) SHALL BE ASTM A500 GRADE B (F_y=46,000 PSI). ALL STEEL PIPE SHALL BE ASTM A53 (TYPE E OR S, GRADE B (F_y=35,000 PSI)) SCHEDULE 40 WITH OUTSIDE DIAMETERS GIVEN UNLESS OTHERWISE NOTED.
- ALL WELDING SHALL BE PERFORMED USING E70XX ELECTRODES AND SHALL CONFORM TO AISC & AWS D1.1, WHERE FILLET WELD SIZES ARE NOT SHOWN PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC SPECIFICATION. PAINTED SURFACES SHALL BE TOUCHED UP.
- ALL WELDING SHALL BE PERFORMED BY QUALIFIED, CERTIFIED WELDERS.
- BOLTS SHALL BE GALVANIZED ASTM A325 MINIMUM. BOLTED CONNECTIONS SHALL BE BEARING TYPE. SEE PLANS FOR LOCATION, NUMBER, & SIZE OF BOLTS. SPECIAL INSPECTION NOT REQUIRED U.O.N.
- THREADED RODS SHALL BE ASTM F593 CW 304/316 STAINLESS STEEL. BOLTED CONNECTIONS SHALL BE BEARING TYPE. SEE PLANS FOR LOCATION, NUMBER, & SIZE OF BOLTS.
- ALL HOLES FOR BOLTED CONNECTIONS SHALL BE 1/16" LARGER THAN THE NOMINAL BOLT DIAMETER. USE STANDARD AISC GAGE AND PITCH FOR BOLTS EXCEPT AS NOTED OTHERWISE. HOLES FOR ANCHOR BOLTS IN BASE PLATES MAY BE AISC "OVERSIZE" HOLES WHEN ACCOMPANIED BY OVERSIZED HARDENED HDG WASHERS.
- ALL SHOP FABRICATED STEEL STRUCTURAL MEMBERS FOR EXTERIOR USE SHALL BE HOT DIP GALVANIZED PER ASTM A123 AFTER FABRICATION & PAINTED PER CUSTOMER SPECIFICATIONS AS REQUIRED. STEEL FOR INTERIOR USE SHALL BE SHOP COAT OR GALVANIZED & PAINTED PER PLAN.
- ALL FIELD FABRICATED GALVANIZED STEEL THAT IS CUT, GROUND, DRILLED, WELDED OR DAMAGED SHALL BE TREATED WITH "ZINC RICH" COLD GALVANIZING SPRAY OR COATING. NO RAW STEEL SHALL BE EXPOSED.
- AT ALL WEB STIFFENER PLATES LEAVE 3/4" (OR K, WHICHEVER IS LARGER) HOLE @ WEB/FLANGE INTERSECTION UNLESS NOTED OTHERWISE.

CONCRETE CORE/DRILLING NOTES

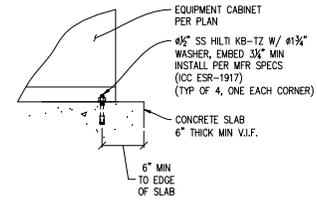
- WHEN INSTALLING DRILLED-IN ANCHORS AND/OR POWDER DRIVEN PINS IN EXISTING NON-PRESTRESSED OR POST-TENSIONED REINFORCED CONCRETE (MILD REINFORCED), USE CARE & CAUTION TO AVOID CUTTING OR DAMAGING THE (E) REINFORCING BARS. WHEN INSTALLING ANCHORS INTO (E) PRE-STRESSED OR POST-TENSIONED CONCRETE LOCATE THE PRE-STRESSED OR POST-TENSIONED TENDONS BY USING A NON-DESTRUCTIVE METHOD, SUCH AS X-RAY, AT POINT OF PENETRATION PRIOR TO INSTALLATION. EXERCISE EXTREME CARE & CAUTION TO AVOID CUTTING OR DAMAGING THE TENDONS DURING INSTALLATION. MAINTAIN A MINIMUM CLEARANCE OF TWO INCHES BETWEEN REINFORCEMENT AND THE DRILLED-IN ANCHOR AND/OR PIN.
- WHEN CORING EXISTING REINFORCED CONCRETE OF ANY CONSTRUCTION TYPE (PRE-STRESSED, POST-TENSIONED OR MILD REINFORCED), LOCATE THE EXISTING REINFORCING BY USING A NON-DESTRUCTIVE METHOD, SUCH AS X-RAY, PRIOR TO CORING. EXERCISE EXTREME CARE & CAUTION TO AVOID CUTTING OR DAMAGING ANY REINFORCING DURING CORING. MAINTAIN A MINIMUM CLEARANCE OF TWO INCHES BETWEEN REINFORCEMENT AND THE CORE. THE MAXIMUM SIZE OF ANY CORE IS TO BE 6" DIAMETER AND THE MINIMUM SPACING BETWEEN CORES IS TO BE TWICE THE CORE DIAMETER (I.E. 12" SPACING FOR A 6" DIAMETER CORE).
- INSPECTOR IS TO BE PRESENT DURING ALL CORE DRILLING OPERATIONS TO VERIFY THAT NO REINFORCING CABLES, TENDONS, OR REBAR HAVE BEEN CUT. (SEE NOTE 5 BELOW)
- THE INSPECTOR SHALL SUBMIT A WRITTEN REPORT TO THE OWNER.
- THE INSPECTIONS INDICATED IN NOTES 3 AND 4 ABOVE ARE NOT REQUIRED FOR A CONCRETE FILL OVER METAL DECK APPLICATION WHERE INDICATED ON THE CONSTRUCTION DRAWINGS.



ISO VIEW SIDE VIEW
 ① ANTENNA MOUNT DETAIL
 1 1/2"=1'-0"

EXPANSION & EPOXY ANCHORS

- EXPANSION AND EPOXY ANCHORS SHALL BE IN CONFORMANCE WITH ALL REQUIREMENTS OF THE 2013 CALIFORNIA BUILDING CODE (CBC).
- ALL ANCHORS PROVIDED SHALL BE INCLUDED IN EVALUATION REPORTS OF THE INTERNATIONAL CODE COUNCIL (ICC), AND SHALL BE EVALUATED FOR 2012 IBC MINIMUM REQUIREMENTS IN THE ICC REPORT.
- CONCRETE EXPANSION ANCHORS SHALL BE KWIK BOLT TZ BY HILTI, INC., TULSA, OKLAHOMA AS PER ICC REPORT NO. ESR-1917 OR APPROVED EQUIVALENT.
- CMU EXPANSION ANCHORS SHALL BE KWIK BOLT 3 BY HILTI, INC., TULSA, OKLAHOMA AS PER ICC REPORT NO. ESR-1385 OR APPROVED EQUIVALENT. ANCHORS SHALL BE INSTALLED A MINIMUM OF 1 3/8" FROM ANY VERTICAL MORTAR JOINT TYPICAL. ANCHORS TO BE SPACED 8 INCHES ON CENTER MINIMUM AND LIMITED TO ONE ANCHOR PER CELL.
- CONCRETE ADHESIVE EPOXY ANCHORS SHALL BE HIT RE-500SD BY HILTI, INC., TULSA, OKLAHOMA AS PER ICC REPORT NO. ESR-2322 OR APPROVED EQUIVALENT.
- GROUT FILLED CMU ADHESIVE EPOXY ANCHORS SHALL BE HIT RE-500SD BY HILTI, INC., TULSA, OKLAHOMA AS PER ICC REPORT NO. ESR-2322 OR APPROVED EQUIVALENT.
- INSTALL EXPANSION AND EPOXY ANCHORS WITH SPECIAL INSPECTION IN ACCORDANCE WITH THE 2013 CBC, CHAPTER 17, AND ALL REQUIREMENTS OF THE MANUFACTURER, THE MANUFACTURER'S ICC APPROVAL AND THESE DRAWINGS.
- EXPANSION ANCHORS SHALL BE 304/316 STAINLESS STEEL U.O.N. EPOXY ANCHOR THREADED ROD SHALL BE ASTM F593 CW 304/316 STAINLESS STEEL U.O.N.
- LOCATE AND AVOID REINFORCEMENT AND OTHER EMBEDDED ITEMS WHEN INSTALLING ANCHORS. TYPICAL. SEE CONCRETE CORE DRILLING NOTES FOR ADDITIONAL INFORMATION.
- THE SPECIAL INSPECTOR MUST MAKE PERIODIC INSPECTIONS DURING ANCHOR INSTALLATION TO VERIFY ANCHOR TYPE AND DIMENSIONS, CONCRETE MEMBER THICKNESS, ANCHOR SPACING, EDGE DISTANCES, TIGHTENING TORQUE, HOLE DIAMETER, DEPTH AND CLEANLINESS, ANCHOR EMBEDMENT AND ADHERENCE TO MANUFACTURER'S INSTALLATION INSTRUCTIONS. SEE NOTE 10 BELOW FOR FREQUENCY OF INSPECTIONS.
- 50% OF ALL ANCHORS, INCLUDING ALTERNATE BOLTS IN A GROUP OF ANCHORS, SHALL BE INSPECTED PER NOTE 10 ABOVE AND TORQUE TESTED PER THE ICC REPORT TEST VALUES NOTED BELOW:
 3/8"=25 FT LB 1/2"=40 FT LB 5/8"=60 FT LB 3/4"=110 FT LB



② CABINET TO CONC
 1 1/2"=1'-0"

**PG&E
 BASCOM
 HWY 17**

SF70135M
 1469 S BASCOM AVE
 CAMPBELL, CA 95008

ISSUE STATUS

Δ	DATE	DESCRIPTION	CD	90%	B.S.
	12/14/15				
	04/17/16	CLIENT REV.			M.H.
	05/04/16	CD 100%			D.H.
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DRAWN BY: D. HAYES

CHECKED BY: S. SANG

APPROVED BY: K. SORENSEN

DATE: 05/04/16

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 Civil Design Inc.
 8445 Sierra College Blvd, Suite E, Granite Bay, CA 95746
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T-Mobile
 T-Mobile West LLC
 185 GATEWAY BLVD 9TH FLOOR
 CONCORD, CA 94520

SHEET TITLE:
 STRUCTURAL NOTES
 & DETAILS
 SHEET NUMBER:
 S-1

ELECTRICAL NOTES

1. ALL ELECTRICAL WORK SHALL CONFORM TO THE NEC AS WELL AS ALL APPLICABLE STATE AND LOCAL CODES.
2. CONTRACTOR SHALL FURNISH AND INSTALL ALL CONDUIT, CONDUCTORS, PULL BOXES, TRANSFORMER PADS, POLE RISERS, AND PERFORM ALL TRENCHING AND BACKFILLING REQUIRED IN THE PLANS.
3. ALL ELECTRICAL ITEMS SHALL BE U.L. APPROVED OR LISTED AND PROCURED PER PLAN SPECIFICATIONS.
4. ALL CIRCUIT BREAKERS, FUSES, AND ELECTRICAL EQUIPMENT SHALL HAVE AN INTERRUPTION RATING NOT LESS THAN THE MAXIMUM SHORT CIRCUIT CURRENT TO WHICH THEY MAY BE SUBJECTED WITH A MINIMUM OF 10,000 A.I.C. OR AS REQUIRED.
5. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY ALL APPLICABLE CODES.
6. ELECTRICAL WIRING SHALL BE COPPER #12 AWG MIN WITH TYPE THHN, THWN-2 OR THW-2, INSULATION RATED FOR 90C DRY OR 75C WET.
7. ALL OUTDOOR EQUIPMENT SHALL HAVE NEMA 3R ENCLOSURE.
8. ALL BURIED WIRE SHALL RUN THROUGH SCHEDULE 40 PVC CONDUIT UNLESS OTHERWISE NOTED.
9. A GROUND WIRE IS TO BE PULLED IN ALL CONDUITS.
10. WHERE ELECTRICAL WIRING OCCURS OUTSIDE A STRUCTURE AND HAS THE POTENTIAL FOR EXPOSURE TO WEATHER, WIRING SHALL BE IN WATER-TIGHT GALVANIZED RIGID STEEL OR FLEXIBLE CONDUIT.
11. WHERE PLANS CALL FOR A NEW ELECTRICAL SERVICE, PRIOR TO SUBMITTING BID, CONTRACTOR SHALL VERIFY PLAN DETAILS WITH THE UTILITY'S SERVICE PLAN & REQ'MENTS INCLUDING SERVICE VOLTAGE, METER LOCATION, MAIN DISCONNECTING MEANS, AND AIC REQ'VT, AND SHALL OBTAIN CLARIFICATION FROM THE PROJECT ENGINEER ON ANY DEVIATIONS FOUND IN THESE PLANS.
12. WHERE THESE PLANS SHOW A DC POWER PLANT, THE INSTALLATION OPERATING AT LESS THAN 50 VDC UNGROUNDED, 2-WIRE, SHALL COMPLY WITH ARTICLE 720, AS FOLLOWS:
 - A. POWER PLANT SHALL BE SUPPLIED BY THE WIRELESS CARRIER AS A PULL-TAG ITEM AND INSTALLED BY THE CONTRACTOR.
 - B. CONDUCTORS SHALL NOT BE SMALLER THAN #12 AWG COPPER MIN. CONDUCTORS FOR BRANCH CIRCUITS SUPPLYING MORE THAN ONE APPLIANCE SHALL BE 10 AWG CU MIN. CONTRACTOR SHALL SIZE CONDUCTORS BASED ON MFG'S DATA FOR THE APPLIANCES SERVED.
 - C. THERE ARE NO DC RECEPTACLES OR LUMINARIES ALLOWED ON THIS PROJECT. ALL CIRCUITS SHALL ORIGINATE AT AN INTEGRATED DOUBLE LUG TAP OR SOCKET TERMINATION ON AN INTEGRATED DC CIRCUIT BREAKER AT AN INDIVIDUAL RECTIFIER MODULE AND TERMINATE AT THE SPECIALIZED LUG ON THE RESPECTIVE APPLIANCE AS A SINGLE RUN OF WIRE WITHOUT SPLICES. ALL DC WIRING SHALL BE LABELLED AT THE DC PLANT WITH THE APPLIANCE SERVED AND THE DC VOLTAGE.
 - D. ALL CABLING SHALL BE INSTALLED IN A NEAT AND WORKMAN LIKE MANNER AND SUPPORTED BY BUILDING STRUCTURE, EG. (N) CABLE TRAY OVERHEAD, IN SUCH A MANNER THAT THE CABLE WILL NOT BE DAMAGED BY NORMAL USE.

GROUNDING NOTES

1. GROUNDING SHALL COMPLY WITH NEC ARTICLE 250.
2. USE #2 COPPER STRANDED WIRE WITH GREEN COLOR INSULATION FOR ABOVE GRADE GROUNDING (UNLESS OTHERWISE SPECIFIED) AND #2 SOLID TINNED BARE COPPER WIRE FOR BELOW GRADE GROUNDING AS INDICATED ON THE DRAWING.
3. EXOTHERMIC WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE.
4. EXPOSED GROUNDING CONNECTIONS SHALL BE MADE WITH BURNDY HYDRONID COMPRESSION TYPE CONNECTORS OR EXOTHERMIC WELDS AS SPECIFIED IN THE PLANS.
5. CONNECTIONS TO EQUIPMENT SHALL BE MADE USING STAINLESS STEEL HARDWARE.
6. APPLY BUTYL & ELECTRICAL TAPE OVER COLD SHRINK AT ALL LOCATIONS FOR WEATHER PROOFING OVER COAX GROUND KITS.
7. CONNECTIONS TO GROUND BARS SHALL BE MADE WITH TWO HOLE COMPRESSION TYPE COPPER LUGS WITH STAR WASHERS AND NO-OX OR EQUIVALENT PLACED BETWEEN CONNECTOR AND GROUND BAR.
8. ROUTE GROUNDING CONDUCTORS ALONG THE SHORTEST AND STRAIGHTEST PATH POSSIBLE, EXCEPT AS OTHERWISE INDICATED. GROUNDING LEADS SHOULD NEVER BE BENT AT RIGHT ANGLES. ALWAYS MAKE A 12" RADIUS BEND, HOWEVER, #6 WIRE CAN BE BENT AT A 6" RADIUS WHEN NECESSARY.
9. THE SYSTEM GROUND RESISTANCE MUST BE 10 OHMS OR LESS. TO ACHIEVE THIS LEVEL OF RESISTANCE THE CONTRACTOR SHALL PURSUE ONE OF THE FOLLOWING FOUR OPTIONS:
 - A. CONNECT TO EXISTING GROUNDING SYSTEMS
 - B. CONNECT TO BUILDING STEEL COLUMNS
 - C. INSTALL A NEW GROUNDING SYSTEM

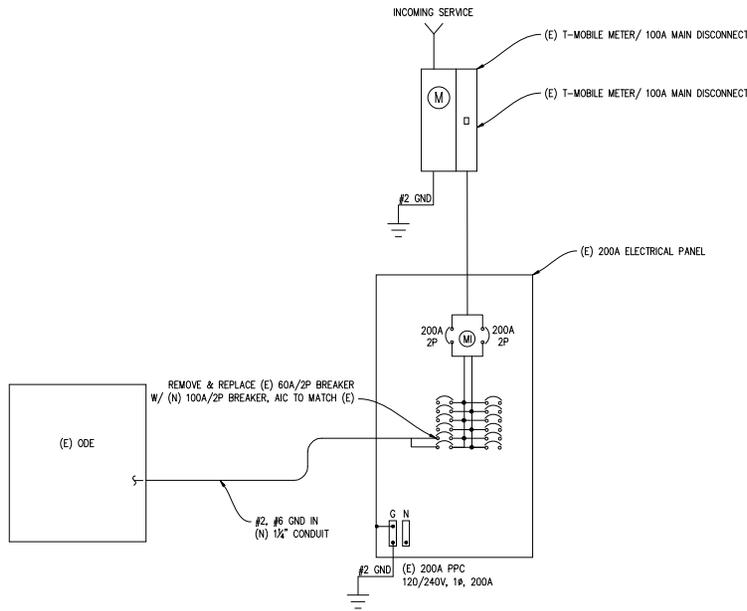
UPON COMPLETION OF THE GROUNDING INSTALLATION THE CONTRACTOR SHALL EMPLOY AN OWNER APPROVED 3RD PARTY TO CONDUCT A "FALL OF POTENTIAL" TEST AND SUBMIT A REPORT OF SUCH TEST FOR APPROVAL TO EITHER THE OWNER OR CONSTRUCTION MANAGER.

ELECTRIC LEGEND

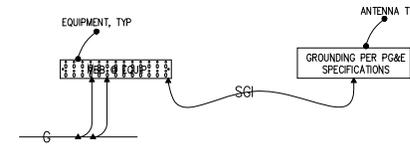
- (M) MECHANICAL INTERLINK
- (M) METER
 CIRCUIT BREAKER
- ⊥ SERVICE GROUND
- WIRE CONNECTION

GROUND LEGEND

- MECHANICAL CONNECTION
- ▼ EXOTHERMIC CADWELD
- TYP #2 TINNED BCW UNDERGROUND GND RING @ 18" MIN BELOW FINISH GRADE



SINGLE LINE DIAGRAM



GROUNDING SINGLE LINE DIAGRAM

PANEL SCHEDULE

NAMEPLATE : PANEL A		SC LEVEL 10,000				VOLTS: 120V/240V, 1φ			
LOCATION : OUTSIDE						BUS AMP: 200A			
MOUNTING : H-FRAME						MAIN CB: 200A			
#A	#B	LOAD DESCRIPTION	BKR AMP/ POLE	CIRCUIT NO	BKR AMP/ POLE	LOAD DESCRIPTION	#A	#B	LOAD VA
60	60	TYSS	60/2	1 2	80/2	SPARE			0
		* * *		3 4	--	* * *			0
180	180	LIGHT	15/1	5 6	20/1	GFI			300
		* * *		7 8	--	BLANK			0
3149	3149	(E) BTS ODE	100/2	9 10	--	* * *			0
		* * *		11 12	--	* * *			0
3389	3389	PHASE TOTALS				PHASE TOTALS			300
TOTAL VA =	7078	TOTAL AMPS=		29					0

NOTE: EXISTING LOADS HAVE NOT BEEN FIELD VERIFIED. THEY ARE APPROXIMATE BASED ON EXISTING CB SIZES. CONTACT THE ENGINEER IF THE LOADS DIFFER FROM THAT WHICH IS SHOWN ON THE PLANS

**PG&E
BASCOM
HWY 17**

SF70135M
1469 S BASCOM AVE
CAMPBELL, CA 95008

ISSUE STATUS

Δ	DATE	DESCRIPTION	CD	REV.	M.H.	B.S.
	12/14/15		CD	90%		
	04/11/16	CLIENT REV.				
	05/04/16	CD 100%				
	--	--				
	--	--				
	--	--				

DRAWN BY: D. HAYES

CHECKED BY: S. SAWG

APPROVED BY: K. SORENSEN

DATE: 05/04/16

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T-Mobile

T-MOBILE WEST LLC

185 GATEWAY BLD 9TH FLOOR
CONCORD, CA 94622

SHEET TITLE:

ELECTRICAL &
GROUNDING PLAN

SHEET NUMBER:

E-1



SITESAFE
RF COMPLIANCE EXPERTS

A BUSINESS OF FDH VELOCITEL

200 North Glebe Road, Suite 1000, Arlington, VA 22203-3728
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**T-Mobile
Site ID – SF70135M
Site Name – SF0135 PG&E
Bascom Hwy 17
Site Compliance Report**

**1469 South Bascom Avenue
Campbell, CA 95008**

Latitude: N37-17-51.03
Longitude: W121-55-55.12
Structure Type: Tower

Report generated date: May 17, 2016
Report by: Brandon Green
Customer Contact: Aris Antons

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

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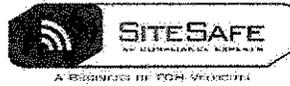
**David Charles Cotton, Jr.
Registered Professional Engineer (Electrical)
State of California, 18838
Date: 2016-May-17**

RECEIVED

MAY 19 2016

CITY OF CAMPBELL
PLANNING DEPT.





T-Mobile

SF0135 PG&E Bascom Hwy 17 - SF70135M

Radio Frequency (RF) Site Compliance Report



1469 South Bascom Avenue, Campbell, CA 95008

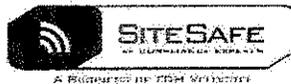


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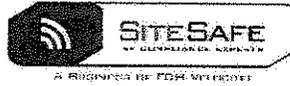
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1 Executive Summary

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, SF70135M - SF0135 PG&E Bascom Hwy 17, located at 1469 South Bascom 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.

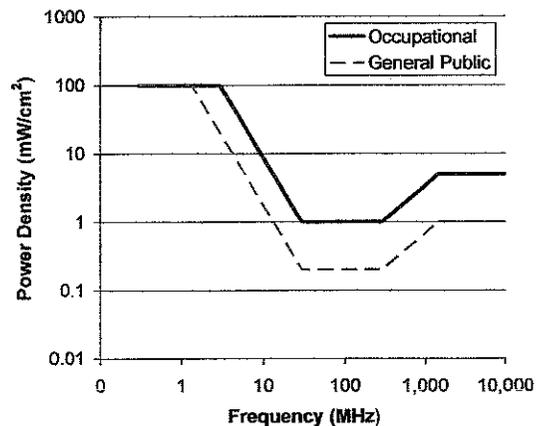
Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

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 ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	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 ²)	Averaging Time E ² , H ² or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	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

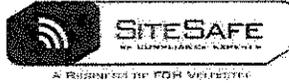
The General Duty clause of the OSHA Act (Section 5) outlines the occupational safety and health responsibilities of the employer and employee. The General Duty clause in Section 5 states:

(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

- Ensure that a Caution sign is installed.
- Ensure that a Guideline sign is installed.

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

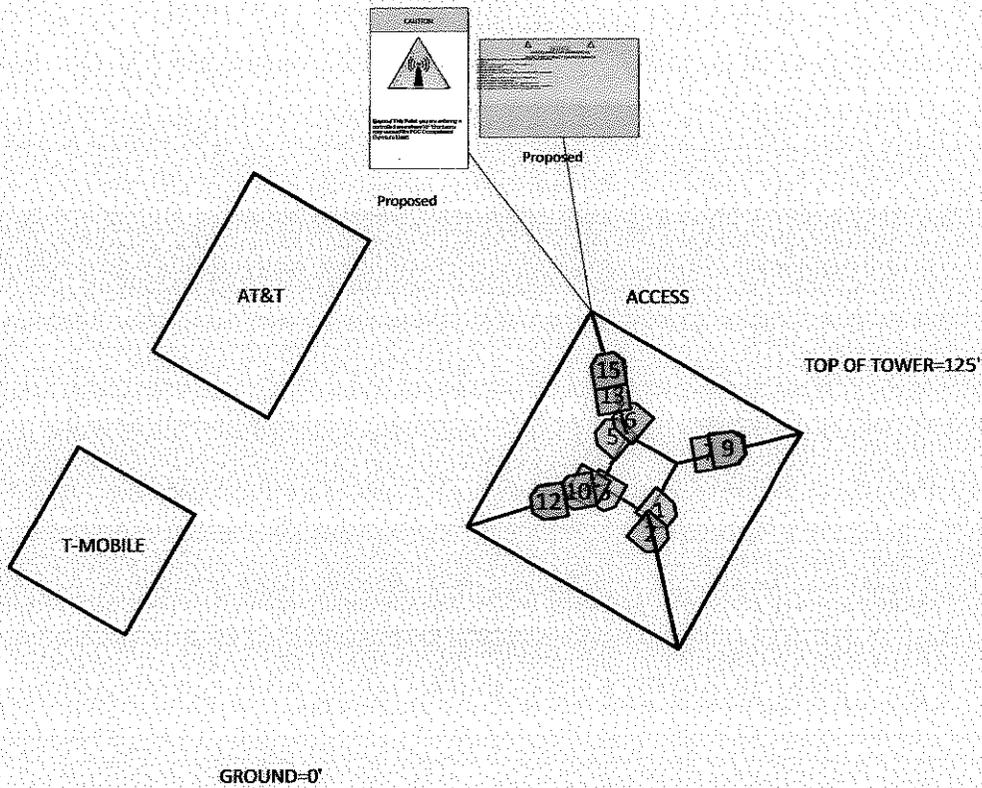
and

Average from 20 feet above to 26 feet above origin

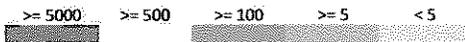
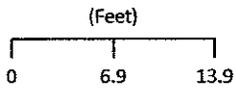
The first indicates modeling at the main rooftop (or ground) level averaged over 6 feet. The second indicates modeling at a higher level (possibly a penthouse level) of 20 feet averaged over 6 feet.

Abbreviations used in the RF Emissions Diagrams

PH=# #'	Penthouse at #' feet above main roof
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% of FCC Public Exposure Limit
Spatial average 0' - 6'

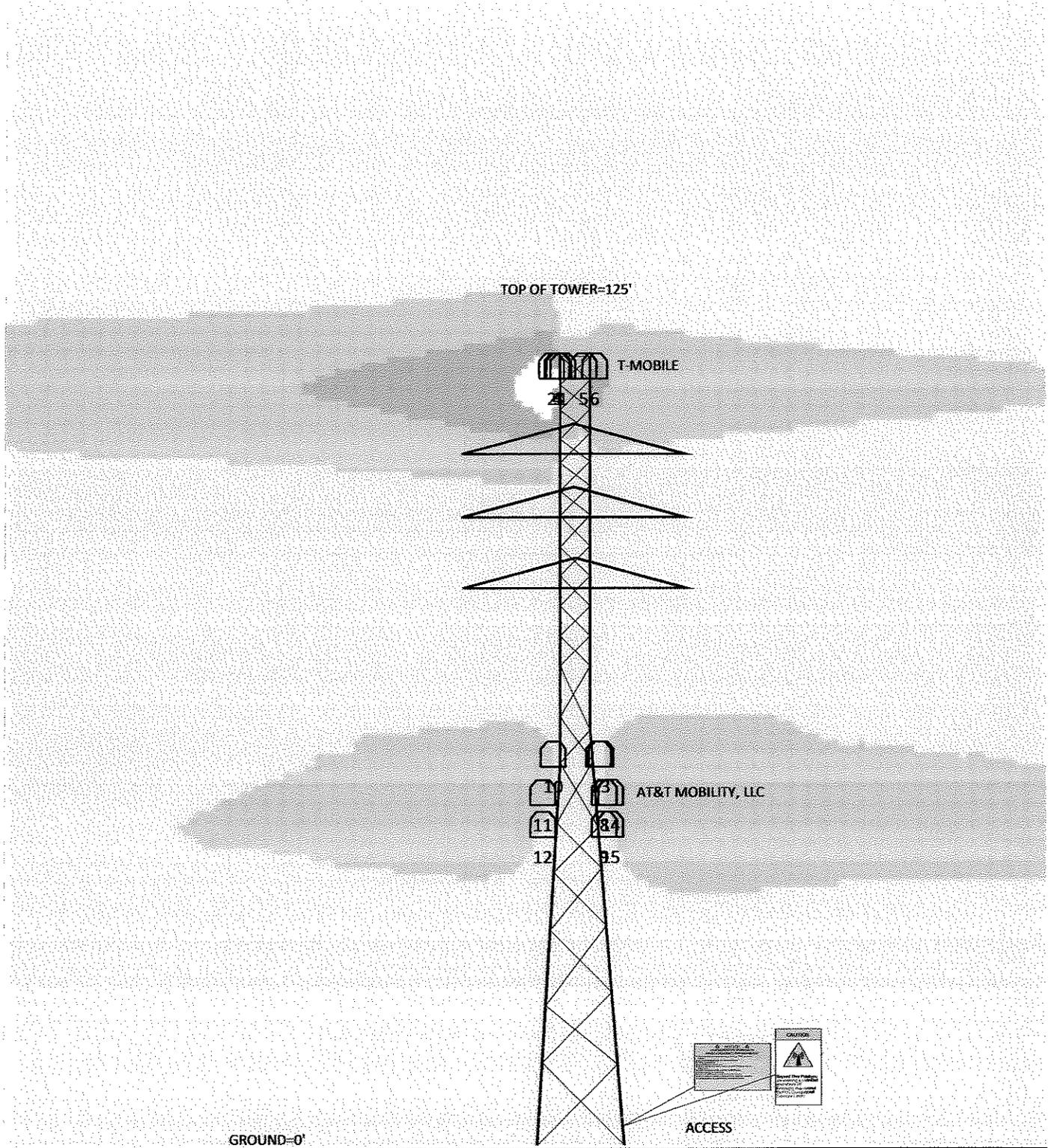


www.sitesafe.com
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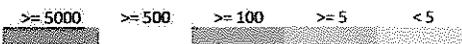
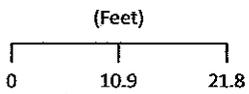
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SitesafeTC Version:1.0.0.0 - 0.0.0.247
Sitesafe OET-65 Model
Field Boundary: 2 * Aperture² / Wavelength
Reflection Factor: 1
Spatially Averaged

RF Exposure Simulation For: SF0135 PG&E Bascom Hwy 17
Elevation View



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

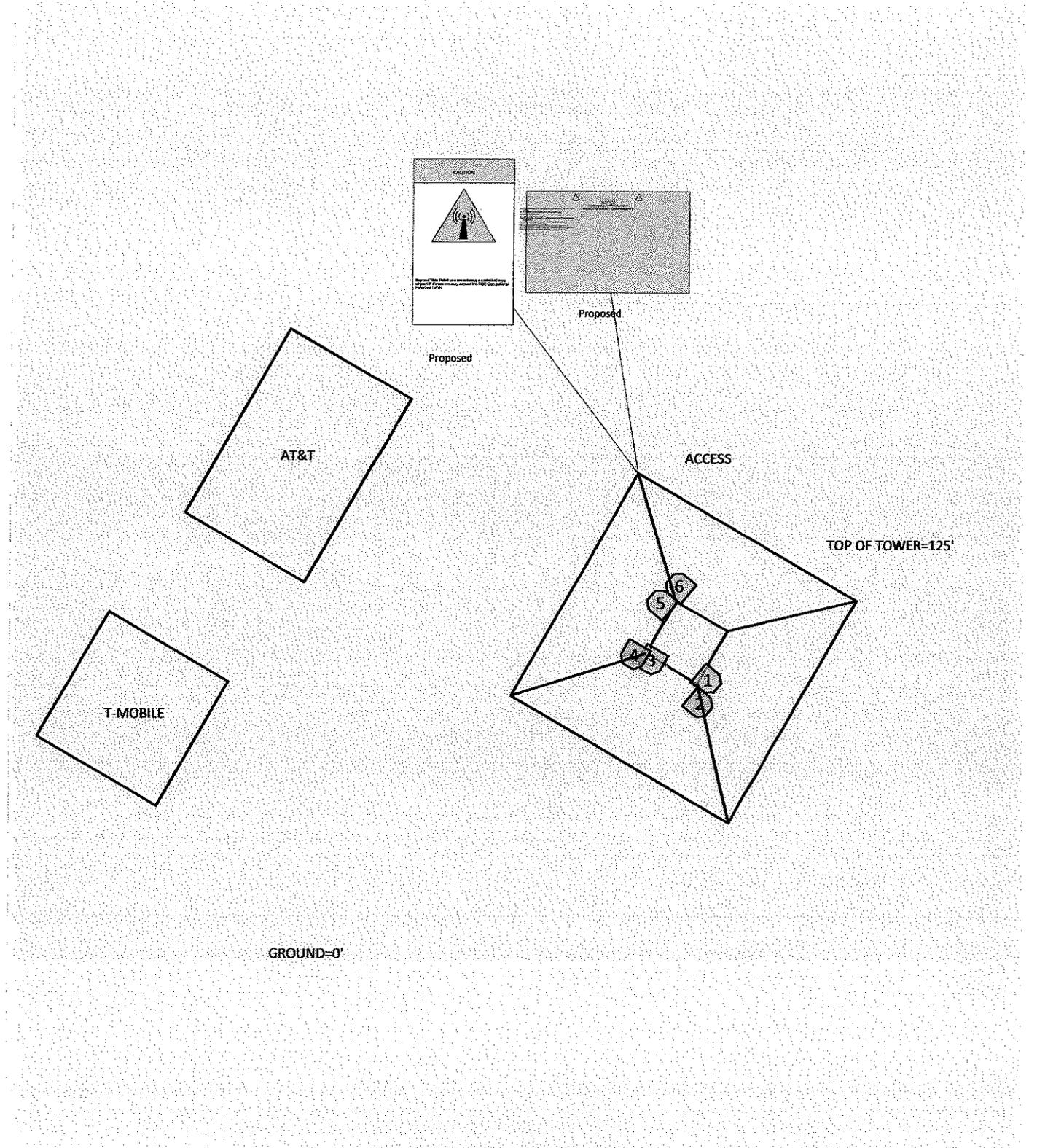


www.sitesafe.com
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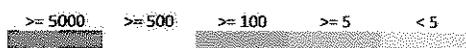
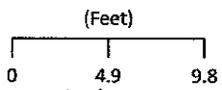
AT&T MOBILITY LLC	VERIZON WIRELESS	T-MOBILE	METROPCS	CRICKET COMMUNICATIONS	CLEARWIRE	SPRINT

SitesafeTC Version:1.0.0.0 - 0.0.0.247
Sitesafe OET-65 Model
Field Boundary: 2 * Aperture² / Wavelength
Reflection Factor: 1
Spatially Averaged

RF Exposure Simulation For: SF0135 PG&E Bascom Hwy 17 T-Mobile Contribution



% 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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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 SF70135M - SF0135 PG&E Bascom Hwy 17. 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	1900	2541.9	16.27	129	RFS APX16DWV-16DWVS-C	Panel	4.7	65	118.2'	106.2'	122'
1	T-MOBILE	2100	2541.9	16.27	129	RFS APX16DWV-16DWVS-C	Panel	4.7	65	118.2'	106.2'	122'
2	T-MOBILE	700	1507.1	14	129	RFS APXVFWW24X-C-NA20 (Proposed)	Panel	8	72	117.6'	104.5'	122'
3	T-MOBILE	1900	2541.9	16.27	210	RFS APX16DWV-16DWVS-C	Panel	4.7	65	114.2'	107.6'	122'
3	T-MOBILE	2100	2541.9	16.27	210	RFS APX16DWV-16DWVS-C	Panel	4.7	65	114.2'	107.6'	122'
4	T-MOBILE	700	1507.1	14	210	RFS APXVFWW24X-C-NA20 (Proposed)	Panel	8	72	112.9'	107.9'	122'
5	T-MOBILE	1900	2541.9	16.27	310	RFS APX16DWV-16DWVS-C	Panel	4.7	65	114.8'	111.7'	122'
5	T-MOBILE	2100	2541.9	16.27	310	RFS APX16DWV-16DWVS-C	Panel	4.7	65	114.8'	111.7'	122'
6	T-MOBILE	700	1507.1	14	310	RFS APXVFWW24X-C-NA20 (Proposed)	Panel	8	72	116.1'	112.9'	122'
7	AT&T MOBILITY LLC	737	982.1	12.14	80	Generic	Panel	4.6	65	122.1'	110.5'	61.5'
8	AT&T MOBILITY LLC	850	1513.9	12.77	80	Generic	Panel	4.6	65	123.5'	110.8'	55.5'
9	AT&T MOBILITY LLC	1900	2094.8	15.43	80	Generic	Panel	4.6	65	123.5'	110.8'	50.5'
10	AT&T MOBILITY LLC	737	982.1	12.14	260	Generic	Panel	4.6	65	112.1'	107.6'	61.5'
11	AT&T MOBILITY LLC	850	1513.9	12.77	260	Generic	Panel	4.6	65	110'	106.9'	55.5'
12	AT&T MOBILITY LLC	1900	2094.8	15.43	260	Generic	Panel	4.6	65	110'	106.9'	50.5'
13	AT&T MOBILITY LLC	737	982.1	12.14	350	Generic	Panel	4.6	65	114.7'	114.7'	61.5'
14	AT&T MOBILITY LLC	850	1513.9	12.77	350	Generic	Panel	4.6	65	114.4'	116.6'	55.5'
15	AT&T MOBILITY LLC	1900	2094.8	15.43	350	Generic	Panel	4.6	65	114.4'	116.6'	50.5'

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 Brandon Green.

May 17, 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.

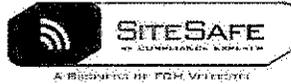
Gain (of an antenna) – The ratio of the maximum intensity in a given direction to the maximum radiation in the same direction from an isotropic radiator. Gain is a measure of the relative efficiency of a directional antennas as compared to an omni directional antenna.

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.

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.

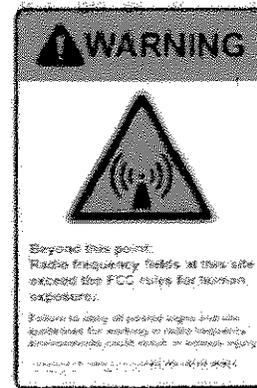
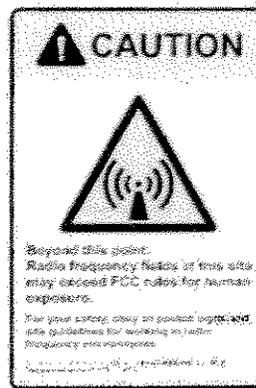
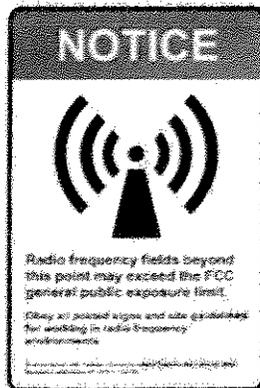
In order to consider this site an Occupational Environment, the site must be controlled to prevent access by any individuals classified as the General Public. Compliance is also maintained when any non-occupational individuals (the General Public) are prevented from accessing areas indicated as Red or 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.

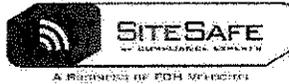
1. All individuals needing access to the main site (or the area indicated to be in excess of General Public MPE) should wear a personal RF Exposure monitor, successfully complete proper RF Safety Awareness training, and have and be trained in the use of appropriate personal protective equipment.
2. All 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 strong 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 and www.fcc.gov/oet/rfsafety. OSHA has additional information available at: <http://www.osha-slc.gov/SLTC/radiofrequencyradiation>.

Existing



Existing T-Mobile Installation

Proposed



Proposed T-Mobile Installation

view from S Bascom Avenue looking north at site

T-Mobile

SF70135M PG&E Bascom Hwy 17
1469 S Bascom Avenue, Campbell, CA
Photosims Produced On 5-17-2016

Existing

Existing T-Mobile Installation



Proposed

Proposed T-Mobile Installation



view from Borrello Drive looking south at site

Existing



Proposed



view from Borrello Drive looking northeast at site

T-Mobile

SF70135M PG&E Bascom Hwy 17
1469 S Bacom Avenue, Campbell, CA
Photosims Produced On 5-17-2016

Existing



Existing T-Mobile Installation

Proposed



Proposed T-Mobile Installation

view from Quail Hollow Drive looking southeast at site

RESOLUTION NO. 4013

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL GRANTING A CONDITIONAL USE PERMIT (PLN2010-144) TO INSTALL NEW WIRELESS TELECOMMUNICATIONS ANTENNAS AND RELATED EQUIPMENT ON A PG&E TRANSMISSION TOWER ON PROPERTY OWNED BY PG&E LOCATED AT **1469 S. BASCOM AVENUE** IN A P-F/O-S (PUBLIC FACILITIES/OPEN SPACE) ZONING DISTRICT. APPLICATION OF T-MOBILE. FILE NO.: PLN2010-144

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

After due consideration of all evidence presented, the Planning Commission did find as follows with respect to application PLN2010-144

Environmental Finding

The project qualifies as a Categorically 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 Zoning District for the subject property is PF/OS (Public Facilities / Open Space).
2. The General Plan land use designation for this property is Open Space and the proposed wireless telecommunications antennas are integrated into the existing electrical tower as much as reasonably possible, in compliance the General Plan Land Use Element:
Strategy LUT-9.3I: Wireless Telecommunication Facilities: Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a structure.
3. The requested Conditional Use Permit is for installation of new antennas and related equipment on an existing PG&E transmission tower. The installation would include six panel antennas, an associated equipment enclosure.
4. Non-stealth wireless telecommunication facilities are permitted in the PF/OS (Public Facilities / Open Space) Zoning District subject to the approval of a Conditional Use Permit.
5. 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.

6. Campbell Municipal Code Sec. 21.34.170(F) specifies that the installation of wireless telecommunications antennas shall not exceed the maximum building height for the zoning district in which the project site is located.
7. The maximum building height for the PF/OS (Public Facilities / Open Space) is equivalent to the maximum building height of the most restrictive abutting zoning district. The submitted project plans propose an installation in compliance with this standard.
8. The Planning Commission has found that this project satisfies all applicable requirements governing development of wireless telecommunications facilities pursuant to Chapter 21.34 of the Campbell Municipal Code, including but not limited to:
 - Associated ground-level equipment is fully screened within an existing equipment enclosure;
 - The proposed wireless telecommunication facility will be unmanned, and therefore not incur traffic generation;
 - Other than the installation of wireless communication antennas at a height in conformance with all applicable regulations, the existing transmission tower will remain unaltered from its current condition;
 - The proposed wireless telecommunication equipment satisfies applicable FCC exposure requirements and is therefore compatible with adjacent residential uses ; and,
 - The wireless telecommunication facility provides a beneficial service to the City in manner harmonious with the community.

Based upon the foregoing findings of fact and pursuant to Section 21.46.040 of the Campbell Municipal Code, the Planning Commission further finds and concludes that:

1. 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;
2. The proposed use is consistent with the General Plan;
3. 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;
4. 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.
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property.

6. The establishment, maintenance, or operation of the proposed use 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.

THEREFORE, BE IT RESOLVED that the Planning Commission grants a Conditional Use Permit (PLN2010-144) to install new wireless telecommunications antennas and related equipment on a PG&E transmission tower on property owned by PG&E, located at **1469 S. Bascom Avenue** in a P-F/OS (Public Facilities / Open Space) Zoning District.

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 Conditional Use Permit (PLN2010-144) to install new wireless telecommunications antennas and related equipment on a PG&E transmission tower and construction of an equipment enclosure on property located at 1469 S. Bascom Avenue. The project shall substantially conform to the revised project plans dated as received December 29, 2010, except as modified by the Conditions of Approval contained herein.
2. Revisions to Plans: The approved project plans shall be revised upon building permit submittal to indicate the following:
 - a. That all antennas will be in a non-reflective finish, colored to match the transmission tower.
3. 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.
4. 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.

5. 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.
6. Length of Permit Term: This Use Permit shall expire ten years after permit approval, on March 5, 2021. If the use is to continue after that time, the applicant shall apply for a new permit.
7. 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, for the removal of the proposed wireless antennas and associated equipment in the event that its use is abandoned or its Conditional Use Permit expires or is terminated and the equipment is not voluntarily removed.
8. Landscaping Performance and maintenance agreement. The applicant shall enter into a landscape performance and maintenance agreement with the city to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial guarantees in an amount equal to one hundred fifty percent of the estimated cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for the length of the use permit term (10 years).
9. 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.
10. Business License Required: Each service provider with a wireless telecommunications facility in the City shall obtain a city business license.
11. 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.
12. 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.
13. 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.

14. Impact on Parking: The installation of wireless telecommunication facilities shall not reduce required parking on the site.

15. 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 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.

16. 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.

17. Noise: The wireless telecommunication facility, including power source, ventilation and cooling facility, shall not generate noise discernible beyond the property lines.
18. 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.
19. 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.
20. Odors: The testing of back-up generators shall not produce odors that adversely affect persons occupying residential, office or commercial uses.
21. 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.
22. 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.
23. 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.
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 structures. 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. X 36 in.
- 28. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. Santa Clara Valley Water District
- 29. 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.
- 30. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate.

PASSED AND ADOPTED this 22nd day of February, 2011, by the following roll call vote:

AYES:	Commissioners:	Alster, Brennan, Gibbons and Resnikoff
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Ebner and Roseberry
ABSTAIN:	Commissioners:	Reynolds

APPROVED: 
Theresa Alster, Acting Chair

ATTEST: 
Kirk Heinrichs, Secretary



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • July 12, 2016

PLN2016-200
Ghosal, S. & S.

Public Hearing to consider the Appeal of Sarbajit and Sanhita Ghosal of a Fence Exception approved for a reduced setback (PLN2016-98) to allow a seven foot tall fence with a zero setback on the street side property line of a corner lot, located at **1071 Lovell Avenue** in the R-1-6 (Single-Family Residential) Zoning District within the San Tomas Area Neighborhood.

STAFF RECOMMENDATION

The Planning Commission take the following action:

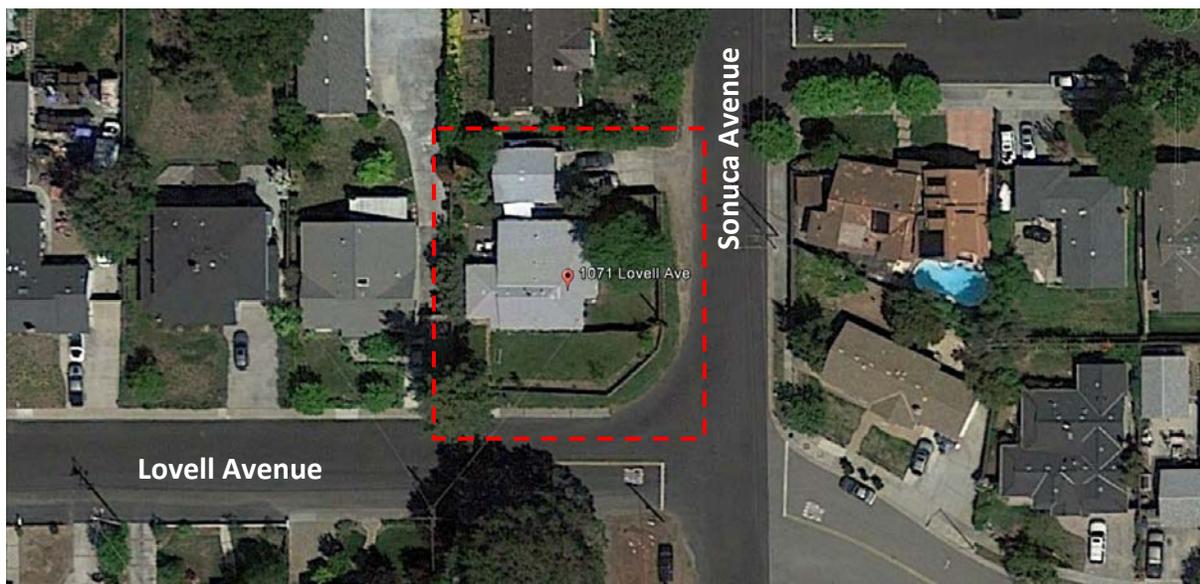
1. **Adopt a Resolution**, incorporating the attached findings, denying the appeal and upholding the Community Development Director's approval of a Fence Exception for a reduced side setback.

ENVIRONMENTAL DETERMINATION

Staff recommends that the Planning Commission find that this project is Statutorily Exempt under Section 15270(a) of the California Environmental Quality Act (CEQA) pertaining to projects which are disapproved. CEQA does not apply to projects which a public agency rejects or disapproves.

BACKGROUND

Project Site: The property is currently developed with a single-family residence and is located on the northwest corner of Lovell Avenue and Sonuca Avenue (see aerial photo below), within the San Tomas Area Neighborhood. The land uses surrounding the subject property are single-family homes on all sides (reference **Attachment 2**).



Code Enforcement Case: On May 26, 2015 the Community Development Department received a citizen complaint regarding an existing fence (indicated as eight feet tall) surrounding the entire property that did not meet the requirements of the City’s Fence Ordinance (see photo below). A site investigation by staff on May 29, 2015 revealed the existing fence was in violation of the following fence regulations, pursuant to Section 21.18.060(A)(2) of the Campbell Municipal Code:

1. The front yard fence exceeds the maximum height of 3.5 feet within 15 feet of the front property line;
2. The front/side yard fences exceed the maximum height of 3.5 feet within the 30 foot corner sight triangle;
3. The side yard fence exceeds the maximum height of six feet;
4. The side yard fence does not meet the minimum street side yard setback of five feet for a corner lot; and
5. The side yard fence exceeds the maximum height of 3.5 feet within the 10 foot driveway sight triangle.



1071 Lovell Avenue, April 2015

Following a courtesy call on June 8, 2015, a Warning Notice was issued on July 28, 2015 with a compliance date of August 27, 2015 to abate the violations. Code Enforcement staff later granted the appellant three subsequent extensions to allow them to understand the fence regulations and explore their options, for a final compliance date of February 9, 2016. Meanwhile, the Community Development Department received a second, separate complaint regarding the subject fence on December 7, 2015. On December 21, 2015 staff confirmed that the front yard (Lovell Avenue) fence height was lowered to bring the property closer to compliance but significant portions remained out of compliance (see photo below).



1071 Lovell Avenue, June 2016

The final extended compliance date of February 9, 2016 passed with no change to the portion of the fence in violation of the City’s regulations. The property owners were granted another 30 days to bring the fence into compliance or submit a Fence Exception application. The City has not issued citations up to this point for the ongoing code violations in an attempt to work towards a solution.

FENCE EXCEPTION APPLICATION

On March 15, 2016 the Planning Division received the property owners’ Fence Exception application to allow an exception to the height and location of the street side fence along Sonuca Avenue (reference **Attachment 5-6**).

Public Comment: As part of the the Fence Exception application the property owners submitted a signature sheet of neighbors in support of their application as well as letters of support. The City received one email supporting the application in response to the Notice of Fence Exception Application mailed to properties within 300 feet (reference **Attachment 7**).

In response to the Fence Exception application, several neighbors have reported concerns with vehicles cutting the corner at Lovell Avenue and Sonuca Avenue where the corner has not been improved with a curb and sidewalk. The curb and sidewalk improvements are the responsibility of the property owner and are voluntary unless otherwise required as part of significant redevelopment of the site. Nevertheless, the Public Works Department helped to address these concerns by striping and installing lane reflectors around the corner of Lovell Avenue and Sonuca Avenue (see photo below).



New striping and lane reflectors

Application Review: The applicants have claimed that the fence is no different than other fences in the neighborhood. Because the City Council’s Code Enforcement Policy directs staff to apply a reactive approach to potential code compliance issues associated with residential properties, staff has not conducted a code enforcement investigation on other properties.

The applicants have also requested that the property be treated similar to other properties in the area. In this regard, staff agreed to compare their property to other “similar” corner properties.

Staff conducted a site visit and tour of the surrounding neighborhood and observed that there are in fact many properties in the area with tall side yard fences. However, 1071 Lovell Avenue differs in several ways from the surrounding properties:

- The property is a reverse corner lot, where its rear yard abuts a side yard, compared to the more common traditional corner lot, where a rear yard abuts an opposing rear yard.
- The garage is located at the rear of the property and accessed from a driveway on the street side of the property along Sonuca Avenue.
- The public right-of-ways bordering the property are currently unimproved but are identified in the San Tomas Area Neighborhood Plan for future street improvements including curb, gutter, park strip, and sidewalk.
- The majority of homes in the neighborhood have a tall street side yard fence near the property line; however the majority of homes also have either a lightweight fence or no fence at all around the front yard.

Staff took into consideration the fence provisions and height limitations in the Municipal Code. The Fencing Ordinance requires setbacks for safety reasons, in order to maintain visibility along/around street corners and driveways for pedestrians, bicyclists, and vehicles, as well as aesthetic reasons to maintain a certain neighborhood character. Furthermore, the San Tomas Area Neighborhood Plan speaks to avoiding design features that “wall off” a property from the street and encourages a front yard landscape similar to adjacent homes.

Administrative Action: Community Development Director determined the required findings could be satisfied for certain aspects of the request; on June 3, 2016 the Community Development Director conditionally approved a Fence Exception allowing a six foot tall side yard fence at a 6.5 foot offset from the power pole on the west side of Sonuca Avenue and within the driveway sight triangle, but outside of the 30 foot corner sight triangle, with the condition that the front yard fence be removed or replaced with a lightweight post-and-rail fence, maximum 42 inches tall, not to extend beyond the property line (reference **Attachment 3**). These improvements would achieve a harmonious balance with the street design and bring the applicants’ fencing in line with the other fences on similar lots in the area, thereby achieving greater consistency.

DISCUSSION

Appeal Analysis: On June 13, 2016 the Planning Division received a letter from the property owners appealing the Community Development Director’s approval of a Fence Exception allowing a reduced side setback (reference **Attachment 4**). The appellants request reconsideration of their application for the reasons below.

1. **“The required setback of 1.5 feet appears unnecessary.”** The appellants contend that the majority of homes in the area have a zero setback and in addition, the setbacks should be identified from the property line rather than the power pole referenced in the approved Fence Exception.

Per Campbell Municipal Code Section 21.18.060(E) Fence Exception applications shall be accompanied by a detailed and fully dimensioned site plan. However, the appellants were unable to fulfill this requirement, providing a site plan with significant inaccuracies, notably measurements that were incorrect by several feet. The appellants have also expressed difficulty

in locating their property lines, being a corner lot without street improvements, but were also unwilling to seek the help of a professional.

Without a usable site plan to work with, staff utilized a fixed reference point rather than a property line setback. Staff measured the distance between the existing power pole and fence at the property across Sonuca Avenue. This measurement (6.5 feet) was then applied to the side yard of the subject property to determine an appropriate setback.

The allowed fence location at 6.5 feet from the power pole translates to 1.5 feet from the side property line. This 1.5 foot setback serves to:

- Provide the same setback as the appellants' neighbors to accommodate future street improvements;
- Provide a visual cue to pedestrians that there is a driveway at the end of the six foot tall fence (where normally a 10 foot driveway sight triangle is required) to prevent accidents; and
- Ensure with an adequate margin of error that the new fence and associated footings will not encroach into the public right-of-way.

2. **“Findings for zero setback is possible.”**

- a. **“It would not impair pedestrian or vehicular safety.”** The appellants acknowledge the current unimproved condition of the public right-of-way can impact pedestrian and vehicle safety yet they assert that the proposed fence will not have any impact simply “on the basis of the comparison with numerous examples of side yard fences in Campbell with zero setback.”

As mentioned, the public right-of-way along 1071 Lovell Avenue is unimproved; however nearly all of the properties that the appellants cite as examples have undergone curb and sidewalk improvements (reference **Attachment 6**). 1071 Lovell Avenue differs from these properties where vehicular and pedestrian zones are clearly defined and separated. In addition these properties generally have front-facing garages with front driveway access, compared to the subject property with a rear garage with side access.

- b. **“It would result in a more desirable site layout.”** The appellants claim their property lacks private open space which will be remedied with a zero setback.

The site's configuration is unusual; however the property is over 9,000 square feet in a zoning district where the minimum lot size is 6,000 square feet. Moreover, there is an additional open space area to the rear of the house and west of the garage, of a size similar to the side yard.

Although a zero setback may result in a more desirable site layout internally, the request for a zero setback paired with the existing solid front yard fences creates an uninviting, closed-off quality which does not result in a more desirable site layout when viewed from the surrounding neighborhood.

- c. **“It would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of the change.”** The appellants state this finding can be made easily since they obtained

signatures from several neighbors and received no public comments opposing the request.

The Code Enforcement case and subsequent Fence Exception application for this property was the result of two separate citizen complaints filed with the City citing safety and aesthetic concerns with the noncompliant fencing. The intersection is used by a wider range of citizens than just the residents in the immediate neighborhood, so support from select neighbors does not substantiate this finding.

Moreover, the proposed fencing still walls off the property which is inconsistent with the San Tomas Area Neighborhood Plan, the intent of which is to preserve the unique qualities of the San Tomas Area, as well as respect and enhance the best aspects of its rural character.

d. “It would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.” The appellants state “as discussed earlier, the exception will not negatively contribute towards this.”

Again, the proposed fencing is inconsistent with the San Tomas Area Neighborhood Plan, which was created to improve the general welfare of the residents. Most of the policies and development standards of the San Tomas Area Neighborhood Plan focus on visual character and preserving open spaces. Walling off a property with solid fencing closes off the property to its neighboring properties.

3. **“No nexus for front fence modification.”** The appellants contest the condition to that the front yard fence be removed or replaced with a lightweight post-and-rail fence. They assert that the front yard fence has no impact on safety concerns and is therefore not relevant to the Fence Exception request.

The appellants are asking for an exception to the street side setback to height relationship, the findings for which can be made if the front yard fence was open and consistent with the built environment. To determine the appropriateness of a Fence Exception, staff assessed the site as a whole, not just for safety concerns but also for aesthetic impacts. In fact, Campbell Municipal Code Section 21.18.060(F) states:

“Design criteria. When a fence exception is requested for a taller fence or lesser setbacks in the required front yard or street yard areas for residential properties, the fence or wall shall be of a decorative style and the portion of the fence that exceeds the allowable height limit shall be at least fifty percent open to the passage of light and air, as determined by the community development director.”

Strict application of this provision would prohibit the side yard fence from being solid beginning from 3.5 feet from the ground, up to the top of the fence. This would defeat the appellants’ goal of maintaining private open space and would not be consistent with neighborhood development patterns, where many properties do have a solid 6 foot tall side yard fence. Recognizing this, the Community Development Director applied this provision to the front yard fence instead, as it then would also achieve greater neighborhood compatibility by continuing the prevalent open streetscape characteristics and preventing a walled-off appearance to keep with the spirit of the Fence Ordinance provisions and the San Tomas Neighborhood Area Plan (see photo on the next page).



Open streetscape along Lovell Avenue

4. **“Retain rights to other code compliant fences.”** The appellants desire a deviation from code standards but contend that no other conditions should be placed on their property, specifically allowing the appellants to install additional fencing.

CMC Section 21.71.040 states the Community Development Director may take the following actions in approving a Fence Exception application:

- A. May impose conditions of approval. The community development director may impose conditions of approval, as deemed reasonable and necessary under the circumstances, to carry out the intent of this chapter and the general plan.
- B. May impose time limits. The community development director may impose time limits within which the conditions of approval shall be fulfilled and the proposed development started or completed.

As a discretionary decision, the site as a whole is subject to review and conditions. The Fence Exception application was considered and approved within a specific context (such as the existing and proposed site features) which can be significantly altered by a later addition of additional fencing or other elements.

ALTERNATIVES

As an alternative to the provided recommendation (deny the appeal and uphold the Community Development Director's decision), the Planning Commission may instead take one of the following actions:

1. Approve the appeal and modify the conditions of approval. This would require the item to be continued and returned to the Planning Commission.

Attachments:

1. Findings for Denying the Appeal and Upholding the Approval of PLN2016-98
2. Location Map
3. Approved Fence Exception PLN2016-98
4. Letter of Appeal
5. Fence Exception Application Letter
6. Fence Exception Application Site Plan, Detail Drawings, and Google Streetview images
7. Fence Exception Application Public Comments

Prepared by: _____


Naz Pouya, Project Planner

Approved by: _____


Paul Kermoyan, Community Development Director

FINDINGS FOR DENYING THE APPEAL PLN2016-200 AND UPHOLDING THE ADMINISTRATIVE APPROVAL OF FILE NO. PLN2016-98

SITE ADDRESS: 1071 Lovell Avenue
APPLICANT: Sarbajit and Sanhita Ghosal
PC MEETING: July 12, 2016

Findings for denying the appeal and upholding the Community Development Director's conditional approval of a Fence Exception for a reduced side setback:

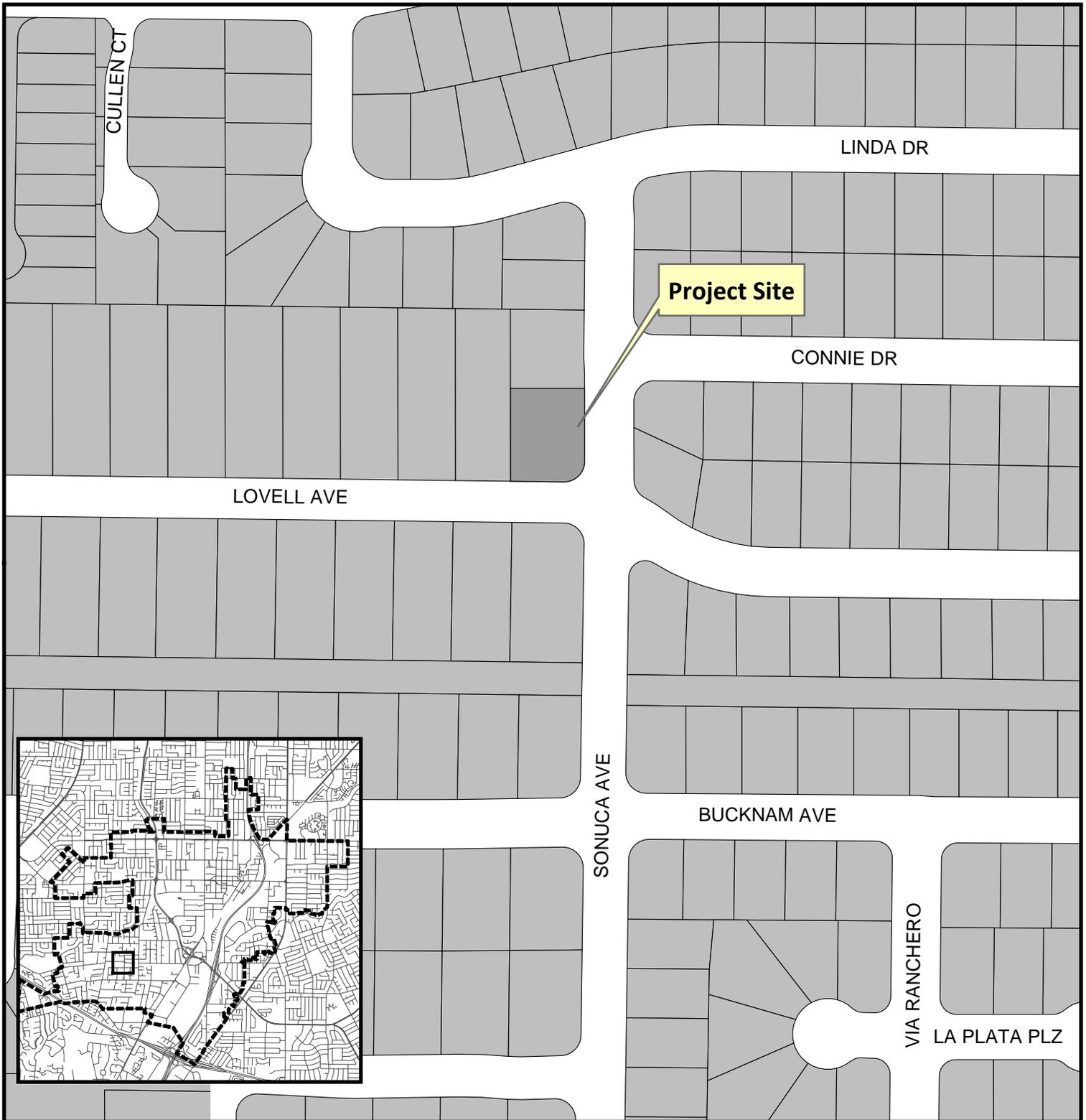
The Planning Commission finds as follows with regard to file number PLN2016-200:

1. The property is currently developed with a single-family residence and is located on the northwest corner of Lovell Avenue and Sonuca Avenue.
2. The property is located within the San Tomas Area Neighborhood.
3. The Community Development Department received two separate citizen complaints citing concerns with the property's noncompliant fencing.
4. The proposed side yard fence with a zero setback will encroach into the public right-of-way and create a safety hazard for vehicles, bicycles, and pedestrians.
5. The proposed side yard fence with a zero setback paired with the existing heavy, solid front yard fence is not consistent with the neighborhood and does not enhance the streetscape.
6. The approved Fence Exception allows a six foot tall side yard fence at a 6.5 foot offset from the power pole on the west side of Sonuca Avenue and within the driveway sight triangle, but outside of the 30 foot corner sight triangle, with the condition that the front yard fence be removed or replaced with a lightweight post-and-rail fence, maximum 42 inches tall, not to extend beyond the property line.

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

1. The appellants' request would impair pedestrian or vehicular safety;
2. The appellants' request would not result in a more desirable site layout;
3. The appellants' request would be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the change; and
4. The appellants' request would be detrimental or injurious to property and improvements in the neighborhood of the change.
5. This project is Statutorily Exempt under Section 15270(a) of the California Environmental Quality Act (CEQA) pertaining to projects which are disapproved.

Project Location Map

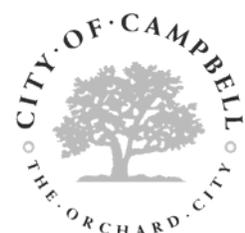
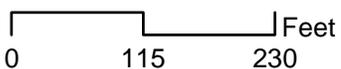


Project Location: 1071 Lovell Ave.

Application Type: Appeal of a Fence Exception Approval

Planning File No.: PLN2016-200

Description: Appeal of a Fence Exception approved for a reduced setback to allow a seven foot tall fence with a zero setback on the street side property line of a corner lot.



Community Development Department
Planning Division



CITY OF CAMPBELL
Community Development Department

June 3, 2016

Sarbajit and Sanhita Ghosal
1071 Lovell Ave
Campbell, CA 95008

Re: **File No:** PLN2016-98
Address: 1071 Lovell Ave
Application: Fence Exception
Status: Conditional Approval

Dear Mr. and Mrs. Ghosal:

The Planning Division has reviewed your Fence Exception application for a 7 foot tall fence at the side property line along Sonuca Avenue where a minimum side setback of 5 feet and maximum height of 6 feet, outside of the 30 foot corner sight triangle, is allowed by municipal code.

Background

Code Enforcement Case

- With two separate complaints filed with the City, a Code Enforcement case was opened in August 2015 to address noncompliant fencing that obscured views of the intersection at Lovell Avenue and Sonuca Avenue.
- In December 2015 a portion of the existing fence along Lovell Avenue was reduced in height to bring the fence into greater compliance with code requirements although this fence will require further modifications to relocate it out of the public right-of-way. The portion along Sonuca Avenue, however, remains an unchanged violation.

Fence Exception Application

- To address the remaining violation, in March 2016 a Fence Exception application was submitted requesting the fence along Sonuca Avenue be allowed to remain at its current height and location.
- As required by municipal code, the application was reviewed by the Public Works Department. Their analysis revealed the fence is located within the public right-of-way (City property), several feet away from the property line, contrary to the location shown on the site plan submitted with the application.

- Per Campbell Municipal Code Section 21.18.060(E) Fence Exceptions can only be approved to allow lesser setbacks from property lines and greater heights than allowed by the Fence Ordinance within a private property. Because the fence is actually located within the public right-of-way, the fence does not qualify for a Fence Exception. At that point, staff rejected the request.
- Upon receiving this information, you expressed a willingness to move the fence onto private property and requested the application be reconsidered.

Analysis

There's a purpose as to why cities have fence provisions and height limitations, as well as required findings to grant exceptions. The Fencing Ordinance requires setbacks for safety reasons, in order to maintain visibility along/around street corners and driveways for pedestrians, bicyclists, and vehicles, as well as aesthetic reasons, to maintain a certain neighborhood character. The ordinance also includes height requirements to avoid the appearance of "walling off" a property.

The Fence Exception Application requests a reduction in the required side setback from Sonuca Avenue, although the intersection of Lovell Avenue and Sonuca Avenue is described by you and your neighbors as busy and dangerous. Fencing within the required setbacks can obstruct views of approaching pedestrians, bicyclists, and vehicles which is contrary to the intent of the code requirements. In addition, a Fence Exception can only be granted if four required findings can be made, including Finding #1, which states that the change must not impair pedestrian or vehicular safety and Finding #3, which states the change would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of people in the neighborhood.

You have communicated to staff that your request should be treated as other properties and staff agrees. In order to properly assess the proposal, staff looked at other similar parcels as yours. As you may know, your parcel is considered a "reverse corner lot" where a rear yard abuts a side yard. Your lot is different than "corner lots" where rear yards abut rear yards. Staff's review of fencing on similar neighborhood lots revealed that there have been no approved fence exceptions. In fact most of those lots, and corner lots for that matter, have open front yards with only a lightweight fence (such as post-and-rail or picket) or no fence at all, compared to the existing heavy, solid fence around the front yard of your property. Finding #2 for approving a Fence Exception states that the change shall result in a more desirable site layout, but the existing front yard fence is not consistent with neighboring properties. Based on staff's analysis, however, there remains an avenue to support a request especially now that you've expressed a willingness to relocate the fence.

Decision

Exception to Street Side Fence

The Community Development Director has determined that the Fence Exception below satisfies the required findings as specified by Campbell Municipal Code (CMC) Sec. 21.18.060. The Community Development Director has conditionally approved a Fence Exception for the following (see attached **Fence Exception Exhibit**):

- Exception to the street side fence – 6 foot tall fence allowed along Sonuca Ave. at a 6.5 foot offset from the power pole located on the west side the street, but outside of the 30 foot corner sight triangle, **with the condition** that the front yard fence be removed completely or replaced with a lightweight post-and-rail fence (subject to approval by the Community Development Director), maximum 42 inches tall, not to extend beyond the property line into the public right of way.
- Exception to the 10 foot driveway sight triangle - 6 foot tall fence along the southern edge of the driveway allowed up to the required setback from the power pole.

The approved Fence Exception allows an exception to the side yard fence setback, where 5 feet from the property line is required by code. However the Fence Exception also requires modifications to the front yard fencing for consistency with the surrounding neighborhood. This property is located within the San Tomas Neighborhood and therefore subject to the San Tomas Public Improvements Plan (Appendix A of the San Tomas Area Neighborhood Plan), in which Lovell Ave and Sonuca Ave are identified for future street improvements including curb, gutter, park strip, and sidewalk. Using the power pole on Sonuca Ave as a reference point from which to measure, the Fence Exception allows a reduction in the required setback for the side yard fence to achieve the same setback found on the improved areas of Sonuca Ave.

The Fence Exception is subject to the following conditions:

1. **Approved Project**: The project shall substantially conform to the Project Plans stamped as received on March 15, 2016, except as may be modified by the conditions of approval contained herein.
2. **Plan Revisions**: The applicant shall provide revised plans on or before June 17, 2016, drawn accurately to scale by a qualified professional, incorporating the following:
 - a. Property line dimensions and locations measured 30 feet from the street centerlines (based on the 60 foot street widths) on the site plans.
 - b. Existing Site Plan with fencing to remain, to be relocated, and to be demolished, located with dimensions from the property lines.
 - c. Proposed Site Plan with fencing to remain, new fencing, and modified fencing, located with dimensions from the property lines and indicating maximum heights, demonstrating compliance with the approved Fence Exception per the attached Exhibit.
 - d. Section/elevation drawings of proposed new or modified fencing.
3. **Fence Exception Implementation**: Fence installation/correction shall commence on or before July 5, 2016 to avoid Code Enforcement action and fines.

Alternative 1 - Appeal

This Fence Exception decision is final in 10 calendar days of the Community Development Director's decision, unless an appeal is received in writing at the City of Campbell Community Development Department, 70 North First Street, Campbell, on or before June 13, 2016. A written appeal must be accompanied by the required \$200 appeal filing fee.

If an appeal is filed, your request will be considered by the Planning Commission at a public hearing. Note that like the Community Development Director, the Planning Commission can only approve a Fence Exception to allow lesser setbacks from property lines and greater heights than allowed by the Fence Ordinance within a private property; they cannot approve a fence within the public right-of-way so the requirement to remove fencing beyond the property line will remain.

Alternative 2 – Removal of Illegal Fencing

The illegal fencing located within the public right of way, within the required corner sight triangle, and within required setbacks, as well as fencing exceeding the allowed height, shall be removed or corrected on or before July 5, 2016 to avoid Code Enforcement action and fines.

If there should be any questions regarding this letter, please feel free to contact me at (408) 866-2144 or by email at nazp@cityofcampbell.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Pouya', with a long horizontal flourish extending to the right.

Naz Pouya
Project Planner

encl: Fence Exception Exhibit
cc: Paul Kermoyan, Community Development Director
Charlotte Andreen, Code Enforcement Officer



1071 Lovell Avenue
Fence Exception Exhibit
June 3, 2016

To
Naz Pouya
Project Planner,
Community Development Department,
City of Campbell,
70 N. First Street,
Campbell, CA 95008.

RECEIVED

JUN 13 2016

CITY OF CAMPBELL
PLANNING DEPT.

June 13, 2016

Re: Appeal of Director's Decision to Fence Exception permit request, File # PLN2016-98

Dear Ms. Pouya,

We are writing to respectfully appeal to the Planning Commission the Director's Decision regarding the Fence Exception to the side setback and height requirement for a side fence on our property.

In the letter dated June 3, 2016, we were notified of the following decision:

EXCEPTION TO THE STREET SIDE FENCE - 6-foot tall fence allowed, at a 6.5 foot offset from the power-pole located on the west side of the street, with the condition that the front yard fence be completely removed or replaced with a lightweight post-and-rail fence subject to approval by the Community Development Director.

Our reasoning behind the appeal of this decision is as follows:

1. **Required setback of 1.5 feet appears unnecessary:** According to our measurements, the property line near the pole is about 5 feet away from the pole. Therefore it appears that the fence will be at a minimum of 1.5 feet setback from the property line. The rationale provided for the setback from the pole is "*.. to achieve the same setback found on the improved areas of Sonuca Avenue.*" However, it is unclear which of the fences on Sonuca has a 1.5 foot setback. An overwhelming majority of the homes, if not all, has zero setback. In addition, setbacks should be identified from property line.
2. **Findings for zero setback is possible:** We believe that the required findings of Section 21.18.060 may be made for zero setback at this location, as explained below:
 - **It would not impair pedestrian or vehicular safety:** The requested exception is not going to create any safety concern, because the 30 feet visibility triangle at the corner is clear. The current width of Sonuca Avenue is 39 feet (60 feet right of way) and is without any lane or parking markings, raised sidewalk, planting strips or street trees - all of which are known to contribute towards impairment of pedestrian and vehicular safety. On the basis of the comparison with numerous examples of side yard fences in Campbell with zero setback, it is not expected that the requested setback exception will contribute to any safety concern.

- **It would result in a more desirable site layout:** There is no backyard in our house - the fenced side yard is the only private open space of substantial size for active playing of our children. Hence allowing the lesser setback will result in a much more desirable layout for our site.
 - **It would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of the change:** This finding can be made easily. A number of neighbors signed our request for the exception or wrote individual letters and no one commented against the proposal. The zero setback would perfectly match all our neighbors on both sides of Sonuca Avenue.
 - **It would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City:** As discussed earlier, the exception will not negatively contribute towards this.
3. **No nexus for front fence modification:** We fail to perceive any nexus for the condition requiring complete removal or full modification of the front fence. The required modification will not facilitate making any of the findings from Section 21.18.060 of Municipal Code and is out of proportionality. In other words, these modifications will not allay any safety concerns. In addition, the San Tomas Aquino Plan does not require design review or provide design guidelines for low front yard fence. Lastly, we are not requesting to make any improvement on our property to trigger this requirement. *As long as the front fence meets the Municipal Code, the fence should be permitted by right.*
 4. **Retain rights to other code-compliant fences:** In the email dated June 9, we were informed that this decision also implies that only the fences as approved through this process will be allowed on the site. Any other fence, even if they meet the Municipal Code, shall not be allowed (email attached). This decision is extremely concerning because this requirement appears completely out of proportion. *We request that our right to any fence and other features, which comply with the Municipal Code, not be taken away as part of the permit for the side fence exception.*

As law-abiding citizens and long-time homeowners in Campbell, we are seeking a synergistic solution. We have worked closely with the City to meet all safety considerations of the existing fence. We have met with our neighbors and have been assured of their support in our request for the fence exception permit. We now look forward to reconsideration from the Planning Commission to help reach a resolution on this matter that works both for public benefit as well as for us.

Please note that we have plans for a road trip for our family summer vacation from June 25 till July 6. During this time we will not have access to email for significant stretches.

Thank you for your consideration and for all your assistance in this process.

Sincerely

A handwritten signature in black ink, appearing to read "S. Ghosal". The signature is written in a cursive style with a horizontal line underneath the name.

Sarbajit Ghosal
1071 Lovell Ave
Campbell, CA 95008

Attachment: Email from Planning Department dated June 9, 2016



Sarbjit Ghosal <sarbjit.ghosal@gmail.com>

Fence Exception: Options in moving ahead

Naz Pouya <nazp@cityofcampbell.com>

Thu, Jun 9, 2016 at 4:41 PM

To: Sarbjit Ghosal <sarbjit.ghosal@gmail.com>, Sanhita Mallick <sanhitam@yahoo.com>

Cc: Paul Kermoyan <paulk@cityofcampbell.com>

Good afternoon,

The Director has made his decision, so regarding the options available to you and the rationale provided previously, there is nothing further to discuss. If you have additional questions on how to move forward with one of the options, I'm happy to help. Below are answers to your questions (from the emails I received from each of you) on implementing the options.

I want to clarify that City will ONLY allow Post and Rail fence (I have attached an example from the home right opposite to our house); or will other open fencing such as picket fence be allowed? There was no attachment but yes, a post-and-rail fence only for the front yard, similar to your neighbor at the NE corner of Lovell and Sonuca.

Secondly, the timeline given for submitting the drawing and commencement of work is really ambitious. Since nearly one year ago when a code enforcement case was opened, we have elected not to issue citations/fines up to this point and have been extremely accommodating. The timeline is intentional in order to resolve the ongoing violation at your property.

If we want more time, will that require us to appeal the permit and have that timeline condition changed? That is assuming the Planning Commission will support your request. Appealing can result in any number of outcomes which may or may not be in your favor. They certainly could grant an extension of time, or even disagree with the Director and approve all aspects of your application. However they could also disagree with the Director and require full code compliance, granting no exception at all. Regardless, once you file an appeal, the Planning Commission's decision supersedes the Director's Fence Exception which becomes void even if the original approval is a more desirable option for you.

Would you please specify what qualifications the City would accept for the plan preparer? Landscape designer, contractor, or other professional with experience in hand/cad drafting and construction.

We will be removing the fencing out of the right-of-way by the specified date in this condition. However, due to financial and logistical constraints, we may not re-install this fencing right away. Removal of the illegal fencing must start by 7/5/16 if you choose to exercise the Fence Exception. Pending your decision, Planning/Code Enforcement will follow up to ensure the violation is abated within a timely manner. However the Fence Exception will be void if the new fence is not installed within one year of approval.

We assume that accepting this decision does not preclude us from installing other fences that are in compliance with Municipal and Building code (e.g. any fence max 42 inches tall) at the property line along the front or side as long as it is

6/11/2016

Gmail - Fence Exception: Options in moving ahead

not made of prohibited material, or a 6-foot tall fence at 15 feet front setback. Please clarify this. That is incorrect. Per the approval letter, the Fence Exception for the side yard fence comes with the condition that the front yard is allowed only a lightweight post-and-rail fence or no fence at all. Alternatively, forgo the Fence Exception and install fencing as allowed by code.

Naz Pouya | Project Planner
Community Development Department
P 408.866.2144 | F 408.871.5140
70 N. First Street, Campbell, CA 95008

City Home | Planning Division | Municipal Code

From: Sarbajit Ghosal [mailto:sarbajit.ghosal@gmail.com]

Sent: Wednesday, June 08, 2016 5:54 PM

[Quoted text hidden]

[Quoted text hidden]

Sarbajit and Sanhita Ghosal
1071 Lovell Ave
Campbell, CA 95008
408 421 2559

To
Paul Kermoyan
The Community Development Director
Community Development Department
City of Campbell,
70 N. First Street,
Campbell, CA 95008

RECEIVED

MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

March 14, 2016

Dear Sir,

We, the owners and residents of the property at 1071 Lovell Ave, Campbell, are writing to request you to grant fence exception that will allow (1) a 7-foot tall side fence along the eastern property line that borders Sonuca Avenue, (2) a 7-foot tall fence along our driveway. Both these fences have a 6-foot tall panel, and an 11-inch tall trellis on top. The height of the top of trellis on the driveway is about 7 feet from finished grade. On the eastern side, the height is currently 7 feet, but the grade is not finished. With a sidewalk, the grade will be another six inches higher.

The purpose of requesting the exception is to maintain the safety and security of our family and children. Due to the layout of the residence and detached garage on our lot, as shown in the enclosed site plan, this side yard is now the only play yard in our 10,000 square feet lot where our kids can play without the need for supervision. Even within this limited space, there is a large tree with a trunk circumference of 108 inch in the middle of this side yard, whose roots make the ground uneven. Consequently, we have just a 26 feet x 30 feet of unobstructed and level private open space available for our kids to play.

Please note that earlier our front yard was also surrounded by a privacy fence which provided a generous, 80 feet x 30 feet space for kids to play. After reducing the fence height in the front yard, our private yard space has been restricted to this sideyard described above.

After purchasing this house, we have done some landscaping, and have also installed in a play structure at the north-east corner of the side-yard. This play structure is very popular among our neighborhood kids and contributes to our quality of life of our family and those children. Currently the structure is wedged between the tree, fence and the boundary path. There would not be sufficient space to accommodate the structure if the fence is moved five feet back or moving the corner on the driveway side.

At this time we would like to keep the flexibility of keeping the fence height as it exists, which is taller than 6 feet. We understand that fence taller than 6 feet will require a building permit.

The request satisfies the required findings of Section 21.18.060 of City of Campbell's Municipal Code, as explained below:

1. It would not impair pedestrian or vehicular safety:

- a. The tall fence does not encroach into the 30 feet corner visibility triangle as shown in the accompanying plan. The fence in the corner visibility triangle is of height 3.5 feet only.
- b. To provide for the 10 foot visibility triangle at our driveway, we propose to install a ten foot-long fence that is less than 3.5 foot in height, as shown in the enclosed drawing. This fence will essentially narrow down our driveway to 11 feet. The driveway is 40 feet deep and 21 feet wide. Narrowing it down by 10 feet near the driveway entrance will still leave enough space for two cars to access the garage for parking. In addition, there is another 4 feet of non-paved area of the northern side of the driveway which we can use as driveway width. The house has a two-car garage. This approach will eliminate any possibility of compromising safety due to the presence of the six-foot fence next to our driveway.

With regard to pedestrian safety at the corner of Lovell and Sonuca, we are convinced that the fence height has little influence. In fact, our observation over the last two months is that the reduction of the fence height to 3.5 feet at the corner has had the *opposite* of the desired effect. Paradoxically, some cars that used to slow down slightly when making the right turn from Sonuca to Lovell before the fence height was reduced are now making the turn at a higher rate of speed when they can see that there is no oncoming traffic on Lovell. In the process they either cut across the unimproved area next to the fence coming dangerously close to the fence, or make a wide turn into the opposite lane on Lovell. To improve traffic and pedestrian safety, there is a need to install stop signs on Sonuca, and put a sidewalk along our side of Sonuca. Our neighbors on Lovell Avenue also observed the same, as evident from the enclosed letter from Ginger Bryan at 1101 Lovell Avenue.

2. **It would result in a more desirable site layout:** The house does not have any backyard - so this fenced side yard is our main private open space, especially an unobstructed space where children can play. The width of the yard is about 26 feet, with the tall privacy fence located at the property line. If the fence need to be set back 5 feet it will significantly reduce the usable area where our two young children play. After purchasing this house, we have done some landscaping, and have also installed in a play structure at the north-east corner of the side-yard. This play structure is very popular among our neighborhood kids and contributes to our quality of life of our family and those children. If the fence has to be moved back, then we may have to get rid of the play structure since there would be very little scope of re-aligning it due to the presence of a large tree next to it. *Please see the supporting letters from the parents of some of the children to play in our side yard.*
3. **It would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of the change:** The proposed fence exception will in no way adversely affect the quality of life or general welfare of the neighborhood. Along entire Sonuca Avenue, where 15-18 homes have their side fences, almost every house has a 6-7 feet tall fence at their

property line. Hence, our fence will not be in any way incompatible with the streetscape of rest of Sonuca Avenue. Judging by the fact that these homes have the same side yard fence, we do not believe our fence will be detrimental to their peace, morals, comfort or general welfare. *As evident from the supporting letters from several of our neighbors within 300 feet radius of our house that we have enclosed with this application, the majority of the neighbors have no complaint against the side fence in its current state.*

4. **It would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City:** As described under Section 1 above, the fences does not compromise the corner visibility triangle and is not detrimental to traffic or pedestrian safety. Hence, this requirement, too, is satisfied by the exception. Should the City at a later date choose to construct a sidewalk, there would still be sufficient space between our side fence and the sidewalk.

We hope that our above explanation and the lack of objection from our neighbors will help us obtain the fence exception and allow our family to enjoy the space in the side yard made usable by the fence in its current state.

Sincerely yours,



Sarbajit Ghosal

Attachments:

- Development Application form.
- Check for \$661.
- Drawing.
- Two Neighbor Acknowledgment Forms signed by Ramon Torres and Elizabeth Gerhart.
- A page showing current front and side view of our home.
- Signed letter from several neighbors stating that they have no problem with the proposal.
- Individual letters from Ginger Bryan, Doug Bourne, Jennifer Didone and Kim Albrecht in support of our proposal.
- A document showing the fencing at the street corners in various residential parts of Campbell.

RECEIVED

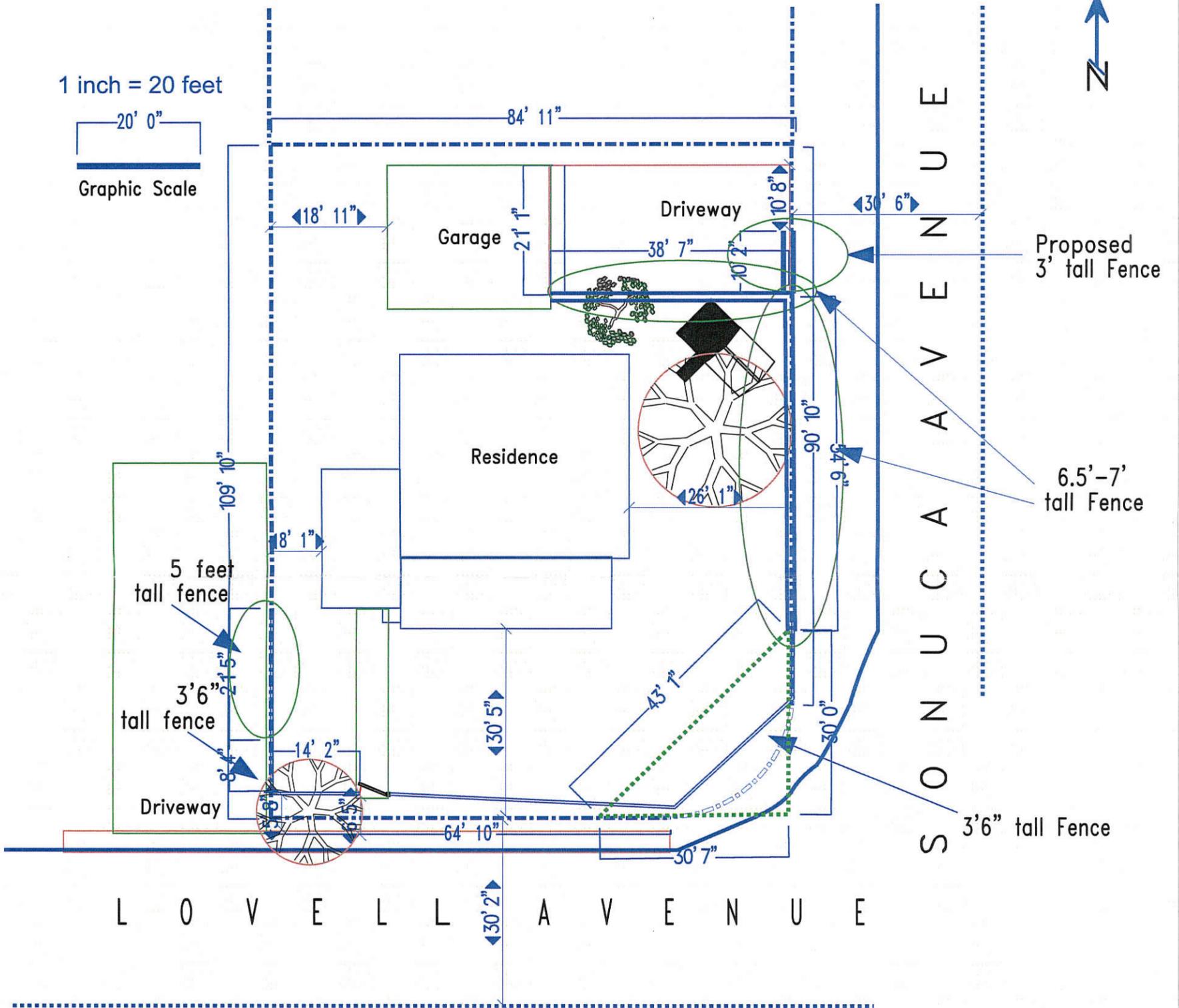
MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

1 inch = 20 feet



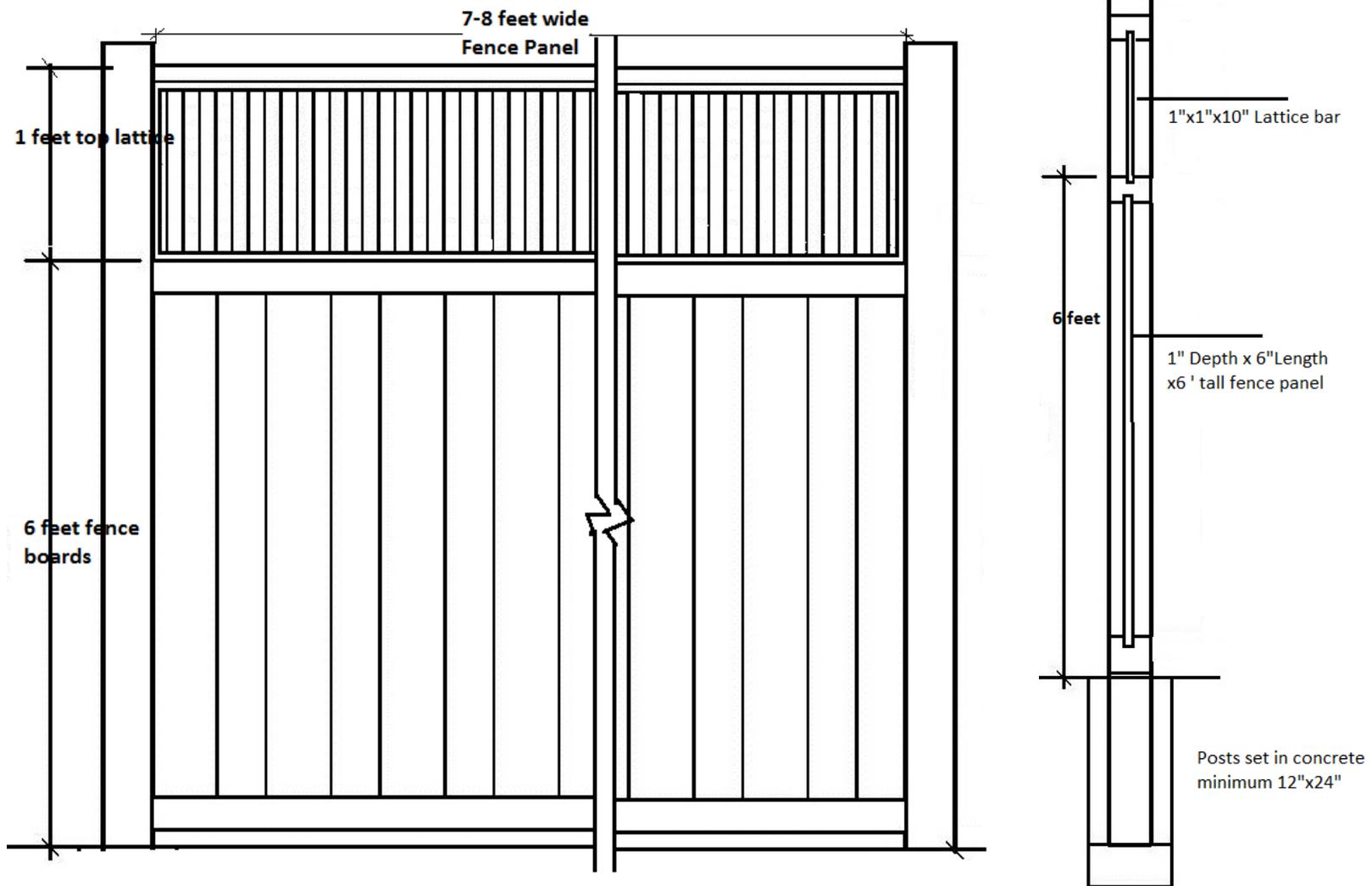
Graphic Scale



L O V E L L A V E N U E

S O N U C A A V E N U E

1071 Lovell Avenue



Elevation and Section of Typical Fence Panel

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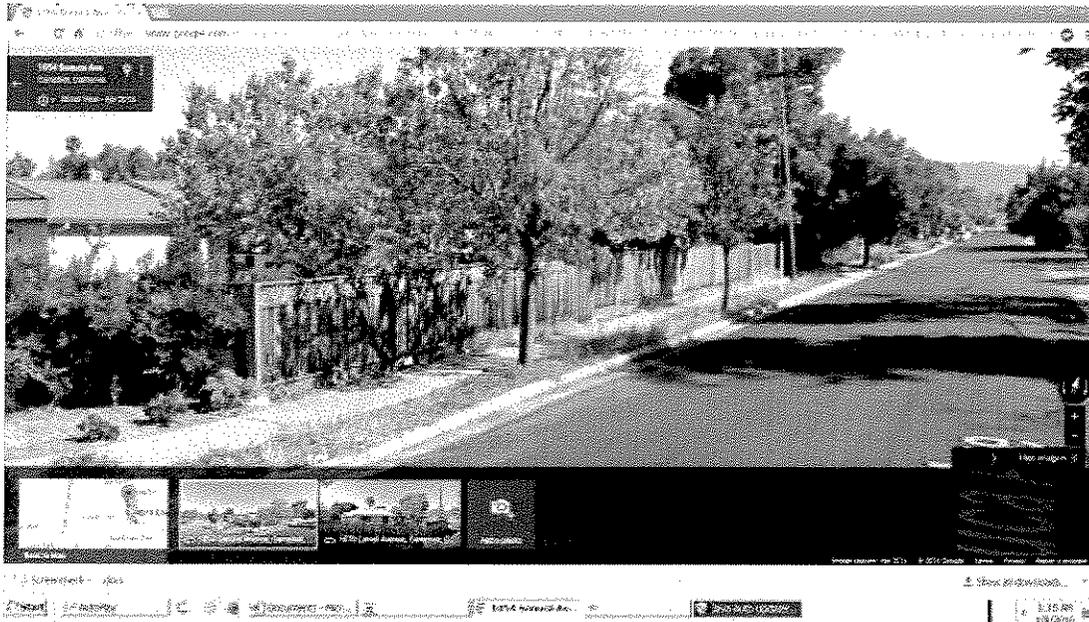


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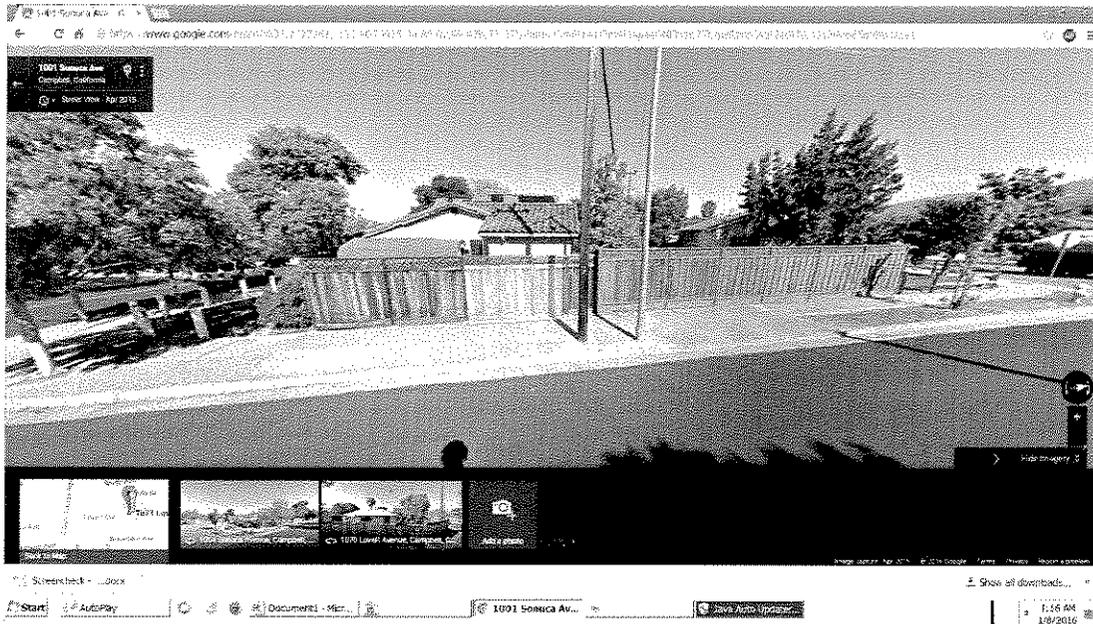
MAR 15 2016

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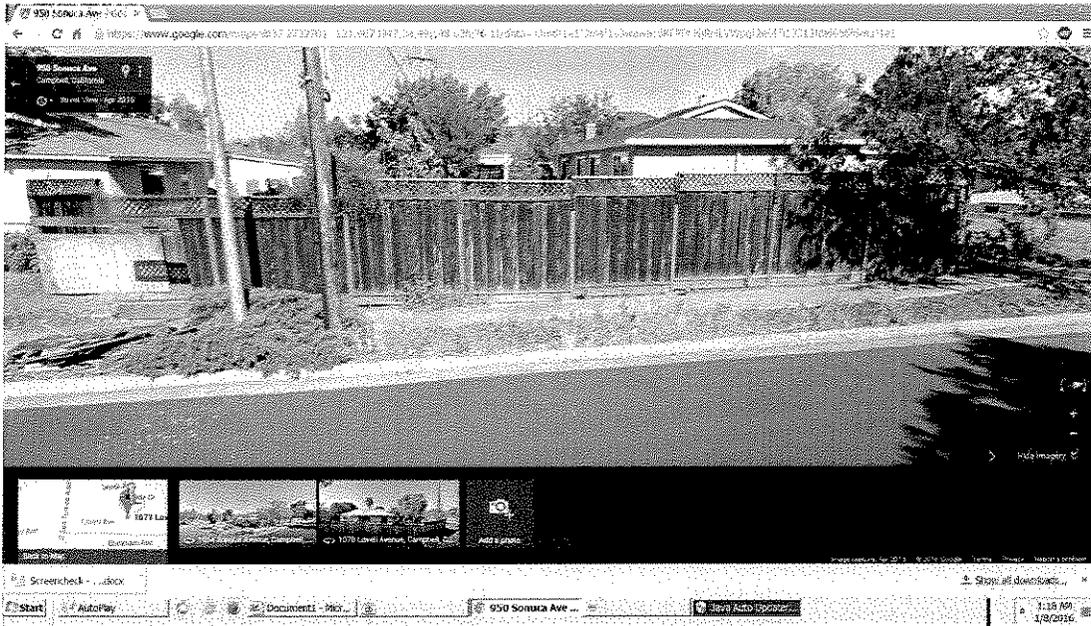
Photos of Sideyard Fences in Campbell



Sonuca Drive @Lovell, NW corner (diagonally opposite corner from our house)



Sonuca and Connie Drive, and at Sonuca and Lovell (2 homes back to back) (right across from our home)



Sonuca @ Connie



Sonuca @ Bucknam N-E



Sonuca & Bucknam NW Corner



Sonuca & Bucknam SW Corner



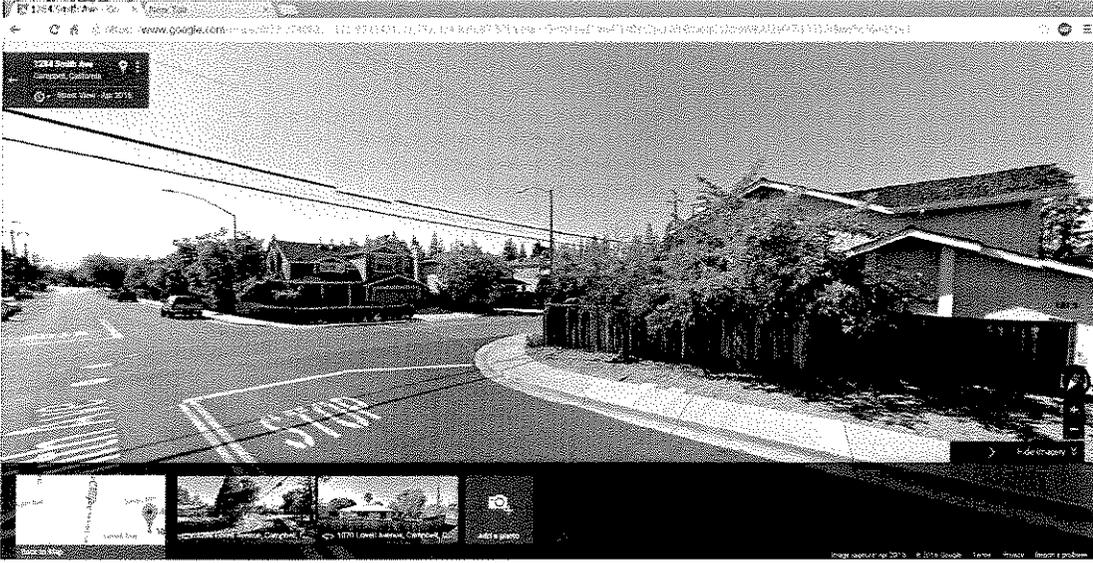
Sonuca & Bucknam, SW Corner



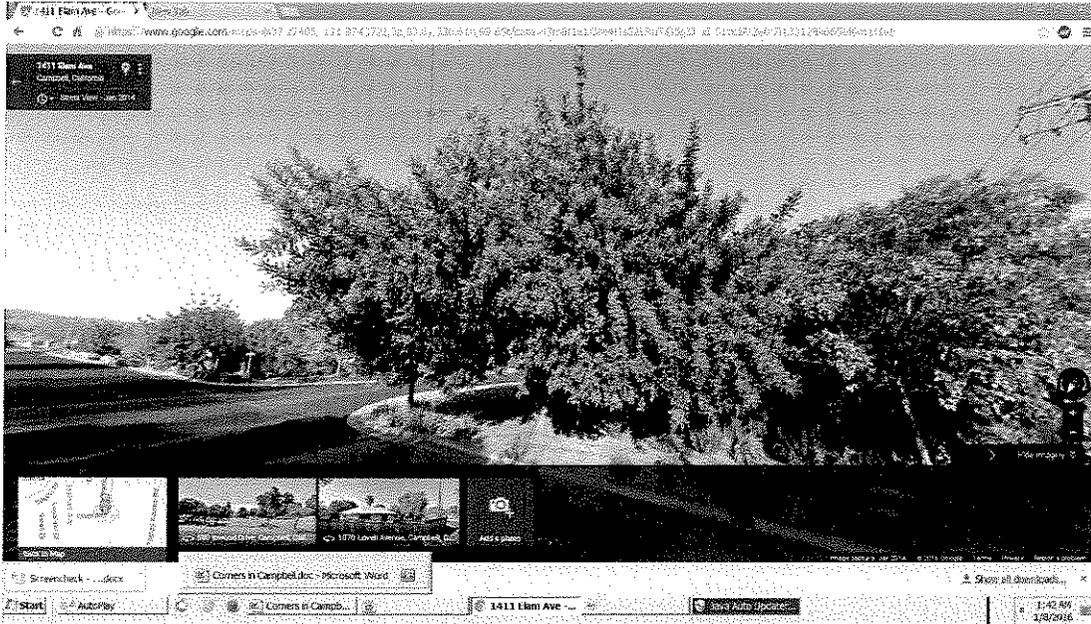
Wekiva & Sonuca, SW corner



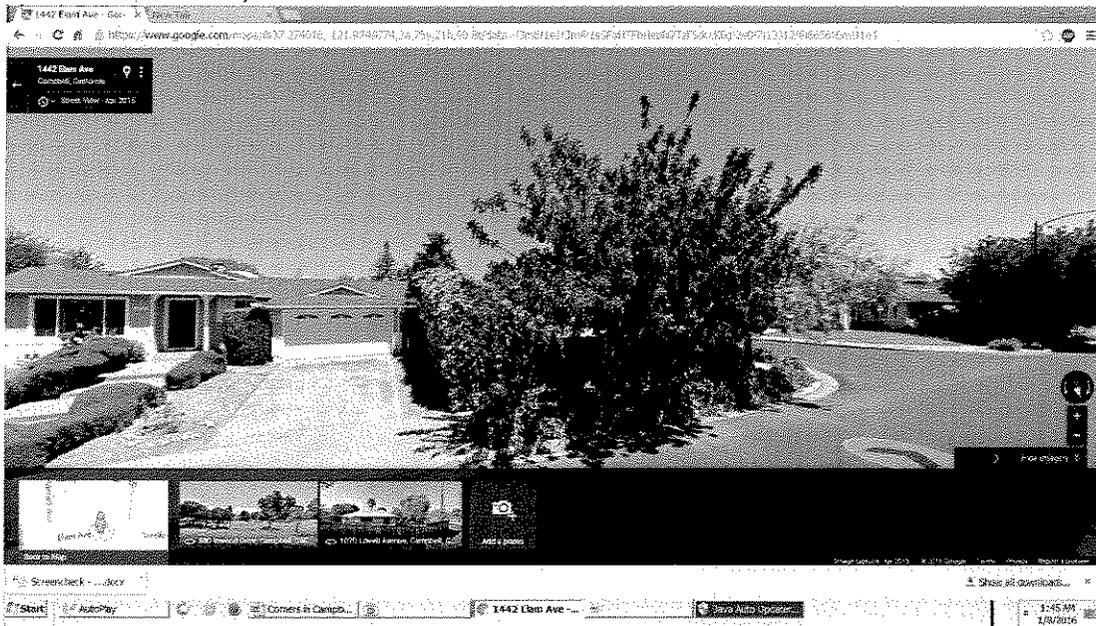
Lovell & San Tomas Aquino, SE Corner



San Tomas Aquino & Elam



Elam & Inwood Dr, NE



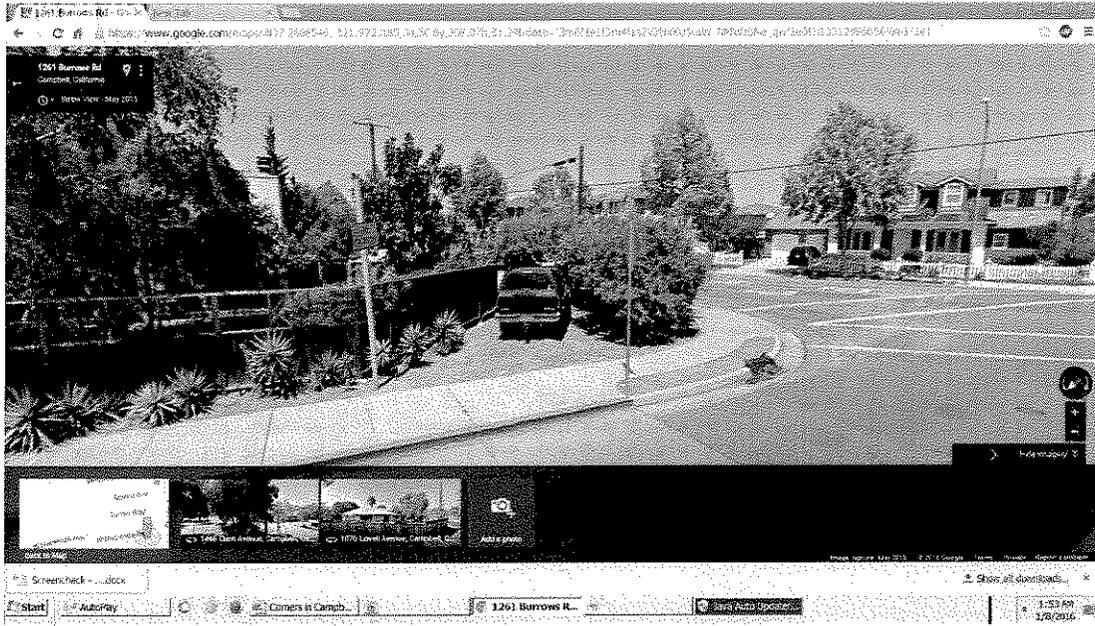
Elam & Inwood Dr, NW Corner



Inwood Dr & Inwood Ct



Elam & Harriet



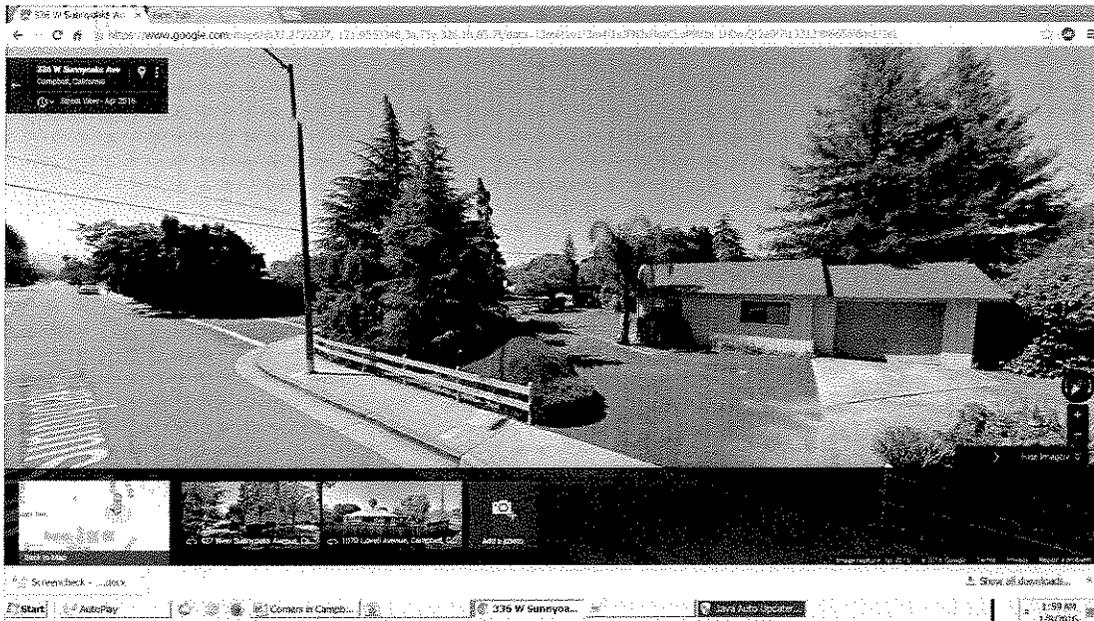
Hacienda & Burrows, Tall hedge in visual triangle



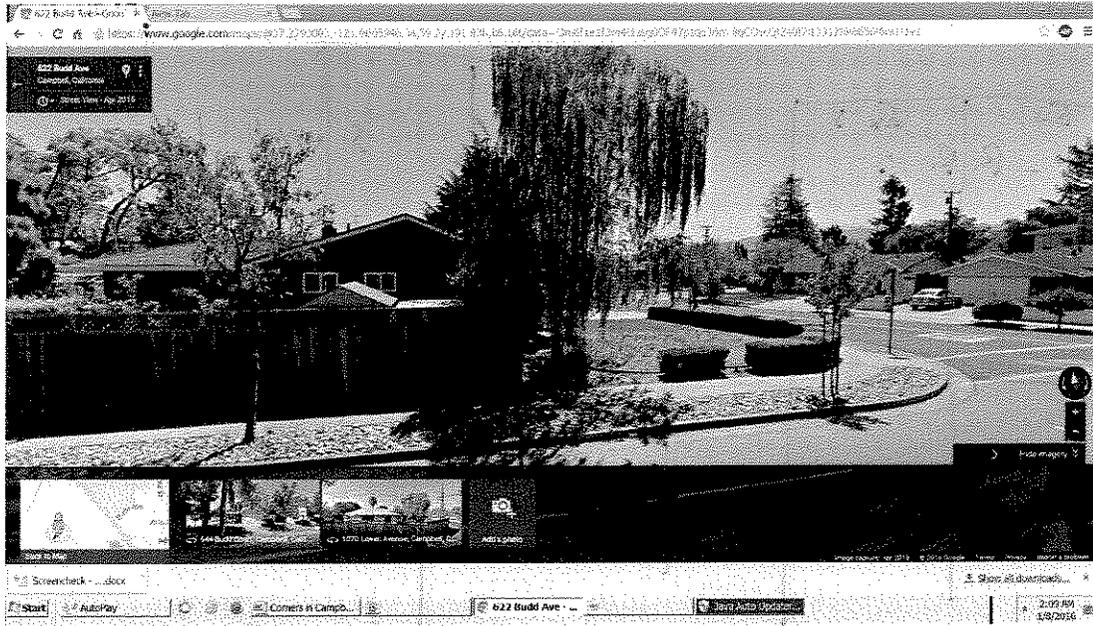
Sunnyoaks & Emory (Hedge and tall tree in corner triangle and front and side setback)



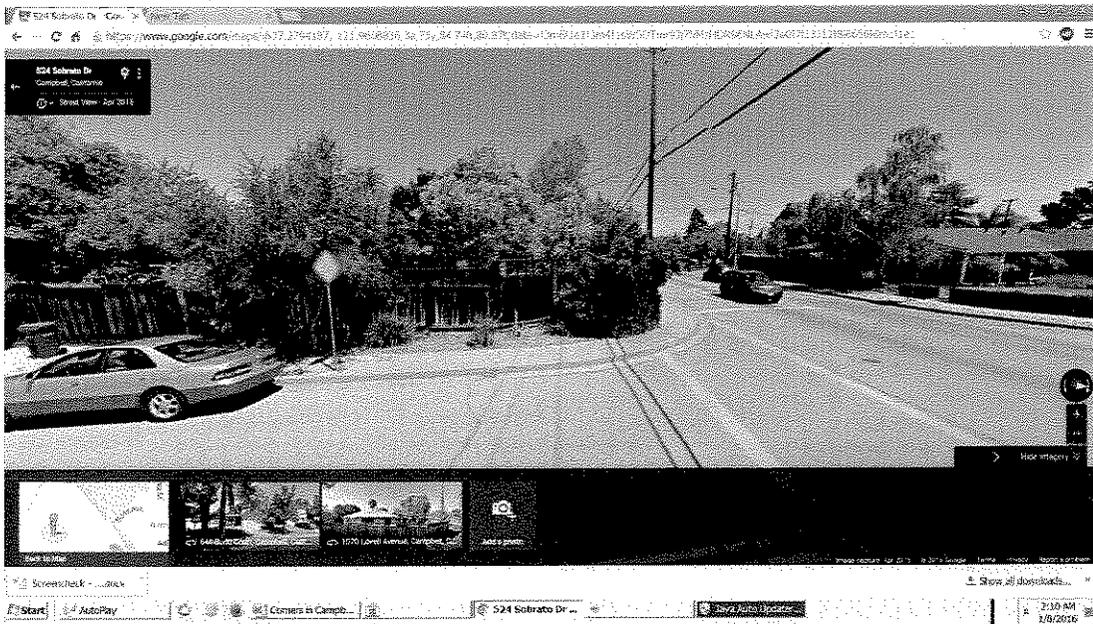
Sunnyoaks & Robin Ln, NW corner



Sunnyoaks & Robin Ln, NE corner (tall trees in the corner triangle)



Budd & Sobrato drive, SE Corner



Budd & Sobrato Drive, NE Corner

Naz Pouya

From: Chris Bracher <cebracher@aol.com>
Sent: Thursday, April 14, 2016 7:41 PM
To: Naz Pouya
Cc: Paul Kermoyan
Subject: PLN2016-98, Comment

This message is in regard to the "Notice of Fence Exception Application", #PLN2016-98, for Sarbajit Ghosal of 1071 Lovell Ave.

I encourage the Planning Division to approve the Ghosal's application and grant the exception.

The fence on their property is visually appealing and a beneficial addition to the neighborhood. I also feel that to deny this exception would impinge on the Ghosal's privacy rights and allow any passing stranger a view into their back yard where their young children often play. A lower fence might also invite criminal activity endangering the Ghosal's and the rest of their neighbors.

I would also like to point out that if the City added a paved sidewalk and curbing in the area of the fence in their application, it might well negate the need for this review process. The lack of curbing and a sidewalk next to their property is inconsistent with the rest of Lovell Ave and it creates a dangerous road hazard as most drivers seem to be unsure of exactly where to drive.

I have observed numerous drivers make the turn from Sonuca Ave. onto Lovell at a variety of speeds and choice of path. This is true especially at night and in the evening when many pedestrians and cyclists are using this section of Lovell Ave. I avoid walking there because of several close calls I have had over the years.

Thank you for the opportunity to comment on this matter.

Best regards,

Chris Bracher
1101 Lovell Ave.
408 307 2002
cebracher@aol.com

RECEIVED

MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

Director,
Community Development Department,
City of Campbell,
70 N. First Street, Campbell, CA 95008

Dear Sir,

I am writing in support of the fence exception application by Sarbajit and Sanhita Ghosal. Our home is on Sonuca across from the Ghosals.

Our young daughter plays with their daughter at their house which has the only outdoor play structure in the neighborhood. The play structure is in their enclosed side yard that offers a safe play area for the children to play unsupervised, just as they do in our backyard when their daughter visits us. I hope that the exception is granted so that this play area remains the same size with the protective fence. Thank you.

Regards,

Name: Kim Albrecht
Address: 1030 Connie Drive
Date: 3-6-14

RECEIVED

MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

Director,
Community Development Department,
City of Campbell,
70 N. First Street, Campbell, CA 95008

Dear Sir,

I am writing to you in regard to the fence exception application by Sarbajit and Sanhita Ghosal. We live in the same neighborhood as the Ghosals. Our three young daughters very often play in their side yard with their daughter. The six-foot fence enclosure offers a safe play area for the children to play unsupervised, just as they do in our backyard when their daughter visits us. Their side yard currently has just enough space to accommodate the play structure and swing set which is a large part of their play activities. I hope this play area continues to offer the same opportunity for neighborhood children in the future. Thank you

Regards,



Name: Yash Dourne
Address: 1114 LINDA DR, CAMPBELL
Date: 05 MAR 16

RECEIVED

MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

Director,
Community Development Department,
City of Campbell,
70 N. First Street, Campbell, CA 95008

Dear Sir,

My letter relates to the fence exception application by Sarbajit and Sanhita Ghosal. Our home is on Sonuca down the road from the Ghosals. Our young daughter and her friends play in their side yard with their daughter. The play area with the high fence offers a safe play area for the children to play by themselves. Since security is always a concern for parents, we would prefer to keep the taller fence as it is now. So we offer our support to the Ghosals in this fence exception application. Thank you.

Best regards,



Name: Jennifer Didone

Address: 959 Sonuca Ave

Date: 3/7/16

RECEIVED

MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

March 3, 2016

To Campbell City Council,

It has come to my attention that you are requesting that the owners of 1071 Lovell Ave lower the fence that lines the back of the property from Sonuca Ave. I presume that the reason behind this is an attempt to make the corner of Lovell and Sonuca safer.

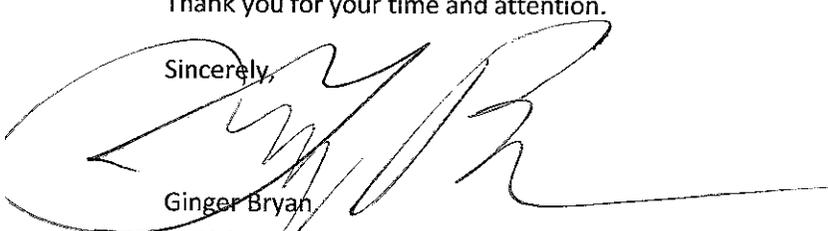
As the resident of 1091 Lovell Ave for the last 15 years I would like to outline the real issues with this corner. For the past 40 years there was an eight foot tall fence with ivy growing over it. This did make the intersection very difficult to see around. When the current owners moved in they removed the ivy and this helped with the visibility and recently the city instructed the new owners to lower the fence around the corner. This current modification completely corrected the visibility issue. Yet the corner still is unsafe because of the design of this corner. As is obvious in the picture below the side of Lovell Ave by 1071 is a full 20 feet shorter than the other side of the street. The neighbor across the street parks cars (not a complaint just an observation) that require drivers to pull further into the intersection to see to the left. But there is a Stop sign and a telephone pole preventing drivers from shorting the corner. While the street in front of 1071 has the sidewalk stop short and the corner does not have a curb. Drivers cut this corner often at speed. While I was taking the attached picture I was almost hit twice by drivers that I could see coming but were not looking for pedestrians.

Lovell Ave is one of the few streets that have a direct connection to San Thomas Aquino, Westmont Ave and eventually Quito. It is a heavily traveled street and every day I watch mothers with strollers and students coming home from school walking down the middle of the street as there are no proper sidewalks. In the evening many people use this street to walk their dogs and I watch people cross the street in front of my house to avoid being hit by drivers on the corner.

The solution to this issue is not removing the owners of 1071 privacy. The solution to this safety issue is to put in a curb on the corner preventing drivers from treating this intersection like a speedway. I also understand that there is an argument that the fire trucks use Lovell Ave as a path. Observation of the fire trucks use of Lovell Ave shows that they do not cut the corner they drive to the center of the intersection while making the turn so a curb will not impede the fire department. If the planning department were to spend half a day observing this intersection they will see that shortening the fence at 1071 will not solve the safety issue. Perhaps they can come up with a proper plan to address the issues.

Thank you for your time and attention.

Sincerely,



Ginger Bryan
1091 Lovell Ave
Campbell, CA 95008



Corner of Lovell Ave and Sonuca in front of 1071



Looking left onto Lovell Ave from Sonuca



Corner of Sonuca and Bucknam – ability to see around this corner from a distance is not possible.

RECEIVED

MAR 15 2016

Director,
Community Development Department,
City of Campbell,
70 N. First Street, Campbell, CA 95008

CITY OF CAMPBELL
PLANNING DEPT.

Dear Sir,

This letter relates to the fence exception application by our neighbor at 1071 Lovell Avenue, Sarbajit and Sanhita Ghosal. We understand that they are requesting the City to allow them to keep their current side fence on Sonuca Drive in its current state. We have no problem with this proposal.

Regards,

Name	Address	Signature	Date
<u>Doris McNAMARA</u>	<u>1070 Lovell Ave</u>	<u>Doris McNamara</u>	<u>3/5/16</u>
<u>Jennifer Didone</u>	<u>959 Sonuca Ave</u>	<u>J Didone</u>	<u>3/5/16</u>
<u>Gieta Chen</u>	<u>969 Sonuca Ave.</u>	<u>Gieta</u>	<u>3/5/16</u>
<u>Eric Mailander</u>	<u>1045 Lovell Ave</u>	<u>Eric</u>	<u>3/5/16</u>
<u>Hannah Tomer</u>	<u>1081 Lovell</u>	<u>Hannah Tomer</u>	<u>3/6/16</u>
<u>SHWARTZMAN</u>	<u>1039 Connie dr</u>	<u>Shwartzman</u>	<u>3/6/16</u>
<u>TORY TESAYRO</u>	<u>1029 CONNIE DR.</u>	<u>Tory</u>	<u>3/6/16</u>
<u>Elizabeth Cortes</u>	<u>983 Sonuca Ave</u>	<u>Elizabeth</u>	<u>3/6/16</u>
<u>THOMAS E. ALBRECHT</u>	<u>1030 CONNIE DR.</u>	<u>Thomas</u>	<u>3/6/16</u>
<u>Jessica Pinkham</u>	<u>1077 Linda Dr.</u>	<u>Jessica Pinkham</u>	<u>3/7/16</u>
<u>JOHN WILLARD</u>	<u>1035 LOVELL</u>	<u>John Willard</u>	<u>3/13/16</u>

- B. **SARC Meeting of July 12, 2016:** SARC will review the following item(s):
1. PLN2016-117 - 600 Chapman Drive – Site and Architectural Review Permit for a residential addition.
 2. PLN2016-117 – 1365 Harriet Avenue – Site and Architectural Review Permit to allow a new second story balcony on an existing single family residence.
 3. PLN2016-168 – 1500-1520 Dell Avenue – Sign Program.
 4. PLN2016-12 – 1376 Capri Drive – Site and Architectural Review Permit for a new single-family residence.
 5. PLN2016-160 – 1655 Walters Avenue – Site and Architectural Review Permit for a new single-family residence.
 6. PLN2015-98 / 99 – 1708, 1740 & 1750 Winchester Blvd - Administrative Planned Development Permit and Conditional Use Permit to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale).