

PLANNING COMMISSION
City of Campbell, California

7:30 P.M.
City Hall Council Chambers

August 9, 2016
Tuesday

AGENDA

ROLL CALL

APPROVAL OF THE MINUTES July 26, 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. PLN2016-160** Public Hearing to consider the application of Ashley and Cesar Lozano for a Site and Architectural Review Permit (PLN2016-160) to allow the construction of a new 2,309 square foot, two-story, single-family residence on property located at **1655 Walters 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: *Stephen Rose, Associate Planner*
- 2. PLN2016-65** Public Hearing to consider the application of Sue Grover, on behalf of St. Lucy School, for a Sign Exception (PLN2016-65) to allow three building/wall signs on property located at **76 Kennedy Avenue** (St. Lucy School). 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: *Cindy McCormick, Senior Planner*

3. **PLN2016-200** Continued 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 and retention of the front yard fence at a corner lot located at **1071 Lovell Ave**. 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: *Naz Pouya, Project Planner*

Note: This item was originally discussed at the July 12, 2016, Planning Commission meeting and continued to a date uncertain. It was properly re-advertised for this meeting date.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting of **August 23, 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

JULY 26, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of July 26, 2016, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Acting Chair Kendall and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present:

Vice Chair:	Yvonne Kendall
Commissioner:	Pamela Finch
Commissioner:	Philip C. Reynolds, Jr.
Commissioner:	Michael L. Rich
Commissioner:	Donald C. Young

Commissioners Absent: Chair: Cynthia L. Dodd
Commissioner: Ron Bonhagen

Staff Present:

Community Development	
Director:	Paul Kermoyan
Senior Planner:	Cindy McCormick
Acting Senior 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 July 12, 2016, were approved as submitted. (5-0-2; Acting Chair Kendall and Commissioner Bonhagen abstained)

COMMUNICATIONS

Director Kermoyan listed the desk item(s):

1. Email for Item 5

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Asked that Item 4 be heard out of order (before Item 3) so that the three Site and Architectural applications falling within the San Tomas Area Neighborhood Plan on the agenda this evening can be grouped together.

Acting Chair Kendall asked staff if that was possible.

Director Paul Kermoyan said that it is to the discretion of the Commission to rearrange the order of items on the agenda.

Acting Chair Kendall said that the Commission would honor the request and reverse the order between Item 3 and Item 4.

CONSENT

None

PUBLIC HEARINGS

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

1. **PLN2016-117** Public Hearing to consider the application of Ted S Cribari III and Gayl Leones-Cribari for a Site and Architectural Review Permit (PLN2016-117) to allow construction of a 1,526 square-foot single-story residence and 528 square-foot detached garage for a total floor area of 2,426 square-feet on property located at **600 Chapman 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: Cindy McCormick, Senior Planner*

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

Acting Chair Kendall asked if there were questions of staff. There were none

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

- SARC reviewed this item on July 12th and was supportive as presented.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 1.

Ted Cribari, Applicant and Property Owner:

- Said that he was unprepared to talk but is available for questions.
- Added that he looks forward to welcoming visitors to his new house once completed.

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Said that this is really a terrific project. It is a single-story home.
- Concluded that it meets the standards of the STANP (San Tomas Area Neighborhood Plan).

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 1.

Commissioner Finch said that she has complete faith and trust in the review done by SARC.

Motion: **Upon motion of Commissioner Finch, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4310 approving a Site and Architectural Review Permit (PLN2016-117) to allow construction of a 1,526 square-foot single-story residence and 528 square-foot detached garage for a total floor area of 2,426 square-feet on property located at 600 Chapman Drive, subject to the conditions of approval, by the following roll call vote:**
AYES: **Finch, Kendall, Reynolds, Rich and Young**
NOES: **None**
ABSENT: **Bonhagen and Dodd**
ABSTAIN: **None**

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

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

2. **PLN2016-15** Public Hearing to consider the application of John Metzger for a Modification (PLN2016-15) to a previously approved Site and Architectural Review Permit (S 97-05) to allow a rear covered patio with a rooftop deck on property located at **1365 Harriet 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, Acting Senior Planner*

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

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th and was supportive.
- Said that the SARC's concern about potential privacy impacts on the neighbor to the rear has been addressed.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 2.

John Metzger, Applicant and Property Owner:

- Reported that he had spoken with all neighbors and none objected to his plans.
- Pointed out that there are lots of trees that screens his property from his rear neighbor's house.
- Added that all of his adjacent neighbors have signed acknowledgment forms indicating knowledge of this proposed addition.

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Said that STACC reviewed project and found it to be nice. It meets most of the standards of the STANP.
- Pointed out that this applicant went to his neighbors to discuss any possible privacy impacts.
- Commented that dispute staff's mention of the fact that there is not similar decorative stone planned for the back of this home to match what is at the front, STACC found that variation to be okay.
- Concluded that overall this is a nice design and she hopes Mr. Metzger enjoys his deck and outdoor kitchen.

Jo-Ann Fairbanks, Resident on Hacienda:

- Admitted that she is against this deck.
- Reported that in the past Council has denied applications for this kind of decking when proposed for next to a one-story house. This is specifically true in the STANP area.

- Said that this is a proposal for a cantilevered deck that juts out over the back of its own one-story and projects into the backyard.
- Pointed out that the sight line elevations are not shown.
- Stated that the two northerly properties, which are single-story, could be impacted.
- Noted that the trees on the northern property line are controlled by this applicant/property owner. There is no way for the two northern property owners to control what happens with those trees in the future.
- Added that the grading for the applicant's property appears to be higher than that of the two northern properties.
- Stated that she would oppose this request in general.
- Thanked the Commission for listening to her input.

Acting Chair Kendall asked if there were any other speakers.

John Metzger, Applicant and Property Owner:

- Asked for an opportunity to answer some of the issues brought up.
- Explained that the two homes to the north receive screening from existing trees that are 50 feet tall. Those trees will separate this proposed deck. There will be no visibility to the home to the immediate left. The other home to the north has no property to look into.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 2.

Commissioner Reynolds:

- Said that he did hear Ms. Fairbank's opposition to the deck amid concern about preserving privacy.
- Advised that in this situation, the proposed deck has the support of those potentially impacted neighbors.
- Concluded that he would support this request because those neighbors are also supportive.

Commissioner Finch:

- Stated her agreement with Commissioner Reynolds.
- Said that this is a unique situation with the trees as well as the actual wing of the house that blocks it (the proposed deck) out from view.
- Concluded that she likes this project.

Commissioner Rich said that SARC had concerns but were satisfied to learn that there were no issues raised by potentially impacted adjacent neighbors.

Motion: **Upon motion of Commissioner Reynolds, seconded by Commissioner Young, the Planning Commission adopted Resolution No. 4311 approving the Modification (PLN2016-15) to a previously approved Site and Architectural Review Permit (S 97-05) to allow a rear covered patio with a rooftop deck on property located at 1365 Harriet Avenue, subject to the conditions of approval, by the following roll call vote:**

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

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

As agreed by the Commission upon request, Items 3 and 4 will now be heard in reverse order.

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

4. **PLN2016-12** Public Hearing to consider the application of Scott Anger for a Site and Architectural Review Permit (PLN2016-12) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at **1376 Capri 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*

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

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th.
- Advised that there was initial concern about extra paving proposed for the front but that turned out to be an error. That paving is now reflected as simply a walkway.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 4.

Scott Anger, Applicant:

- Said that he is looking forward to building.

Audrey Kiehtreiber, President, San Tomas Area Community Coalition (STACC):

- Said that she appreciates being here able to say really positive things about projects in the STANP area.
- Stated that she is very happy to see this project. The site had been a pre-school.
- Agreed with the staff report.
- Concluded that this is a nice design, fits well into the community and she looks forward to its completion.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 4.

Motion: Upon motion of Commissioner Reynolds, seconded by Commissioner Finch, the Planning Commission adopted Resolution No. 4313 approving a Site and Architectural Review Permit (PLN2016-12) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at 1376 Capri Drive, subject to the conditions of approval, by the following roll call vote:

AYES: Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: Bonhagen and Dodd,

ABSTAIN: None

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

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

3. **PLN2016-168** Public Hearing to consider the application of Amcoe Sign Company for a Sign Permit (PLN2016-168) to allow an additional number of signs (4 freestanding signs) on properties located at **1500, 1506, 1510, and 1520 Dell 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, Acting Senior Planner*

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

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th and was generally supportive except for one notation.
- Pointed out that one of the buildings on site could be leased to up to five tenants. If so, the sign proposed to serve that could look cluttered if five businesses' names are included on it.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 3.

Steve Coulthard, Amcoe Sign Company, Applicant:

- Said that this is a cohesive sign project to provide a uniform sign program.

- Agreed that one building has potential for more than the current four tenants and each tenant in that building would be allowed inclusion of their name/logo on that building's sign.
- Advised that these proposed new signs will replace existing signs.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 3.

Commissioner Finch:

- Said she has questions about the colors being different on the signage.
- Asked if there is anything within the conditions or findings defining those colors.

Planner Daniel Fama replied that is referenced is the sign plans. He added that would be approved by staff as it equals content.

Commissioner Young:

- Said that he went to the site. It is a deep lot.
- Admitted that he likes the idea of four signs to help identify each specific building.
- Concluded that he would be supportive.

Commissioner Rich:

- Said that he has a question for staff.
- Asked if the building were to be divided further, say into six spaces, would that change come before the Planning Commission?

Planner Daniel Fama replied no. That would be handled at staff level.

Commissioner Reynolds asked if a limit to the number of tenants to be included on any of these signs is possible.

Planner Daniel Fama deferred to the City Attorney.

City Attorney William Seligmann advised that the Planning Commission could not regulate content.

Motion: **Upon motion of Commissioner Young, seconded by Commissioner Finch, the Planning Commission adopted Resolution No. 4312 approving a Sign Permit (PLN2016-168) to allow an additional number of signs (4 freestanding signs) on properties located at 1500, 1506, 1510 and 1520 Dell Avenue, subject to the conditions of approval, by the following roll call vote:**

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

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

Acting Chair Kendall read Agenda Item No. 5 into the record as follows:

5. **PLN2016-73** Public Hearing to consider the application of Brice Colton for a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located **at 300 & 307 Orchard City Drive**. Staff is recommending that a Negative Declaration be adopted for this project. Tentative City Council Meeting Date: August 16, 2016. Project Planner: *Stephen Rose, Associate Planner*

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

Acting Chair Kendall asked if there were questions of staff.

Commissioner Reynolds advised that although he previously disclosed having met on site with the applicant for Agenda Item 5, he actually met with the applicant for Agenda Item 6.

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

- SARC reviewed this item on June 28th and was supportive with four recommendations that have already been addressed by the applicant in the current proposal.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 5.

Jorge Romero, Project Director:

- Said that this project has been in the works for a few years.
- Added that during that time he has gotten to know the City of Campbell well.
- Extended compliments to the Planning Department for a pleasurable work experience.
- Concluded that he is very excited about this project.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 5.

Commissioner Finch:

- Recounted that she grew up in a small town that was highly agricultural.
- Said that it gives her "chills" to see these proposed improvements. She really applauds the applicant and is so excited to see the "real thing" in their design plans.

- Added that as the Historic Preservation Board is in favor of their plans, she is as well.
- Admitted that she is not excited about the benches. They are not particularly attractive but she understands that they have to stay.
- Stated that otherwise, she loves the clean lines and bringing windows back at the top that are currently covered up.

Commissioner Reynolds:

- Echoed the comments of Commissioner Finch.
- Said that he wanted to recognize and thank the members of the Historic Preservation Board for working so hard to preserve what we have.
- Suggested researching and recommending bringing benches of that era into the “fold” to the discretion and approval of the Director.
- Opined that if they are trying to restore this site, modern design is counterproductive.

Commissioner Finch:

- Said that personally she loves the second bench at the top of the exhibit. She doesn’t look that as modern in appearance.
- Reiterated that if the recommendation is the retention of the existing benches, she is okay with that.

Director Paul Kermoyan:

- Referenced Building Condition 2(a). There is enough flexibility there on benches to go either way. Either the existing benches can stay or go away.

Commissioner Rich suggested possibly upgrading the deteriorated wood from the old benches and keeping their vintage frames.

Motion: **Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4314 recommending that the City Council approve a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City’s Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and off-site improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive, subject to the conditions of approval, as revised by the desk item distributed this evening, by the following roll call vote:**

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

NOES: **None**

ABSENT: **Bonhagen and Dodd,**

ABSTAIN: **None**

Acting Chair Kendall advised that this item would be considered by the City Council at its meeting on August 16, 2016.

Acting Chair Kendall read Agenda Item No. 6 into the record as follows:

6. **PLN2015-98** Public Hearing to consider the application of Brian Skarbek
PLN2015-99 for an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at **1708, 1740 & 1750 S. Winchester Boulevard**. 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*

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

Acting Chair Kendall asked if there were questions of staff. There were none.

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

- SARC reviewed this item on July 12th and recommending additional parking space screening via the addition of landscaping buffer of drought-tolerant material, removal of the roof-top sign, provision of additional screening of the roof top mechanical equipment and that a trash enclosure should be provided near Jerusalem Grill.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 6.

Brian Skarbek, Attorney for Applicant:

- Thanked the Planning Commission and Stephen Rose.
- Reported that Marvin has received overwhelming support from his customers and neighbors.
- Stated that with these changes will both make this site will look better and improve the flow of the parking lot.

Commissioner Finch asked Mr. Skarbek how long Orale has been at this location.

Brian Skarbek replied since 2009.

Commissioner Finch:

- Said that she hates to push them back and likes the idea of the wall in front of those parking spaces.
- Said that the sign is attractive and will look good.

- Stated that this is overall a great plan.

Acting Chair Kendall cautioned that the sign is just an example. She added that she is pretty sure that landscaping (living wall) is being proposed for both sides.

Commissioner Finch said that this restaurant is an institution and should be there.

Commissioner Reynolds asked staff if SARC had discussed the potential for use of umbrellas versus a canopy.

Commissioner Rich replied no.

Commissioner Reynolds:

- Advised that he spoke with Marvin and discussed the overhang. It is existing and from many years back. They propose for the overhang to remain.
- Said he has experienced outdoor dining in the Downtown where umbrellas are used. It can be a challenge to dine when the sun starts to move. As a result diners start to move as well to avoid the sun.
- Admitted that he prefers canopies to umbrellas.
- Reminded that this canopy already exists.

Commissioner Rich suggested leaving that to the applicant. It could be a matter of customer preference versus cost.

Planner Stephen Rose explained that the existing canopy, while an existing feature, was never permitted. It is placed over previously designated ADA parking spaces. If it is to remain it would have to be legalized.

Commissioner Rich said that the current proposal has the canopy being moved back 17 feet.

Planner Stephen Rose reminded that the outdoor patio seating is proposed for 12 seats. The existing canopy is overly large.

Brian Skarbek said that the canopy is preferable. They will comply as the City wants and will move it back as required.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 6.

Commissioner Young:

- Pointed out that often something constructed without permits may be more costly to modify than to take down and rebuild.
- Added that he has no issue with it.
- Said he may disagree with Finding 10.
- Admitted that he prefers umbrellas to canopy.

Commissioner Reynolds said he wanted to address the lack of permit comment on the existing canopy. He asked if the canopy was installed at the time that the building was built, could it not be considered grandfathered in?

Planner Stephen Rose:

- Explained that this existing canopy was not old.
- Added that it also may not be fire rated and/or the building permit may require stronger support brackets so the canopy does not fall over.

Director Paul Kermoyan said that use of umbrellas is not being recommended by staff. Staff recommends that the patio be moved back.

Commissioner Reynolds suggested leaving that option to bring the canopy up to Code open to the applicant.

Commissioner Rich:

- Concurred with Commissioner Reynolds to leave the option for the applicant to bring the existing canopy to Code.
- Asked if it would have to be brought back to the Commission.

Planner Stephen Rose replied no. The approval is broad enough. Either the canopy or umbrellas can be used subject to the approval of the Community Development Director.

Motion: **Upon motion of Commissioner Reynolds, seconded by Commissioner Rich, the Planning Commission Adopted Resolution No. 4315 approving an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, subject to the conditions of approval, by the following roll call vote:**

AYES: Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: Bonhagen and Dodd,

ABSTAIN: None

Acting Chair Kendall advised that this item would be considered by the City Council at its meeting on August 16, 2016.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:43 p.m. to the next Regular Planning Commission Meeting of **August 9, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Yvonne Kendall, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary

RESOLUTION NO. 4310

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2016-117) TO ALLOW CONSTRUCTION OF A 1,526 SQUARE FOOT SINGLE-STORY RESIDENCE AND 528 SQUARE-FOOT DETACHED GARAGE FOR A TOTAL FLOOR AREA OF 2,426 SQUARE FEET ON PROPERTY LOCATED AT **600 CHAPMAN DRIVE**. FILE NO.: PLN2016-117

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 PLN2016-117:

1. The project site is zoned R-1-10 (Single Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated Low Density Residential (<3.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The proposed project will be compatible with the R-1-10 (Single Family Residential) Zone District with approval of a Site and Architectural Review Permit.
4. The project site is located along Chapman Drive.
5. The application is subject to design review under the San Tomas Area Neighborhood Plan.
6. The proposed design is consistent with the San Tomas Area Neighborhood Plan (STANP) Guidelines. The proposed home will complement the neighborhood and incorporate representative architectural features (e.g., scale and mass, gable roof lines) of homes in the San Tomas area. Privacy impacts are minimized by maintaining a single-story design.
7. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.

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

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

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2016-117) to allow construction of a 1,526 square-foot single-story residence and 528 square-foot detached garage for a total floor area of 2,426 square feet on property located at **600 Chapman Drive**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 26th day of July, 2016, by the following roll call vote:

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

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

RECOMMENDED CONDITIONS OF APPROVAL
Site and Architectural Review Permit – 600 Chapman Drive (PLN2016-117)

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 (PLN2016-117) to allow construction of a 2,054 square foot single-story single-family residence on property located at **600 Chapman Drive** in the R-1-8 (Single-Family Residential) Zoning District. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on May 24, 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 August 5, 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. 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. Landscaping: The construction drawings submitted for a building permit shall include a front yard landscaping plan, including irrigation details and associated calculations, prepared in compliance with Campbell Municipal Code Chapter 21.26 (Landscaping Requirements) and with Chapter 2.7, Division 2, of Title 23 of the California Code of Regulations (Model Water Efficient Landscape Ordinance). All landscaping shall be maintained in good health.

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

Note: No building code issue has been reviewed at Development Review Committee; it will be reviewed in the Building Permit process. Please be aware that building codes are changing constantly; plans submitted for building permit shall comply with the code in effect at that time. Submit permit application together with required documents to the Building Inspection Division to obtain a building permit. No construction can be commenced without an appropriate building permit. To the satisfaction of the building division manager/building official:

8. **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.
9. **PROJECT DESCRIPTION:** This project is proposed as a “remodel and addition to an existing dwelling”. The scope of work proposed under this project closely reflects the construction of a new single-family dwelling. The Building Inspection Division will consider this project as a “Remodel & Addition, However, 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 to determine how this project was defined. Applicant should be careful to not go beyond what has been approved in this review. Changes beyond this review could result in the project being reclassified.
10. **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.

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.
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 CF-1R and MF-1R 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. 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:
 - 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. San Jose Water Company (279-7900)
 - e. 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)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. **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.
22. **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.
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. This project shall comply with the mandatory requirements for Residential Structures, Chapter 4 of the California Green Building Code 2013 ed.
25. This Structure, if subsequently is classified 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.

Public Works Division

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 **\$487.00**
27. Water Meter(s) and Sewer Cleanout(s): Proposed water meter and sewer cleanout shall be installed on private property behind the public right-of-way line.
28. The following conditions only apply if the applicant has a need to install / upgrade utility services (water, sewer, gas, etc.) in the street

Utility Encroachment Permit: Separate permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.

Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned,

and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.

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. Chapman Drive and Stevens Court have 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.

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.

RESOLUTION NO. 4311

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A MODIFICATION (PLN2016-15) TO A PREVIOUSLY-APPROVED SITE AND ARCHITECTURAL REVIEW PERMIT (S 97-05) TO ALLOW A REAR COVERED PATIO WITH A ROOFTOP DECK ON PROPERTY LOCATED AT **1365 HARRIET AVENUE**. FILE NO.: PLN2016-15

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 PLN2016-15:

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 project site is located along Harriet Avenue at its intersection with Walters Avenue, within the San Tomas Area, subject to the San Tomas Area Neighborhood Plan.
4. The proposed project would allow construction of a 446 square-foot rear covered patio with an upper-level deck
5. The proposed project will result in a building coverage of 29% and a Floor Area Ratio (FAR) of .36, where a maximum 35% building coverage and .45 floor area ratio are allowed in the R-1-9 Zoning District.
6. The proposed project incorporates representative architectural features of homes in the San Tomas Neighborhood including simple rectangular shaped forms and gabled roofs.

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

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area; and
3. The project is consistent with applicable adopted design guidelines.
4. The 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 Modification (PLN2016-15) to a previously-approved Site and Architectural Review Permit (S 97-05) to allow a rear covered patio with a rooftop deck on property located at **1365 Harriet Avenue**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 26th day of July, 2016, by the following roll call vote:

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

APPROVED: _____
Yvonne Kendall, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Modification (PLN2016-15) to Site and Architectural Review Permit (S 97-05)
1365 Harriet Avenue

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 Modification (PLN2016-15) to a previously approved Site and Architectural Review Permit (S 97-05) to allow a 464 square-foot rear covered patio with a rooftop deck on property located **1365 Harriet Avenue**. The project shall substantially conform to the revised project plans received by the Planning Division on June 8, 2016, except as may be modified by the Conditions of Approval herein.
2. Permit Expiration: The Modification to a Site and Architectural Review Permit approval shall be valid for one year from the date of final approval (expiring August 5, 2017). 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 approval 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. 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.
6. 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

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

14. 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.
15. 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.
16. 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.
17. 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.

RESOLUTION NO. 4312

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2016-12) TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE REUSING PORTIONS OF THE EXISTING DWELLING ON PROPERTY LOCATED AT **1376 CAPRI DRIVE**. FILE NO.: PLN2016-12

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 PLN2016-12:

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 (<3.5 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 10,800 square-foot property located on the east side of Capri Drive, east and south of Chapman Drive, and north of Parr Avenue.
6. The project is compatible with the architecture of the adjacent neighborhood in that the project utilizes simple architectural design that matches existing materials and colors of existing residence, with a design not out of conformance with the surrounding community.
7. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.

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

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area;
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 (PLN2016-12) to allow the construction of a new single-family residence reusing portions of the existing dwelling on property located at **1376 Capri Drive**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 26th day of July, 2016, by the following roll call vote:

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

APPROVED: _____
Yvonne Kendall, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Site and Architectural Review Permit – 1376 Capri Drive (PLN2016-12)

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 (PLN2016-12) to allow the construction of a new single-family residence reusing portions of the existing dwelling located at **1376 Capri Drive**. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on July 26, 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 August 5, 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. Plan Revisions: The building permit submittal construction plans shall incorporate the following revisions:
 - a. Driveway Pavement: The plans submitted for building permit review shall reflect the removal of the paved area located to the side of the entry drive with a smaller walkway path not large enough to accommodate a vehicle.

Compliance with these requirements and plan revisions shall be subject to the satisfaction of the Director of Community Development.

5. 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.

6. 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.
7. Tree Planting: One additional tree shall be planted on the property to achieve a minimum of six 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.
8. 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

9. 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.
10. 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.
11. 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.
12. Construction Plans: The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
13. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.

14. 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.
15. Seismic Requirements: Additions and Alterations to (e) residential structures shall comply with Section 3404 of the 2013 California Building Code (CBC).
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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

The scope of this project triggers the requirement for Frontage Improvements as required by Campbell Municipal Code 11.24.040. However, per the San Tomas Area Neighborhood Plan, this section of Capri Drive has been designated to remain unimproved and as such the applicant will not be required to construct new curb, gutter or sidewalk.

1. 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 **\$530.00**
2. Water Meter: The project has an existing water meter installed in the public right-of-way. If the water service is required to be upsized as part of the project (i.e. due to fire sprinklers), then the new water meter shall be installed on private property behind the public right-of-way line.
3. Water Meter(s) and Sewer Cleanout(s): Proposed water meter(s) and sewer cleanout(s) shall be installed on private property behind the public right-of-way line.
4. Utilities: All on-site utilities shall be installed underground per Section 21.18.140 of the Campbell Municipal Code for any new or remodeled buildings or additions. Applicant shall comply with all plan submittals, permitting, and fee requirements of the serving utility companies.
5. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
6. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. The pavement restoration plan shall indicate how the

street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.

7. Utility Encroachment Permits: Separate City encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
8. 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

26. 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. 4313

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SIGN PERMIT (PLN2016-168) TO ALLOW AN ADDITIONAL NUMBER OF SIGNS (4 FREESTANDING SIGNS) ON PROPERTIES LOCATED AT **1500, 1506, 1510 AND 1520 DELL AVENUE**. FILE NO.: PLN2016-168

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 PLN2016-168:

1. The 5 ½ acre project site consists of two parcels located along Dell Avenue, south of Hacienda Avenue, and is developed with four industrial buildings comprising 95,000 square-feet of gross floor area.
2. The proposed Sign Permit would allow construction of four 43 square-foot monument signs on the project site replacing four existing signs.
3. Campbell Municipal Code Sec. 21.30.080.A.2 specifies that industrial properties are allowed one freestanding sign for each parcel of land or commercial center, whichever is less.
4. Campbell Municipal Code (Sec. 21.30.030.C) requires Planning Commission approval for an increase in number of signs than otherwise allowed.
5. The proposed number of signs is commensurate with the size of the property and with the number of buildings. At over 5 ½ acres, and with over 500 feet of linear feet of frontage along Dell Avenue, four signs—which are smaller than the 50 square-foot maximum—is the minimum necessary to adequately identify the properties.

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

1. The signs otherwise allowed would not be visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located;
2. The signs otherwise allowed would not be visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located;
3. The signs could not be made visible and intelligible to a person of normal sight by allowing an increase in the area or height of the sign;
4. The additional signs comply with all the other requirements, except for the limitations on the number of signs;

5. The number of signs allowed does not exceed the minimum number of signs necessary to make the signs visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located, which could not be accomplished by the number of signs otherwise allowed;
6. The project is Categorical Exempt under Sections 15311, Class 11 of the California Environmental Quality Act (CEQA) pertaining to the construction or placement of on premise signs.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Sign Permit (PLN2016-168) to allow an additional number of signs (4 freestanding signs) on properties located at **1500, 1506, 1510 and 1520 Dell Avenue**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 26th day of July, 2016, by the following roll call vote:

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

APPROVED: _____
Yvonne Kendall, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Sign Permit (PLN2016-168)
1500, 1506, 1510 and 1520 Dell Avenue

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

1. Approved Project: Approval is granted for a Sign Permit to allow construction of four 43 square-foot monument signs on properties located at **1500, 1506, 1510, and 1520 Dell Avenue**. The new signage shall substantially conform to the approved sign plans, dated as received by the Planning Division on May 17, 2016, except as modified by the conditions of approval herein.
2. Approval Expiration: The Sign Permit shall be valid for one year from the date of final approval (expiring August 5, 2017). Within this one-year period, an application for a building permit must be submitted. Failure to meet this deadline will result in the Sign Permit being rendered void.
3. Removal of Existing Signs: The existing signs shall be removed concurrently or prior to construction of the approved signs.
4. Sign Maintenance: The signs shall be maintained in good condition at all times and shall be repaired or replaced as necessary.
5. Building Permits Required: The applicant shall obtain all necessary building and/or electrical permits from the Building Division prior to the installation of any new signs.

RESOLUTION NO. 4314

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THE CITY COUNCIL APPROVE MODIFICATION (PLN2016-73) TO PREVIOUSLY-APPROVED PLANNED DEVELOPMENT PERMITS TO ALLOW THE EXTERIOR REMODEL OF AN EXISTING BUILDING LOCATED ON THE CITY'S HISTORIC RESOURCE INVENTORY (GEORGE HYDE CO. SUNSWEET GROWERS) AS WELL AS ASSOCIATED ON AND OFF-SITE IMPROVEMENTS AND A TREE REMOVAL PERMIT (PLN2016-154) ON PROPERTY LOCATED AT **300 & 307 ORCHARD CITY DRIVE**. FILE NO.: PLN2016-73/154)

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 PLN2016-73 & 154:

Environmental Finding

1. An Initial Study has been prepared for the project which provides documentation for the factual basis for concluding that a Negative Declaration may be adopted since no substantial evidence exists, in light of the whole record, that the project may have a significant effect on the environment.

Evidentiary Findings

1. The project site is designated *Central Commercial* by the General Plan Land Use Element.
2. The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street.
3. The proposed Modification (PLN2016-73) would allow exterior façade and site upgrades to the Water Tower Plaza.
4. The proposal is intended to renovate the site with 'particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company' (1892-1937).
5. The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility.
6. The proposal includes a request to remove two olive trees (which are in poor condition), and one podocarpus tree (which is in conflict with proposed improvements).
7. The proposed Modification serves to supersede previous Planned Development Permits which allowed for minor incremental renovations and changes to the site overtime (i.e. PD84-02, PD84-05 & M92-11). The subject permit is intended to supersede these previous entitlements with the intent of establishing a single permit

which will serve to regulate the site and architectural design of the site, and streamline the permit review and processing of future entitlements.

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

1. The action is allowed within the applicable zoning district with a Modification of the previously approved Planned Development Permit(s), and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code;
2. The action is consistent with the General Plan;
3. The project would be consistent with the following General Plan and Downtown Development Plan goals, policies and strategies. Together, these documents speak to a desire to promote and enhance a downtown environment that provides a desirable and distinct balance of land uses:

General Plan

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

Policy LUT-5.3: Variety of Commercial and Office Uses: Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.

Strategy LUT-5.3g: Day and Evening Activities: Encourage restaurant and specialty retail uses in the Downtown commercial area that will foster a balance of day and evening activity.

Strategy LUT-9.1c: Land Use Objectives and Redevelopment Plans: Permit only those uses that are compatible with land use objectives and redevelopment plans.

Policy LUT-11.2: Services Within Walking Distance: Encourage neighborhood services within walking distance of residential uses.

Policy LUT-19.1: Campbell Downtown Development Plan: Ensure that new development within the Downtown Area complies with the requirements of the Campbell Downtown Development Plan.

Strategy LUT-19.1a: Mix of Uses: Encourage a compatible mix of uses (i.e. professional offices, services and retail uses) with ground floor retail uses.

Downtown Development Plan

Goal LU-1: To continue the development and revitalization of the Downtown areas in a manner that positions it as a viable, self-sustaining commercial district in the competitive marketplace of Silicon Valley.

Goal LU-2: Work to develop and promote a variety of retail businesses and diversification of eating establishments that will help create a unique destination and identity for Downtown.

Policy LU-2.1: Ground Level Commercial: Develop and maintain the ground floor space along East Campbell Avenue between Third Street and the light rail tracks as a distinctive retail and restaurant experience with ground floor uses that are diverse and interesting and contribute strongly to a distinctive and unique shopping experience.

Strategy LU-6.1a: Expand the Downtown boundaries while maintaining a scale that is in keeping with the “small town” image identifiable in the community and create a comfortable experience for the pedestrian.

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 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 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 zoning designation for the project site is P-D (Planned Development). Exterior alterations to a historic property in this zoning district may occur with the approval of a Planned Development Permit;
9. The project consists of exterior façade and site upgrades to the Water Tower Plaza;
10. The proposal is intended to renovate the site with particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company (1892-1937);
11. The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility;
12. The changes proposed by the project are consistent with the Historic Preservation Ordinance, and the Secretary of Interior Standards and do not detract from the existing architectural character of the building or site;
13. The proposed exterior changes are consistent with the purpose of the Historic Preservation ordinance to enhance the visual character of the city by encouraging

and regulating the compatibility of architectural styles within historic districts reflecting unique and established architectural traditions;

14. The three trees proposed for removal are not protected under the City's Tree Protection Ordinance on the basis of their size or species;
15. The retention of the podocarpus tree would restrict the economic enjoyment of the property as it would preclude the redevelopment of a significant building entry and is in direct conflict with the proposed improvements;
16. The applicant has demonstrated (by way of photographs) that the two olive trees proposed for removal should be removed as they are either diseased or in danger of falling in consideration of their state of decline and poor health;
17. The proposed replacement trees (a minimum of three 24-inch box trees) will be a sufficient replacement for the trees to be removed and will continue the diversity of tree species found in the community; and
18. 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.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve a Modification (PLN2016-73) to previously approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and off-site improvements and a Tree Removal Permit (PLN2016-154) on property located at **300 & 307 Orchard City Drive**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 26th day of July, 2016, by the following roll call vote:

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

APPROVED: _____
Yvonne Kendall, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary

RECOMMENDED CONDITIONS OF APPROVAL
Modification to PD Permits & Tree Removal Permit – 300 & 307 Orchard City Drive
(PLN2016-73 & PLN2016-154)

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 Modification (PLN2016-73) to previously approved Planned Development Permits (PD84-02, PD84-05, and M92-11) to allow the exterior remodel of an existing building that is listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on-site and off-site improvements and a Tree Removal Permit (PLN2016-154) to allow the removal of protected tree(s). The project shall substantially conform to the Project Plans stamped as received by the Community Development Department on February 25, 2016, with the inclusion of the two page desk item provided at the July 26, 2016 Planning Commission meeting, except as may be modified by the Conditions of Approval specified herein.
2. Building Permit Submittal: The construction plans submitted for building permit review shall incorporate the following revisions/notes:
 - a. Benches: The existing benches are to be noted with their wood to be replaced or repaired. Alternatively, the benches may be replaced with simple industrial benches complementary to the site renovations. Should the existing benches be removed, efforts should be demonstrated to donate the benches to other sites in the downtown.
 - b. Trash Cans: Trash bins throughout the project site shall be replaced with trash duo (recycling/trash) or trash trio (recycling, compost, trash) bins. The design of the trash bins should be consistent with the design of the site renovations.
 - c. Historic Plaques: The existing plaque (mounted to a rock in front of the Building I/J entry) shall be incorporated into the newly proposed entrance in that area. Other historic plaques and signs throughout the site shall be noted as being moved to the lobby or front entries and surrounded with more modern framing.
 - d. Trees: The landscape plans shall note the proposed location, species and installation of three (24-inch min.) box trees. The species of the trees shall not be Eucalyptus or a 'Fruit Tree' as defined by the Campbell Municipal Code.Compliance with these requirements shall be subject to the review and approval of the Director of Community Development.
3. Environmental Recordation Fee: Within three calendar days of permit approval, a check in the amount of \$2,260.25 made payable to the 'Santa Clara County Clerk-

Recorder' shall be provided to City staff. This payment is required to record the environmental determination on the project.

4. Items Required Prior to Building Permit Issuance/Final: Prior to building permit issuance, a Master Sign Permit shall be submitted for review and consideration. Prior to building permit final, the Master Sign Permit application shall be deemed complete by the City.
5. Permit Expiration: The Modification (PLN2016-73) and Tree Removal Permit (PLN2016-154) approved herein shall be valid for two years from the date of final approval. The City Council will be the final approval authority for the purpose of this condition. Within this two year period an application for a building permit must be submitted. Failure to meet this deadline will result in the Modification and Tree Removal Permit being rendered void.
6. Previous Conditions of Approval: The previously approved Conditions of Approval provided in Planned Development Permits PD 84-02, PD8405 & M92-11 shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein.
7. Rehabilitation: All features dating to the complex's drying and canning eras should be rehabilitated wherever feasible. If any of these features are found to be deteriorated, careful repair is preferred treatment. If deterioration is severe enough so that the feature has failed, the replacement should match the original in design, color, texture, and materials.
8. Historic Plaque: The applicant shall submit plans for a historic plaque to be installed on either a monument or on a plaque in visible location on the property. The design, placement, and installation method of the plaque shall be to the satisfaction of the Community Development Director.
9. Brick: New brick, where added to the entry of Building J, shall be differentiated from the old/historic brick of the building (such as accentuating the reveal around the brick façade entry) to the satisfaction of the Community Development Director.
10. Contractor - Unexpected Conditions: In the event that unexpected damage or historic features (e.g. signage, murals, historic openings or brickwork) are discovered during the construction process, the contractor shall stop work on the affected portion of the project and seek written authorization of the Community Development Director prior to proceeding. To obtain authorization, the contractor shall work with the project architect/applicant to evaluate options to restore the existing material to the extent feasible. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence to the satisfaction of the Community Development Director.
11. Salvage: Where significant historic features cannot be restored in place, they shall be salvaged for use elsewhere on the site, donated to a historic agency, or used for interpretive display.

Public Works Department

12. Response Letter: Upon submittal of the Street Improvement Plans, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
13. Proof of Ownership: Prior to issuance of any grading, drainage, or building permits for the site, the applicant shall provide a current Preliminary Title Report, grant deed, or other satisfactory proof of ownership.
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. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
16. 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. First Street and Orchard City Drive have 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.
17. Street Improvement Agreement / Plans / Encroachment Permit / Fees / Deposits: Prior to issuance of any grading or building permits for the site, the applicant shall execute a street improvement agreement, cause plans for public street improvements to be prepared by a registered civil engineer, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City

Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:

- a. Show location of all existing utilities within the existing public right of way.
 - b. No new utility boxes, covers, etc. will be allowed in the sidewalk area.
 - c. Removal of existing driveway approach on First Street and necessary sidewalk, curb and gutter.
 - d. Removal of existing non-accessible compliant curb ramps along Orchard City Drive frontage.
 - e. Installation of City standard accessible compliant driveway approach on First Street.
 - f. Installation of two accessible complaint curb ramps at the easterly driveway along Orchard City Drive.
 - g. Installation of an accessible compliant curb ramp at the intersection of Orchard City Drive and Central Avenue. The face of curb shall be pushed out to make the new ramp perpendicular to Orchard City Drive – the existing roadway transition should be moved east.
 - h. Installation of traffic control, stripes and signs.
 - i. Construction of conforms to existing public and private improvements, as necessary.
 - j. Submit final plans in a digital format acceptable to the City.
18. 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 pavement restoration installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
19. Utility Encroachment Permit: Separate encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
20. 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.
21. City Parking Garage: Any repainting of the railings for the adjacent First Street Parking Garage shall be coordinated through the Public Works Maintenance Section.

Building Department

22. Permits Required: A building permit application shall be required for the proposed Renovations to the (e) commercial structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
23. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
24. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
25. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
26. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. 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.
27. Title 24 Energy Compliance: California Title 24 Energy Standards Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
28. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
29. 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.
30. Title 24 Accessibility – Commercial: On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
31. Title 24 Accessibility – Commercial: Based upon estimated valuation of this project, the building shall comply fully with Chapter 11B of the California Building Code 2013 ed.
32. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. West Valley Sanitation District
 - b. Santa Clara County Fire Department

- c. Santa Clara County Department of Environmental Health (Restaurant)
- d. San Jose Water Company (279-7900)

33. 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.

Fire Department:

- 34. Comment 1: Plans reflect on sheet A0.1, that "Fire Sprinkler system" will be a "Deferred Submittal". Alter the sprinkler system as needed by modifications proposed at ceilings. Submit shop drawings (3 sets) and a permit application to the Santa Clara County Fire Department for approval before altering the system. Call (408) 378-4010 for more information.
- 35. Comment #2: Plans reflect on sheet A0.1, that "Fire Alarm system" will be a "Deferred Submittal". Submit fire alarm system shop drawings (3 sets) and a permit application to the Fire Prevention Division for review and approval. Call (408) 378-4010 for more information.
- 36. Comment #3: Per "Key Note #1" on sheet A3.1 and "Finish Legend" on sheet A2.2, the "Ceiling" (in areas indicated on sheet A3.1, detail 16) will be covered with "(N) Stickwood" (Wood laminate). Please refer to CFC #803.5.1 and indicate which option of the 3 indicated under CFC #803.5.1 this installation will meet. Provide supporting documentation demonstrating compliance with the option indicated.
- 37. Comment #4: Tactile exit signs shall be provided as required to comply with CBC section 1011.4. Show location on floor plans.
- 38. Comment #5: NOTE - Egress doors shall be readily openable from the egress side without the use of a key, thumb turn, or any special knowledge or effort. Manually operated flush bolts or surface bolts are not permitted, unless any of the conditions under section 1008.1.9.4 is met. [CBC #1008.1.9] {Sheets A2.1 & A0.3}.
- 39. Comment #6: NOTE - Interior wall and ceiling finish shall comply with CBC & CFC, Chapter 8. {Sheets A2.2, A2.3 & A3.1}
- 40. Comment #7: This review shall not be construed to be an approval of a violation of the provisions

RESOLUTION NO. 4315

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THE CITY COUNCIL APPROVE AN ADMINISTRATIVE PLANNED DEVELOPMENT PERMIT (PLN2015-98) AND CONDITIONAL USE PERMIT (PLN2015-99) TO ALLOW AN OUTDOOR PATIO WITH ALCOHOL SERVICE IN CONJUNCTION WITH AN EXISTING RESTAURANT (ORALE) WITH A REQUEST FOR AN EXCEPTION TO A STREETScape STANDARD CONTAINED WITHIN THE WINCHESTER BOULEVARD MASTER PLAN ON PROPERTIES LOCATED AT **1708, 1740 & 1750 S. WINCHESTER BOULEVARD.** FILE NO. PLN2015-98/99

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(s) PLN2015-98/99:

Environmental Finding

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

Evidentiary Findings

1. The project site comprises three properties which include 1708, 1740 & 1750 S. Winchester Boulevard, located on the east side of S. Winchester Boulevard, north of Garrison Drive (a private street), abutting an apartment community to the east and commercial properties to the north and south.
2. The project site is zoned P-D (Planned Development) on the City of Campbell Zoning Map.
3. The project site is designated Central Commercial on the City of Campbell General Plan Land Use Map.
4. The project site is located within the Winchester Boulevard Master Plan (WBMP).
5. The proposal conforms to all requirements of the General Plan, Zoning, and Winchester Boulevard Master Plan, except that two new parking spaces are proposed within a 17-foot streetscape standard contained within the WBMP which requires approval of an exception to the WBMP to allow.
6. The request for an exception to the Winchester Boulevard Master Plan requires City Council approval.
7. The project site, as a developed site, is distinct from a new development which could more readily conform to the setbacks and development standards of the Winchester Boulevard Master Plan.

8. The existing driveway to be removed and replaced is not long enough to warrant installation of the streetscape standard/details contained within the WBMP.
9. The existing building encroaches into the required streetscape setback of the WBMP.
10. The request for an exception to the Winchester Boulevard Master Plan is necessary for the preservation and enjoyment of a substantial property right, in that it continues to allow for minor improvements to the property until such time that a more substantive redevelopment of the site would trigger conformance with the streetscape standards.
11. The creation of an outdoor dining/patio area is responsive to the objective of the Winchester Boulevard Master Plan to create a more pedestrian friendly streetscape.
12. The requested exception to the Winchester Boulevard Master Plan is necessary to offset the parking impacts of the proposed outdoor patio and dining area.
13. The proposed project will be compatible with the underlying Central Commercial General Plan land use designation and the Winchester Boulevard Master Plan, as conditioned.
14. 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.
15. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
16. 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, the Planning Commission further finds and concludes that:

17. The proposed development or uses clearly would result in a more desirable environment and use of land than would be possible under any other zoning district classification;
18. The proposed development would be compatible with the general plan and will aid in the harmonious development of the immediate area;
19. The proposed development will not result in allowing more residential units that would be allowed by other residential zoning districts which are consistent with the general plan designation of the property;

20. The proposed development would not be detrimental to the health, safety or welfare of the neighborhood or of the city as a whole;
21. There are special circumstances and conditions affecting the subject property;
22. The exception is necessary for the preservation and enjoyment of a substantial property right of the developer;
23. The granting of the exception will not be detrimental to the public welfare, or injurious to other property in the area in which said property is situated; and
24. The project is Categorically Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends the City Council approve an Administrative Planned Development Permit (PLN2015-98) AND Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at **1708, 1740 & 1750 S. Winchester Boulevard**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 26th day of July, 2016, by the following roll call vote:

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

APPROVED: _____
Yvonne Kendall, Acting Chair

ATTEST: _____
Paul Kermoyan, Secretary

RECOMMENDED CONDITIONS OF APPROVAL
Administrative Planned Development Permit and Conditional Use Permit
1708, 1740 & 1750 S. Winchester Blvd (PLN2015-98/99)

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 an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on May 16, 2016, and as redlined by staff to clarify the location of two additional parking spaces, except as may be modified by the conditions of approval herein. The applicant shall have the option to install a covered canopy, instead of umbrellas, over the proposed outdoor patio area.
2. Plan Revisions: The building permit submittal construction plans shall incorporate the following revisions:
 - a. Parking Space Screening: The plans submitted for building permit review shall reflect the incorporation of a green screen/living wall in front of the proposed parking spaces.
 - b. Patio Landscape Buffer: The plans submitted for building permit shall reflect the incorporation of enhanced landscaping in front of the proposed patio. The intent of this requirement is to provide buffer from the traffic on S. Winchester Boulevard and enhance the aesthetics of the outdoor dining area.
 - c. Rooftop Signs & Mechanical Equipment: The plans submitted for building permit shall reflect the incorporation of a more comprehensive (360-degree) rooftop mechanical equipment screen.
 - d. Patio Furniture: If the existing patio furniture is to be retained, please revise the plans to note as such accordingly and document the type/size of existing furniture and their proposed location on the project plans.
 - e. Trash Enclosure: The plans submitted for building permit shall reflect the incorporation of a trash enclosure behind the Jerusalem Bar and Grill. The trash enclosure shall comply with the requirements of CMC 21.18.110 and provide a sewer connection, and roof.

Compliance with these requirements and plan revisions shall be subject to the satisfaction of the Director of Community Development.

3. **Permit Expiration:** The Administrative Planned Development Permit (PLN2015-338) and Conditional Use Permit (PLN2015-99) approved herein shall be valid for two years from the date of final approval. The City Council will be the final approving authority. Within this two-year period an application for a building permit must be submitted. Failure to meet this deadline will result in the Administrative Planned Development Permit and Conditional Use Permit being rendered void.
4. **Operational Standards:** Consistent with City standards, any restaurant operating pursuant to the Administrative Planned Development Permit and/or Conditional Use Permit approved herein shall conform to the following operational standards:
 - a. **Restaurant Seating:** Total seating shall be limited 52 seats (40 indoor, 12 outdoor). This seating limitation is also subject to the maximum occupancy capacities of certain rooms as determined by the California Building Code (CBC). It is the responsibility of the business owner to provide adequate entrance controls to ensure that patron occupancy is not exceeded. Maximum Occupancy signs shall be posted conspicuously within the premises.
 - b. **Bar Area:** No separate bar area, as defined by the Campbell Municipal Code, shall be permitted within the restaurant.
 - c. **Point of Sale:** No separate point of sale shall be allowed for beer and wine purchases, apart from the system used for food purchase. This restriction is intended to preclude the business from establishing a more bar like atmosphere by prioritizing or separating drink purchases from purchase of food.
 - d. **High Top Tables & Chairs:** The Community Development Director shall retain the ability to curtail the number of high top tables and chairs in the event that the subject tenant, or future tenants operating under pursuant to the Conditional Use Permit adopted herein, begin to resemble a bar atmosphere. The subject tenant shall have no more than sixty-days to replace the interior seating with new furniture subject to the review and approval of the Community Development Director. Failure to remove furniture within this time period shall be grounds to take the permit back to the Planning Commission for consideration of revocation.
 - e. **Floor Plan:** At no time shall the seating be reconfigured to create large open spaces for patrons to congregate, dance, drink, or socialize. All tables and chair shall be placed in such a manner to allow sufficient area for dining. At no time shall tables and chairs be stacked or removed from the identified dining area or placed outside.
 - f. **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 including the number of approved seats, and seat locations.
 - g. **Food Service:** Full menu food service shall be provided at all times the business is in operation (i.e., the kitchen shall not be closed during the Business/Public Hours).

- h. **Live Entertainment:** No live entertainment is permitted as part of the Conditional Use Permit, including live music, disc jockey, karaoke, and dancing.
 - i. **Alcohol Beverage Service:** Alcohol beverage service shall only be allowed in conjunction with food service.
 - j. **Hours of Operation:** Hours of operation shall be as follows. By the end of 'Business Hours' all patrons shall have exited the restaurant. By the end of the 'Operational Hours' all employees shall be off the premises.
 - Business/Public Hours: 8:00 AM – 10:00 PM, Daily
 - Operational Hours: 7:30 AM – 10:30 PM, Daily
 - k. **Liquor License:** Tenants shall obtain and maintain in good standing a Type 41 license, from the State Department of Alcoholic Beverage Control for any sale of beer and wine in conjunction with a bona fide eating establishment. The license shall include Business Hour, a limitation prohibiting the off-site sale of alcohol, premise area 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.
 - l. **Loitering:** There shall be no loitering allowed outside the business. The business owner is responsible for monitoring the premises to prevent loitering.
 - m. **Noise:** Music shall be played indoors and at a low level at all times. Unreasonable levels of noise, sounds and/or voices, including but not limited to amplified sounds, loud speakers, sounds from audio sound systems, music, and/or public address system, generated by the establishment shall not be audible to a person of normal hearing capacity from any residential property. No speakers shall be permitted to be installed outdoors.
 - n. **Taxicab Service:** The establishment shall post in a conspicuous place the telephone numbers of local taxicab services.
 - o. **Smoking:** "No Smoking" signs shall be posted on the premises in compliance with CMC 6.11.060.
 - p. **Trash & Clean Up:** All trash, normal clean up, carpet cleaning, etc. shall occur during the approved 'Operational Hours'.
 - q. **Outdoor Cooking:** No outdoor cooking (i.e., grilling, smoking, etc.) is permitted in association with the establishment.
 - r. **Training:** The business shall operate in accordance with the standards pertaining to the serving of alcohol as established by the California Restaurant Association and the California Department of Alcoholic Beverage Control.
5. **Revocation of Permit:** Operation of a "full service restaurant" with beverage (including beer and wine) and food sales 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 appropriate decision making body to modify or revoke a Conditional Use Permit, if it is determined that its operation 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 three (3) verifiable complaints related to violations of conditions of approval and/or related to its operation within a six (6) month period, a public hearing before the Planning Commission may be scheduled to consider modifying conditions of approval or revoking its Conditional Use Permit. The Community Development Director may commence proceedings for the revocation or modification of permits upon the occurrence of less than three (3) 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 noise or odor complaints at or near the establishment that are reasonably determined to be a direct result of patrons actions or facility equipment;
 - b. The number of parking complaints received from residents, business owners and other citizens concerning the operation of an establishment; and
 - c. Violation of conditions of approval.
6. Alcohol Sales for Off-Site Consumption: The sale of alcohol for off-site consumption is prohibited.
 7. Location of Mechanical Equipment: No roof-mounted mechanical equipment, i.e. air conditioning units, shall be located on the roof of the building without providing screening of the mechanical equipment from public view and surrounding properties. Screening material and method shall require review and approval by the Community Development Director prior to installation of such mechanical equipment screening.
 8. Outdoor Storage: No outdoor storage is permitted on the property.
 9. Storefront Windows & Doors: At no time shall an obscure wall or barrier (i.e. drapery, window tinting, blinds, furniture, inventory, shelving units, storage of any kind, or similar) be installed along, behind or attached to storefront windows or doorways that blocks visual access to the tenant space or blocks natural light without prior written approval of the Director of Community Development.
 10. Delegation of Authority: Modifications to the site or project shall default back to the decision making body specified in the Campbell Municipal Code and not otherwise require City Council approval except where expressly required.
 11. 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.
 12. Parking: All parking and driveway areas shall be maintained in compliance with the standards in Chapter 21.28 (Parking & Loading) of the Campbell Municipal Code and the Winchester Boulevard Master Plan except where explicitly granted an exception by the City Council.

13. Reciprocal Parking and Access Covenant: Prior to submittal of building permits, a covenant running with the land shall be recorded by the owner of 1708 & 1740 S. Winchester Boulevard guaranteeing that one parking space and four motorcycle spaces will be maintained for the life of the use and activity served at 1750 S. Winchester Boulevard. The covenant shall include language to allow for reciprocal access between the three properties for general access and vehicular circulation, as well as flexibility to allow the required parking spaces to be reassigned or relocated within the development in the event the property is redeveloped. The covenant shall be required to be reviewed and approved by the City Attorney prior to issuance of building permits. The covenant may not be removed from the property without the prior written consent of the Director of Community Development.
14. Code Enforcement: As an active Code Enforcement case, the property owner shall submit construction plans and apply for a building permit within one month of final approval. Within two weeks of building permit issuance the work shall have commenced. Within one year of building permit issuance the work shall have been completed. Failure to meet any of these deadlines may result in citations from the Code Enforcement Department.
15. Compliance with Other Regulations: The applicant shall comply with all state, county, and city regulations and laws that pertain to the proposed project.
16. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior building lighting shall be reviewed by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. The Director will have the authority to reject, approve or request modifications to the lighting to achieve these goals.
17. Signage: No new signage has been considered as part of this project. Future signage shall be considered pursuant to applicable City development standards and processes.
18. 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 during all periods of construction.
 - 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

19. Permits Required: A building permit application shall be required for the proposed renovations to the (e) commercial building. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit. The building shall be made to comply with all the requirements necessary to the new buildings proposed occupancy.
20. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
21. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
22. 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.
23. 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.
24. Title 24 Energy Compliance: California Title 24 Energy Standards Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
25. 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.
26. 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.
27. Title 24 Accessibility – Commercial: On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
28. Title 24 Accessibility – Commercial: this project shall comply fully with the provisions of Chapter 11B of the California Building Code 2013 ed.
29. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. West Valley Sanitation District
 - b. Santa Clara County Fire Department

c. Santa Clara County Department of Environmental Health

30. 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.
31. Storm Water Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.

Public Works Department

32. The following conditions only apply if the applicant has a need to install / upgrade utility services (water, sewer, gas, etc.) in the street:
 - a. Utility Encroachment Permit: Separate permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
 - 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. Joint trenches for new utilities shall be used whenever possible.
33. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. Streets that have been reconstructed or overlaid within the previous five years will require boring and jacking for all new utility installations. Winchester Boulevard 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.
34. The following condition only applies if the alternative parking plan shown on sheet A2A, which proposes the closure of the existing driveway to Winchester Boulevard, is approved:
 - a. Encroachment Permit/Fees/Deposits: The applicant shall obtain an encroachment permit (including fees, surety and insurance) for the proposed closure of the existing driveway approach within the right-of-way on Winchester Boulevard. The applicant shall remove the existing driveway approach and reconstruct the area with City standard curb, gutter and sidewalk.
35. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the

applicant shall have the required street improvements installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.

36. Additional Street Improvements: Should it be discovered after the approval process that new utility main lines, extra utility work or other work is required to service the development, and should those facilities or other work affect any public improvements, the City may add conditions to the development/project/permit, at the discretion of the City Engineer, to restore pavement or other public improvements to the satisfaction of the City.

Santa Clara County Fire Department

37. Comment #1: Review of this development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • August 9, 2016

PLN2016-160 Public Hearing to consider the application of Ashlee Lozano for a Site and Architectural Review Permit (PLN2016-160) to allow the construction of a new 2,309 sq. ft. single-family residence on property located at **1655 Walters Avenue** in the R-1-9 (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 (PLN2016-160) to allow the construction of a new 2,309 sq. ft. single-family residence, subject to the attached Conditions of Approval.

ENVIRONMENTAL DETERMINATION

Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings.

PROJECT DATA

Zoning Designation:	R-1-9 (Single-Family Residential)	
General Plan Designation:	Low-Density Residential (less than 4.5 units/gr. acre)	
Net Lot Area:	5,144 square-feet	
Building Height:	26 feet	28 feet Maximum Allowed
First Floor Wall Height:	10.5 feet	(N.G. to Top of Plate)
Second Floor Wall Height:	20.5 feet	(N.G. to Top of Plate)
Floor Area:		
First Story:	1,397 square-feet	
Second Story:	<u>+912 square-feet</u>	
Total floor area:	2,309 square-feet	
Floor Area Ratio (FAR):	44.9%	45% Maximum Allowed
Building (Lot) Coverage:	38.8% ¹	40% Maximum Allowed

DISCUSSION

Project Location: The project site is an approximately 5,144 square-foot property located on the north side of Walters Avenue, west of Harriet Avenue, and east of York Avenue within the City's San Tomas Area Neighborhood in the R-1-9 (Single-Family Residential) Zoning District (reference **Attachment 3** – Location Map). The site is currently developed with a 768 sq. ft.

¹ Including a 232 sq. ft. covered carport. Calculation of lot coverage provided on cover sheet of project plans (reference **Attachment 2** – Project Plans; Sheet 1).

single-story single-family residence (including a 240 sq. ft. garage) built in 1935 which is proposed to be removed (reference **Attachment 6** – Property Photo). Single-family residential properties border the site on all sides.

Project Description: The applicant is seeking approval of a Site and Architectural Review Permit to allow the construction of a 2,309 sq. ft. 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 single-family residence, in a single-family 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 project site has an R-1-9 (Single-Family Residential) Zoning District designation, and is within the boundaries of the San Tomas Area. Pursuant to the San Tomas Area Neighborhood Plan (STANP), construction of a new single-family home within this zoning district requires approval of a Site and Architectural Permit review by the Planning Commission.

Architectural Design: The new residence is presented in a contemporary ‘Mediterranean’ style, with a prominent front entryway and arches over the second-story balcony, carport, front porch and arcade of the rear patio. The first story of the front facade (as well as the entire front entry, fireplace, and columns of the rear arcade) would be clad in a ‘Mocha Mesa’ stone veneer wainscoting. The main body of the building would be a light brown stucco (Kelly Moore ‘Spanish Sand’) with a reddish brown paint (Kelly Moore ‘Saltillo’) used on the front doors and exposed rafter tails, and a light beige trim used on the windows and gutters (Kelly Moore ‘Navajo White’). The home would include composition shingle roofs (brown ‘aged bark’). The streetscape schematic (reference **Attachment 4** – Revised Project Plans) indicates that the home would be complementary to the home to the west and newer homes on Walters Avenue.

Trees: The applicant is proposing to remove a small (less than 3-inch diameter) tree in the front yard which is in direct conflict with the proposed driveway. As the applicant’s proposal constitutes new construction, the applicant is required to plant three new trees in accordance with the STANP requirement for two trees for every 2,000 sq. ft. of lot area.

Landscaping: The project will require compliance with the State mandated landscape water efficient guidelines, which will require incorporation of various water conservation measures, including planting of drought-resistant vegetation.

Site and Architectural Review Committee: The Site and Architectural Review Committee (SARC) reviewed this application at its meeting of July 12, 2016. At the meeting, the applicant agreed to install a mud room door (that opens to the carport, and is visible on the front façade) which matches the style of the front door, install three new trees (two in the front yard) and explore options to break-up the large expanse of driveway pavement (e.g. pervious pavers, turf

blocks, reversing the paver pattern, adding landscape strip or different material such as gravel). The revised project plans (reference **Attachment 4**) incorporate SARC feedback, noting a proposal for seven new trees², a matching mud room door, and a driveway comprised of pervious pavers.

Public Outreach: A notice was mailed to all property owners within 300-feet on the project. With the exception of the letter received from the San Tomas Area Neighborhood Coalition³ (reference **Attachment 7** – STAAC Letter), no public comments were received by the time the staff report was prepared.

Attachments:

1. Findings for Approval of File No.: PLN2016-160
2. Conditions of Approval of File No.: PLN2016-160
3. Location Map
4. Revised Project Plans
5. Material Board
6. Property Photo
7. STACC Letter

Prepared by:



Stephen Rose, Associate Planner

Approved by:



Paul Kermoyan, Community Development Director

² Whereas the applicant is proposing to install seven new trees, the conditions of approval reflect a requirement to provide only three as recommended by SARC. The three trees required to be planted as a condition of approval (and to be maintained in perpetuity) include the two Crape Myrtles and one Evergreen Oak tree located in the front yard.

³The letter from the San Tomas Area Neighborhood Coalition indicating support for the proposed composition roof, carport, and recommended the use of pervious pavers rather than concrete. All of these details are proposed as part of the revised project plans.

FINDINGS FOR APPROVAL OF FILE NO. PLN2016-160

SITE ADDRESS: 1655 Walters Avenue
APPLICANT: Ashlee Lozano
OWNER: Ashlee Lozano
P.C. MEETING: August 9, 2016

Findings for Approval of a Site and Architectural Review Permit to allow the construction of a new 2,309 sq. ft. single-family residence:

The Planning Commission finds as follows with regard to file number PLN2016-160:

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 5,144 square-foot property located on the north side of Walters Avenue, west of Harriet Avenue, and east of York Avenue.
6. The project is compatible with the architecture of the adjacent neighborhood in that the project utilizes simple gable and hipped roof forms, with materials (stucco & stone), and roofing (composition shingle) not out of conformance with the surrounding community.
7. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.

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

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area;
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.

CONDITIONS OF APPROVAL FOR FILE NO. PLN2016-160

SITE ADDRESS: 1655 Walters Avenue
APPLICANT: Ashlee Lozano
OWNER: Ashlee Lozano
P.C. MEETING: August 9, 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 (PLN2016-160) to allow the construction of a new 2,309 sq. ft. single-family residence located at **1655 Walters Avenue**. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on July 25, 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 August 19, 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: The applicant shall plant two Crepe Myrtle trees, and one Evergreen Oak tree as 'required trees' on the property to achieve a minimum of three trees based on the property lot size.
 7. Tree Removal Permit Required: The removal of any of the '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. 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. Soils Report: Two copies of a current soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations shall be submitted with the building permit application. The report shall be prepared by a licensed engineer specializing in soil mechanics.
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.

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14. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
15. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
- a. pad elevation
 - b. finish floor elevation (first floor)
 - c. foundation corner locations
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. 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.
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. Automatic Fire Sprinkler Systems: This project shall comply with Section R313 of the California Residential building Code 2013 edition, and be equipped with a complying Fire Sprinkler system.

Public Works Department

The scope of this project triggers the requirement for Frontage Improvements as required by Campbell Municipal Code 11.24.040. However, per the San Tomas Area Neighborhood Plan, this section of Walters Avenue is only required to install rolled curb for drainage purposes.

These Conditions of Approval are a supplement to “The Lozano Residence Plans” dated April 26, 2016 by Studio 14. The plans are not approved for construction. Further plan checking by Public Works will be required post entitlement.

25. Response Letter: The applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed at the time of the Building Permit application.
26. Legal Lot: Prior to issuance of any grading or building permits for the site, the applicant shall provide documentation to ascertain that the lot has been legally created.
27. Certificate of Compliance: Prior to issuance of any grading or building permits for the site, the applicant maybe required to submit a Certificate of Compliance application for approval by the City Engineer and pay the current application processing fee in the event the lot was not legally created. See City of Campbell Ordinance 330 and 423.
28. Right-of-Way for Public Street Purposes: Prior to issuance of any grading or building permits for the site, the applicant shall fully complete the process to cause additional right-of-way to be granted in fee for public street purposes along the Walters Avenue frontage to accommodate a 20-foot half street if it doesn’t already exist. The applicant shall submit the necessary documents for approval by the City Engineer, process the submittal with City staff’s comments and fully complete the right-of-way process. The applicant shall cause all documents to be prepared by a registered civil engineer/land surveyor, as necessary, for the City’s review and recordation

-
29. Public Service Easement: Prior to issuance of any grading or building permits for the site, the applicant shall grant a 10' public service easement (PSE) contiguous with the public right-of-way along the Walters Avenue frontage. The applicant shall cause all documents to be prepared by a registered civil engineer/land surveyor, as necessary, for the City's review and recordation.
30. 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 \$255.00.
31. 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.

32. Plan Lines: Prior to issuance of any grading or building permits for the site, the applicant shall provide a plan layout showing the correct distance from the street centerline to the property line, and other relevant information in the public right of way.
33. Deferred Street Improvement Agreement: Prior to issuance of any grading or building permits for the site, the owner shall execute a deferred street improvement agreement for construction of standard street improvements. Unless otherwise approved by the City Engineer these improvements shall include, but are not limited to, removal and replacement of street pavement structural section to centerline, relocation of utility poles and facilities as required, installation of rolled curb, street trees, necessary drainage facilities and necessary conforms to existing improvements.
34. Utilities: All on-site utilities shall be installed underground per Section 21.18.140 of the Campbell Municipal Code for any new or remodeled buildings or additions. Applicant shall comply with all plan submittals, permitting, and fee requirements of the serving utility companies.

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

35. Water Meter(s) and Sewer Cleanout(s): Existing and proposed water meter(s) and sewer cleanout(s) shall be relocated or installed on private property behind the public right-of-way line.

-
36. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
 37. 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. Walters 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.
 38. 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 pavement restoration installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
 39. Utility Encroachment Permit: Separate encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
 40. 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

41. 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.
42. Fire Sprinklers Required: An Automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. **Exception**: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. **NOTE**: Covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. **NOTE**: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to the this

department for review and approval prior to beginning their work. R313.2 as adopted and amended by CBLMC.

43. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an applicant capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2007 CFC Sec. 903.3.5 and Health and Safety Code 13114.7
44. 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.
45. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.5 mm) high with a minimum stroke width of 0.5 inch (12.7mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1

Location Map



Property Photo



Material Board



ROOF MATERIAL:
COMPOSITION SHINGLES PRESIDENTIAL SHAKE TL
COLOR : AGED BARK

PAINT:
KELLY MOORE PAINT



MAIN BODY : 231 SPANISH SAND



DARK TRIM
FRONT DOOR, FRENCH DOORS AND AND
FALSE EXPOSED BEAMS : 212 SILTILLO



STONework MATERIAL:
REAL STONE ROC PRO LEDGESTONE LIGHT PANELS
COLOR: MOCHA MESA



LIGHT TRIM
FOR DOORS, WIDOWS TRIM AND GUTTERS : 36 NAVAJO WHITE

A New Residencee for:
THE LOZANO RESIDENCE
1655 Walters Ave.
Campbell CA

MATERIAL
BOARD

STUDIO 14

20400 IRON SPRINGS ROAD
LOS GATOS, CA 95033
PH/TEXT 408 887-2212 FAX 408 837-2212
DAVIDTAM@GMAIL.COM



San Tomas Area Community Coalition

P.O. Box 320663
Los Gatos CA 95032

408.410.6528 phone
info@staccna.org
<http://staccna.org>

City of Campbell
70 N. First Street
Campbell CA 95008

July 10, 2016

Attn: SARC
Planning Commission Members
Stephen Rose, Associate Planner
Paul Kermoyan, Director Community Development Department

Subj: PLN2016-160, 1655 Walters Avenue

Dear SARC Committee Members, Planning Commission Members and Staff:

STACC members have reviewed PLN2016-160, 1655 Walters Avenue, application for construction of a new 2,309 sq. ft. two-story single-family residence.

We find that this project meets all of the standards of the San Tomas Area Neighborhood Plan and will fit in well with the neighborhood.

We would like to address several of the points brought up in the staff memoranda. While homes within the area of the San Tomas Area Neighborhood Plan are encouraged to “fit in” with surrounding neighborhoods, variety is not only allowed, it is actively encouraged. The idea is to have pleasing home designs with enough unique characteristics to make them appealing and avoid the “cookie cutter” look of so many of today's new developments.

Roof Materials: We believe the *composition roof* both meets the standards, is compatible with homes in the area, and has roof colors and material which are consistent with both the Mediterranean design and the paint and trim colors selected by the homeowner.

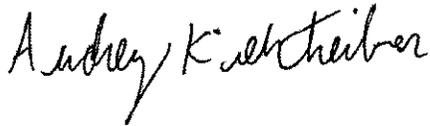
STACC board members feel the current design of the composition shingle roof should be allowed to remain.

Carport: The homeowners and their architect have dealt well with the constraints of a small lot, and we believe the covered car port with additional open parking space meet the standards and are in fact desirable because they allow a more homey look to the front of the home, presenting a more attractive appearance rather than a large expanse of garage doors.

Driveway: We recommend one change due to the need in our area to keep as much water as possible on site for water table absorption and to reduce runoff. We suggest pavers rather than poured concrete for the front driveway and pathways.

Overall this is a very pleasing design which meets the standards as described in the San Tomas Area Neighborhood Plan and we look forward to it's completion and the day our neighbors can move into their new home.

Best regards,

A handwritten signature in black ink that reads "Audrey Kiehtreiber". The signature is written in a cursive, flowing style.

Audrey Kiehtreiber

President



CITY OF CAMPBELL · PLANNING COMMISSION
Staff Report · August 9, 2016

PLN2016-65 Grover Public Hearing to consider the application of Sue Grover on behalf of Roman Catholic Welfare Corp of San Jose for a Sign Exception (PLN2016-65) for the St. Lucy School and Church, located at **76 Kennedy Avenue** in a P-F (Public Facility) Zoning District.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving the Sign Exception (PLN2016-65), subject to the attached Conditions of Approval.

ENVIRONMENTAL DETERMINATION

Staff recommends that the Planning Commission find that this project is Categorical Exempt under Section 15311, Class 11 of the California Environmental Quality Act (CEQA) pertaining to the construction or placement of on premise signs.

BACKGROUND:

The Saint Lucy Parish was established on the subject property in 1947 and the associated church was expanded in 1957 and again in 1967. In 1953, the St. Lucy School building was constructed. In 1978, the City granted St. Lucy a Conditional Use Permit (UP78-9) to construct a new parish house and conference center to support the existing parish and school operations. In 1998, the Planning Commission approved a Modification (M98-12) for a new 4,575 square foot activity center building and a 780 square foot addition to the administration offices of the school. In 2001, the Planning Commission approved a second Modification (PLN2001-37) for a new 1,440 square foot science classroom. In 2012, the Planning Commission approved a third Modification (PLN2012-21) to establish a commercial daycare center within one of the existing buildings.

DISCUSSION

Project Site: The project site is located south of Kennedy Avenue and east of Winchester Boulevard. The site is comprised of two parcels currently improved with multiple buildings utilized for both private school and public assembly uses. Surrounding developments include commercial and residential uses to the north, commercial and light industrial uses to the east, commercial and residential uses to the west, and a VTA Light Rail station to the south (reference Attachment 3, Location Map).

Staff Analysis:

The Planning Commission shall approve additional signs when it determines that all of the following findings have been met.

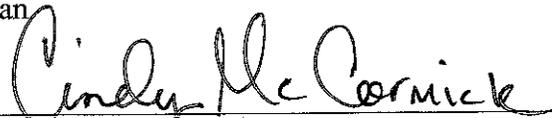
- a. *Without an exception to the Sign Ordinance, the signs would not be visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located; and*
- b. *No sign shall be increased in size or height more than is necessary to allow the signs to be visible and intelligible to a person of normal sight; and in no event may any sign exceed forty-five feet in height or three hundred fifty square feet in area; and*
- c. *The additional signs comply with all the requirements of the Sign Ordinance, except for the limitations on the number of signs; and*
- d. *The number of signs allowed pursuant to the exception shall not exceed the minimum number of signs necessary to make the signs visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located, which could not be accomplished by the number of signs otherwise allowed by the Sign Ordinance.*

The subject property consists of two parcels with two distinct uses (a church and school) and two different street frontages (Kennedy Avenue and Winchester Boulevard). The gate signage is needed to identify the entrance to the School which is located on Kennedy Avenue, whereas the Church is located on Winchester Boulevard. The total size of the two parcels is over eight acres, making it difficult for the public to identify a particular building on site. The proposed building signage would be located near the top of each building, allowing visibility from a distance. The size of the buildings signs must also be large enough to be seen from a distance. There are 10 buildings located throughout the property. Without the additional signage, it would be difficult for a person of normal sight to determine which buildings belong to the school and which buildings belong to the church. Given the size and layout of the site and the number of buildings serving the two distinct uses, the additional signage is necessary to be visible and legible to the public. The additional signs will comply with all the requirements of the Sign Ordinance, except for the total sign area. The signs will not exceed 45 feet in height or 350 square feet in area.

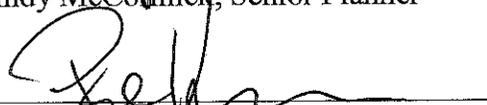
Attachments:

1. Findings for Approval for File No.: PLN2016-65
2. Conditions of Approval for File No. PLN2016-65
3. Location Map
4. Signage Plan

Prepared by:


Cindy McCormick, Senior Planner

Approved by:


Paul Kermoyan, Community Development Director

FINDINGS FOR APPROVAL OF FILE NO. PLN2016-65

SITE ADDRESS: 76 Kennedy Avenue
APPLICANT: Sue Grover
OWNER: Roman Catholic Welfare Corp of San Jose
P.C. MEETING: August 9, 2016

Findings for Approval of a Sign Exception:

The Planning Commission finds as follows with regard to File No. PLN2016-65:

1. The project site is approximately eight (8) acres in area and includes two parcels.
2. The project site has two frontages, taking access from both Kennedy Avenue and Winchester Boulevard.
3. There are ten (10) buildings located throughout the property, serving two uses (a public church and a private school).
4. The request for a Sign Exception includes new signage for the private school and existing signage for the public church.
5. The size and layout of the project site makes it difficult for the public to locate a particular building on the site.
6. The proposed location and size of the new signage is necessary to be visible to the public.
7. The new signs will comply with all the requirements of the Sign Ordinance, except for total sign area. The signs will not exceed forty-five feet in height or three hundred fifty square feet in area.

Based on the foregoing findings of fact, pursuant to Campbell Municipal Code Sections 21.30.030(C)(4) and 21.30.030(C)(5), the Planning Commission further finds and concludes that:

1. The signs otherwise allowed by this chapter would not be visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located;
2. The signs could not be made visible and intelligible to a person of normal sight without an exception to the Sign Ordinance.
3. The additional signs comply with all the requirements of the Sign Ordinance, except for the limitations on the total signage area; and
4. The number of signs allowed pursuant to this exception will not exceed the minimum number of signs necessary to make the signs visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located.
5. The project is Categorically Exempt under Sections 15311, Class 11 of the California Environmental Quality Act (CEQA) pertaining to the construction or placement of on premise signs.

CONDITIONS OF APPROVAL OF FILE NO. PLN2016-65

SITE ADDRESS: 76 Kennedy Avenue
APPLICANT: Sue Grover
OWNER: Roman Catholic Welfare Corp of San Jose
P.C. MEETING: August 9, 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:

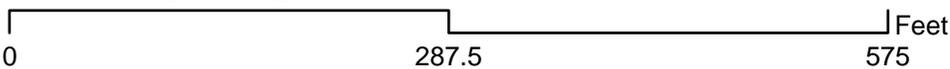
COMMUNITY DEVELOPMENT DEPARTMENT

1. Approved Project: Approval is granted for a Sign Exception for the St. Lucy School and Church located at **76 Kennedy Avenue**, stamped as received by the Planning Division on July 13, 2016, and identified in Attachment 4, except as modified by the conditions of approval herein.
2. Approval Expiration: The approval shall be valid for one year from the effective date of Planning Commission action. Within this one-year period, a Sign Permit for a sign allowed pursuant to the approved Sign Exception must be issued.
3. Sign Maintenance: The signs shall be maintained in good condition at all times and shall be repaired or replaced as necessary.
4. Building Permits Required: The applicant shall obtain all necessary building and/or electrical permits from the Building Division prior to the installation of any new signs.

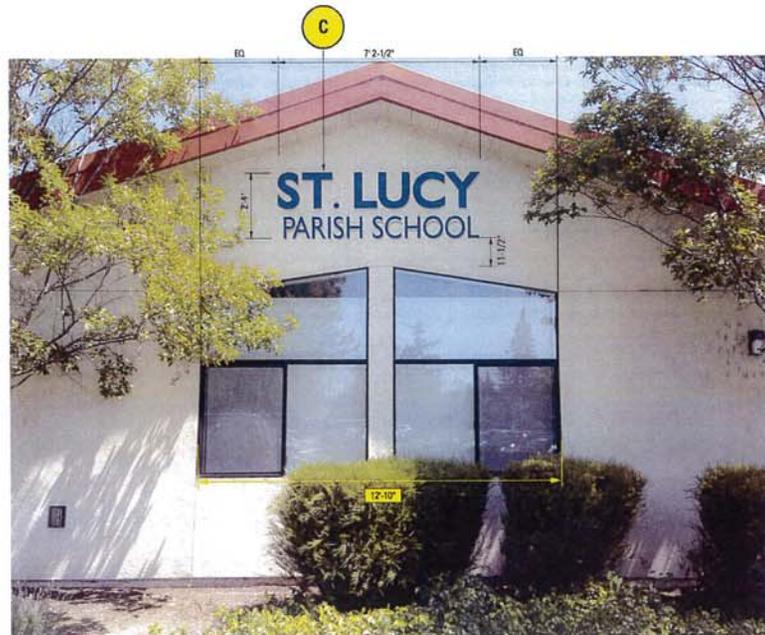
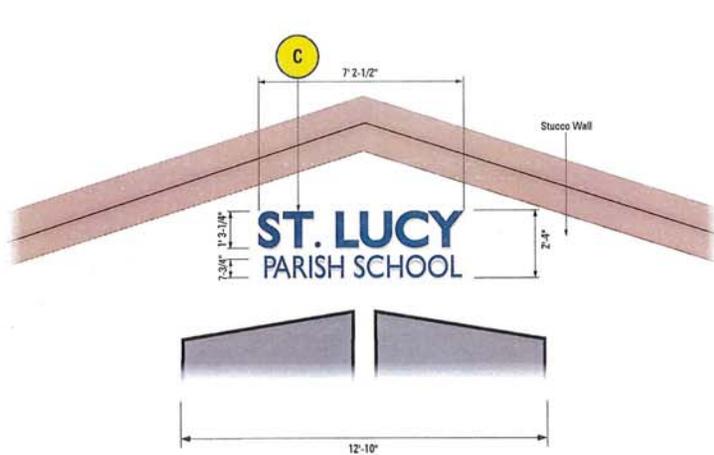
Project Location Map



Project Location: 76 Kennedy Ave
Application Type: St. Lucy Sign Exception
Planning File No.: PLN2016-65
Description: Two new building signs and one new gate sign



Community Development Department
Planning Division



C SIGN ELEVATION

SCALE: 1/4" = 1'-0"

SPECIFICATION

One (1) Set of FCO Letters/ Logo

ITEM	DESCRIPTION	VENDOR	SPECIFICATION
FCO Letters/Logo	1/2" Acrylic	Matthews	Painted To Match PMS 286 Blue & PMS 115 Yellow

NOTE: Letters Installed with Studs set in Silicone



1051 46th Avenue
Oakland, Ca 94601
T. 510.533.7693
F. 510.533.0815
www.arrowsigncompany.com

Project

St. Lucy School
76 Kennedy Dr.
Campbell CA

Date:

03-05-2015

Sales:

Neal

Design:

Randy Tucker

File Name/Location:

2015/S/St Lucy School

Rev. Date Description

A 8.2.18 Updated Copy/Size

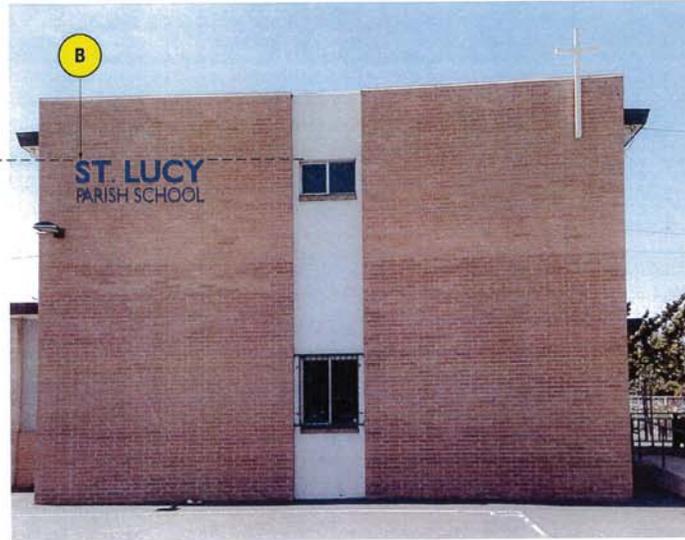
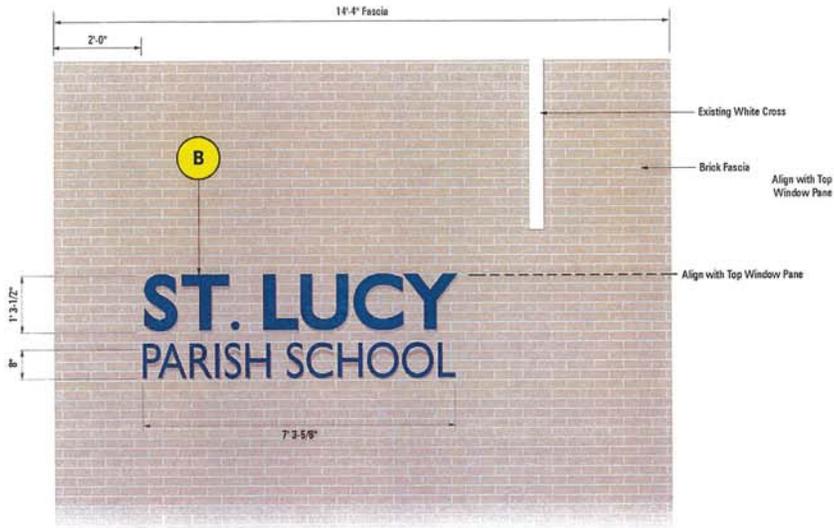
Customer Approval

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150305

Sheet 3



B SIGN ELEVATION

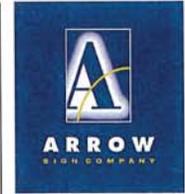
SCALE: 3/8" = 1'-0"

SPECIFICATION

One (1) Set of FCD Letters/ Logo

ITEM	DESCRIPTION	VENDOR	SPECIFICATION
FCD Letters/Logo	1/2" Acrylic	Matthews	Painted To Match PMS 286 Blue & PMS 115 Yellow

NOTE: Letters Installed with Studs set in Silicone



1051 46th Avenue
Oakland, Ca 94601
T. 510.533.7693
F. 510.533.0815
www.arrowsigncompany.com

Project
St. Lucy School
76 Kennedy Dr.
Campbell CA

Date:
03-05-2015

Sales:
 Neal

Design:
 Randy Tucker

File Name/Location:
2015/S/St Lucy School

Rev.	Date	Description
A	8/2/16	Revised Layout/Location

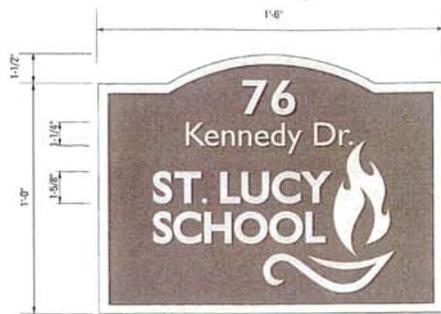
Customer Approval

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Sheet 2



A SIGN ELEVATION

SCALE: 2" = 1'-0"

SPECIFICATION

One (1) S/F Cast Bronze Plaque

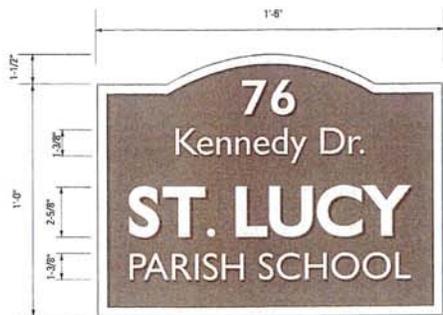
ITEM	DESCRIPTION	VENDOR	SPECIFICATION
Plaque	Standard Metal Plaque	Gemini	See Plaque Detail

NOTE: Plaque installed with Studs set in Silicone

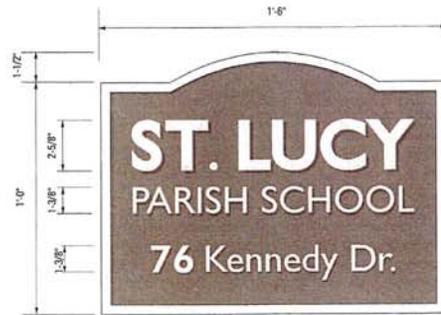


PLAQUE DETAIL

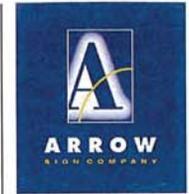
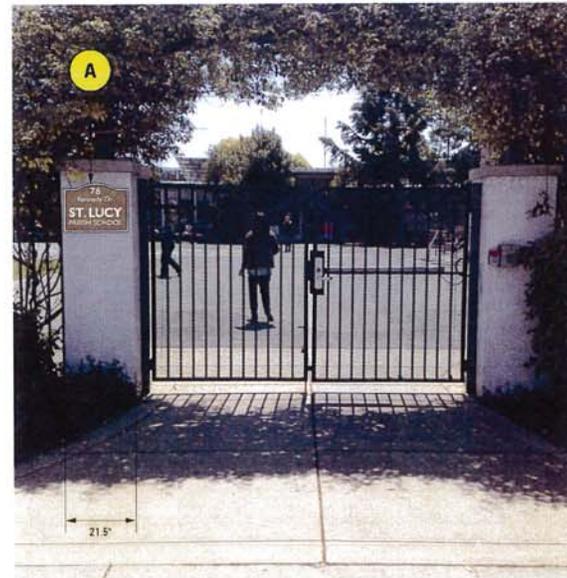
SCALE: NTS



FACE OPTION



FACE OPTION



1051 46th Avenue
Oakland, Ca 94601
T. 510.533.7693
F. 510.533.0815
www.arrowsigncompany.com

Project:

St. Lucy School
76 Kennedy Dr.
Campbell CA

Date:

03-05-2015

Sales:

Neal

Design:

Randy Tucker

File Name/Location:

2015/S/St Lucy School

Rev. Date Description

A 8/2/16 Revised Layout/Added Face Option

B 8/2/16 Added New Layout Option

Customer Approval

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150305

Sheet 1



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • August 9, 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 and retention of the front yard fence at 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, upholding the appeal for the front yard fence and denying the appeal for the side yard fence.

ENVIRONMENTAL DETERMINATION

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 accessory structures.

BACKGROUND

The Planning Commission held a public hearing to consider the appeal of an approved Fence Exception at its meeting of July 12, 2016 (reference **Attachment 4**). As described in the attached meeting minutes (reference **Attachment 5**), the Planning Commission discussed various aspects of the request, notably an open versus solid design, safety and visibility issues, neighborhood context, and code standards regarding height and location compared to the existing fencing.

After considerable discussion, the Planning Commission voted 6-0 to continue the item to a date uncertain and direct staff to modify the findings to uphold the appeal for the front yard fence, allowing a maximum height of three-and-one-half feet tall, not to extend beyond the property lines, with a design that includes some openness; and deny the appeal for the side yard fence, allowing a maximum six foot tall solid street side fence with a six-and-one-half setback from the power pole, but outside of the 30 foot corner sight triangle (reference **Attachment 3**).

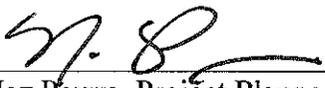
DISCUSSION

The Findings for Upholding the Appeal (reference **Attachment 1**) incorporate the Planning Commission's direction described above and the Conditions of Approval (reference **Attachment 2**) require the project to conform to Exhibit B (reference **Attachment 4**) prepared by staff. The Fence Exception itself is valid for one year allowing construction of the approved fencing; however the Conditions of Approval require the existing noncompliant fencing be removed within 60 days to resolve the open code enforcement case.

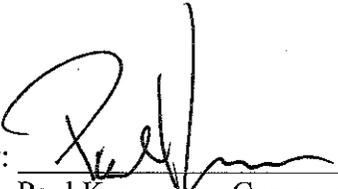
Attachments:

1. Findings for Upholding the Appeal PLN2016-200
2. Conditions of Approval
3. Fence Exception Exhibit B
4. Planning Commission Staff Report, dated July 12, 2016
5. Planning Commission Meeting Minutes, dated July 12, 2016
6. Planning Commission Meeting Desk Items
7. Planning Commission Meeting Appellant Presentation

Prepared by:


Naz Fouya, Project Planner

Approved by:


Paul Kermoyan, Community Development Director

FINDINGS FOR UPHOLDING THE APPEAL PLN2016-200

SITE ADDRESS: 1071 Lovell Avenue
APPLICANT: Sarbajit and Sanhita Ghosal
PC MEETING: August 9, 2016

Findings for upholding the appeal of an approved Fence Exception:

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 Community Development Director's approval to relocate the side yard fence 6.5 feet from the power pole (1.5 feet from the property line) will still require a Fence Exception and one that the Planning Commission supports.
6. The current design of the existing front yard fence, with its ratio of open versus solid components, is consistent with the neighborhood and the San Tomas Area Neighborhood Plan so long as it is not located on City property.
7. The approved Fence Exception allows a maximum three-and-one-half feet tall front yard fence, not to extend beyond the property lines, with a design that includes some openness; and allows a maximum six foot tall solid street side fence with a six-and-one-half setback from the power pole, but outside of the 30 foot corner sight triangle.

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

1. The Fence Exception would not impair pedestrian or vehicular safety;
2. The Fence Exception would result in a more desirable site layout;
3. The Fence Exception 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; and
4. The Fence Exception would not be detrimental or injurious to property and improvements in the neighborhood of the change.
5. This project is Categorical Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA) pertaining to accessory structures.

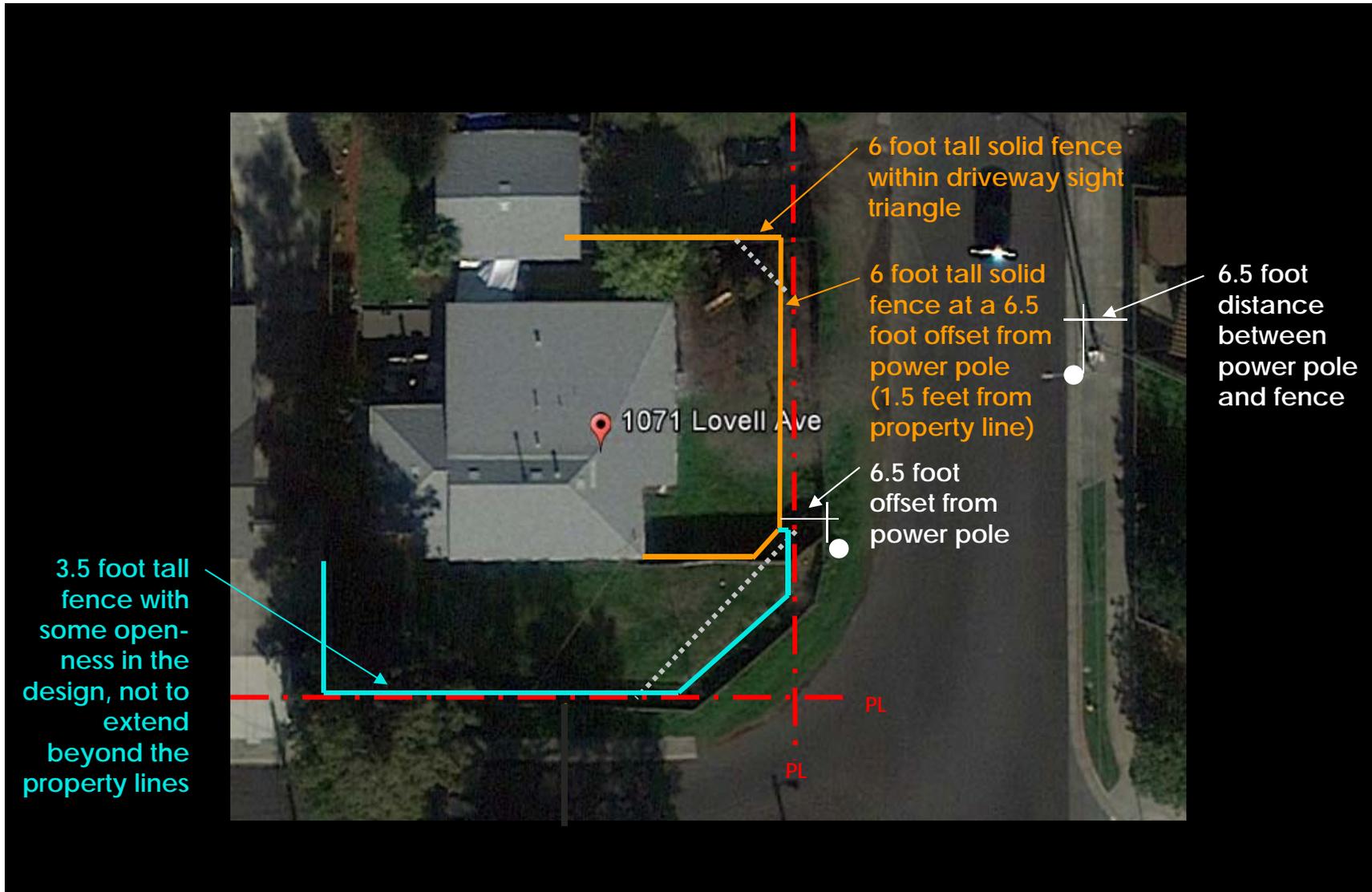
CONDITIONS OF APPROVAL FOR FILE NO. PLN2016-200

SITE ADDRESS: 1071 Lovell Avenue
APPLICANT: Sarbajit and Sanhita Ghosal
PC MEETING: August 9, 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

1. Approved Project: Approval is granted for a Fence Exception (PLN2016-200) to allow a maximum three-and-one-half feet tall front yard fence, not to extend beyond the property lines, with a design that includes some openness; and to allow a maximum six foot tall solid street side fence with a six-and-one-half setback from the power pole, but outside of the 30 foot corner sight triangle, located at **1071 Lovell Avenue**. The project shall substantially conform to the attached Exhibit B dated August 9, 2016, except as may be modified by the Conditions of Approval contained herein.
2. Permit Expiration: The Fence Exception (PLN2016-200) approval shall be valid for one (1) year from the date of final approval.
3. Revised Plans: Revised plans consistent with the Planning Commission decision shall be submitted to the Planning Division no later than **September 8, 2016**.
4. Existing Noncompliant Fencing: The existing noncompliant fencing shall be removed entirely or relocated consistent with the Planning Commission decision no later than **October 8, 2016**.
5. Expiration of Approval and Abatement of Violation: If the appellant fails to satisfy the deadline requirements of Condition No. 3 or Condition No. 4, this Fence Exception shall be deemed void. The City shall take all necessary and appropriate action to abate the violation. Any and all cost associated with abatement shall be liened against the property as allowed by law.
6. New Fences/Walls/Lattices/Screens: Any newly proposed fencing, walls, lattices, and/or screens 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.



1071 Lovell Avenue

Fence Exception Exhibit B

August 9, 2016



**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:

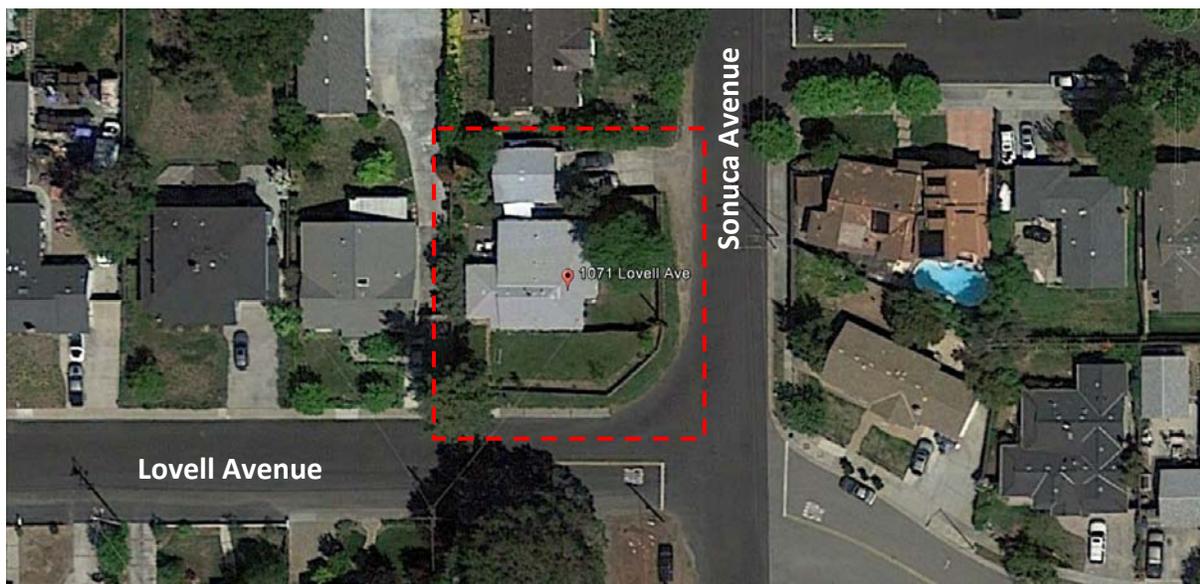
1. **Adopt a Resolution**, incorporating the attached findings, denying the appeal and upholding the Community Development Director's approval of a Fence Exception for a reduced side setback.

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:

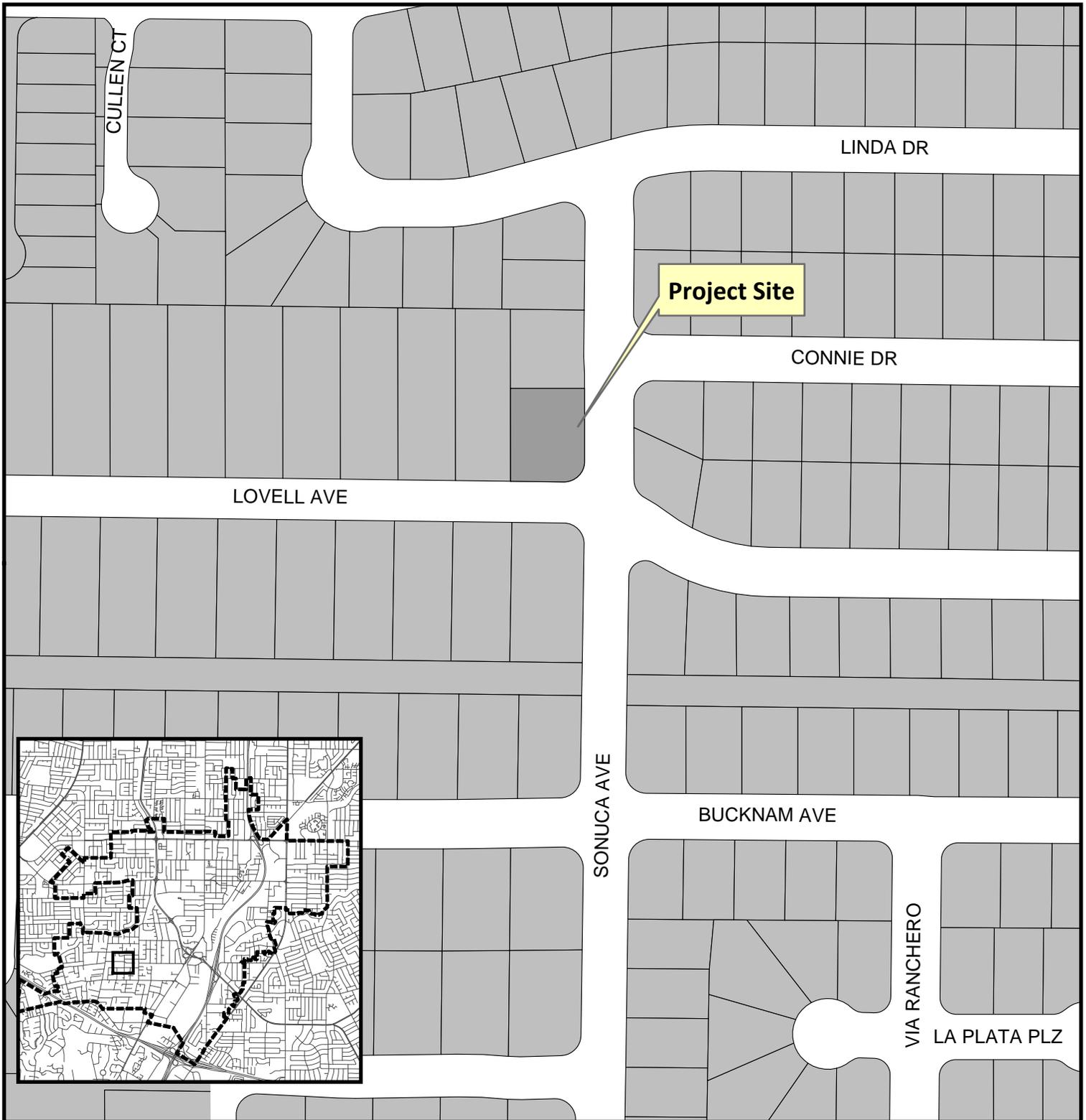
The Planning Commission finds as follows with regard to file number PLN2016-200:

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

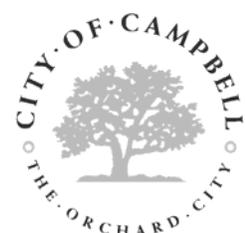
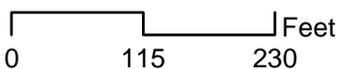


Project Location: 1071 Lovell Ave.

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,



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

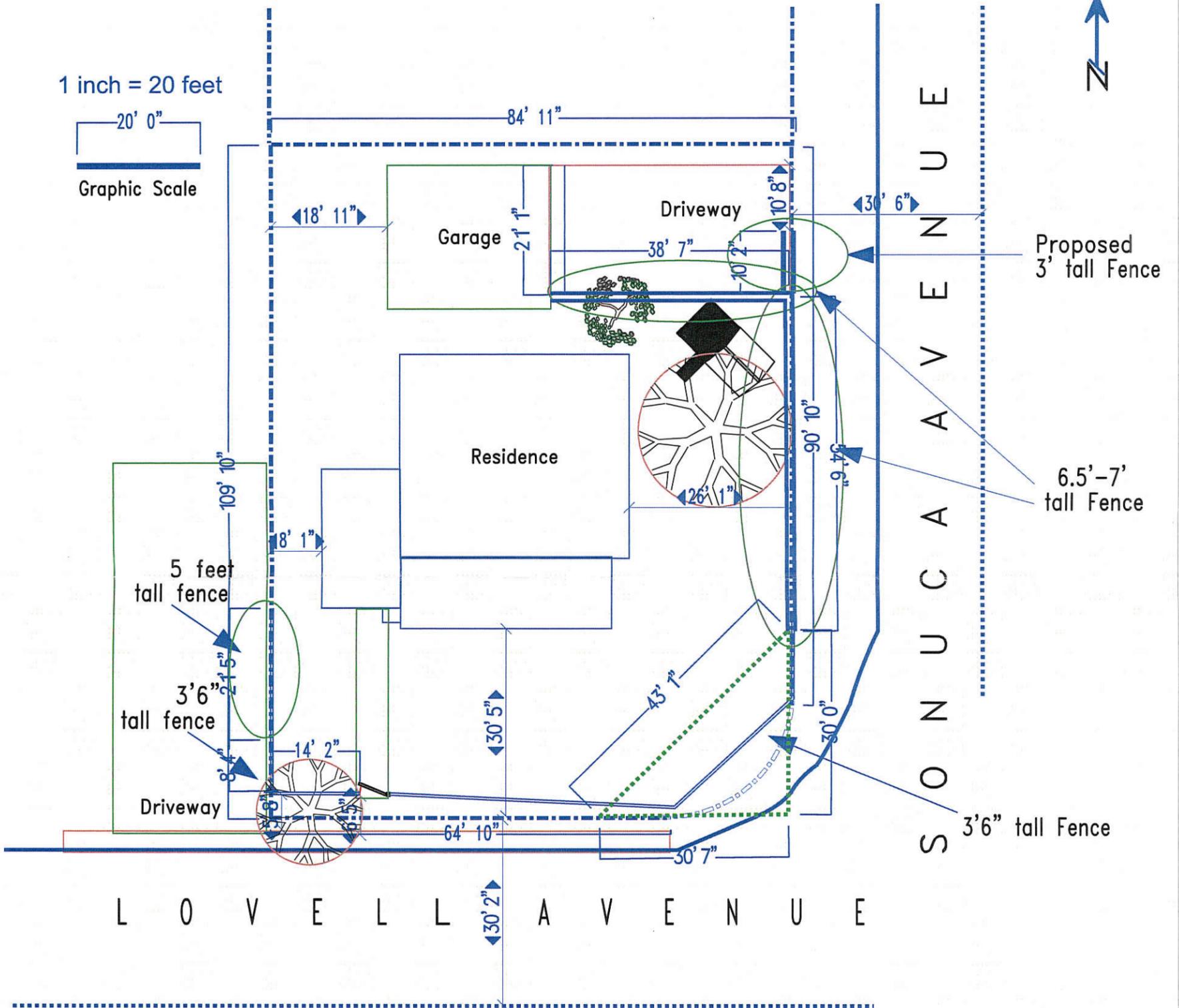
MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

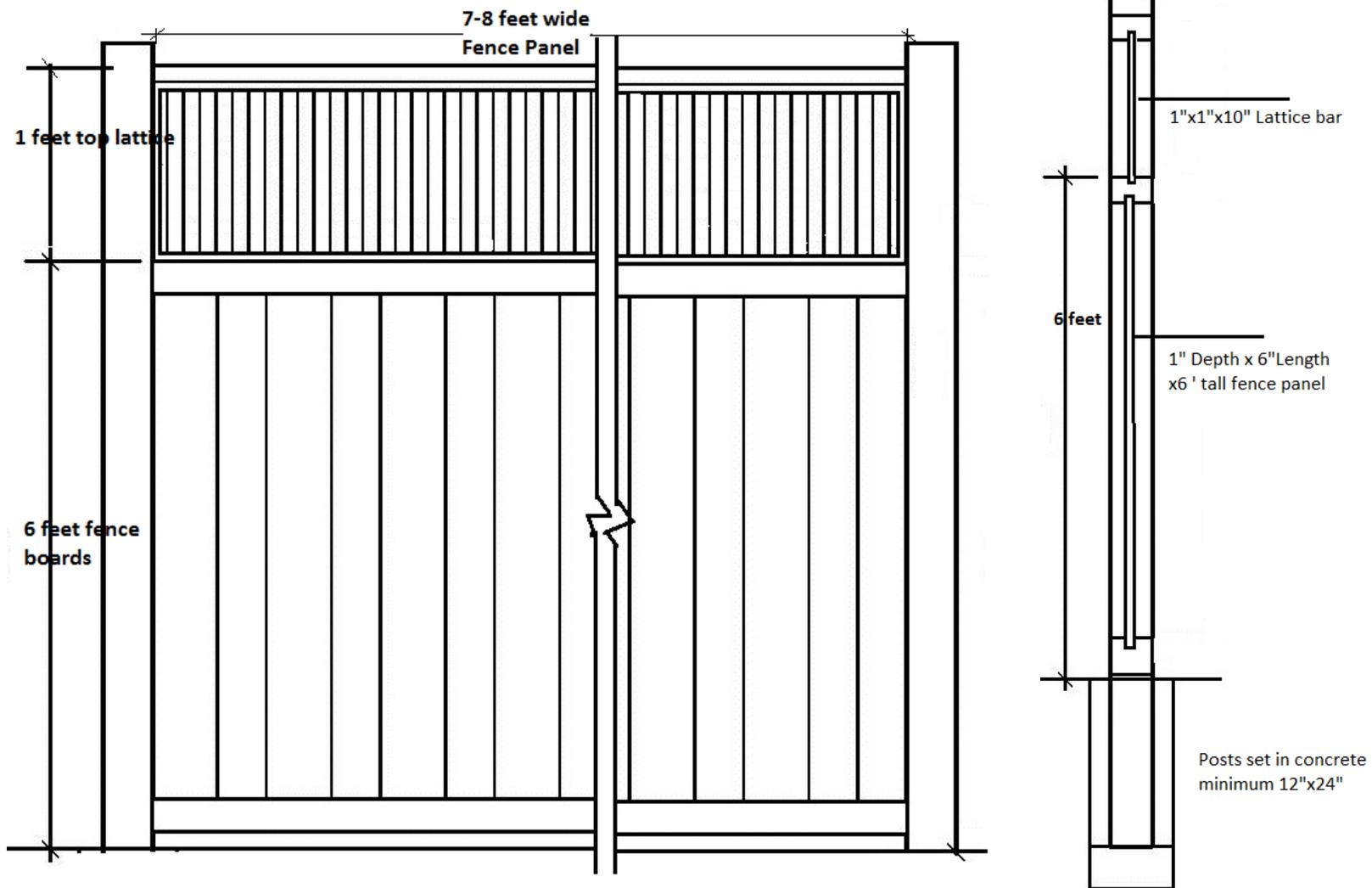
1 inch = 20 feet



Graphic Scale



1071 Lovell Avenue



Elevation and Section of Typical Fence Panel

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PLANNING DEPT.

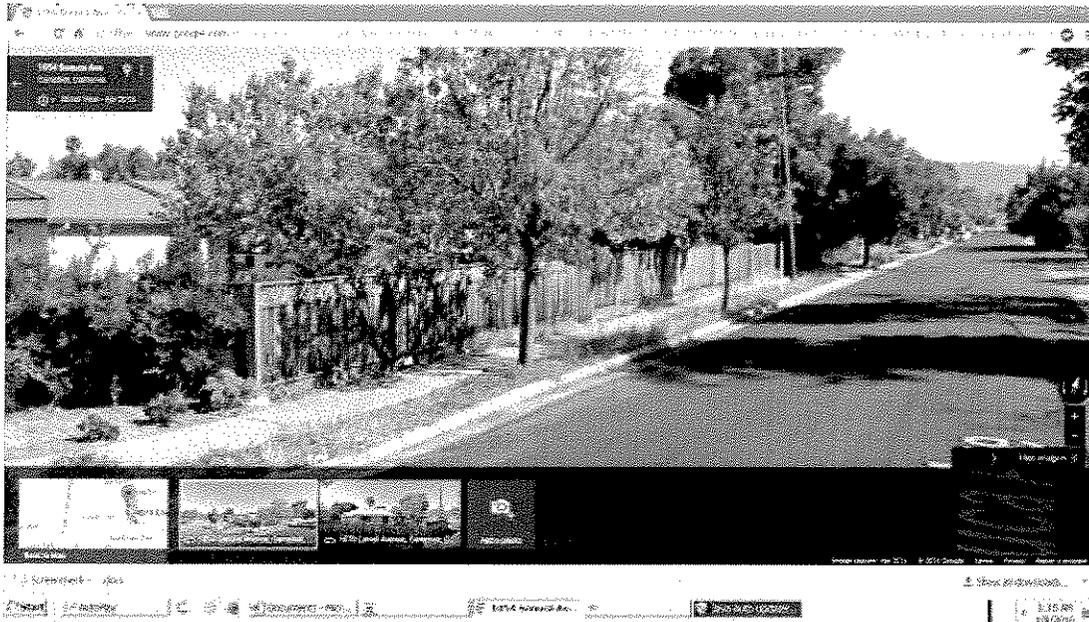


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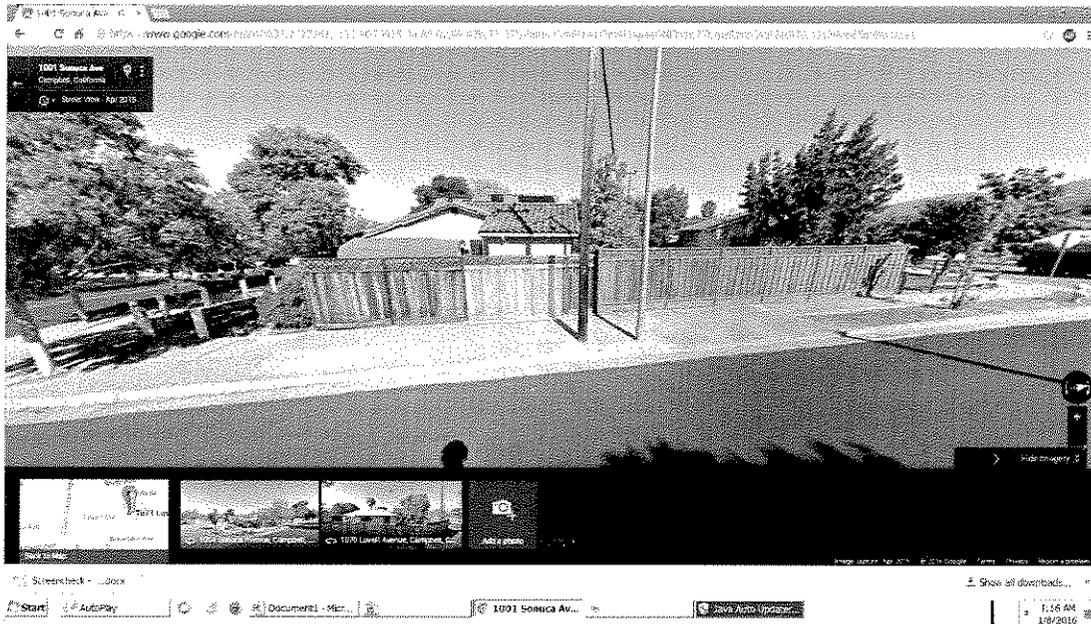
MAR 15 2016

CITY OF CAMPBELL
PLANNING DEPT.

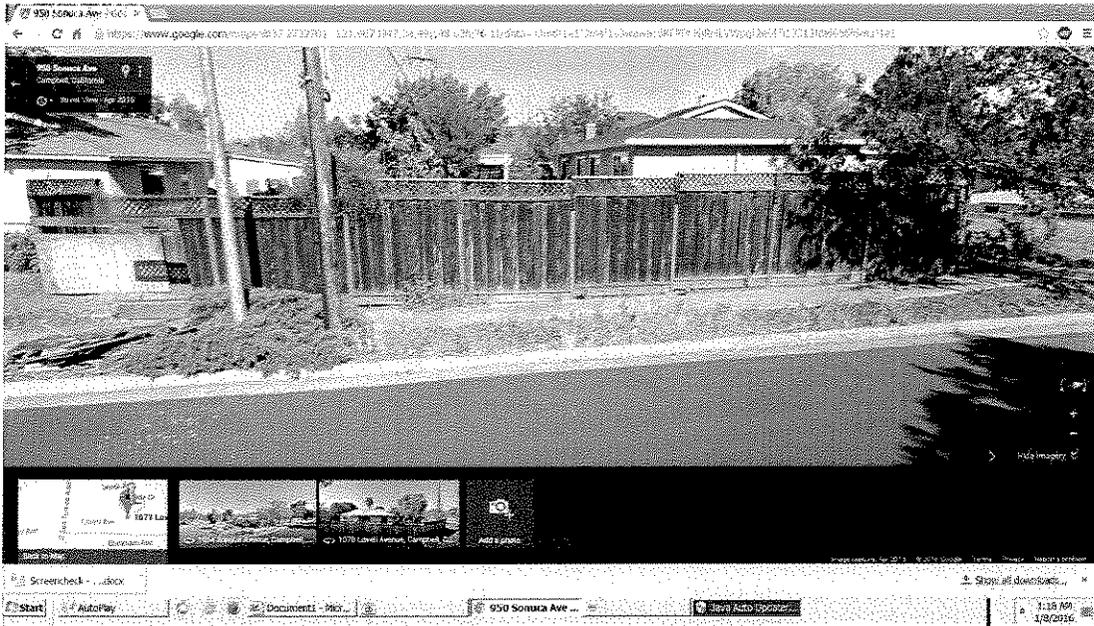
Photos of Sideyard Fences in Campbell



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



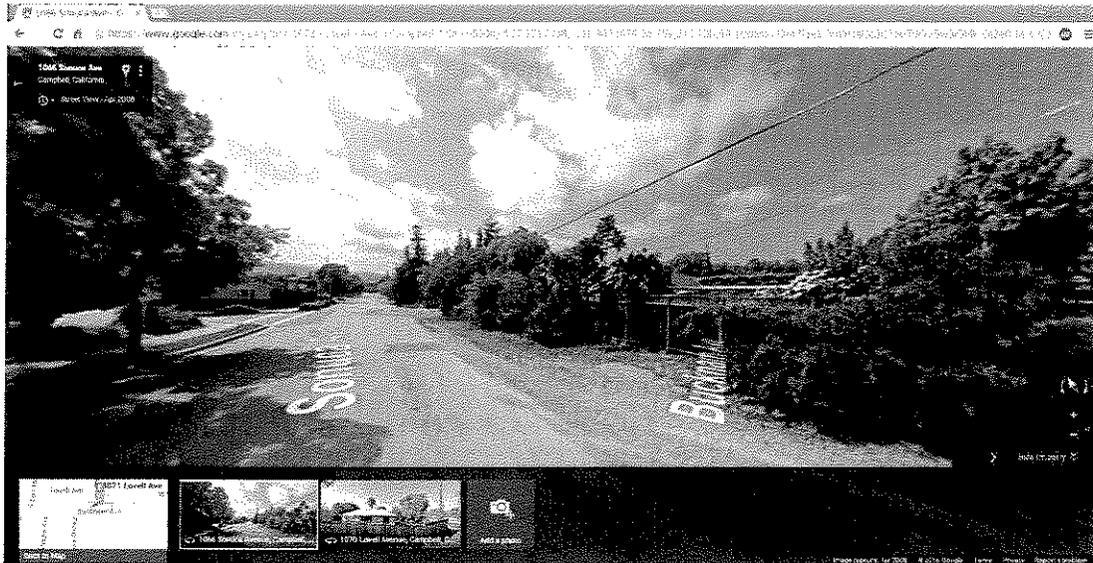
Sonuca and Connie Drive, and at Sonuca and Lovell (2 homes back to back) (right across from our home)



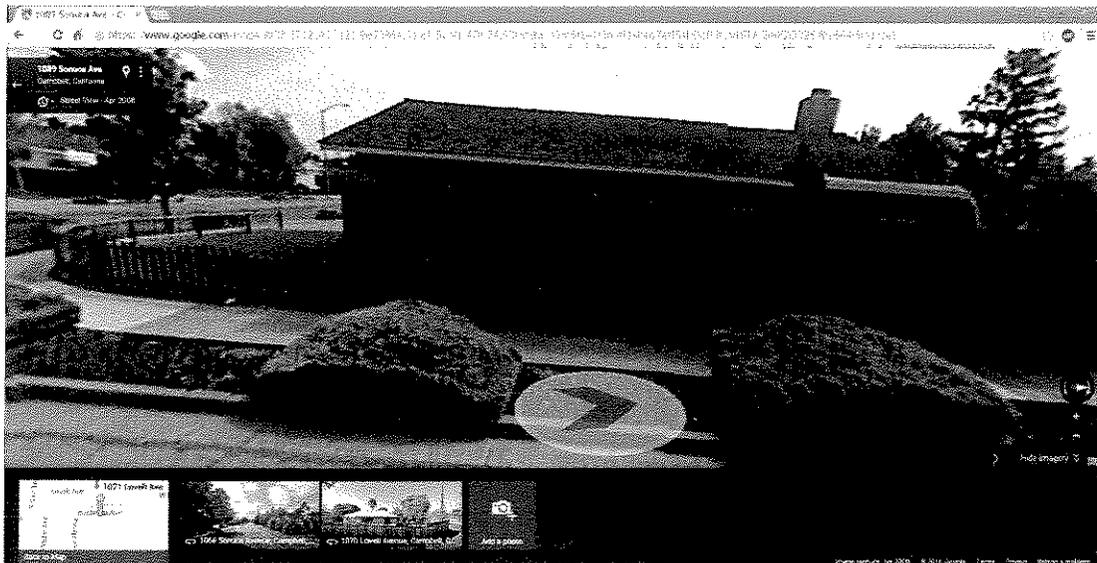
Sonuca @ Connie



Sonuca @ Bucknam N-E



Sonuca & Bucknam NW Corner



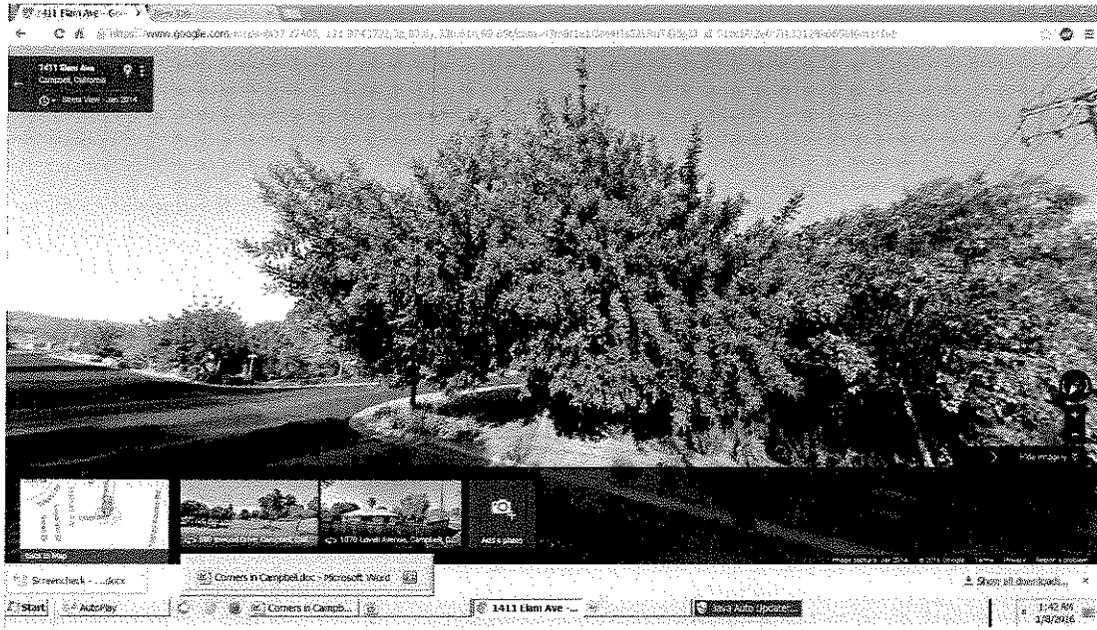
Sonuca & Bucknam SW Corner



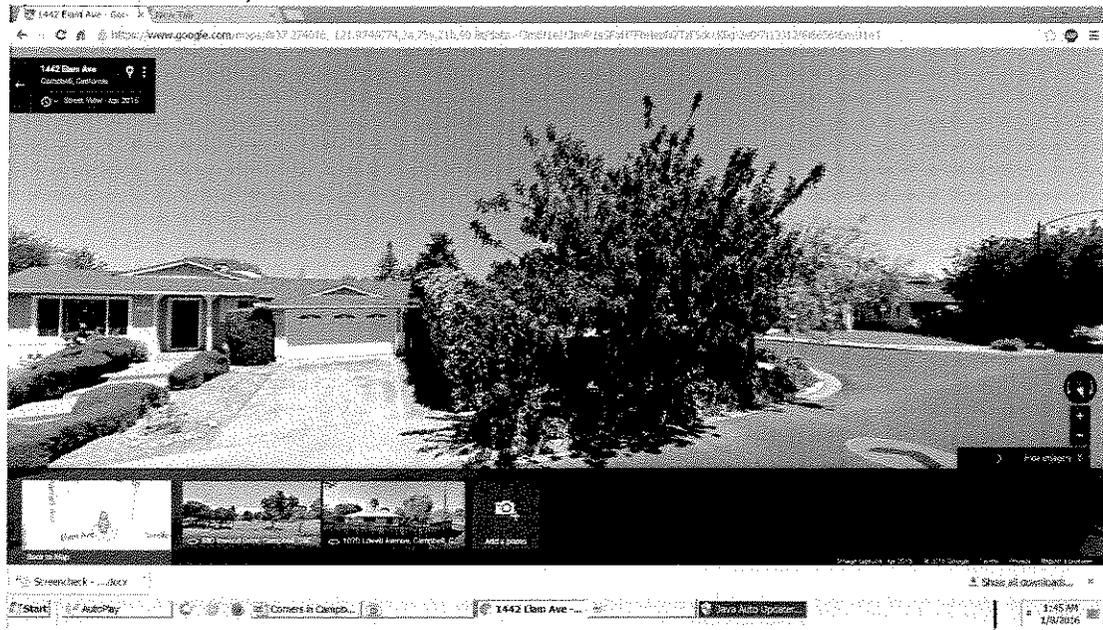
Sonuca & Bucknam, SW Corner



Wekiva & Sonuca, SW corner



Elam & Inwood Dr, NE



Elam & Inwood Dr, NW Corner



Inwood Dr & Inwood Ct



Elam & Harriet



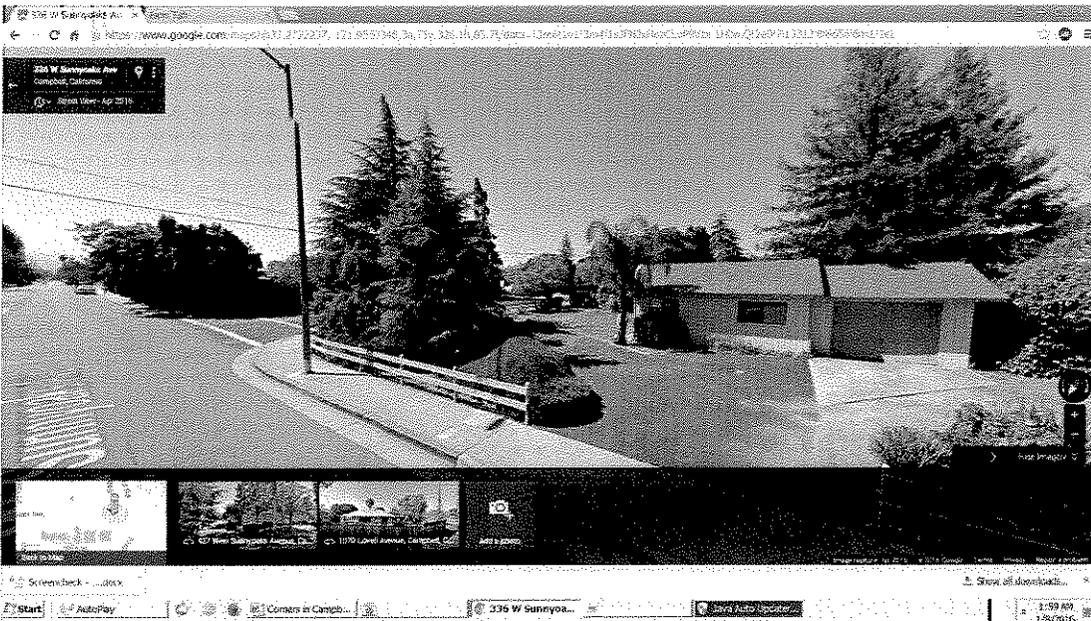
Hacienda & Burrows, Tall hedge in visual triangle



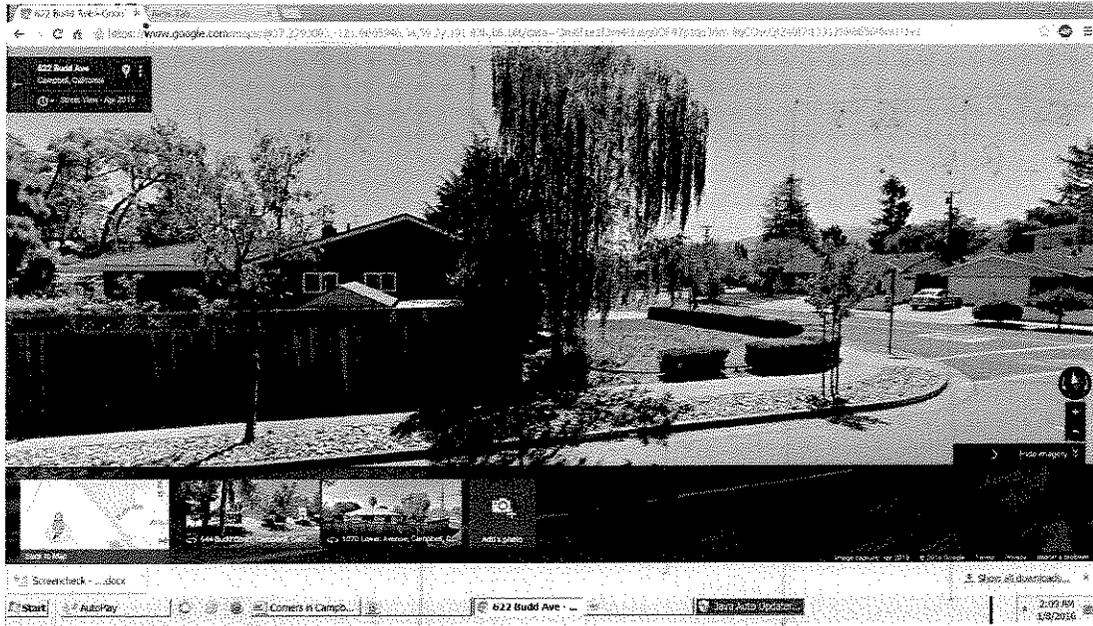
Sunnyoaks & Emory (Hedge and tall tree in corner triangle and front and side setback)



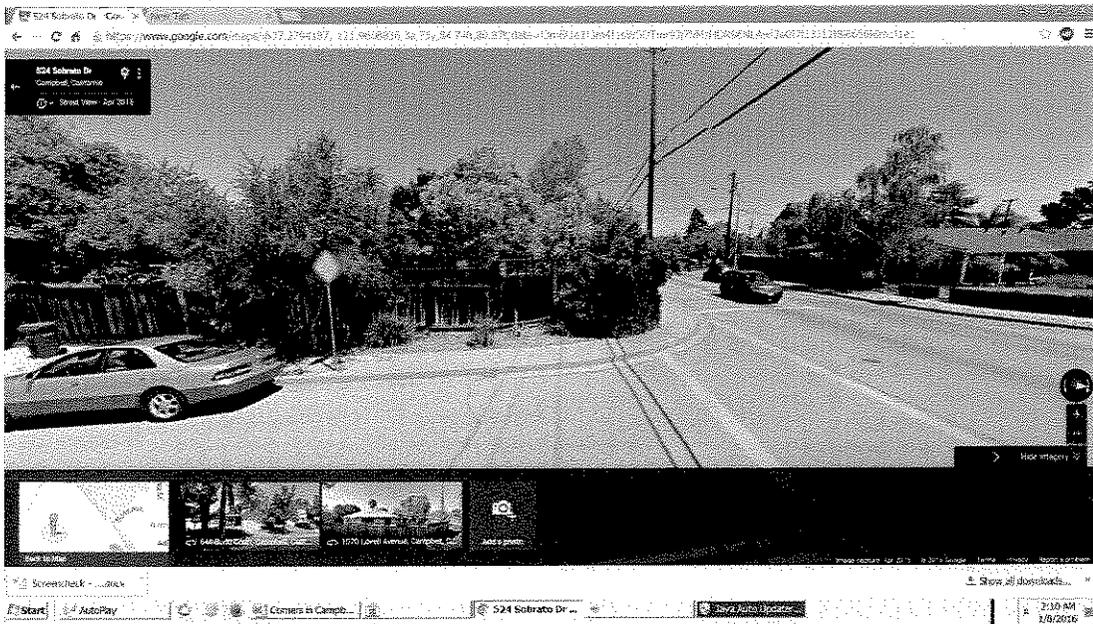
Sunnyoaks & Robin Ln, NW corner



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

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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

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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

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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.

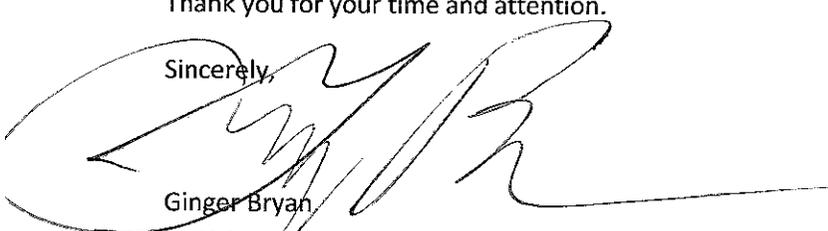
As the resident of 1091 Lovell Ave for the last 15 years I would like to outline the real issues with this corner. For the past 40 years there was an eight foot tall fence with ivy growing over it. This did make the intersection very difficult to see around. When the current owners moved in they removed 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 McNameara</u>	<u>1070 Lovell Ave</u>	<u>Doris McNameara</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>E Mailander</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 Tesaro</u>	<u>1029 Connie Dr.</u>	<u>Tory Tesaro</u>	<u>3/6/16</u>
<u>Elizabeth Cortes</u>	<u>983 Sonuca Ave</u>	<u>E Cortes</u>	<u>3/6/16</u>
<u>THOMAS E. ALBERT</u>	<u>1030 CONNIE DR.</u>	<u>Tom Albert</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>

Commissioner Finch said that she has no problem at all with this application and offered to make a motion.

Motion: **Upon motion of Commissioner Finch, seconded by Commissioner Kendall, the Planning Commission adopted Resolution No. 4309 approving the 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, subject to the conditions of approval, by the following roll call vote:**

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

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. **PLN2016-200** 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*

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

Director Paul Kermoyan asked Planner Naz Pouya if the property lines come from the GIS.

Planner Naz Pouya said that they come from staff's field measurements.

Director Paul Kermoyan:

- Added on to the staff report.
- Pointed out that one request of the appellant is to be treated like anyone else.
- Explained that there are two types of corner lots. This particular lot is a reverse corner lot. Most of those types of lots don't have a fence around the entire property.

- Offered that the main two reasons for a Fence Ordinance are issues of safety and aesthetics.
- Stated that a property is not required to have a fence but most do.
- Reminded that this fence is before the Commission based on several code complaints filed by members of the public. Code Enforcement is reactive based on community complaints.
- Said that this lot is a corner lot with most of its yard area located on the front, essentially creating two front yards.
- Stated that the San Tomas Area Neighborhood Plan calls for creating open and rural appearance of its area. Most corner lots have open front yards. It is important to have a balanced street system. Staff is trying to compare apples to apples.

Commissioner Rich asked staff to confirm that the Commission does not have the ability to make an exception to allow this fencing to remain on public property.

Planner Naz Pouya said that the Fence Exception is for lesser setbacks and greater heights.

Commissioner Rich asked for verification that the existing fence is currently over the property line.

Planner Naz Pouya said it was over on both the front and side street sides.

Commissioner Rich said that even if moved back, the current fence design does not meet the appearance requirements.

Planner Naz Pouya said that while there is some lattice, most of the fence is closed in style.

Commissioner Rich verified that the Planning Commission can give an exception to the level of openness of the fence.

Planner Naz Pouya replied if the Commission felt it was appropriate.

Director Paul Kermoyan added that the Ordinance gives the Commission great latitude.

Commissioner Rich verified that the existing fencing will have to be moved back. Staff's recommendation is for a more open design of the fence.

Director Paul Kermoyan said the fencing on the left requires a Fence Exception. Staff recommends that the fencing in the front yard be open rail, which is more open than it currently is.

Commissioner Rich added that the fencing is required to be move back onto private property.

Commissioner Finch added that open rail is more acceptable under the Code.

Commissioner Reynolds asked if there was any input from either Public Works or Campbell Police Department regarding traffic and speed patterns on this corner specifically.

Planner Naz Pouya:

- Said that Public Works staff reviewed this application and measured the property lines.
- Added that there have been reports of vehicles cutting the corner so Public Works added striping and reflectors on the roadway to guide cars around that corner.

Commissioner Reynolds asked staff if PD has been questioned about traffic issues there.

Planner Naz Pouya cautioned that privacy fencing is not a way of creating traffic calming.

Director Paul Kermoyan:

- Said that the Commission is focusing on safety issues but there are two reasons for fence regulations that are – safety and aesthetics.
- Added that staff did not secure ticket or accident data from PD since the issues at hand are aesthetics and compliance with code requirements for the fencing itself.
- Stated that if necessary, this item can be continued and brought back with additional information from PD regarding ticketing and accidents in this area.

Commissioner Rich reiterated that this fence review was initiated by public complaints about what was put in place here.

Planner Naz Pouya said that the concerns of the reporting parties were “too tall” and “not right”. One complainant said that the fencing as it is makes walking a dog more hazardous.

Chair Dodd recognized the letter from the appellant. The appellant’s point is that as long as it meets Code, it should be permitted.

Planner Naz Pouya reminded that the existing fence is taller than allowed without a Fence Exception.

Director Paul Kermoyan reminded that the approval being appealed already granted exceptions. Staff is seeking a compromise between the side and front fencing sought by the appellants. He pointed out that others on similar type corner properties have either no fencing or open rail style fences.

Commissioner Rich verified that staff is seeking 50 percent open style fencing and specified setbacks.

Director Paul Kermoyan said that a solid fence up to six feet in height is allowed. If a fence is higher than six feet, it must be 50 percent open in style. A three-and-a-half foot high fence could be solid.

Chair Dodd reiterated that a seven-foot fence is supposed to be 50 percent open. The City is offering to leave that fence "as it is".

Director Paul Kermoyan said that this Fence Exception is necessary because the appellants seek relief from the required five-foot setback and instead ask for a one-and-a-half foot setback. In exchange, staff is asking for the opening up of the front fencing to incorporate a post and rail style of fence.

Commissioner Rich asked if the height is reduced because of visibility.

Director Paul Kermoyan said that the reduced height provides improve visibility that allows pedestrians more time to react if there happens to be a car backing out of their driveway.

Commissioner Rich said that he could support a reduction of one foot in height and moving it back off the public right-of-way.

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

Sarbajit Ghosal, Appellant and property owner of 1071 Lovell Avenue:

- Said he appreciates staff's assistance in this matter.
- Distributed his presentation points in writing.
- Explained that most of their usable open space is location in the front. Their backyard is very small with a kitchen garden.
- Reported that this house has had a tall fence around it since 1968 per historic photographs from that time frame.
- Said that the things they have done so far have brought this fencing into compliance with the Code. They have reduced the "wall" space by approximately 60 percent.
- Stated that they propose to reduce the fence to six feet and move it to the property line as determined by a survey. They are willing to leave a small section to preserve the line-of-sight.
- Advised that they offer two alternative options. Option 1 is for a low fence for a 10-foot distance thus providing line-of-sight visibility. Option 2 is having a small fence to wall off a five-foot area, a six-foot fence at the property line.
- Added that they are requesting that no further modifications to the front fence be required. More expense will result from changes.
- Pointed out that the President of the San Tomas Area Community Coalition (STACC) provided a letter of support for their request. Pretty much every neighbor is in support.
- Advised that despite their 9,000 square foot parcel, they are left with just about 800 square feet of useable open space.
- Added that often neighborhood kids play on their property.

- Urged the Planning Commission to approve a six-foot fence along the side property line and to leave the front fencing “as is”.

Commissioner Rich clarified with Mr. Ghosal that his request differs from the staff recommendation. He wants his fence at the property line while staff wants it pushed back by one-and-a-half feet from the property line. Additionally, the Ghosals want the frontage fence as it is currently constructed.

Chris Bracher, Resident on Lovell Avenue:

- Explained that his home is three houses to the west of this property.
- Said he is here this evening to provide additional information.
- Reported that there had been a tall fence on this property for many decades. As a result, traffic didn't go around that corner as quickly.
- Said he has lived on Lovell since 2006.
- Stated he understands the lowering of the front fence.
- Explained that the side yard barrier is important and he hopes the Ghosals can keep it as it is.
- Asked that the traffic issues be taken into consideration.
- Suggested that they be allowed to have a more private yard fence. They have more side yard space than backyard space.

Commissioner Reynolds reported that he met with the Ghosals on their property.

Morgan Gerhart, Resident on Sonuca:

- Advised that she lives adjacent to the Ghosals' side property and has since 2009.
- Added that she is in support of their request for side yard fencing and a variance.
- Stated that she has the same concerns as others since that road is used as a significant cut-through.
- Reported that a few years' ago a car ended up in her yard. The driver was drunk.
- Said that the full fence was in place when the Ghosals moved into the neighborhood. Their new fence has significantly opened things up.
- Opined that she doesn't notice a difference between the Ghosals' side fence, as compared to others in this neighborhood. Modifications to the front fence have opened up the house.
- Concluded that the neighborhood is in favor of the exceptions they have asked for.

Jennifer Didone, Resident on Sonuca Avenue:

- Reported that her property has a Fencing Exception.
- Advised that four houses on Sonuca have smaller lots. Along Sonuca just four houses front on the street while the remainder are side yards with their front doors facing other streets.
- Said if the fencing is pushed back then they end up with less open space.
- Described her fence as starting with a three-foot retaining wall, then a six-foot wood fence and then two-foot lattice at the top.
- Added that all the houses in her area have six-foot solid with two-foot lattice fencing to help create the same aesthetics.
- Stated that the previous fence at this home for decades was much taller.

- Advised that she had secured traffic citation information from Campbell PD. Between 2011 and 2016, there were eight traffic citations.
- Pointed out that 44 kids live within these three blocks, 13 of which go to Rolling Hills. Many of those kids play in the Ghosals' yard. Since so many of the backyards are tiny, the ability for children to play safely in a front yard is very important.

Commissioner Reynolds said he was impressed with the details offered by Ms. Didone. He asked for her impressions about the amount of available open space and park area in her neighborhood.

Jennifer Didone:

- Said that there are lots of parks nearby, including Budd and San Tomas Aquino.
- Pointed out that one neighbor has a pool and another has a basketball court.
- Admitted that she wishes that the Sonuca would dead-end at her house. There have been eight known crashes near her home.
- Stated that safety is more a driving issue than their fence.

Commissioner Rich said that the citations referenced are a separate issue as to whether the Commission takes staff's recommendation or the appellants' request.

Jennifer Didone reminded that lots of kids play in the Ghosals' yard.

Commissioner Rich said that staff is not asking for the removal of the fencing. The discussion under way is what type of fence is preferred.

Jennifer Didone reminded that the City made an exception on her fence. It's on her property line and is higher than normal. It is aesthetically pleasing.

Director Paul Kermoyan said that the fence as it currently is constructed obstructs the line-of-sight for drivers on Sonuca. He added that staff looks at a request in its totality. They must consider the whole picture and apply the standards uniformly.

Chair Dodd asked if staff has seen the proposals offered this evening by the appellants.

Planner Naz Pouya said that the original approval made by staff was made based on minimum code requirements. A Fence Exception is a discretionary decision.

Director Paul Kermoyan said that if the appellants wanted to duplicate the fencing currently in place on other properties in this neighborhood, staff would be supportive.

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

Commissioner Rich:

- Said that he was in favor of the staff recommendations except for the front fence.
- Stated that he likes that design and finds that it flows better.
- It should be pushed back so that it is entirely on their private property.

- Pointed out that a closed fence allows balls to stay inside the yard rather than rolling out onto the street.

Commissioner Finch:

- Recounted that her neighbors had a post and rail fence and balls often went out onto the street.
- Said she too agrees with the current design of the front fence.
- Stated that, as a realtor, she sees the front of this house being on Sonuca rather than Lovell.
- Advised that she does support taking the fence placement back so it is entirely on private property.
- Said that it is important to try and preserve safety. On a street with no sidewalks, there is more reason for fencing of some sort.
- Reminded that it seems that the neighbors are in favor of this request. It's attractive and offers enough visibility.
- Said that the angle (Option 2) is better than Option 1 as proposed by the appellants.

Commissioner Young:

- Reported that he walked this neighborhood.
- Said that safety is more an issue of the line-of-sight when turning the corner.
- Pointed out that the reason for setbacks is safety.
- Stated that the front fence is not a visual intrusion and that eliminating any encroachment onto the public right-of-way makes sense.
- Opined that the old fence looked like a fortress and the new fence is more open.
- Admitted he worried about encroaching on the existing utility pole.
- Stated that the side fence should be pushed back off the public right-of-way.

Commissioner Kendall:

- Agreed with Commissioner Young but said that she'd like to see the front fence opened up.
- Reminded that the San Tomas Area Neighborhood Plan calls for having things be open.
- Admitted that she is feeling more in alignment with staff's recommendations and that she actually prefers having no fence in front. There are lots of properties without front fences. It currently looks closed off to her.

Commissioner Rich asked Commissioner Kendall if she is recommending the front fence be open or not be there at all.

Commissioner Kendall said open but that she could be swayed to leave it as it is.

Commissioner Rich recommended the open fence design.

Commissioner Kendall said that if she could convince the other Commissioners, there would be no fence at all there. However, she is satisfied with the low fence as long as it meets setbacks and entirely off the public right-of-way.

Commissioner Reynolds:

- Stated that he would support the appellants' request.
- Reported that he observed cars taking the left turn from Sonuca onto Lovell crossing the painted white lines on the street intended to guide the path of vehicular traffic.
- Said that he read the staff report and believes the appellants claim that traffic sped up when their fence came down.
- Recounted that he is growing shrubs in front of his house to create a barrier other than a fence.
- Reminded that lots of children use the Ghosals' yard and that is a fast corner. There have been accidents.
- Advised that more traffic enforcement is needed and recommended that staff notify PD of that need.
- Cautioned that most tickets given during enhanced enforcement efforts end up being issued to residents of the neighborhood.
- Stated that he'd like to move the fence behind the property line. There is no need for a private fence in the public right-of-way. As long as the fence is on private property he is okay with it, including its height.
- Pointed out that there is no opposition here tonight and STACC supports this request so he too will support this request.

Commissioner Young:

- Said that this approval may set precedent.
- Suggested low fences with shrubs as a creative solution.
- Added that the appellant indicated they would move the fence back so it is fully on their property line.

Chair Dodd:

- Cautioned that design is not the purview of this Commission.
- Said that the decision on the line for tonight's consideration is the placement of the fence and the percentage of openness. Anything else is up to the appellants.
- Suggested focusing on one issue at a time.
- Said that she was concerned about line-of-sight for the driveway with a six foot fence on the side property line.

Commissioner Finch:

- Pointed out that just findings for denial have been drafted by staff.
- Said that this item might have to be continued in order that conditions can be drafted.

Planner Naz Pouya agreed that the item would need to be continued if the Commission chooses to approve aspects of the appeal.

Chair Dodd:

- Said that she is hoping for agreement.

- Supported staff's recommendations for the side fence to be approved based on safety.

Commissioner Reynolds said that in regards to the side fence and visibility from the driveway, he is okay with Option 2 as suggested by the appellants.

Director Paul Kermoyan pointed out that Option 2 is a deliberate attempt to circumvent the Code and results in completely blocking off more.

Commissioner Reynolds asked Director Paul Kermoyan whether omitting that and adding a left angle if staff would be okay with that.

Director Paul Kermoyan replied yes.

Commissioner Reynolds said that what they are trying to gain is that when vehicles are backing out of the driveway, the fence is moved five feet further away to increase visibility.

Chair Dodd asked if that would be aesthetically appealing.

Commissioner Reynolds replied yes. They are taking out a block and giving it an off-set. That is different than a standard right angle.

Commissioner Finch said if the Commission includes this, a five-foot wall, it will be reduced in height.

Commissioner Reynolds said that if it is currently six feet, we're not gaining anything.

Commissioner Young said that he was in favor of setbacks since line-of-sight is a big deal.

Commissioner Rich said he was okay with the staff recommendation but he wants to see the front yard fence in a closed style.

Commissioner Kendall:

- Said that the setback already approved for the side fence represents an exception.
- Added that a compromise fits more closely with the intent of things.
- Suggested denying this appeal.

Commissioner Finch:

- Said that she likes Option 2 but with an angle on the other side too. It will soften the starkness of the fence to pull it back.
- Added that she is okay with the 1.5-foot setback for the side fence.

Chair Dodd said it seems that the Commission has reached consensus with staff recommendations on the side fence.

Director Paul Kermoyan said that it seems the consensus of the Commission is to allow the front fence to stay closed as it is. Staff will come back with a resolution that upholds the appeal on part of the administrative approval and denies some of the points of appeal.

Chair Dodd stated that the consensus is that the side fence needs to be setback so that part of the appeal is denied while most seem to think that the front fence is okay.

Director Paul Kermoyan said he heard four Commissioners express support for the current design of the front fence.

Chair Dodd said that the support is not for the style of fence but the issue of the fence being of open or closed design.

Commissioner Young expressed concern that the side fence is encroaching upon the drip line of a rather large tree.

Chair Dodd asked for clarification on the recommendation for the front fence.

Commissioner Finch said that it seems the Commission does not want to push the fence back as far as staff recommended but rather to allow it to be placed closer to the property line but "on the property and not on the public right-of-way." The Commission is in favor of the current style of that fence.

Commissioner Kendall asked staff if they didn't support the setbacks being suggested by the Commission.

Planner Naz Pouya said that currently the front fence is higher than three-and-a-half feet. However, the Commission can approve an exception from height limitations.

Commissioner Finch suggested placing the fence as close to the property line as possible but to lower it to the required maximum height of three-and-a-half feet.

Commissioner Young asked if anyone else was concerned about the encroachment of this fencing on the drip line of the large tree.

Chair Dodd asked if he is referring to the front fence.

Commissioner Finch suggested not pushing the fence as far as staff recommends but rather allowing it closer to the property line as long as it is entirely on the private property and not at all on the public property. She advised that she is in favor of the current style of that fence.

Commissioner Kendall asked if that means that the staff recommendations for setbacks are not supported.

Planner Naz Pouya said that for a fence over three-and-a-half feet tall the Commission has the ability to approve an exception for height.

Commissioner Finch stated her recommendation to have the fence as close to the property line as well as lowered to three-and-a-half feet.

Commissioner Kendall said that she was indifferent to the design of the fence but would not want to see it more closed up than it currently is.

Commissioner Reynolds said that he was okay with the height of the front fence. It is more important to consider the safety of children allowing them to play in their yard with balls that won't end up on the street. He said that he supports the side fence being on the property line but not in the public right-of-way.

Chair Dodd asked if he supports the front fence running along the front property line as long as it is three-and-a-half feet high?

Planner Naz Pouya stressed that no part of the fence should encroach on the public right-of-way which depends upon the type of footing used.

Chair Dodd said the front fence is supported at a three-and-a-half foot height and doesn't matter if it is open or closed in style.

Planner Naz Pouya said that staff's preference was for an open style fence there.

Chair Dodd said that she agrees with Commissioner Kendall that some aspect of openness is desirable.

Commissioner Rich stated his support for a three-and-a-half foot height for the front fencing and located at the property line.

Commissioner Finch asked if the time is right to make a motion.

Director Paul Kermoyan said that a motion for continuance with directions to staff would be appropriate.

Motion: Upon motion of Commissioner Finch, seconded by Commissioner Rich, the Planning Commission CONTINUED TO A DATE UNCERTAIN the consideration of an Appeal 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, with the following direction to staff:

- Staff will come back with findings denying the appeal for the side yard fence;
- Staff will modify the findings for the front yard fence requiring it to be at the private property line without encroaching onto public property,
- The front fence will be at a three-and-a-half foot height or lower with a ratio of openness.

by the following roll call vote:

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

NOES: None

ABSENT: Bonhagen

ABSTAIN: None

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report.

ADJOURNMENT

The Planning Commission meeting adjourned at 9:16 p.m. to the next Regular Planning Commission Meeting of **July 26, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

MEMORANDUM



City of Campbell
Planning Division

To: Chair Dodd and Planning Commission Members

Date: July 11, 2016

From: Naz Pouya, Project Planner

Subject: **Item 3 (1071 Lovell Ave)**

The City received the attached letter and email from community members in support of the appeal of the Fence Exception Approval.

Attachments

1. Email from Shaw Mead
2. Letter from Audrey Kiehtreiber, STACC
3. Email from Marci Neditch

Naz Pouya

From: Shaw <[REDACTED]>
Sent: Saturday, July 09, 2016 2:00 PM
To: Naz Pouya; sanhitam@yahoo.com
Subject: Planning Department File # PLN2016-98

Dear City of Campbell,

I am the neighbor of Sanhita and Sarbajit Ghosal and I would like to support their petition to keep their side and front fence as it is. I understand the only lawn area for their children to play is in the front part of their lot. It is my opinion that for the safety of this family and their children, they must have a reasonable fence on both street sides of their lot. I believe their current fence is adequate and acceptable, and should not need to be changed.

I've personally witnessed the high amount of traffic at this location when I have been with my children. I believe this intersection is already a concern for danger, especially with the frequent cars exceeding the speed limit at all hours of the day.

Best Regards,

Shaw Mead

[REDACTED] Lovell Ave, Campbell, CA 95008



San Tomas Area Community Coalition

P.O. Box 320663
Los Gatos CA 95032

408.410.6528 phone
info@staccna.org
<http://staccna.org>

City of Campbell
70 N. First Street
Campbell CA 95008

July 10, 2016

Attn: Planning Commission Members
Naz Pouya, Project Planner
Paul Kermoyan, Director Community Development Department

Subj: PLN2016-200: 1071 Lovell Ave

Dear Planning Commission Members and Staff:

STACC members have reviewed the Appeal (PLN2016-200) of Sarbajit and Sanhita Ghosal of a Fence Exception approved for a reduced setback (PLN2016-98) for a fence exception PLN2016-200 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.

Having physically inspected the property, we wish to address just those issues pertaining to the San Tomas Area Neighborhood Plan.

Page 4 of the staff report mentions street improvements to the public right-of-ways. These improvements are only triggered by construction of a new home or substantial modification of an existing home. Neither of these conditions apply to this appeal, as the homeowners' request is for a fence exception.

Having explored the surrounding homes and neighborhood, STACC believes that the current 3.5' fence installed at the front of the house meets the standards and spirit of the San Tomas Area Neighborhood Plan (*Attachment A, Page 12*). It allows clear visibility of the front of the home, providing an open and welcoming front view which meets the standards. Due to the placement of the home on the lot, this front fence is also the primary play area for the homeowners young children. A solid fence is preferable to meet the need for a safe and protected play area. It is made of redwood materials, which several other homes on the block also use, so it fits in well with the area without imposing a "cookie cutter" effect.

The homeowners have demonstrated good will and effort to reasonably comply with the San Tomas Area Neighborhood Plan by reducing the size of the front fence and bringing it into compliance with the requirements.

STACC urges the Planning Commission to allow them to retain their current 3.5' fence at the front of the property, as STACC believes it meets the requirements, and would be an unfair financial burden to require the homeowners to change a fence which already meets the standards.

Best regards,

A handwritten signature in black ink that reads "Audrey Kiehtreiber". The signature is written in a cursive style with a large initial 'A'.

Audrey Kiehtreiber

President

Attachment A

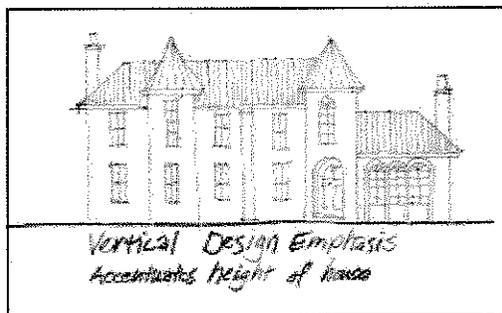
**San Tomas Area
Neighborhood Plan**

- 2. Use exterior materials compatible with homes in the San Tomas Area.
- 3. New homes and additions to existing homes should not be "walled-off" from adjacent homes as viewed from the street.
- 4. Front yard landscape similar to the adjacent home is encouraged.

Scale & Mass

Building scale refers to the proportional relationship of a structure in relation to objects next to it, such as other buildings or people. Building mass is the size of a structure.

- 1. The perceived scale and mass of new homes should be compatible with homes in the surrounding area. Minimize the use of design features that accentuates the size of new houses so that they do not appear significantly larger than the adjacent homes. This can be accomplished by minimizing the use of two story vertical design elements such as turrets and two story entry ways, where possible, use one and a half story designs with dormers or partial two story designs.



Not Desirable



Desirable

Naz Pouya

From: Marci Neditch <[REDACTED]>
Sent: Monday, July 11, 2016 10:30 AM
To: Naz Pouya
Cc: Sanhita Ghosal
Subject: Regarding PLN2016-98

Dear Naz Pouya,

I am a resident on Lovell Ave in Campbell in support of the Ghosal family. We have lived on this street for 5 1/2 years and believe that this family has ever right to keep their side and front fence as it is. Being a parent to young children, the safety of their family is at RISK, if that fence is removed. I have seen cars drive VERY fast around that corner and I feel that if the fence is removed, the Ghosal family would be in danger, if playing in their yard.

I also believe that the fence helps with the flow of traffic. It makes cars slow down and that is good for me as a resident on this street. I am in support of the fence remaining as it is today.

Best Regards,
Marci Neditch, resident of Lovell Ave.

**Appeal Petition on Fence Exception
(Planning Department File # PLN2016-98)**

**Sarbajit and Sanhita Ghosal
1071 Lovell Ave,
Campbell, CA 95008**

July 12, 2016

Background



- Our home layout is somewhat unusual.
- Only 415 square ft back yard.
- Quality open space in front yard.
- Side yard usable lawn 785 square feet.
- Rest of side yard (667 square feet) uneven, under dripline.
- Tall fence or hedge on side and front can be identified on almost all older aerials from late 1960s.

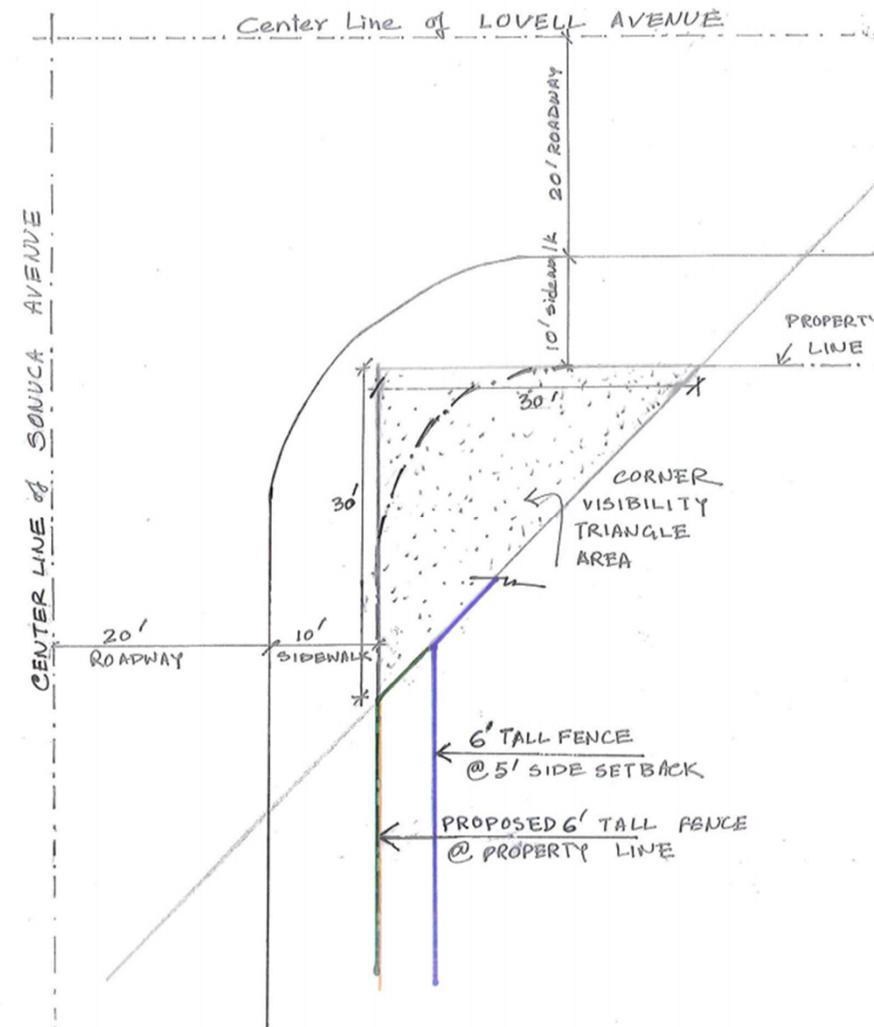
What we have already done

- Brought front fence and the corner fence to compliance.
- Opted to use the Fence Exception process allowed by the Municipal code in order to maximize our side yard.



What we propose to do

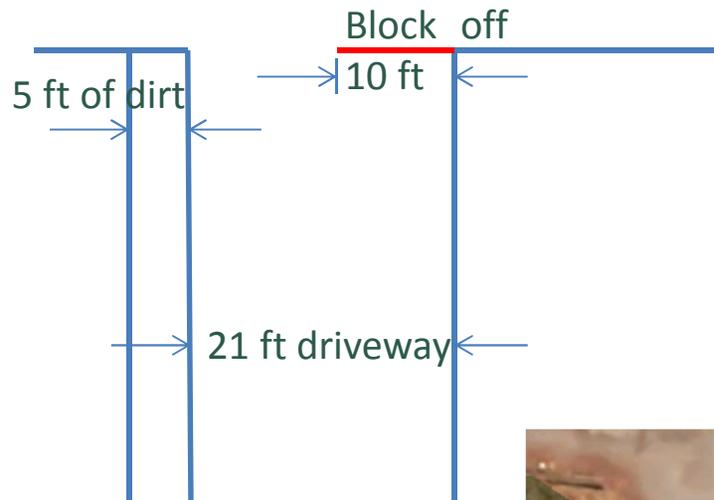
- We will move the side fence out of public right of way.
- The side fence will be reduced in height from 7 feet to 6 feet.



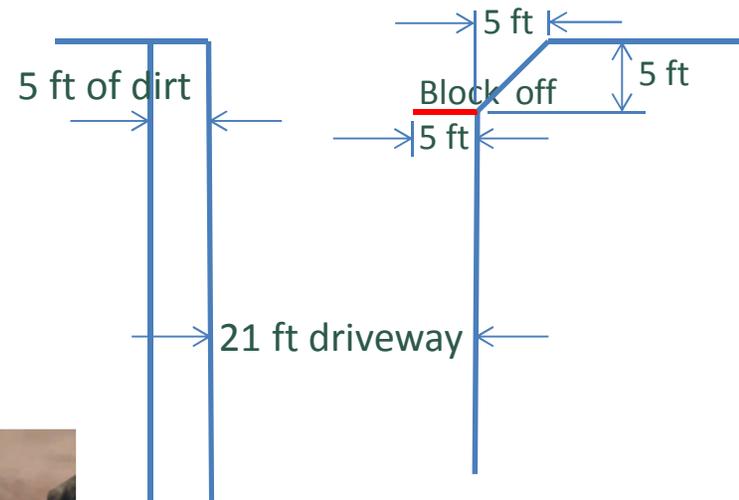
What we propose to do (continued)

- Driveway line-of-sight to be satisfied by adopting one of the two options below.

Option 1 (discussed with City)



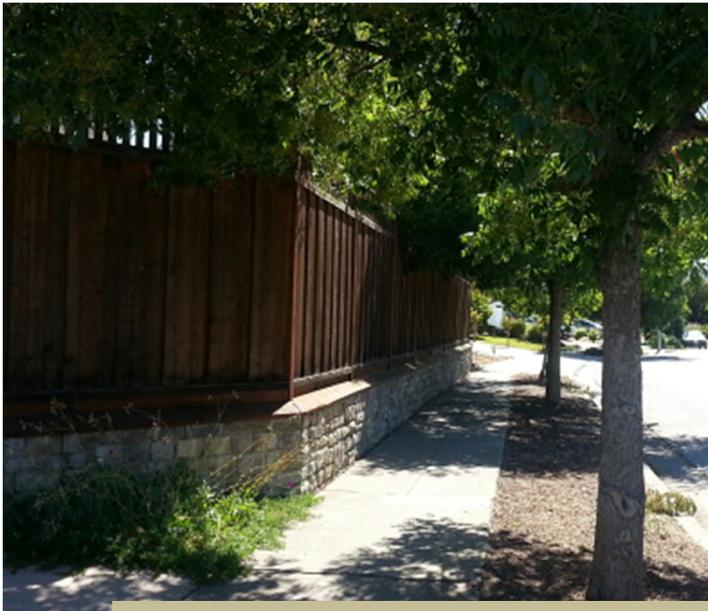
Option 2



What we are requesting

1. Allow the 6-foot side fence to be located at the property line.

- This will result into a very desirable site layout for us.
- Safety will not be compromised since corner sight triangle will still provide unobstructed view as required by the Municipal Code.



Fence Allowed at a Reverse Corner Lot (Linda & Sonuca Ave)

What we are requesting

2. No further change to the front fence.

- Fence was already modified at significant expense following City's direction.
- Fence is compliant with code.
- None of the neighbors nor the San Tomas Aquino Community Coalition believe the fence to be *walling off home* or incompatible with San Tomas Area Neighborhood Plan.

3. Retain rights to other Code-compliant fences that do not defeat the purpose of this Exception approval.

- Section 21.71.040 pertains to Administrative Decision Processes in general. It does not necessarily require Fence Exception process to impose conditions, especially when they are not reasonable or necessary.

Concluding Summary

- The minor remaining differences are significant ones for us in preserving the limited amount of private play space our kids (and neighborhood kids) have.
- We have diligently sought to satisfy all safety concerns.
- We are not making improvements to our property or stand to make any financial gain. Instead we have spent a significant amount of money and expect to spend much more in moving the fence to the property line and conducting a survey.
- Our neighbors have expressed no reservations about our exception application for the side fence, nor do they feel that the property feels “walled off”.



