

**PLANNING COMMISSION**  
City of Campbell, California

7:30 P.M.  
City Hall Council Chambers

September 27, 2016  
Tuesday

## **AGENDA**

### **ROLL CALL**

**APPROVAL OF THE MINUTES**    September 13, 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. **PLN2016-219**                      Public Hearing to consider the application of Aaron Winklebleck for a Site and Architectural Review Permit (PLN2016-219) to allow a 629-square-foot addition to an existing 1,265-square-foot, single-story, single-family residence on property located at **1045 Normandy 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: *Cindy McCormick, Senior Planner*
  
2. **PLN2016-293**                      Public Hearing to determine if a nonconforming use (formerly known as Cardiff Lounge) has been discontinued for a continuous period of six months (PLN2016-293) on property located at **260 E. Campbell Avenue**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Stephen Rose, Associate Planner*

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

### **ADJOURNMENT**

Adjourn to the next regularly scheduled Planning Commission meeting of **October 11, 2016**, at 7:30 p.m., in the City Hall Council Chambers, 70 North First Street, Campbell, California.

CITY OF CAMPBELL PLANNING COMMISSION  
MINUTES

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7:30 P.M.

TUESDAY

SEPTEMBER 13, 2016  
CITY HALL COUNCIL CHAMBERS

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The Planning Commission meeting of September 13, 2016, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Dodd and the following proceedings were had, to wit:

**ROLL CALL**

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

Commissioners Absent:	Commissioner:	Michael L. Rich
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Staff Present:	Community Development	
	Director:	Paul Kermoyan
	Senior Planner:	Daniel Fama
	Senior Planner:	Cindy McCormick
	Associate Planner:	Stephen Rose
	City Attorney:	William Seligmann
	Recording Secretary:	Corinne Shinn

**APPROVAL OF MINUTES**

**Motion: Upon motion by Commissioner Reynolds, seconded by Commissioner Kendall, the Planning Commission minutes of the meeting of August 23, 2016, were approved as submitted. (5-0-1-1; Commissioner Rich was absent and Commissioner Hernandez abstained)**

**COMMUNICATIONS**

Director Kermoyan listed the desk item(s):

1. Letter from Susan Landry regarding Pruneyard (Item 3)

**AGENDA MODIFICATIONS OR POSTPONEMENTS**

None

**ORAL REQUESTS**

None

**CONSENT**

None

**DISCLOSURES**

Chair Dodd asked the members if they have any disclosures regarding items on this evening's agenda.

Commissioner Young advised that he met with Dean Rubenstein with Ellis Partners regarding the Pruneyard project on June 8<sup>th</sup>.

Commissioner Hernandez advised that she attended a community meeting during the summer regarding the Pruneyard proposal and also met with Dean Rubenstein.

Commissioner Bonhagen said he too met with Ellis Partners regarding the Pruneyard project.

Commissioner Kendall said she met with Dead Rubenstein regarding the Pruneyard project.

Commissioner Reynolds said he met with representatives of Ellis Partners regarding the Pruneyard project.

Chair Dodd advised she also met in June with representatives of Ellis Partners regarding the Pruneyard.

**PUBLIC HEARINGS**

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

1. **PLN2016-19** Public Hearing to consider the application of Majid Saneinejad for a Planned Development Permit, Tentative Parcel Map to create two residential lots and a common lot, Tree Removal Permit to allow for the removal of one protected tree, and a Zone Change from R-M (Multi-family) to P-D (Planned Development) to allow the construction of two single family residences on property located at **1223 Walnut Drive**. Staff is recommending that a Negative Declaration be adopted for this project. Tentative City Council Meeting Date: October 18, 2016. Project Planner: Cindy McCormick, Senior Planner

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

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

- SARC reviewed this item on August 23<sup>rd</sup> and were fully supportive of this project as redesigned.

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

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

Lou Dorcich, Project Architect:

- Said he is available for any questions.
- Advised that after the previous project review that led to excellent feedback from the community and the Commission, they now have a redesigned project that fulfills all requirements that they are pleased to present.

Commissioner Hernandez asked how the common area will be maintained. Will there be an HOA?

Planner Cindy McCormick replied that Public Works will require a maintenance agreement. It was seen as a sufficient solution given the simplicity of the project with just two homes.

Commissioner Bonhagen advised that he met with this applicant prior to the first review. He asked what is now different from that initial submittal.

Lou Dorcich reminded that the previous project had three units that have been reduced down to two units. The FAR has been reduced below 50 percent. It seems to be the opinion of the community that these reductions from the original proposal help this project to create a transition into this neighborhood.

Commissioner Reynolds asked the architect to comment on the use of composition shingle roofing versus a tile roof.

Lou Dorcich said that was changed at the request of his client who feels it would be more compatible with the neighborhood since most homes on the street have composition roofing.

Audrey Kiehtreiber, Resident on Walnut & President of STACC:

- Reported that she had submitted a letter of support for this revised proposal on behalf of STACC.
- Stated that it has been a pleasure to work with Mr. Majid Saneinejad. He came to STACC Board meetings several times and understood the concerns of the neighborhood. STACC appreciates his concessions. The project is now two single-family residences with back yards. The FAR is reduced to less than 50 percent. The design now fits in well with the neighborhood.
- Said that she wished that every developer would be as willing to work with surrounding neighbors as he has been. As a result, she hopes that he might decide to build more in this neighborhood in the future.
- Added that they are aware that this is a financial project for him.
- Extended thanks to Mr. Saneinejad and the Planning Commission.
- Said that Senior Planner Cindy McCormick was very effective coordinating all the participants.

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

Commissioner Reynolds:

- Said that this was a very easy project to support.
- Added that he is impressed with the harmony between this developer and his neighbors.
- Stated that he too is relieved to see a reduction in the FAR.

Commissioner Bonhagen:

- Said that he appreciates the fact that all parties worked together.
- Stated he is supportive.

**Motion:**           **Upon motion of Commissioner Reynolds, seconded by Commissioner Kendall, the Planning Commission took the following actions for a property at 1223 Walnut Drive:**

- **Adopted Resolution No. 4325 recommending that the City Council approve a Tentative Parcel Map (PLN2016-19) to create two residential lots and one common lot;**
- **Adopted Resolution No. 4326 recommending that the City Council approve a Zoning Map Amendment (PLN2016-275) to change the zoning district designation from R-M (Multi-Family Residential) to P-D (Planned Development);**
- **Adopted Resolution No. 4327 recommending that the City Council approve a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes;**

- **Adopted Resolution No. 4328 recommending that the City Council approve a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree; and**
- **Adopted Resolution No. 4329 recommending that the City Council adopt a Negative Declaration (PLN2016-278), subject to the conditions of approval,**

**By the following roll call vote:**

**AYES:** Bonhagen, Dodd, Hernandez, Kendall, Reynolds, and Young

**NOES:** None

**ABSENT:** Rich

**ABSTAIN:** None

Chair Dodd advised that this item would be considered by the City Council for final action at its meeting on October 18, 2016.

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

2. **PLN2016-263/266** Public Hearing to consider the application of Jimmy Chang for a Planned Development Permit (PLN2016-263) to allow the removal of private patio areas, alterations to existing staircases and installation of new lighting fixtures within two courtyards of an existing apartment community (dba "The Parc at Pruneyard") and a Tree Removal Permit (PLN2016-266) to allow the removal of protected trees on property located at **225 Union Avenue**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Tentative City Council Meeting Date: October 4, 2016. Project Planner: Stephen Rose, Associate Planner

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

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

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

- SARC reviewed this item on August 23<sup>rd</sup> and was supportive of this project with recommendations:
  - Consider the inclusion of patio tables. The applicant agreed to evaluate options.
  - Find ways to include bicycle parking.
  - Consider the placement of a barbecue area on the site.
  - Consider planting Eastern Rosebud trees. The applicant agreed to explore that recommendation with their Landscape Architect.

- Consider enlarging the existing trash enclosures. The current enclosure is too small to serve the current demand. Another option to enlarging the enclosures may be to increase the frequency of pickups each week.

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

Jimmy Chang, Applicant:

- Said that he would like to address four conditions.
- Stated that they were willing to explore adding more of an open space seating area. A wooden bench is what they proposed. It would be centrally located. That has been submitted to staff.
- Advised that there is open space behind the clubhouse, which is near the pool, as the space where they proposed to place tables and seating.
- Said his second issue to discuss is the condition for bike racks. While there are none currently, there exists 400 square feet per building of storage space. They are proposing to use that area for bicycle storage. They should be able to accommodate the storage of approximately 68 bicycles throughout the property.
- Stated that in regards to the tree species, he has been communicating with the project Landscape Architect and will work further with staff.
- Explained that he had surveyed the site trash enclosures. When originally constructed recycling wasn't as big as it is today. If they enlarge their trash enclosures to accommodate both trash and recycling containers, they would lose three parking spaces. Instead they have talked with Waste Management regarding more frequent pickups and/or smaller containers so all could fit within the existing enclosures.

Commissioner Hernandez asked Mr. Chang how they would deal with recycling in addition to trash.

Jimmy Chang explained that the recycling bins are currently outside the enclosure against the fence. They are not blocking any parking spaces.

Commissioner Hernandez asked Mr. Chang if he had spoken with tenants about the pending loss of private outdoor spaces.

Jimmy Chang:

- Reported that the property owner has a Resident Relations person to work with residents.
- Advised that technically there are not supposed to be any barbecue within 10 feet of a structure due to fire safety regulations.
- Added that tenants would have a better experience with a courtyard setup although perhaps not as private. The private patios ranged between 50 and 60 square feet.
- Stated that the interior courtyard will be semi-private as shared by building.

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

Commissioner Kendall said that this will be a big improvement to the center courtyard where currently there are so many stairs and dividers breaking it up. It wasn't very attractive. The site will be more beautiful when there are more plantings installed.

Commissioner Reynolds agreed with Commissioner Kendall that this proposal will beautify and improve the tenant experience. Removing the stairs is a good thing. He added that apartment complexes need to be updated periodically. He said he would support this application.

Chair Dodd said she was glad there will be bike storage provided.

**Motion:** Upon motion of Commissioner Reynolds, seconded by Commissioner Bonhagen, the Planning Commission took the following actions for a property at 225 Union Avenue:

1. Adopted Resolution No. 4330 recommending that the City Council approve a Planned Development Permit (PLN2016-263) to allow the removal of private patio areas, alterations to existing staircases and installation of new lighting fixtures within two courtyards of an existing apartment community (dba "The Parc at Pruneyard"); and
2. Adopted Resolution No. 4331 recommending that the City Council approve a Tree Removal Permit (PLN2016-266) to allow the removal of protected trees, subject to the conditions of approval;

By the following roll call vote:

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

Chair Dodd advised that this item would be considered by the City Council for final action at its meeting on October 4, 2016.

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

3. **PLN2016-76,77,78, 335, 357, 358** Public Hearing to consider the application of CFEP Pruneyard, LLC for a Zoning Map Amendment (PLN2015-357) to amend the Campbell Zoning Map to rezone a portion of The Pruneyard from the C-2 (General Commercial) Zoning District to the C-2-O (General Commercial / Overlay) Combining Zoning District; a Master Use Permit (PLN2015-358) to allow the construction of a 100,000 square-foot (5-story) office building, four retail buildings constituting 18,600 square-feet, a 30,000 square-foot fitness facility or a 12,000 square-foot retail/office building, expansion of the existing

parking structure (3 or 5 stories), various site improvements, alterations to existing buildings, establishment of a new land use program including specifying permitted and conditional uses, continued allowance of a shared parking program, and implementation of a transportation demand management program (TDM); a Tentative Vesting Parcel Map (PLN2015-77) to allow division of the property into three parcels; a Tree Removal Permit (PLN2015-335) to allow removal of on-site "protected" trees; a Master Sign Plan with a Freeway Oriented Sign (PLN2015-78) to allow a new comprehensive signage scheme including an increase in sign area, height, and number; and a Zoning Code Amendment (PLN2015-76) to revise various sections of the Campbell Zoning Code (Title 21 of the Campbell Municipal Code) to reference the land use program created by the Master Use Permit and to allow the signage proposed by the Master Sign Plan, for property located at **1875, 1887, 1901, 1919, 1995, & 1999 S. Bascom Avenue**. A Mitigated Negative Declaration has been prepared for this project. Tentative City Council Meeting Date: October 18, 2016. Project Planner: Daniel Fama, Senior Planner

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

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

Commissioner Kendall asked about the proposed height of the building near the portal.

Planner Daniel Fama said that staff's recommendation is a maximum of 45 feet in height.

Commissioner Kendall asked how many floors are proposed for that particular building.

Planner Daniel Fama replied, three.

Director Paul Kermoyan:

- Explained that 45 foot height number was borrowed from the East Campbell Avenue Master Plan (ECAMP) although it doesn't specifically apply to E. Campbell Avenue beyond Highway 17 through to Bascom Avenue.

Commissioner Kendall said that there is a difference between two-lane-wide roads versus four-lane-wide roads as to the maximum building height that can be supported.

Director Paul Kermoyan said that was the ECAMP methodology.

Planner Daniel Fama said that the rationale was that if a 45-foot maximum height is acceptable at the end of the ECAMP area up to Union Avenue, then it should be

equally supportable further along the road toward Bascom Avenue since the street width continues to be four lanes there.

Commissioner Hernandez clarified with staff that ECAMP extends up to Union but not beyond.

Planner Daniel Fama said that is correct on the south side of the street. It does not apply to the Pruneyard side of that street.

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

Jim Ellis, Ellis Partners, Applicant:

- Said that he is very pleased to have the Planning Commission hearing their application this evening.
- Reported that he is here with a big part of their team. He introduced the members of the team to the Commission.
- Stated that Daniel Fama did an incredible job with his presentation.
- Added that he appreciates staffs' hard work over the last 18 or 19 months.
- Said that they are excited to bring their plans for the Pruneyard.
- Advised that they have already done renovations at the hotel, which will demonstrate the level of quality work they do at their projects.
- Stated that the goal of their application is to revitalize a treasured community asset in Campbell. To enhance it. To increase the sales volume and correspondingly the City's share of tax revenues. To create a vibrant neighborhood gathering space and to accommodate pedestrians and bicyclists.
- Cautioned that Pruneyard cannot remain stagnant.

Dan Rubenstein, Director of Development, Ellis Partners:

- Thanked the Commission for their time this evening.
- Said that they are thrilled to be here before the Planning Commission after two years' of effort.
- Extended specific thanks to Paul Kermoyan and Daniel Fama for their creativity and diligence throughout the process.
- Stated that there have been many meetings with staff, the Planning Commission, the City Council and community leaders. He listed a few:
  - Study Session with City Council in March 2015.
  - Planning Commission/City Council/Community leaders met in May 2015 and included neighborhood groups.
  - Reminded that the Planning Commission conducted a Study Session that started at 12:30 a.m. after a long regular meeting agenda had concluded late.
  - A second community meeting has held to receive resident feedback.
  - Meetings were held with STACC and with the Campbell Village Association.
- Said that the CEQA process took six to seven months to complete and included traffic, parking, geo-tech and architectural peer review.
- Reported that in April the final submittal was made that is before the Commission now.

- Advised that they will be working with the CERT program to make the Pruneyard a part of their emergency plan.
- Said that the primary elements of the project include pedestrian improvements both on and off-site; increasing ability to optimize the parking they have on site and supplement ADA parking; to create plazas and gathering areas.
- Pointed out that the City encourages office development.
- Explained that their proposed subdivision has its benefits for the City and offers Ellis Partners the ability to invest money in full development mode. It offers efficient financing of construction and investment.
- Estimated that this project will increase sales tax to the City by approximately \$500,000 a year.
- Stated that having CC&R's for the Pruneyard gives the City unique enforcement.
- Listed some of the associated costs of their plans for Pruneyard including about \$250,000 for streetscape improvements to help integrate the portals to the Pruneyard and \$350,000 in traffic improvements.
- Reminded that staff is recommending approval.
- Said that we are four years into an intensive redevelopment cycle and said that their proposal will offer them the flexibility to have entitlements in place and not to have to come back.
- Reminded that their original request had been for 15 year time frame. They then came back with a compromise request for 10 years. The first phase will initiate after a year; the second phase after 6 years and the last phase would be complete after 10 years.
- Stated his hope that the Planning Commission will support this request.
- Described the proposed office building as consisting of 100,000 square feet of office space, on two stories, with two parking garages.
- Cautioned that less than five-stories would not be economically feasible due to costs including the need to relocate lots of utilities.
- Said that providing a large office building is necessary to draw a large use to the site.
- Pointed out that the 75-foot height for a five-story building is consistent and appropriate in a mixed-use transitory development. It could reduce traffic impacts and create 600 jobs for Campbell.
- Assured that he hears staff's concerns about massing and its impacts on pedestrians. To help alleviate those concerns their design has the top floor set back and the first floor set back 35 feet. This new office building would be located next to existing 10 and 16-story buildings and the freeway.
- Pointed out that this is the only place in Campbell that allows a 75-foot high office building.
- Reminded that the jurisdiction of the ECAMP is west of Highway 17 while the General Plan references the Pruneyard/Dry Creek Area.
- Said that the proposed office building represents an important entry point from the portals and would be placed on what is currently a parking lot.
- Said that they were fine with either office building design option they have provided for consideration.

Melinda Ellis-Evers, Ellis Partners, Applicant:

- Said that they are proud to be the stewards of this community asset.
- Stated that they have come up with a carefully conceived plan for the Pruneyard that maintains the small-town charm of the community.
- Said that their overall goal is to retain legacy Pruneyard tenants as well as to draw exciting new tenants to the site.
- Stated that they look forward to a long relationship moving forward and for years to come.
- Advised that they would like to move as quickly as possible to realize this important project.
- Added that Ellis Partners looks forward to future ribbon cuttings and new store openings in the future.

Dan Orloff, Resident on Second Street:

- Stated that it was a privilege to be here.
- Advised that he was here 39 years ago regarding The Factory and has seen many aspects of the Pruneyard's evolution.
- Added that he is a limited partner in Camera7.
- Reported that Ellis Partners has "delivered" in other markets including Palo Alto and Jack London Square in Oakland.
- Stated that their plans for a 100,000 square foot office building are important component of their project. The site needs such a building to draw jobs to Campbell.
- Concluded that he hopes the Planning Commission supports this plan.

Steven Blachman, Owner, Trudy's Brides and Special Occasions, Pruneyard:

- Said that his family has owned and operated their business, Trudy's, at the Pruneyard for 43 years this month.
- Stated that Ellis Partners is proposing a dynamic updated and fresh new look for the center.
- Advised that Trudy's looks recently completed a major renovation on two levels. They draw customers from the entire Bay Area.
- Opined that this project will benefit the entire Campbell Community.

Mark Gunke, Resident on McBain Avenue:

- Said that he is in favor of the proposed plan.
- Reported that Ellis Partners has reached out to his neighborhood for feedback and wishes and has incorporated their suggestions into their plans.
- Stated that these improvements will have positive impacts on property values of the surrounding area and he likes that.
- Suggested the need for a larger grocery store within the center and perhaps a restaurant could once again be located on the top floor of the tallest tower that once housed Sebastian's.

Nicky Essert, Resident on E. Campbell Avenue:

- Stated that she is a member of the Pruneyard/Dry Creek Neighborhood Association.

- Thanked Ellis Partners for their outreach efforts.
- Reported that this project has broad support in their nearby neighborhood.
- Stated concurrence with the traffic and parking issues but no one has expressed concerns about the proposed height for the office building.
- Advised that some suggest that the drive thru plaza only be available for emergency service use.
- Suggested a bike/pedestrian trail access to the Los Gatos Creek Trail.
- Reported that she has noticed improved security and grounds keeping at the Pruneyard under Ellis Partners ownership.
- Stated her support.

Cole Cameron, Resident on Herring Avenue, San Jose:

- Said he is a part of the CERT Team.
- Stated that they appreciate the outreach done by Ellis Partners.
- Explained that he has a finance background and agrees that the proposed five-story office building can benefit this community.
- Said he hopes this goes forward and thanked the Commission for their consideration.

Susan Landry, Resident on Curtner Avenue:

- Said that she is a landscape architect.
- Thanked Dean Rubenstein and Ellis Partners for their coordination with neighbors.
- Said that this project will improve the quality of the Pruneyard.
- Added that she is supportive with modifications.
- Suggested that the proposed road divides the courtyard and she would like to see the following:
  - Reduce the number of vehicular/pedestrian crossings.
  - Eliminate the vehicle road through the Plaza but retain emergency vehicle accessibility.
  - Eliminate left turns from Union and Campbell onto the site to help the flow of traffic along Campbell Avenue.
- Stated her support for a five-story office building and cautioned that allowing left turns would create traffic stacking problems.
- Thanked everyone involved and opined that this project will help Campbell and economic stability.

Carl San Miguel, Chamber of Commerce:

- Recommended approval for a 10 year build-out plan for this project.
- Said that the project would result in additional tenants bringing sales taxes into Campbell as well as increased property taxes. It is a source of funds.
- Said that he too supports the proposed five-story office building that could create 500 jobs and enhance the retail.
- Added that the five-story office building would not cast shadows or cause an increase of traffic due to access from Highway 17 and Campisi.
- Opined that this is a sound project for Campbell.
- Thanked the Commission for their consideration and support.

Jack Nybloom, Owner, Camera7 & Resident on Dillon Avenue:

- Said that there have been several owners of the Pruneyard over the last 14 years. Over the last 1.5 years, he has worked with Ellis Partners.
- Stated that they ask great questions and listen to our answers.
- Advised that there have been lots of get-togethers and Ellis Partners has a smart and thorough vision for the center. He is excited for the whole renovation plan.
- Said that as a result of his confidence in Ellis Partners' plans, he has raised capital and will reinvest in the theatre.
- Concluded by saying, "We love what they are doing!"

Dawn Anderson, Resident on Union Avenue:

- Reported that she lives a few blocks away.
- Added that she is an architect and has a few concerns.
- Said that allowing left turns into the Pruneyard so close to the portals would create problems.
- Stated that recentralizing the community space and allowing traffic through there is not conducive to pedestrian safety.
- Recommended that the developers get an accessibility review of the property.
- Advised that she goes over to Pruneyard every day.
- Thanked the Commission for its time.

Jo-Ann Fairbanks, Resident on Hacienda Avenue:

- Said that she appreciates hearing from the community about their experiences working with this developer.
- Stated that she has three areas of concern.
  - The inclusion of an overlay district.
  - The Master Use Permit concept makes her nervous. It delegates issues typically handled by the Planning Commission over to the Community Development Director. She's okay with current-Director Paul Kermoyan.
  - Admitted that the concept of a "living" document is a little scary for her.
- Said that the project completion dates also make her nervous/uncomfortable, particularly the 10 year time frame.
- Suggested that length of time could lead to a project that evolves and must be reviewed further by the Director.
- Admitted that she agrees with the staff's more conservative dates/schedule.

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

Commissioner Hernandez:

- Cautioned that she has lots of questions.
- Said that they include building usage and square footage and splitting the lot into three parcels. That raises concerns for her.
- Added that she understands that there will be general CC&R's in place governing the three parcels. However, over time, individual owners/parcels will have different goals and visions. She asked staff to confirm that future owners would have to abide.

Planner Daniel Fama replied that is correct. It is intended that the CC&R's would be all encompassing to ensure a vital single shopping commercial center.

Commissioner Hernandez asked if this Master Use Permit would supersede the Use Permits approved in the past for this center.

Planner Daniel Fama said that rather it incorporates them into the Master Use Permit.

Commissioner Hernandez asked how the alcohol license maximums are calculated.

Planner Daniel Fama:

- Said there is no "carte blanche". It includes existing.
- Added that the Community Development Director can allow new but there is a ceiling on the maximum number.
- Stated that it would be 25 percent when the project is built out.
- Referenced page 13 that lists 25 with on-sale alcohol service and five with off-sale.

Commissioner Hernandez asked how that works if tenant spaces are split up. If some tenant spaces are split, would that allow an increase in the number of uses with alcohol service?

Planner Daniel Fama replied no. Increasing from 25 would require an amendment to this Master Use Permit that would go to the Planning Commission and then on to the City Council for review and approval.

Commissioner Hernandez:

- Said that issue comes up a lot and especially in the downtown.
- Questioned how often the closing of the special event area might occur. Would it be one weekend a month?

Planner Daniel Fama said that the closing would only be for a portion of the roadway. The parking lot and other drive aisles would remain available.

Commissioner Hernandez asked if it has been considered whether that drive could be closed permanently.

Planner Daniel Fama advised that to do so would require bringing it back to the Planning Commission and City Council.

Commissioner Hernandez:

- Stated that 10 years for completion seems a long time to her. She doesn't support that amount of time.
- Referred to the Robson project constructed on Hamilton Avenue at San Tomas Expressway (Penny Lane). That project was delayed for a number of years and everyone was shocked with what was ultimately constructed.
- Asked if the changes that can be made up to 500 square feet. Does that include adding outdoor seating?

Planner Daniel Fama said that the 500 square foot standard at Director level review is for building addition not outside uses. It involves minor changes to interior spaces to meet specific tenant needs.

Director Paul Kermoyan:

- Said that staff was conscientious about the type of authority given to staff.
- Assured that any big changes go back to the original decision makers.
- Added that the overall vision of the document contains limitations of what staff can approve.

Commissioner Kendall said she had a question for City Traffic Engineer Matthew Jue. Could he comment about the pedestrian interchange at the portals. Would a five-story building set back as proposed be of concern?

Mr. Matthew Jue, Traffic Engineer:

- Said that any pedestrians would be on the public sidewalk.
- Added that the crosswalk is signalized so there are no problems anticipated if the signals are obeyed.

Chair Dodd asked Matthew Jue about a future traffic signal at Campbell and Page. Could there be problems with turns onto Pruneyard?

Traffic Engineer Matthew Jue said that it is the right-of-way to get in.

Planner Daniel Fama said that traffic coming into Pruneyard from Union would include a relocated entrance to the underground parking.

Commissioner Bonhagen:

- Admitted that he has never noticed a problem with left turns onto the Pruneyard.
- Reported that he drives by at least three days a day.
- Said he'd like to address the proposed parcelization.
- Reminded that Ellis Partners has done this successfully before and that fact has alleviated any concerns for him.
- Said that the access to the Los Gatos Creek Train was suggested but he doesn't believe the Pruneyard property touches a point of access.

Planner Daniel Fama said that the northwest corner of the site by the parking garage does touch. However, that area was deemed an unsafe access point. Additionally, a bike lane could not be added there unless parking was lost.

Commissioner Bonhagen said that closing the traffic circle on the plaza every weekend would be "awesome". Perhaps it can start at once a month and go to weekly later.

Commissioner Kendall asked Commissioner Hernandez why she is not in favor of a 10-year approval. Their original request was for 15 years and she is quite pleased that they had condensed that time as much as they had to 10 years.

Commissioner Hernandez:

- Stated that 10 years is a very long period of time.
- Said that other things can happen based on a new Planning Commission, a new City Council, a new Community Development Director as well as a new General Plan.
- Reminded that the City has seen buildings/properties come and get approved but actual construction took a long time to occur.
- Added that oftentimes, when that building goes up its not was expected.
- Advised that she has never heard anything positive about that large white development constructed at San Tomas Expressway and Hamilton Avenue. She said that she has heard it referred to as a “prison” or a “mental hospital”.
- Reiterated that 10 years is a long time.

Commissioner Kendall:

- Advised that she is in favor of the five-story office building, Version B.
- Cautioned that Campbell needs more of a balance of jobs to residents.
- Admitted that she feels fortunate to both live and work in Campbell.
- Added that this office building can be a real architectural statement for the City. It can serve to segue between the existing tall black towers and Campbell Avenue and could draw a substantial business such as Barracuda.
- Said that she can support a 10-year phased approval timeline since it takes a long time to build big projects.
- Stated that she is also okay with parcelization.
- Added that traffic needs to go through. There are many people with mobility issues and splitting it with a road would create two shopping centers if you can't get through.
- Stated that if there should be no play structures next to the road then the play structures could be relocated elsewhere on site.

Commissioner Young:

- Said that in general this project is excellent.
- Stated that he does have a few comments. For example, the length of time was initially concerning. However, the fact that there are extensive public improvements and the project is specifically phased, he is no longer concerned.
- Said that he was torn about the 10 year time line but also understands the applicant has reduced from their original request for 15 years.
- Cautioned that there would be issues if they tried to do all the work proposed at once.
- Said that a great job was done on describing the plans and need for parcelization and he is comfortable with that aspect.
- Said that there is inequity between a three-story and five-story office building.
- Said that regarding the drive through from Bascom to the back, the Traffic Management Plan should tell us if it is okay to close.

## Commissioner Reynolds:

- Thanked the City Council for the provision of iPads to the members of the Planning Commission. With this large 2,700+ page packet, we saved a forest.
- Thanked staff. The scope of this project required their dedication and he extends kudos for their efforts.
- Thanked Ellis Partners whose project will certainly benefit our community. The Pruneyard is an important asset to the community. The community is protective of the Pruneyard.
- Reported that he made two trips to Oakland's Jack London Square. Fifteen years ago, it was bad. There are currently seven owners of the property that comprises Jack London Square yet it is a well-blended project that appears seamless.
- Said that the track record of Ellis Partners gives him the confidence over the length of project timing as they are proposing.
- Stated that a project of this caliber needs flexibility. This is huge – big time. He will support it.
- Admitted that he understood the “why” for the requested land split as requested by Ellis Partners from day one.
- Said that he is impressed with the thought that went into the Parking Management Plan. Valet parking doesn't get any easier and their underground parking is an expensive commitment.
- Stated that he is impressed with the proposed five-story office building. It will be beautiful and bring a tremendous addition of jobs in our City. Reducing that building to three-story would be a detriment to the project.
- Added that he is comfortable with the concept of an owners' association (CC&R's).
- Said that when he heard about the idea of Pruneyard partnering with CERT he thought that it was an awesome idea. A second location for emergency response would be tremendous.
- Thanked the members of the community who attended community meetings with Ellis Partners and also came to this evening's public hearing.
- Said that he is always protective of businesses in our City. There are great businesses at the Pruneyard.
- Said that he is asking Ellis Partners to take a long hard look at the businesses there today and to protect them.
- Advised that the Pruneyard is his and his wife's go-to place when there's no parking in Downtown.
- Said that he likes the idea of an expedited process with this Master Sign Plan that gives more authority to our Community Development Director. Anytime we can streamline a process, it's a benefit to all in the long run.
- Stated that he is happy with what is being proposed. He's glad they are keeping the theaters.
- Reminded that the Director can always bring issues to the Planning Commission if he thinks it is necessary to do so.
- Concluded that he is supporting this project.

Chair Dodd:

- Agreed with Commissioners Kendall and Young about the five-story office building.
- Said that she likes a combination of the two designs. She likes the glass building but would incorporate the step-down feature of the other design.
- Added that she likes the maximum limit of 25 businesses with alcohol service.
- Said that she appreciates Pruneyard Kitchen & Bar being added to the hotel.
- Admitted that she was on the fence regarding traffic going through the Pruneyard but she likes the idea of closing down the road once a month for events.
- Stated that she is fine with the parceling proposal as she has seen it work in Palo Alto and Oakland.
- Stated that she doesn't like the 10 year time frame as she is concerned about something the Commission has already approved becoming outdated after a decade.
- Pointed out that most of the members of the community who spoke out this evening were in favor of this project.

Commissioner Hernandez:

- Reiterated her concern that a 10-year approval is a long time and should be shortened to between five and six years.
- Added that she is in favor of parcelization but on the issue of a drive through she could go either way.
- Said that she agrees with Chair Dodd about a combination building design that incorporates aspects of both designs.

Commissioner Bonhagen asked if the 10 year time frame is for the office building.

Chair Dodd reminded that the project is proposed in four phases.

Planner Daniel Fama said that the garage would be Phase 2-3 and the office building with underground parking would be Phase 4.

Commissioner Bonhagen said that it seems that everything else (outside of office building) would be completed at six years maximum.

Director Paul Kermoyan clarified 10 years. They'd have to start it within that time frame but that doesn't mean it has to be completed. It could take 12 years to complete.

Commissioner Bonhagen said he's okay with the 10 years requested.

Commissioner Reynolds:

- Said that he believes that Ellis Partners know what they are doing.
- Pointed out that this Commission is not expert on project timing and he fears the Commission could be Monday-morning quarterbacking.
- Added that Ellis Partners have put a lot of thought into what they think they can do within specific periods of time. The time allows them to deal with financing and construction/economic up or down-turns.

Commissioner Young:

- Said that he does this sort of thing for a living as well and is comfortable with what he is saying.

Commissioner Kendall asked how long it takes for a building's design to become outdated.

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

Chair Dodd asked Dean Rubenstein if Ellis Partners would consider a different timeline.

Dean Rubenstein, Ellis Partners, Applicant:

- Said they would consider it.
- Provided the example of another project where extra time was allowed and that extra time allowed the project to be completed. That one was similar to this project in terms of size and complexity.
- Pointed out that the office building within five years is only five years more than allowed by right.
- Said that logistically each project/phase takes two or three years.
- Assured that the project is phased as tightly as they really can accomplish.

Susan Landry, Resident on Cambrian Drive:

- Asked the Planning Commission to reconsider the center courtyard road going through if there will be a kid's play area there.

Dawn Anderson, Resident on Union Avenue:

- Said that Ellis Partners should take the time necessary.
- Added that existing businesses at Pruneyard must trust the developers.
- Encouraged careful and well thought out planning.
- Said that the massing of the building at the corner will break up the noise.
- Supported a step back at the ground floor for a more pedestrian engagement.

Angela Amico:

- Said that she is here representing her parents who own the 10-unit apartment building across E. Campbell Avenue from the Pruneyard adjacent to the portals.
- Questioned why Ellis Partners never reached out to them who are directly across the street to discuss their plans.

Steve Blachman, Owner of Trudy's, said that businesses survive by people seeing that they are there.

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

Planner Daniel Fama said that in regards to the design of the office building, if the Commission likes the idea of the five-story office building but with a revised design,

they should add to the conditions that this is subject to the building's design being refined in the future.

Chair Dodd asked each Commissioner to comment on the 10 year time line. She said she is feeling better about it after the discussion that has occurred.

Commissioner Bonhagen said that he likes 15 years since he's a real estate broker. However, he can agree to the compromise of 10 years. He said that while he likes the idea of greater setbacks for the ground floor he doesn't like the proposed "orange" color depicted on the drawing for Option 2.

Commissioner Hernandez:

- Said that there has been a good discussion on the issue of the 10 year approval period.
- Admitted that she can now see the benefit of allowing a 10-year time frame since construction can take time. There will be the need to move the staging area around.
- Stated she can now support up to 10 years.

**Motion: Upon motion of Commissioner Kendall, seconded by Commissioner Reynolds, the Planning Commission took the following actions for properties located at 1875, 1887, 1901, 1919, 1995 & 1999 S. Bascom Avenue:**

- **Adopted Resolution No. 4332 recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (PLN2015-79);**
- **Adopted Resolution No. 4333 recommending that the City Council approve a Zoning Map Amendment (PLN2015-357);**
- **Adopted Resolution No. 4334 recommending that the City Council adopt an ordinance approving a Zoning Code Amendment (PLN2015-76);**
- **Adopted Resolution No. 4335 recommending that the City Council approve a Master Use Permit with an approval duration of ten (10) years and to allow the office building to be five (5) stories, maintaining the 75 maximum height and a future revision to the building's design with an articulated surface, plaza below, setback on top (Option 1 concept) incorporating step-backs illustrated in Option 2, as recommended by SARC and decided by the Planning Commission;**
- **Adopted Resolution No. 4336 recommending that the City Council approve a Vesting Tentative Parcel Map (PLN2015-77);**
- **Adopted Resolution No. 4337 recommending that the City Council approve a Master Sign Plan (PLN2015-78) with a free-way oriented sign and an increase to the allowable sign area, height and number; and**

- **Adopted Resolution No. 4338 recommending that the City Council approve a Tree Removal Permit (PLN2015-335), subject to the conditions of approval,**

**By the following roll call vote:**

**AYES: Bonhagen, Dodd, Hernandez, Kendall, Reynolds, and Young**

**NOES: None**

**ABSENT: Rich**

**ABSTAIN: None**

Chair Dodd advised that this item would be considered by the City Council for final action at its meeting on October 18, 2016.

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**REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR**

Director Paul Kermoyan had no additions to his written report.

**ADJOURNMENT**

The Planning Commission meeting adjourned at 10:40 p.m. to the next Regular Planning Commission Meeting of **September 27, 2016**.

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

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

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

## RESOLUTION NO. 4325

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING APPROVAL OF A TENTATIVE PARCEL MAP (PLN2016-19) TO CREATE TWO SINGLE-FAMILY LOTS AND ONE COMMONLY-OWNED LOT ON PROPERTY LOCATED AT **1223 WALNUT DRIVE**.

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

The Planning Commission finds as follows with regard to the recommended approval of a Tentative Parcel Map (PLN2016-019):

### 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 (PLN2016-278) 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 as conditioned.

### Evidentiary Findings

2. The proposed project ("project") includes a Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot, Zoning Map Amendment (PLN2016-275) to change the zoning designation from R-M (Multi-Family Residential) to P-D (Planned Development), a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes, a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, and a Negative Declaration (PLN2016-278).
3. The project site consists of a 10,011 square foot (net area) lot located on Walnut Drive between Wendell Drive and Hacienda Avenue.
4. The lot is currently developed with one single-family residence that will be demolished as part of the proposed project.
5. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west.
6. The project site is designated Low-Medium Density Residential (6-13 Units / Gr. Acre) as shown on the Campbell General Plan Map.
7. The proposed residential land use, at a density of approximately seven (7) units/gr. acre, is consistent with the allowable land use and maximum density permitted by the Low-Medium Density Residential General Plan land use designation.

8. The project site is zoned R-M (Multi-Family Residential) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
9. The land use entitlements for the proposed Project may be approved concurrently where approval of the Tentative Parcel Map is subject to approval of the Zoning Map Amendment and Planned Development Permit.
10. There are no responsible agencies or trustee agencies responsible for resources affected by the project.
11. On the basis of the Initial Study, and as supported by substantial evidence, the project will not have a significant effect on the environment due to the application of uniformly applicable development policies and incorporation of project-specific conditions of approval.
12. The City of Campbell provided a Notice of Intent to adopt a Negative Declaration to the public via the Campbell Express, the County Clerk, and on the City website.
13. The City of Campbell provided a 20-day public review period of the Negative Declaration pursuant to the California Environmental Quality Act Guidelines. The 20-day public review period began on May 25, 2016 and the public was invited to comment on the Draft Negative Declaration in writing and/or in person at the Planning Commission Public Hearing on June 14th and September 13th and the City Council public hearing on October 18, 2016. No comments have been received on the draft Negative Declaration.

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

14. The proposed Tentative Parcel Map is consistent with the General Plan and Zoning Ordinance of the City.
15. The proposed Tentative Parcel Map does not impair the balance between the housing needs of the region and the public service needs of its residents and available fiscal and environmental resources.
16. The design of the Tentative Parcel Map provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
17. The development and uses will be compatible with the General Plan of the City and will aid in the harmonious development of the immediate area.
18. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.

19. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
20. 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 approval of a Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot on property located at 1223 Walnut Drive, subject to the attached recommended Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 13th day of September, 2016, by the following roll call vote:

AYES: Commissioners: Bonhagen, Dodd, Hernandez, Reynolds Young, Kendall

NOES: Commissioners:

ABSENT: Commissioners: Rich

ABSTAIN: Commissioners:

APPROVED:

\_\_\_\_\_  
Cynthia Dodd, Chair

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

**RECOMMENDED CONDITIONS OF APPROVAL**  
**Tentative Parcel Map (PLN2016-019)**

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 Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot, Zoning Map Amendment (PLN2016-275) to change the zoning designation from R-M (Multi-Family Residential) to P-D (Planned Development), a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes, a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, and a
2. Negative Declaration (PLN2016-278). The project shall substantially conform to the Revised Project Plans & Tentative Subdivision Map dated August 9, 2016 except as may be modified by the Conditions of Approval herein.
3. Approval Expiration: The Tentative Parcel Map approval is valid for a period of two years from the date of final City Council approval unless an extension is granted prior to the expiration date. Recordation of a Tract Map must occur within this two-year period.
4. Tract Map / Planned Development Permit: The Tentative Parcel Map is contingent upon approval of the Planned Development Permit (PLN2016-276). A Tract Map may not be recorded if the Planned Development Permit expires or is revoked by the City Council. The Tract Map shall be recorded prior to the issuance of building or grading permits.
5. Park Impact Fee: A park impact fee is due upon development of the site, based on the development density of 6-13 Units per Gross Acre (Low-Medium Density), less credit for one legally constructed unit. Prior to recordation of the Tract Map, 75% of this fee is due. The remaining 25% is due prior to issuance of a certificate of building occupancy. The fee is currently set at \$10,595 per unit. This fee is subject to change and the fee in effect at the time of payment shall be the fee due.
6. Utility Boxes and Back-Flow Preventers: The applicant shall submit a plan prior to installation of any PG&E utility (transformer) boxes and/or San Jose Water Company back-flow preventers, indicating the location of the boxes for approval by the Community Development Director.

7. Pad Certification: Following site grading and prior to preparation of individual building pad forms, the following improvements shall be certified by a licensed land surveyor and reviewed by the Community Development Director to determine consistency with the approved plan (grade, pad and drainage).
8. Residential Address Identification: The applicant shall submit a detail sheet showing uniform residential address identification material type and location on the building wall for review and approval by the Community Development prior to the issuance of Building Permits. In order to obtain approval, numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Additionally, number material and color is required to contrast with their background.
9. Property Maintenance: The property is to be maintained free of any combustible trash, debris, and weeds until the time that actual construction commences. Any vacant existing structures shall be secured, by having windows boarded up and doors sealed shut, or be demolished or removed from the property (California Fire Code, 2013 Edition).
10. Stormwater and Grading Requirements: The project shall comply with City stormwater and grading requirements (CMC Sec. 20.80.020, 21.16.100, and 14.02), as more specifically itemized in the Public Works Department Conditions of Approval for the Tentative Subdivision Map.
11. Maintenance Agreement: Prior to issuance of recordation of the Tract Map, the applicant shall submit for review and approval by the Public Works Department a copy of the draft Maintenance Agreement.
12. Compliance with Other Regulations: The applicant shall comply with other state, county, and city ordinances that pertain to the proposed project.
13. Construction Activity: The following standards shall apply to construction of the project:
  - *Construction Hours (CMC 18.04.052)*: Construction activity shall be limited to the hours of eight a.m. and five p.m. daily, Monday through Friday. Saturday hours of construction shall be nine a.m. and four p.m. There shall be no construction activity on Sundays or National Holidays.
  - *Construction Noise (CMC 18.04.052)*: No loud environmentally disruptive noise over fifty dbs., such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments or radios will be allowed during the authorized hours of construction, Monday through Saturday, where

such noise may be a nuisance to adjacent residential neighbors. Such nuisances shall be discontinued.

- *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 issuance of building permits.

## **PUBLIC WORKS DEPARTMENT**

14. Response Letter: Upon submittal of the Parcel Map, the Street Improvement Plans and the Grading and Drainage Plans, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
15. Parcel Map: Prior to issuance of any grading or building permits for the project, the applicant shall submit a Parcel Map for recordation upon approval by the City, pay various fees/deposits and submit the map in a digital format acceptable to the City.
16. Preliminary Title Report: Upon submittal of the Parcel Map, the applicant shall provide a current (within the past 6 months) Preliminary Title Report.
17. Public Service Easement: Upon recordation of the Parcel Map, the applicant shall grant a five foot public service easement on private property contiguous with the public right-of-way along the Walnut Drive frontage, unless otherwise approved by the City Engineer. 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.
18. Private Easements: Upon recordation of the Parcel Map, the applicant shall cause private easements to be recorded for private utilities, private storm drains, reciprocal ingress and egress, emergency vehicles, etc.
19. Monumentation for Parcel Map: Prior to recordation of the Parcel Map, the applicant shall provide a cash deposit (100% of the monument estimate) for setting all monuments shown on the map. Monuments shall be set per section 20.76.010 of the Campbell Municipal Code including but not limited to setting permanent pipe monuments (three-fourths inch galvanized steel pipe two feet long approximately six inches below finished grade) at each boundary of all lot corners within a subdivision, along the exterior boundary lines at intervals of approximately five hundred feet and at all beginning of curves and ending of curves on property lines, and monument boxes at intersections of all street monument line tangents.
20. Demolition: Prior to recordation of the Parcel Map, the applicant shall obtain a demolition permit and remove any nonconforming structures.

21. Soils Report: Upon submittal of the Parcel Map, applicant shall provide a soils report prepared by a registered geotechnical or civil engineer.
22. Grading and Drainage Plan: Prior to recordation of the Parcel Map, the applicant shall conduct hydrology studies based on a ten-year storm frequency, prepare an engineered grading and drainage plan, and pay fees required to obtain necessary grading permits. Prior to occupancy, the design engineer shall provide written certification that the development has been built per the engineered grading and drainage plans.
23. Storm Drain Area Fee: Prior to recordation of the Parcel Map, the applicant shall pay the required Storm Drain Area fee, currently set at \$2,385.00 per net acre, which is \$572.00 (set for multi-family land use).
24. Storm Water Information: On the grading/utility plans show the amount, in square footage, of:
  - a. Existing impervious area.
  - b. Proposed impervious area.
  - c. Proposed pervious area.
25. 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.
26. Utilities: Applicant shall comply with all plan submittals, permitting, and fee requirements of the serving utility companies.
27. Water Meter(s) and Sewer Cleanout(s): Proposed water meters and sewer cleanout shall be installed on private property behind the public right-of-way line, within the five foot Public Service Easement.
28. 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.

29. 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. Walnut Drive 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.
30. Street Improvement Agreements / Plans / Encroachment Permit / Fees / Deposits: Prior to recordation of the Parcel Map, the applicant shall execute a street improvement agreement, cause plans for public street improvements to be prepared by a registered civil engineer, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:
- d. Show location of all existing utilities within the new and existing public right of way.
  - e. Relocation of all existing utilities including utility boxes, covers, poles, etc. outside of sidewalk area. No utility boxes, covers, etc. will be allowed in the sidewalk area.
  - f. Removal of existing driveway approach and necessary sidewalk, curb and gutter.
  - g. Removal of existing street section to centerline.
  - h. Installation of City approved street trees at 30 feet on center.
  - i. Installation of City standard rolled curb and gutter along project frontage.
  - j. Installation of approximately five feet of sidewalk between the existing sidewalk at the northerly property line and the new ADA compliant driveway approach.
  - k. Installation of engineered structural pavement section to centerline, as required by the City Engineer.
  - l. Installation of asphalt concrete overlay per street pavement restoration plan for utility installation and/or abandonment, as required by the City Engineer.
  - m. Installation of streetlights, conduits, conductors and related facilities in accordance with the City of Campbell's Street Lighting Policies.
  - n. Installation of traffic control, stripes and signs.

- o. Construction of conforms to existing public and private improvements, as necessary.
  - p. Submit final plans in a digital format acceptable to the City.
- 31. 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.
- 32. Maintenance of Landscaping: Owner(s), current and future, are required to maintain the landscaped park strip and tree wells in the public right of way. This includes, but is not limited to: trees, lawn, plantings, irrigation, etc. Trees shall not be pruned in a manner that would not allow the tree to grow to a mature height.
- 33. 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.
- 34. 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.

## RESOLUTION NO. 4326

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING APPROVAL OF A ZONING MAP AMENDMENT (PLN2016-275) TO CHANGE THE ZONING DISTRICT DESIGNATION FROM R-M (MULTI-FAMILY RESIDENTIAL) TO P-D (PLANNED DEVELOPMENT) FOR THE PROJECT LOCATED AT **1223 WALNUT DRIVE**.

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

The Planning Commission finds as follows with regard to recommended adoption of a Zoning Map Amendment (PLN2016-275):

### 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 (PLN2016-278) 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 as conditioned.

### Evidentiary Findings

2. The proposed project ("project") includes a Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot, Zoning Map Amendment (PLN2016-275) to change the zoning designation from R-M (Multi-Family Residential) to P-D (Planned Development), a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes, a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, and a Negative Declaration (PLN2016-278).
3. The project site consists of a 10,011 square foot (net area) lot located on Walnut Drive between Wendell Drive and Hacienda Avenue.
4. The lot is currently developed with one single-family residence that will be demolished as part of the proposed project.
5. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west.
6. The project site is designated Low-Medium Density Residential (6-13 Units / Gr. Acre) as shown on the Campbell General Plan Map.

7. The proposed residential land use, at a density of approximately seven (7) units/gr. acre, is consistent with the allowable land use and maximum density permitted by the Low-Medium Density Residential General Plan land use designation.
8. The project would be consistent with the following General Plan policies and strategies:
  - Policy LUT-3.1: Variety of Residential Densities: Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in Campbell.
  - 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.
9. The project site is zoned R-M (Multi-Family Residential) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
10. The land use entitlements for the proposed Project may be approved concurrently where approval of the Tentative Parcel Map is subject to approval of the Zoning Map Amendment and Planned Development Permit.
11. There are no responsible agencies or trustee agencies responsible for resources affected by the project.
12. On the basis of the Initial Study, and as supported by substantial evidence, the project will not have a significant effect on the environment due to the application of uniformly applicable development policies and incorporation of project-specific conditions of approval.
13. The City of Campbell provided a Notice of Intent to adopt a Negative Declaration to the public via the Campbell Express, the County Clerk, and on the City website.
14. The City of Campbell provided a 20-day public review period of the Negative Declaration pursuant to the California Environmental Quality Act Guidelines. The 20-day public review period began on May 25, 2016 and the public was invited to comment on the Draft Negative Declaration in writing and/or in person at the Planning Commission Public Hearing on June 14th and September 13th and the City Council public hearing on October 18, 2016. No comments have been received on the draft Negative Declaration.

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

15. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.
16. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.
17. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
18. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation(s) and anticipated land uses/project.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of a Zoning Map Amendment (PLN2016-275) to change the Zoning District designation from R-M (Multi-Family Residential) to P-D (Planned Development) on property located at 1223 Walnut Drive, subject to the attached recommended Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 13th day of September, 2016, by the following roll call vote:

AYES: Commissioners: Bonhagen, Dodd, Hernandez, Reynolds Young, Kendall

NOES: Commissioners:

ABSENT: Commissioners: Rich

ABSTAIN: Commissioners:

APPROVED:

\_\_\_\_\_  
Cynthia Dodd, Chair

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

**RECOMMENDED CONDITIONS OF APPROVAL  
Zoning Map Amendment (PLN2016-275)**

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 Permit: Approval is granted for a Zoning Map Amendment (PLN2016-275) to allow the property located at 1223 Walnut Drive to be rezoned from R-M (Multi-Family Residential) to P-D (Planned Development). This permit shall be valid only in conjunction with approval of Planned Development Permit (PLN2016-276) and Tentative Parcel Map (PLN2016-019).
2. Approval Expiration: The Zoning Map Amendment approval is valid for a period of two years from the date of final City Council approval unless an extension is granted prior to the expiration date.
3. Indemnity: If determined necessary by the Community Development Director, the applicant shall enter into an agreement satisfactory to the City Attorney to indemnify and defend the City of Campbell, its officers, officials, employees, and agents from any and all actions, liabilities, losses, and torts, including attorney's fees arising out of or connected unto any challenge to the decision of the City Council on this application. Such agreement shall be executed within the 30 days of the Community Development Director's decision to require it.

## RESOLUTION NO. 4327

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING APPROVAL OF A PLANNED DEVELOPMENT PERMIT (PLN2016-276) TO ALLOW THE CONSTRUCTION OF TWO (2) TWO-STORY DETACHED SINGLE-FAMILY HOMES ON PROPERTY LOCATED AT **1223 WALNUT DRIVE.**

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

The Planning Commission finds as follows with regard to the recommended approval of a Planned Development Permit (PLN2016-276):

### 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 (PLN2016-37) 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 as conditioned.

### Evidentiary Findings

2. The proposed project ("project") includes a Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot, Zoning Map Amendment (PLN2016-275) to change the zoning designation from R-M (Multi-Family Residential) to P-D (Planned Development), a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes, a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, and a Negative Declaration (PLN2016-278).
3. The project site consists of a 10,011 square foot (net area) lot located on Walnut Drive between Wendell Drive and Hacienda Avenue.
4. The lot is currently developed with one single-family residence that will be demolished as part of the proposed project.
5. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west.
6. The project site is designated Low-Medium Density Residential (6-13 Units / Gr. Acre) as shown on the Campbell General Plan Map.
7. The proposed residential land use, at a density of approximately seven (7) units/gr. acre, is consistent with the allowable land use and maximum density permitted by the Low-Medium Density Residential General Plan land use designation.

8. The project would be consistent with the following General Plan policies and strategies:

Policy LUT-3.1: Variety of Residential Densities: Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in Campbell.

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.

Strategy LUT-9.3e: Building Materials: Encourage the use of long-lasting, high quality building materials on all buildings to ensure the long-term quality of the built environment.

Strategy LUT-17.1b: Landscaping: Ensure that new developments provide new tree plantings, shrubs, greenery and other landscaping materials, and preserve existing trees and shrubs.

9. The project site is zoned R-M (Multi-Family Residential) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
10. The proposed floor area (<50%), lot coverage (30%), setbacks (15-feet), and height (27-feet) of the project would be consistent with the R-M zoning district and the STANP.
11. The Planned Development zoning district allows flexibility with regard to lot size. The project proposes two (2) single-family residential lots, ranging from 3,551 to 4,035 square feet in net site area and a 2,424 square foot common lot in net site area. The common lot would consist of a private road/driveway and two guest parking spaces and would be maintained through a maintenance agreement.
12. The project proposes 6 parking spaces (4 enclosed (2x 2-car garage) and 2 uncovered guest spaces), where 6 parking spaces (4 covered, 2 uncovered) are required.
13. The land use entitlements for the proposed Project may be approved concurrently where approval of the Tentative Parcel Map is subject to approval of the Zoning Map Amendment and Planned Development Permit.
14. There are no responsible agencies or trustee agencies responsible for resources affected by the project.

15. On the basis of the Initial Study, and as supported by substantial evidence, the project will not have a significant effect on the environment due to the application of uniformly applicable development policies and incorporation of project-specific conditions of approval.
16. The City of Campbell provided a Notice of Intent to adopt a Negative Declaration to the public via the Campbell Express, the County Clerk, and on the City website.
17. The City of Campbell provided a 20-day public review period of the Negative Declaration pursuant to the California Environmental Quality Act Guidelines. The 20-day public review period began on May 25, 2016 and the public was invited to comment on the Draft Negative Declaration in writing and/or in person at the Planning Commission Public Hearing on June 14th and September 13th and the City Council public hearing on October 18, 2016. No comments have been received on the draft Negative Declaration.

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

18. The proposed development will clearly result in a more desirable environment and use of the land than would be possible under any other zoning district classification.
19. The proposed development will be compatible with the General Plan of the City and will aid in the harmonious development of the immediate area.
20. The proposed development will not result in allowing more residential units than would be allowed by other residential zoning districts, which are consistent with the General Plan designation of the property.
21. The proposed development will not be detrimental to the health, safety or welfare of the neighborhood or the City as a whole.
22. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
23. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
24. 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 approval of a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes on property located at 1223 Walnut Drive, subject to the attached recommended Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 13th day of September, 2016, by the following roll call vote:

AYES: Commissioners: Bonhagen, Dodd, Hernandez, Reynolds Young, Kendall

NOES: Commissioners:

ABSENT: Commissioners: Rich

ABSTAIN: Commissioners:

APPROVED: \_\_\_\_\_

Cynthia Dodd, Chair

ATTEST: \_\_\_\_\_

Paul Kermoyan, Secretary

**RECOMMENDED CONDITIONS OF APPROVAL**  
**Planned Development Permit (PLN2016-276)**

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 Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes, A Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot, Zoning Map Amendment (PLN2016-275) to change the zoning designation from R-M (Multi-Family Residential) to P-D (Planned Development), a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, and a Negative Declaration (PLN2016-278). The project shall substantially conform to the Revised Project Plans & Tentative Subdivision Map dated August 9, 2016 except as may be modified by the Conditions of Approval herein
2. Planning Final Required: Planning Division clearance is required prior to Building Permit final.
3. Plan Revisions: Prior to Building Permit submittal, the project plans shall reflect the following changes:
  - a. Conditions of Approval: The conditions of approval shall be stated in full in the construction plans.
  - b. Trees: The final landscape plan shall reflect the location, species, and size (minimum 24-inch box) of the replacement tree, as required for the tree removal permit.The incorporation of these revisions shall be subject to the satisfaction and approval of the Community Development Director.
4. Permit Expiration: The Planned Development Permit is valid for a period of two years from the date of final City Council approval. A building permit must be obtained within this two-year period or the Planned Development Permit shall be void.
5. Tract Map / Planned Development Permit: The Tentative Parcel Map is contingent upon approval of the Planned Development Permit (PLN2016-276). A Tract Map may not be recorded if the Planned Development Permit expires or is revoked by the

City Council. The Tract Map shall be recorded prior to the issuance of building or grading permits.

6. Contractor Contact Information Posting: The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
7. Parking and Driveways: All parking and driveway areas shall be developed and maintained in compliance chapter 21.28 (Parking and Loading Ordinance) of the Campbell Municipal Code.
8. Indemnity: If determined necessary by the Community Development Director, the applicant shall enter into an agreement satisfactory to the City Attorney to indemnify and defend the City of Campbell, its officers, officials, employees, and agents from any and all actions, liabilities, losses, and torts, including attorney's fees arising out of or connected unto any challenge to the decision of the City Council on this application. Such agreement shall be executed within the 30 days of the Community Development Director's decision to require it.
9. Pest Control: Prior to issuance of a demolition and/or building permit, the applicant shall be required to hire a pest control company to inspect the site for rodents and provide a report on the inspection to the City for review. If it has determined that rodents exist, a remediation plan shall be prepared by the pest control company and provided to the City for review and approval, and the remediation plan shall be implemented to rid the site of rodents prior to issuance of a demolition and/or building permit.
10. Sound Attenuation: The project shall comply with the City Residential Noise Standards (CMC 21.16.070.E).
11. Utility Boxes and Back-Flow Preventers: The applicant shall submit a plan prior to installation of any PG&E utility (transformer) boxes and San Jose Water Company back-flow preventers, indicating the location of the boxes for approval by the Community Development Director.
12. Pad Certification: Following site grading and prior to preparation of individual building pad forms, the following improvements shall be certified by a licensed land surveyor and reviewed by the Community Development Director to determine consistency with the approved plan (grade, pad and drainage).
13. Residential Address Identification: The applicant shall submit a detail sheet showing uniform residential address identification material type and location on the building wall for review and approval by the Community Development prior to the issuance of Building Permits. In order to obtain approval, numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible

from the street or road fronting the property. Additionally, number material and color is required to contrast with their background.

14. Property Maintenance: The property is to be maintained free of any combustible trash, debris, and weeds until the time that actual construction commences. Any vacant existing structures shall be secured, by having windows boarded up and doors sealed shut, or be demolished or removed from the property (California Fire Code, 2013 Edition).
15. Stormwater and Grading Requirements: The project shall comply with City stormwater and grading requirements (CMC Sec. 20.80.020, 21.16.100, and 14.02), as more specifically itemized in the Public Works Department Conditions of Approval for the Tentative Subdivision Map.
16. Construction Activity: The following standards shall apply to construction of the project:
  - *Construction Hours (CMC 18.04.052)*: Construction activity shall be limited to the hours of eight a.m. and five p.m. daily, Monday through Friday. Saturday hours of construction shall be nine a.m. and four p.m. There shall be no construction activity on Sundays or National Holidays.
  - *Construction Noise (CMC 18.04.052)*: No loud environmentally disruptive noise over fifty dbs., such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments or radios will be allowed during the authorized hours of construction, Monday through Saturday, where such noise may be a nuisance to adjacent residential neighbors. Such nuisances shall be discontinued.
  - *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 issuance of building permits.

## **Building Division**

TO THE SATISFACTION OF THE BUILDING DIVISION MANAGER/BUILDING OFFICIAL:

17. PERMITS REQUIRED: A building permit application shall be required for each proposed new dwelling structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
18. PLAN PREPARATION: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for

building permits shall be “wet stamped” and signed by the qualifying professional person.

19. CONSTRUCTION PLANS: The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
20. SIZE OF PLANS: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
21. 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. This report shall be prepared by a licensed engineer specializing in soils mechanics.
22. 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.
23. 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
24. 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.
25. 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.
26. APPROVALS REQUIRED: The project requires the following agency approval or consultation prior to issuance of the building permit:

- a. West Valley Sanitation District (378-2407)
- b. Santa Clara County Fire Department (378-4010)
- c. San Jose Water Company (408) 279-7900 (Customer Service)
- d. School District:
  - i. Campbell Union School District (378-3405)
  - ii. Campbell Union High School District (371-0960)
  - iii. Moreland School District (379-1370)
  - iv. Cambrian School District (377-2103)

Note: To determine your 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.

27. CALIFORNIA GREEN BUILDING CODE: This project is subject to the mandatory requirements for new residential structures (Chapter 4) under the California Green Building Code, 2013 edition.
28. 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.
29. 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.
30. 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.
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.

## RESOLUTION NO. 4328

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING APPROVAL OF A TREE REMOVAL PERMIT (PLN2016-277) TO ALLOW REMOVAL OF ONE PROTECTED TREE ON PROPERTY LOCATED AT **1223 WALNUT DRIVE**.

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

The Planning Commission finds as follows with regard to the recommended approval of a Tree Removal Permit (PLN2016-277):

### 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 (PLN2016-278) 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 as conditioned.

### Evidentiary Findings

2. The proposed project ("project") includes a Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot, Zoning Map Amendment (PLN2016-275) to change the zoning designation from R-M (Multi-Family Residential) to P-D (Planned Development), a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes, a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, and a Negative Declaration (PLN2016-278).
3. The project site consists of a 10,011 square foot (net area) lot located on Walnut Drive between Wendell Drive and Hacienda Avenue.
4. The lot is currently developed with one single-family residence that will be demolished as part of the proposed project.
5. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west.
6. The project site is designated Low-Medium Density Residential (6-13 Units / Gr. Acre) as shown on the Campbell General Plan Map.
7. The proposed residential land use, at a density of approximately seven (7) units/gr. acre, is consistent with the allowable land use and maximum density permitted by the Low-Medium Density Residential General Plan land use designation.

8. The project site is zoned R-M (Multi-Family Residential) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
9. The tree removal permit may be approved concurrently, subject to approval of the Tentative Parcel Map, Zoning Map Amendment and Planned Development Permit.
10. Removal of trees greater than 12-inches in diameter requires a Tree Removal Permit under the City's Tree Protection requirements (CMC 21.32).
11. One 13.6 inch Black acacia tree is proposed for removal. While it provides good screening, it is considered a nuisance and should be removed, as its roots are invasive towards water sources.
12. The applicant will be required to plant one additional 24-inch box tree to replace the removed tree. The replacement tree will be a sufficient replacement for the trees to be removed and will continue the diversity of tree species found in the community.
13. Nine (9) existing trees will remain on the property for a total (10) trees, exceeding the six-tree minimum requirement for this property (one tree per 2,000 square feet of net lot area).

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

1. The Black acacia tree is considered a nuisance and may cause significant damage to the existing main structure(s) and/or utility services where such interference cannot be controlled or remedied through reasonable modification/relocation of the utility services and/or reasonable modification of the tree's root or branch structure.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree on property located at 1223 Walnut Drive, subject to the attached recommended Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 13th day of September, 2016, by the following roll call vote:

AYES: Commissioners: Bonhagen, Dodd, Hernandez, Reynolds Young, Kendall

NOES: Commissioners:

ABSENT: Commissioners: Rich

ABSTAIN: Commissioners:

APPROVED: \_\_\_\_\_

Cynthia Dodd, Chair

ATTEST: \_\_\_\_\_

Paul Kermoyan, Secretary

**RECOMMENDED CONDITIONS OF APPROVAL  
Tree Removal Permit (PLN2016-277)**

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 Permit: Approval is granted for a Tree Removal Permit (PLN2016-277) to allow the removal of one (1) on-site tree, a Black acacia tree that it is considered a nuisance. This permit shall be valid only in conjunction with, and subject to the approved Tentative Parcel Map (PLN2016-019), Zoning Map Amendment (PLN2016-275), and Planned Development Permit (PLN2016-276).
2. Time of Removal: The trees may only be removed in conjunction with demolition of existing on-site structures, subject to the conditions of approval for the Planned Development Permit, Zoning Map Amendment, and Tentative Parcel Map.
3. Replacement Trees: All protected tree shall be replaced at a minimum of a one-to-one ratio in accordance with CMC 21.32.100, Table 3-5 (Replacement Tree Requirements) to be noted with the project's "final" landscaping plan.

## RESOLUTION NO. 4329

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING ADOPTION OF A NEGATIVE DECLARATION FOR THE PROJECT LOCATED AT **1223 WALNUT DRIVE**.

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

The Planning Commission finds as follows with regard to the recommended adoption of a Negative Declaration (PLN2016-278):

### 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 (PLN2016-278) 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 as conditioned.

### Evidentiary Findings

2. The proposed project ("project") includes a Tentative Parcel Map (PLN2016-019) to create two residential lots and one common lot, Zoning Map Amendment (PLN2016-275) to change the zoning designation from R-M (Multi-Family Residential) to P-D (Planned Development), a Planned Development Permit (PLN2016-276) to allow the construction of two (2) two-story detached single-family homes, a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, and a Negative Declaration (PLN2016-278).
3. The project site consists of a 10,011 square foot (net area) lot located on Walnut Drive between Wendell Drive and Hacienda Avenue.
4. The lot is currently developed with one single-family residence that will be demolished as part of the proposed project.
5. Abutting land uses include a single-family residence to the south, single-family townhomes to the north and east, and a senior living facility to the west.
6. The project site is designated Low-Medium Density Residential (6-13 Units / Gr. Acre) as shown on the Campbell General Plan Map.
7. The proposed residential land use, at a density of approximately seven (7) units/gr. acre, is consistent with the allowable land use and maximum density permitted by the Low-Medium Density Residential General Plan land use designation.

8. The project site is zoned R-M (Multi-Family Residential) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
9. The land use entitlements for the proposed Project may be approved concurrently where approval of the Tentative Parcel Map is subject to approval of the Zoning Map Amendment and Planned Development Permit.
10. There are no responsible agencies or trustee agencies responsible for resources affected by the project.
11. On the basis of the Initial Study, and as supported by substantial evidence, the project will not have a significant effect on the environment due to the application of uniformly applicable development policies and incorporation of project-specific conditions of approval.
12. The City of Campbell provided a Notice of Intent to adopt a Negative Declaration to the public via the Campbell Express, the County Clerk, and on the City website.
13. The City of Campbell provided a 20-day public review period of the Negative Declaration pursuant to the California Environmental Quality Act Guidelines. The 20-day public review period began on May 25, 2016 and the public was invited to comment on the Draft Negative Declaration in writing and/or in person at the Planning Commission Public Hearing on June 14th and September 13th and the City Council public hearing on October 18, 2016. No comments have been received on the draft Negative Declaration.

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

14. 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.
15. The Negative Declaration reflects the independent judgment and analysis of the City Council upon recommendation of the Planning Commission.
16. The Custodian of the Record for the Negative Declaration and Initial Study is the Community Development Department of the City of Campbell, located at 70 North First Street, Campbell, California.

**THEREFORE, BE IT RESOLVED** that the Planning Commission recommends approval of a Negative Declaration (PLN2016-278) for the project on property located at 1223 Walnut Drive, subject to the attached recommended Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 13th day of September, 2016, by the following roll call vote:

AYES: Commissioners: Bonhagen, Dodd, Hernandez, Reynolds Young, Kendall

NOES: Commissioners:

ABSENT: Commissioners: Rich

ABSTAIN: Commissioners:

APPROVED: \_\_\_\_\_

Cynthia Dodd, Chair

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

## RESOLUTION NO. 4330

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING APPROVAL OF A PLANNED DEVELOPMENT PERMIT (PLN2016-263) TO ALLOW FOR THE CONVERSION OF PRIVATE PATIO AREAS TO COMMON OPEN SPACE, ALTERATIONS TO EXISTING STAIRCASES, AND INSTALLATION OF NEW LIGHTING FIXTURES WITHIN TWO COURTYARDS OF AN EXISTING APARTMENT COMMUNITY LOCATED AT **225 UNION AVENUE**.

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

The Planning Commission finds as follows with regard to the recommended approval of a Planned Development Permit (PLN2016-263):

### Environmental Finding

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

### Evidentiary Findings

2. The proposed project ("project") includes a Planned Development Permit (PLN2016-263) to allow for the conversion of private patio areas to common open space, alterations to existing staircase, and installation of new lighting fixtures within two courtyards of an existing apartment community and Tree Removal Permit (PLN2016-266) to allow removal of protected trees.
3. The project site consists of a single parcel (approximately 380,278 sq. ft. net) located on the west side of Union Avenue, east of Highway 17, south of E. Campbell Avenue, and north of Valley Drive.
4. The subject property is zoned P-D (Planned Development) and has a General Plan Land Use Designation of High-Density Residential (21-27 units/gr. acre).
5. As a developed site, the property has four distinct apartment building 'clusters' (identified as Building 1 through 4 on the project plans), a combination of covered carports and garports, and a recreation building/leasing office and pool that is located at the rear of the site. The property further has 252 rental units and 408 onsite parking spaces.
6. The project, as conditioned, would be consistent with the following General Plan policies and strategies:

Policy LUT-3.1: Variety of Residential Densities: Provide land use categories for and maintenance of a variety of residential densities to offer existing and future

	residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in Campbell.
Strategy LUT-5.2a:	<u>Neighborhood Compatibility</u> : 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.
Strategy LUT-9.3e:	<u>Building Materials</u> : Encourage the use of long-lasting, high quality building materials on all buildings to ensure the long-term quality of the built environment.
Goal OPS-3:	Ensure that new development provides and/or contributes toward additional open space, parks and recreational facilities.
Policy OPS-3.1:	<u>Standards for Residential Projects</u> : Ensure the provision of private open space or recreational facilities in residential projects.
Policy OPS-3.4c:	<u>Retention of Existing Private Open Space and Recreation Facilities</u> : Explore incentives to encourage the retention of existing private open space and recreation facilities.

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

7. The proposed development will clearly result in a more desirable environment and use of the land than would be possible under any other zoning district classification.
8. The proposed development will be compatible with the General Plan of the City and will aid in the harmonious development of the immediate area.
9. The proposed development will not result in allowing more residential units than would be allowed by other residential zoning districts, which are consistent with the General Plan designation of the property.
10. The proposed development will not be detrimental to the health, safety or welfare of the neighborhood or the City as a whole.
11. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
12. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
13. 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 approval of a Planned Development Permit (PLN2016-263) to allow for the conversion of private patio areas to common open space, alterations to existing staircases, and installation of new

lighting fixtures within two courtyards of an existing apartment community, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 13th day of September, 2016, by the following roll call vote:

AYES: Commissioners: Bonhagen, Dodd, Hernandez, Reynolds Young, and Kendall

NOES: Commissioners:

ABSENT: Commissioners Rich

ABSTAIN: Commissioners:

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

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

**RECOMMENDED CONDITIONS OF APPROVAL  
Planned Development Permit (PLN2016-263)**

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 Planned Development Permit allowing the conversion of private patio areas to common open space, alterations to existing staircase, and installation of new lighting fixtures within two courtyards of an existing apartment community in conjunction with and subject to a Tree Removal Permit (PLN2016-266) to allow removal of protected trees on property located at 225 Union Avenue. The project shall substantially conform to the Project Plans dated August 17, 2016 except as may be modified by the Conditions of Approval herein.
2. Planning Final Required: Planning Division clearance is required prior to Building Permit final.
3. Plan Revisions: Prior to building permit submittal, the project plans shall be revised to incorporate the following revisions:
  - a. Patio Tables: Provide patio tables for dining in the new open space areas of Building 2 and Building 4.
  - b. Bicycle Parking and Barbeque Area: As part of the building permit, or as part of a separate permit, the applicant shall submit plans which provide additional bicycle parking onsite and a barbeque area for residents. The flexibility to submit as part of a separate building permit is with the intent of providing flexibility for the design of these amenities to be approved separately, as part the more comprehensive redevelopment of the site, but must be submitted no later than six months from building final of the rest of the subject permit, and completed no later than one year from building final.
  - c. Trash Enclosures: The existing trash enclosures shall be enlarged to accommodate existing bins on site. Where enlarging the existing enclosures is not feasible due to site constraints, more frequent trash pickups shall be scheduled such that smaller and/or fewer bins may be used to ensure that all trash is contained within the existing enclosures.
4. Permit Expiration: The Planned Development Permit is valid for a period of two years from the date of final City Council approval. A building permit must be obtained within this two-year period or the Planned Development Permit shall be void.

5. Supersede: The subject permit serves to supersede all previous land use entitlements on the property. These entitlements, including but not limited to "S" 97-19 (Site Approval) are herein incorporated by reference, and shall remain operative in their conveyance of a right to reconstruct buildings of a certain size, height, and placement upon involuntary destruction by cause of natural calamity, or act of God or the public enemy. Further all vested rights are herein transferred and assigned to the subject Planned Development Permit except as may otherwise be approved and governed by the Planned Development Permit approved herein.
6. Indemnity: If determined necessary by the Community Development Director, the applicant shall enter into an agreement satisfactory to the City Attorney to indemnify and defend the City of Campbell, its officers, officials, employees, and agents from any and all actions, liabilities, losses, and torts, including attorney's fees arising out of or connected unto any challenge to the decision of the City Council on this application. Such agreement shall be executed within the 30 days of the Community Development Director's decision to require it.
7. Utility Boxes and Back-Flow Preventers: No new utility boxes or back-flow preventers shall be installed without prior written authorization by the Community Development Director.

### **Building Division**

8. Permits Required: A building permit application shall be required for each proposed new dwelling 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 inches by 36 inches.
12. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Elevation bench marks shall be called out at all locations that are identified as "natural grade" and those that are "finished grade" and intended for use to determine the height of proposed improvements.
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 Appendix 1, Section 106. Please obtain City of Campbell Special Inspection forms from the Building Inspection Division Counter.

14. Non-Point Source Pollution Control: 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:
  - a. Santa Clara County Fire Department (378-4010)
  - b. San Jose Water Company (408) 279-7900 (Customer Service)
  - c. Bay Area Air Quality Management District (Demolitions Only)
16. 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.
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. 4331

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING APPROVAL OF A TREE REMOVAL PERMIT (PLN2016-266) TO ALLOW FOR THE REMOVAL OF PROTECTED TREES WITHIN TWO COURTYARDS OF AN EXISTING APARTMENT COMMUNITY LOCATED AT **225 UNION AVENUE**.

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

The Planning Commission finds as follows with regard to the recommended approval of a Tree Removal Permit (PLN2016-266):

### Environmental Finding

1. The project is Categorical Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

### Evidentiary Findings

1. The proposed project ("project") includes a Planned Development Permit (PLN2016-263) to allow for the conversion of private patio areas to common open space, alterations to existing staircase, and installation of new lighting fixtures within two courtyards of an existing apartment community and Tree Removal Permit (PLN2016-266) to allow removal of protected trees.
2. The project site consists of a single parcel (approximately 380,278 sq. ft. net) located on the west side of Union Avenue, east of Highway 17, south of E. Campbell Avenue, and north of Valley Drive.
3. The subject property is zoned P-D (Planned Development) and has a General Plan Land Use Designation of High-Density Residential (21-27 units/gr. acre).
4. As a developed site, the property has four distinct apartment building 'clusters' (identified as Building 1 through 4 on the project plans), a combination of covered carports and garports, and a recreation building/leasing office and pool that is located at the rear of the site. The property further has 252 rental units and 408 onsite parking spaces.
5. The project, as conditioned, would be consistent with the following General Plan policies and strategies:

Policy LUT-3.1: Variety of Residential Densities: Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in Campbell.

- 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.
- Strategy LUT-9.3e: Building Materials: Encourage the use of long-lasting, high quality building materials on all buildings to ensure the long-term quality of the built environment.
- Goal OPS-3: Ensure that new development provides and/or contributes toward additional open space, parks and recreational facilities.
- Policy OPS-3.1: Standards for Residential Projects: Ensure the provision of private open space or recreational facilities in residential projects.
- Policy OPS-3.4c: Retention of Existing Private Open Space and Recreation Facilities: Explore incentives to encourage the retention of existing private open space and recreation facilities.

6. The project includes improvements to the interior courtyard areas such that the retention of the existing trees would not be feasible or practical. As a result, the removal of all cypress trees is necessary to accommodate the proposed onsite improvements.
7. Nine protected trees (cypress trees included as part of an approved landscape plan) are proposed for removal and will be replaced in compliance with the City's Tree Preservation Ordinance.
8. Removal of trees greater than 12-inches in diameter requires a Tree Removal Permit under the City's Tree Protection requirements (CMC 21.32).
9. The proposed replacement trees will be a sufficient replacement for the trees to be removed and will continue the diversity of tree species found in the community.

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

10. The retention of the trees restricts the economic enjoyment of the property and creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Planning Commission that there are no reasonable alternatives to preserve the trees due to the site constraints.
11. 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 approval of a Tree Removal Permit (PLN2016-266) to allow for the removal of protected trees within

two courtyards of an existing apartment community, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 13th day of September, 2016, by the following roll call vote:

AYES: Commissioners: Bonhagen, Dodd, Hernandez, Reynolds Young, and Kendall

NOES: Commissioners:

ABSENT: Commissioners Rich

ABSTAIN: Commissioners:

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

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

**RECOMMENDED CONDITIONS OF APPROVAL  
Tree Removal Permit (PLN2016-266)**

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 Permit: Approval is granted for a Tree Removal Permit (PLN2015-310) to allow the removal of twelve (12) on-site trees, as provided on page L1 of the project plans. This permit shall be valid only in conjunction with, and subject to the approved Planned Development Permit (PLN2016-263).
2. Time of Removal: The trees may only be removed in conjunction with demolition of existing on-site structures, subject to the conditions of approval for the Planned Development Permit.
3. Replacement Trees: All protected tree(s) shall be replaced at a minimum of a one-to-one ratio in accordance with CMC 21.32.100, Table 3-5 (Replacement Tree Requirements) to be noted with the project's "final" landscaping plan. The trees species selected shall not be a "fruit tree" or "eucalyptus tree" as defined in the Campbell Municipal Code. Further, the applicant is encouraged to plant several eastern redbud trees in the central courtyards of Building 2 and 4 unless such selection would be incompatible with the proposed landscaping. Such determination shall be provided in writing by the project landscape architect, subject to review and approval by the Director of Community Development. In the event the services of a third-party arborist is required to assist in rendering a decision, the applicant shall be required to pay a \$500.00 deposit to cover the cost of such services.
4. Tree Removal Permit Required: The removal of any tree, irrespective of species or size, which is shown on the approved project plans or final landscaping plan, shall require review and approval through a Tree Removal Permit.



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • September 27, 2016**

**PLN2016-219** Public Hearing to consider the application of Aaron Winklebleck on behalf of Kristen Johansen for a Site and Architectural Review Permit (PLN2016-219) to allow construction of a 629 square foot addition to an existing single-family residence on property located at **1045 Normandy Drive** in the R-1-8 (Single-Family Residential) Zoning District.

**Winklebleck / Johansen**

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt the attached Resolution**, approving a Site and Architectural Review Permit (PLN2016-219) to allow construction of a 629 square foot addition to an existing 1,265 square foot single-story single-family residence for a total floor area of 1,894 square feet, subject to Conditions of Approval.

**ENVIRONMENTAL DETERMINATION**

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

**PROJECT DATA**

Zoning Designation:	R-1-8 (Single-Family Residential)	
General Plan Designation:	Low-Density Residential (less than 4.5 units/gr. acre)	
Gross Lot Area:	11,201 square-feet	
Net Lot Area:	9,101 square-feet	
Building Height:	11 feet, 4 inches	28 feet Maximum Allowed
Floor Area:		
Existing:	1,265 square-feet	
Proposed Addition:	<u>629 square-feet</u>	
Total floor area:	1,894 square-feet	
Floor Area Ratio (FAR):	~21%	45% Maximum Allowed
Lot Coverage:		
Residence:	1,894 square-feet	
Porch:	<u>51 square-feet</u>	
Total lot coverage:	1,945 square-feet	
Building (Lot) Coverage:	~21%	40% Maximum Allowed
Parking:	Carport <sup>1</sup> (non-conforming)	1 Covered <sup>2</sup> , 1 Uncovered Required

<sup>1</sup> The property was annexed into the City in 2012 with the existing detached non-conforming carport. The home's original attached garage was converted to living space as approved by the County.

<sup>2</sup> The County did not require covered parking when the garage was converted. Pursuant to CMC Section 21.28.030, the City will not require the applicant to provide covered parking.

<u>Setbacks</u>	<u>Proposed</u>	<u>Minimum Required</u>
Front:	25 feet	20 feet
Right Side:	12 feet	5 feet
Left Side:	10 feet, 10 inches	5 feet
Rear:	41 feet, 8 inches	5 feet

## **DISCUSSION**

Project Location: The project site is an approximately 11,201 square-foot (gross) lot located on the west side of Normandy Drive, south of Curtner Avenue, in the R-1-8 (Single-Family Residential) Zoning District (**Attachment 2** – Location Map). The site is located in the Campbell Village neighborhood<sup>3</sup> and is currently developed with a single-family residence built in 1950. Single-family residential properties border the site on all sides. Pursuant to 21.42.020, enlargement of a structure in the R-1-8 zoning district requires approval of a Site and Architectural Review Permit by the Planning Commission.

Project Description: As proposed, the single-story 1,894 square-foot residence would maintain the original character of the existing home including overall massing and modern style (**Attachment 3** – Plans). A new torch down membrane cap sheet (appropriate for a flat roof) will replace the existing roof. The addition will match the existing grey stucco exterior and dark grey trim.

## **ANALYSIS**

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

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

Strategy LUT-5.2a: Neighborhood Compatibility: Promote new residential development and substantial additions that are designed to maintain and support the existing character and development pattern of the surrounding neighborhood, especially in historic neighborhoods and neighborhoods with consistent design characteristics

Consistency with Design Guidelines: The project is consistent with the City's *Design Guidelines for Additions to Single-Family Homes*. The addition is compatible with the original home including scale and mass, colors and materials, window type, and roof slope. The home will maintain the existing street setback, consistent with the two adjacent residences. Privacy impacts are minimized by maintaining a single-story design and larger than required setbacks.

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<sup>3</sup> The area, also known as “Cambrian 36”, was annexed to Campbell in 2012

Site Layout and Landscaping: The single-story residence is located on a large lot and incorporates larger than required front, side, and rear yard setbacks. The proposed site plan retains the existing front yard landscaping which includes grass, river rock, shrubs, and trees. The homeowner will also preserve existing trees in the rear yard.

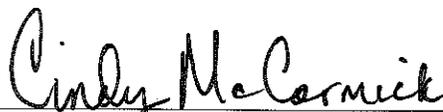
Garage/Carport: City Code requires one covered parking space (e.g., garage or carport) and one un-covered parking space. While under County jurisdiction, the previous homeowner received a permit to convert the attached garage to living area. While the current homeowner has been unable to find a permit for the carport, the County did not require covered parking at the time of the garage conversion (**Attachment 4** – Letter from County). Pursuant to CMC Section 21.28.030, the City will not require the applicant to provide covered parking. The existing detached carport does not meet the City's minimum 5-foot setback between the carport and side-yard property line, nor does it meet the City's minimum seven-foot wide driveway and five-foot landscape buffer (13-feet total). The applicant will remove the carport prior to completion of the addition as conditioned in the Resolution of Approval.

Site and Architectural Review Committee: The Site and Architectural Review Committee (SARC) reviewed this application at its meeting of September 13, 2016. The Committee was supportive of the project as presented. The SARC asked whether the converted garage would need any structural upgrades. According to the Building Department, the City will not re-inspect work that has already been inspected and signed off by the County; therefore no additional work to the converted garage is needed.

Attachments:

1. Resolution approving the Planned Development Permit with Conditions
2. Location Map
3. Project Plans
4. Letter from County regarding non-conforming carport.

Prepared by:



Cindy McCormick, Senior Planner

Approved by:



Paul Kermoyan, Community Development Director

**RESOLUTION NO. \_\_\_\_\_**

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A 629 SQUARE FOOT ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED AT **1045 NORMANDY DRIVE**. FILE NO. PLN2016-219.

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 PLN2016-219:

1. The project site is zoned R-1-8 (Single Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated Low Density Residential (4.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The proposed project will be compatible with the R-1-8 (Single Family Residential) Zone District with approval of a Site and Architectural Review Permit.
4. The project site is located along Normandy Drive.
5. The application is subject to design review under the City of Campbell Design Guidelines for Additions to Single Family Homes.
6. The addition is compatible with the original home including scale and mass, colors and materials, window type, and roof slope. The home will maintain the existing street setback, consistent with the two adjacent residences. Privacy impacts are minimized by maintaining a single-story design and larger than required setbacks.
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 15301, Class 1 of the California Environmental Quality Act (CEQA), pertaining to additions to existing structures.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2016-219) to allow a 629 square foot addition to an existing residence on property located at **1045 Normandy Drive**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 27th day of September, 2016, by the following roll call vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

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

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

**CONDITIONS OF APPROVAL**

**Site and Architectural Review Permit (PLN2016-219)**

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 (PLN2016-219) to allow construction of a 629 square foot addition to an existing 1,265 square foot single-story single-family residence for a total floor area of 1,894 square feet on property located at **1045 Normandy Drive**. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on September 14, 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 October 7, 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.

### **Public Works Division**

6. Response Letter: Upon submittal of the Building Permit Application, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
7. Preliminary Title Report: Prior to issuance of any grading or building permits for the site, the applicant shall provide a current (within the past 6 months) Preliminary Title Report.
8. 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 \$443.00.
9. 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.

10. 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 curb, gutter, sidewalk, ADA compliant driveways, street trees, street lights, necessary drainage facilities* and necessary conforms to existing improvements.
11. 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.
12. 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.
13. 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. Normandy Drive 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.
14. 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.

15. 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.

### **Building Division**

To the satisfaction of the Building Division Manager/Building Official:

16. PERMITS REQUIRED: A building permit application shall be required for the proposed remodeling and addition to the existing structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
17. 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.
18. CONSTRUCTION PLANS: The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
19. SIZE OF PLANS: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
20. 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.
21. 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.
22. 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.
23. 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.

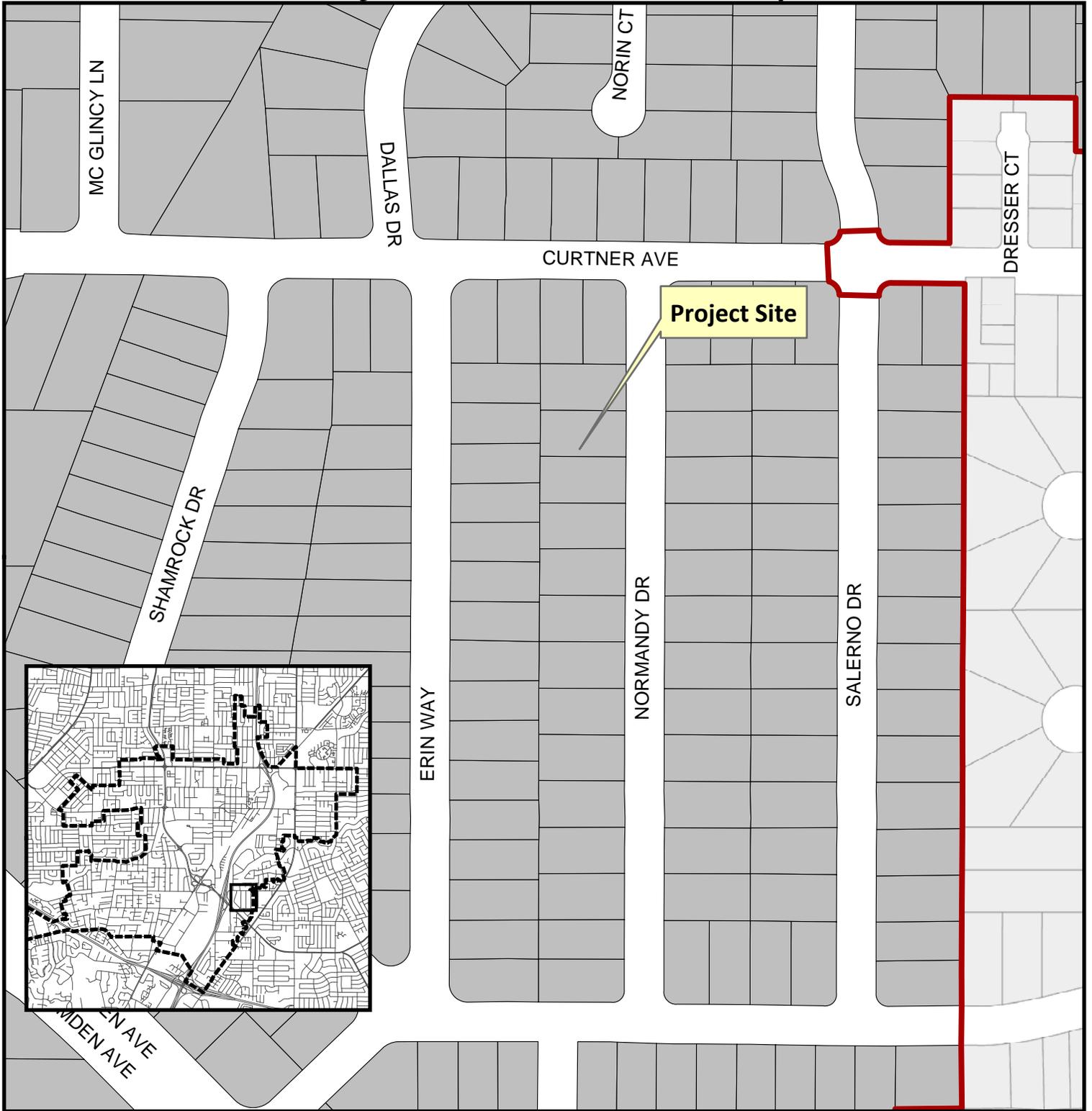
24. APPROVALS REQUIRED: The project requires the following agency approval prior to issuance of the building permit:
- a. West Valley Sanitation District (378-2407)
  - b. Santa Clara County Fire Department (378-4010)
  - c. Bay Area Air Quality Management District (Demolitions Only)
  - d. San Jose 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)

**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.

25. 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.
26. 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
27. 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
28. 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.
29. 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

30. This project shall comply with the mandatory requirements for Residential Structures, Chapter 4 of the California Green Building Code 2013 ed.
31. This Structure, if 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.

# Project Location Map

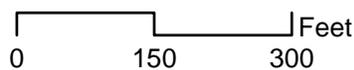


**Project Location:** 1045 Normandy

**Application Type:** Site and Architectural Review

**Planning File No.:** PLN2016-219

**Description:** 629 square foot addition to existing residence for a total floor area of 1,894 square feet



Community Development Department  
Planning Division

# REMODEL TO: THE JOHANSEN RESIDENCE

1045 NORMANDY DRIVE  
CAMPBELL, CALIFORNIA 95008

ORCHARD HOME DESIGN

SHEET  
**A1**  
OF 6 SHEETS

REMODEL TO:  
THE JOHANSEN RESIDENCE  
1045 NORMANDY DRIVE  
CAMPBELL, CALIFORNIA 95008  
(408) 464-5741

REMODELING DESIGN  
PROFESSIONALS, INC.

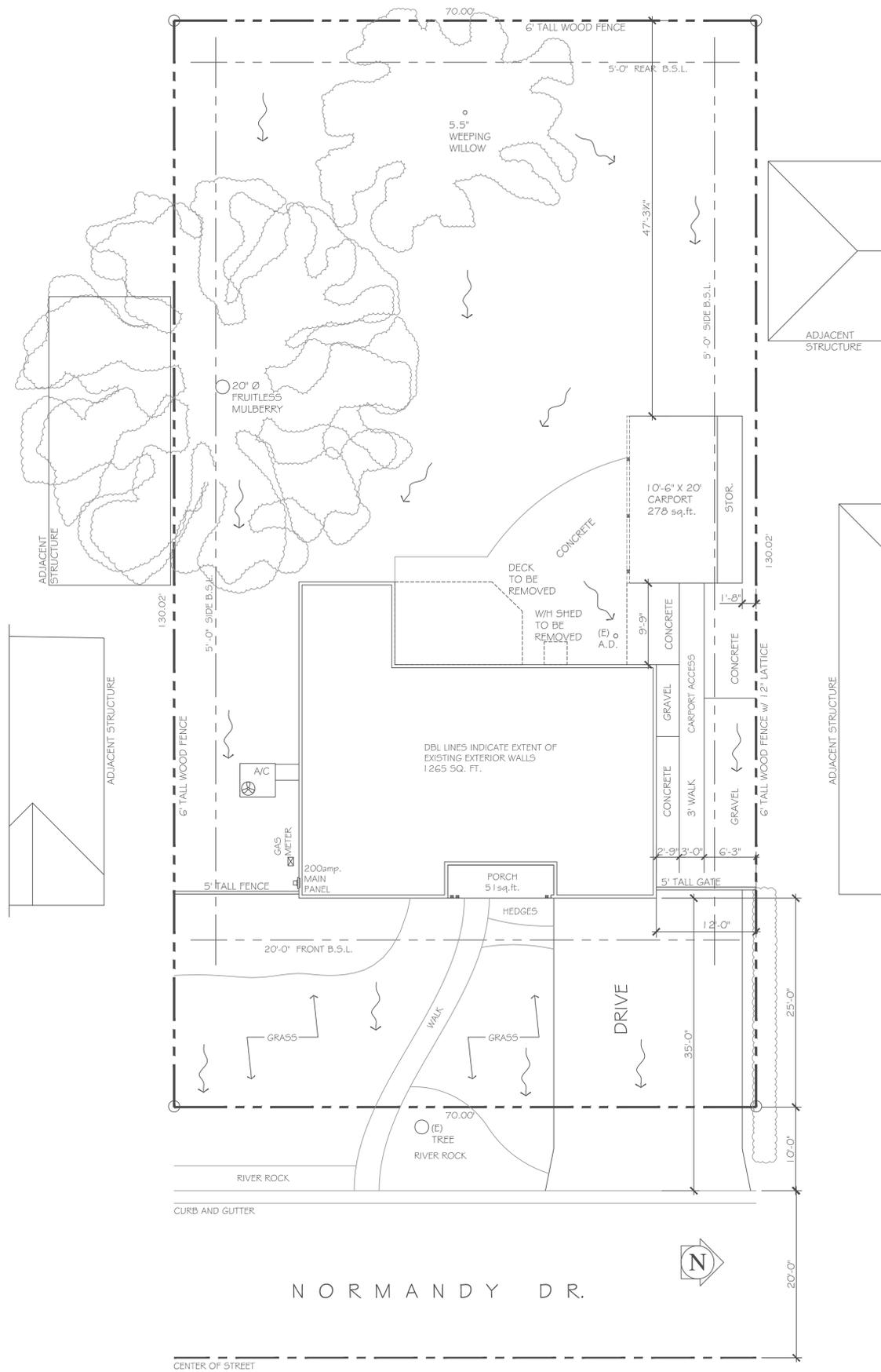
ANOTHER SUCCESSFUL PROJECT BY:  
**ORCHARD HOME DESIGN**  
WWW.ORCHARDHD.COM (408) 370-3366  
80 GILMAN AVE. #29 CAMPBELL, CALIFORNIA 95008

JOB NAME	JOHANSEN
JOB NO.	160502
DATE	05/17/16
DRAWN	DW AW
REVISION DATE	BY



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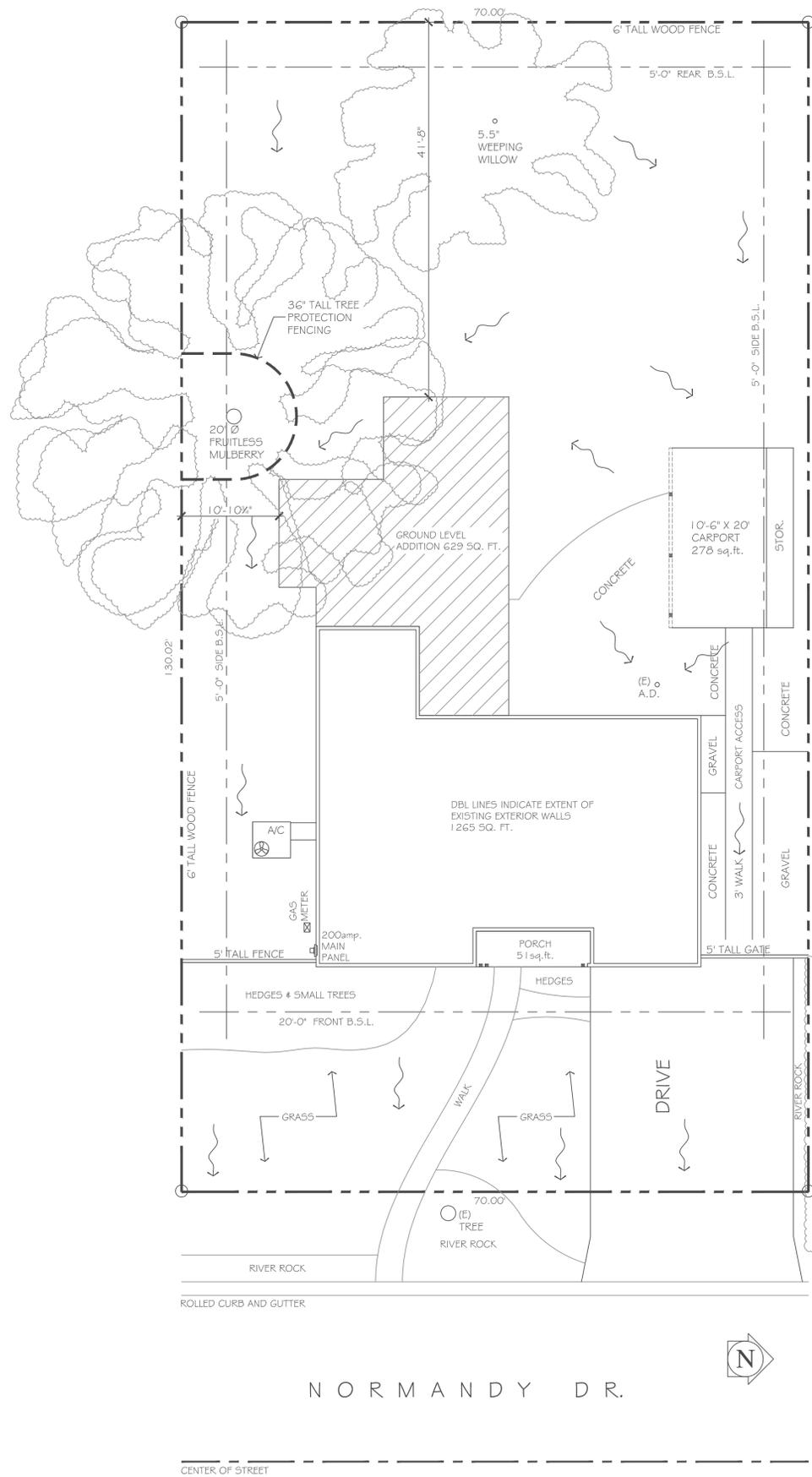


**EXISTING SITE PLAN**

1/8" = 1'-0"

A.P.N. #414-02-005

LOT AREA = 9101 sq. ft.  
ZONING = R-1-5



**PROPOSED SITE PLAN**

1/8" = 1'-0"

ROLLED CURB AND GUTTER



VICINITY MAP N.T.S.

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(E) SITE PLAN  
(P) SITE PLAN

REMODEL TO:  
**THE JOHANSEN RESIDENCE**  
1045 NORMANDY DRIVE  
CAMPBELL, CALIFORNIA 95008  
(408) 464-5741

DATA TABLE	
EXISTING FLOOR AREA	1265 SQ.FT.
GROSS LOT AREA	11,201 SQ.FT.
NET LOT AREA	9101 SQ.FT.
EXISTING FAR	.14
PROPOSED FLOOR AREA	1894 SQ.FT.
NET LOT AREA	9101 SQ.FT.
PROPOSED FAR	.21
<b>EXISTING LOT COVERAGE</b>	
HOUSE	1265 SQ.FT.
FRONT PORCH	51 SQ.FT.
CARPOR	278 SQ.FT.
TOTAL	(17%) 1594 SQ.FT.
<b>PROPOSED LOT COVERAGE</b>	
	(24%) 2223 SQ.FT.
<b>FRONT YARD INSIDE SETBACK</b>	
AREA OF PAVING INSIDE SETBACK	1400 SQ.FT.
PERCENTAGE OF FRONT YARD PAVING	29%
BACK YARD OPEN SPACE (70' x 41'-8")	2917 SQ.FT.

PRINTS FOR PLANNING REVIEW - 08/19/16

SHEET INDEX	
SHEET #	DRAWING TITLE
A1	COVER SHEET
A2	EXISTING SITE PLAN PROPOSED SITE PLAN
A3	EXISTING FLOORPLAN
A4	PROPOSED FLOORPLAN GENERAL NOTES
A5	ROOF PLAN
A6	EXTERIOR ELEVATIONS CONSTRUCTION SECTION

### SCOPE OF WORK

SINGLE STORY STUDY AND MASTER BEDROOM SUITE ADDITION TO SINGLE FAMILY RESIDENCE.

ALL NEW WINDOWS TO BE "MILGARD" DUAL GLAZED UNITS WITH VINYL FRAME OR EQUAL. ALL NEW WEST FACING WINDOWS SHALL BE LOW 'E'.

ALL NEW SQUARE SKYLIGHTS SHALL BE: FLAT, TEMPERED, DUAL GLAZE BRONZE ANODIZED ALUMINUM FRAME UNITS AS MANUFAC. BY "VELUX" (OR EQUAL). ALL NEW TUBE SKYLIGHTS SHALL BE 'TLR' MODEL "SUN TUNNEL" UNITS AS MANUFAC. BY "VELUX" (OR EQUAL). I.A.M.P.O. #ER-0019.

ALL NEW EXTERIOR TRIM AND FINISH TO MATCH EXISTING.

### WALL LEGEND

	EXISTING WALLS TO REMAIN
	EXISTING WALLS TO BE REMOVED
	NEW WALLS / PROPOSED CONSTRUCTION

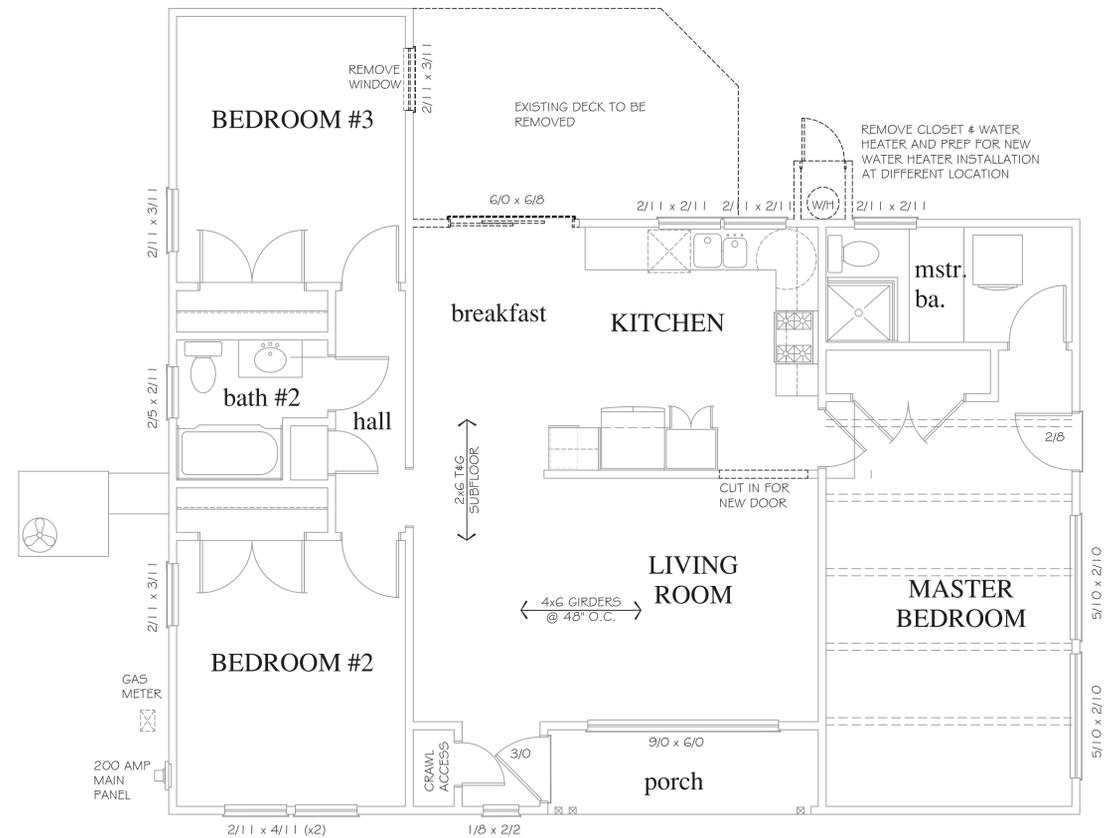
**DEMOLITION NOTES:**  
DEMOLITION PLAN IS PROVIDED FOR REFERENCE ONLY. CONTRACTORS SHALL COORDINATE DEMOLITION CAREFULLY WITH FLOORPLAN AND OTHER SHEETS WHICH INDICATE THE EXTENT AND NATURE OF THE NEW CONSTRUCTION. ANY DISCREPANCIES SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE DESIGNER. CONTRACTOR SHALL SECURELY SHORE IN PLACE ALL OVERHEAD STRUCTURES PRIOR TO REMOVING ANY SUPPORTING STRUCTURES

### TECHNICAL INFO

A.P.N. #	414-02-005
PROJECT ADDRESS	1045 NORMANDY DRIVE
OWNER	KEPLIN & KRISTEN JOHANSEN
EXISTING USE	SINGLE FAMILY RESIDENTIAL
ZONING DESIGNATION	R-1-B
GROSS LOT SIZE	11,201 SQ.FT.
NET LOT SIZE	9,101 SQ.FT.
CONSTRUCTION TYPE	V-B
BUILDING OCCUPANCY GROUP	R-3/U
APPLICABLE CODES	2013 CRC, 2013 CMC, 2013 CEC, 2013 CPC, & 2013 CALIFORNIA ENERGY CODE
EXISTING RESIDENCE AREA (HEATED)	1265
PROPOSED FIRST FLOOR ADDITIONS (HEATED)	629
PROPOSED SECOND FLOOR ADDITIONS (HEATED)	0
NEW TOTAL FLOOR AREA	1894
EXISTING GARAGE AREA	0
TOTAL (HEATER + UNHEATED)	1894



TREE



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



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EXISTING FLOOR PLAN/  
DEMOLITION PLAN  
SITE PLAN

REMODEL TO:  
**THE JOHANSEN RESIDENCE**  
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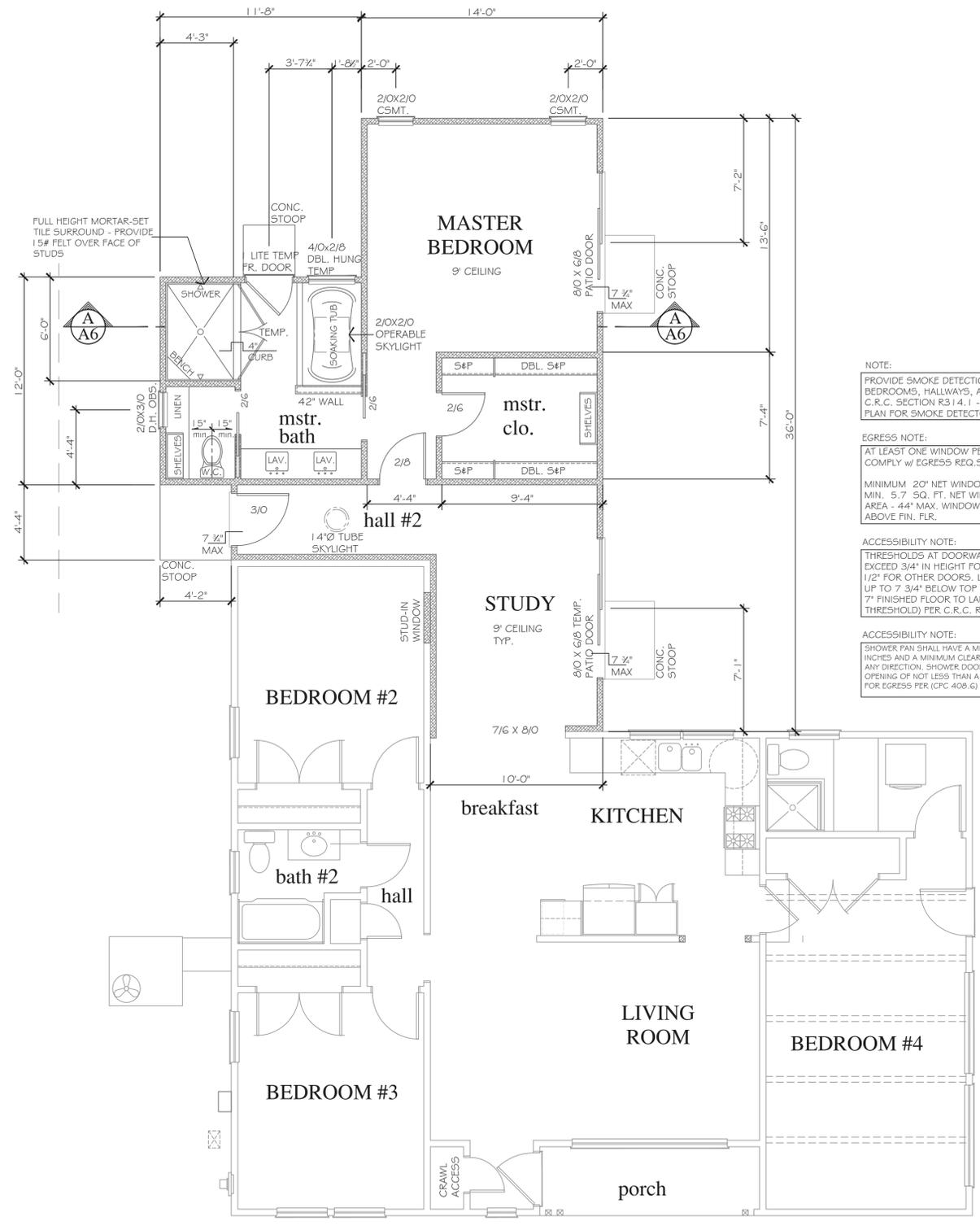
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**PROPOSED FLOOR PLAN**

REMODEL TO:

**THE JOHANSEN RESIDENCE**  
1045 NORMANDY DRIVE  
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- NOTE:**  
PROVIDE SMOKE DETECTION DEVICES AT ALL BEDROOMS, HALLWAYS, AND LANDINGS PER C.R.C. SECTION R314.1 - SEE ELECTRICAL PLAN FOR SMOKE DETECTOR LOCATION
- EGRESS NOTE:**  
AT LEAST ONE WINDOW PER BEDROOM SHALL COMPLY w/ EGRESS REQ.'S PER C.R.C. R311  
MINIMUM 20" NET WINDOW OPENING WIDTH MIN. 5.7 SQ. FT. NET WINDOW OPENING AREA - 44" MAX. WINDOW CLEAR OPENING HT. ABOVE FIN. FLR.
- ACCESSIBILITY NOTE:**  
THRESHOLDS AT DOORWAYS SHALL NOT EXCEED 3/4" IN HEIGHT FOR SLIDING DOORS & 1/2" FOR OTHER DOORS. LANDINGS MAY BE UP TO 7 3/4" BELOW TOP OF THRESHOLDS (IE 7" FINISHED FLOOR TO LANDING HEIGHT w/ 3/4" THRESHOLD) PER C.R.C. R311.3.1.
- ACCESSIBILITY NOTE:**  
SHOWER PAN SHALL HAVE A MIN. AREA OF 1024 SQ. INCHES AND A MINIMUM CLEAR DIMENSION OF 30" IN ANY DIRECTION. SHOWER DOORS SHALL MAINTAIN AN OPENING OF NOT LESS THAN A 22" UNOBSTRUCTED FOR EGRESS PER (CPC 408.6)

**PROPOSED FLOOR PLAN** 1/4" = 1'-0"

PRINTS FOR PLANNING REVIEW - 08/19/16

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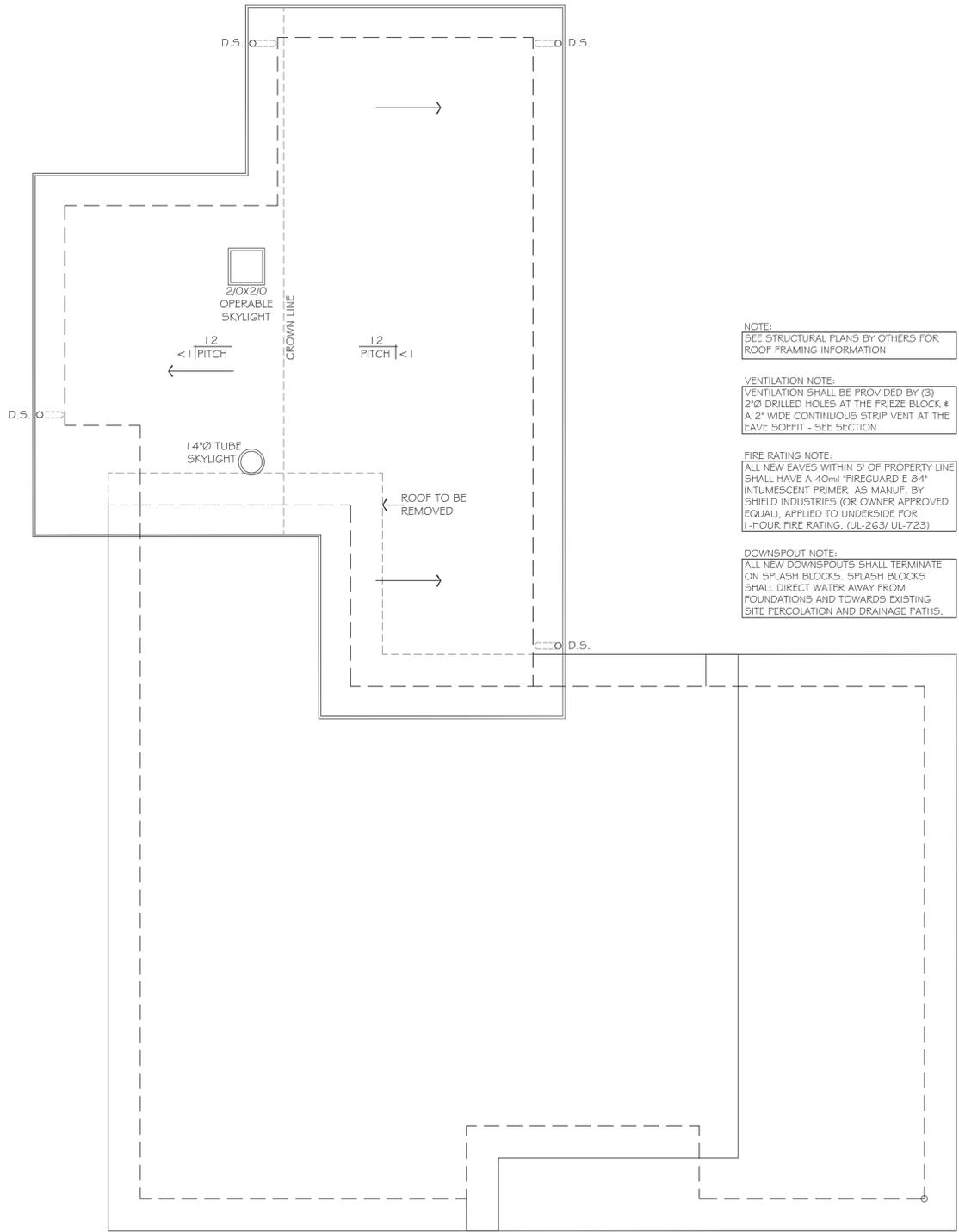
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**ROOF PLAN**

REMODEL TO:

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 1045 NORMANDY DRIVE  
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**NOTE:**  
 SEE STRUCTURAL PLANS BY OTHERS FOR ROOF FRAMING INFORMATION

**VENTILATION NOTE:**  
 VENTILATION SHALL BE PROVIDED BY (3) 2"Ø DRILLED HOLES AT THE FRIEZE BLOCK, # A 2" WIDE CONTINUOUS STRIP VENT AT THE EAVE SOFFIT - SEE SECTION

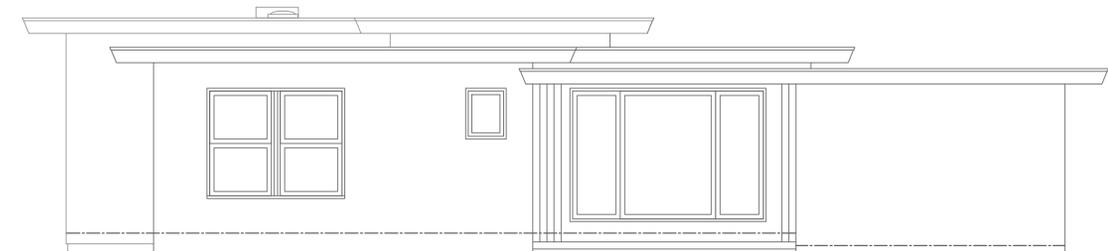
**FIRE RATING NOTE:**  
 ALL NEW EAVES WITHIN 5' OF PROPERTY LINE SHALL HAVE A 40mil "FIREGUARD E-84" INTUMESCENT PRIMER AS MANUF. BY SHIELD INDUSTRIES (OR OWNER APPROVED EQUAL), APPLIED TO UNDERSIDE FOR 1-HOUR FIRE RATING. (UL-263/UL-723)

**DOWNSPOUT NOTE:**  
 ALL NEW DOWNSPOUTS SHALL TERMINATE ON SPLASH BLOCKS. SPLASH BLOCKS SHALL DIRECT WATER AWAY FROM FOUNDATIONS AND TOWARDS EXISTING SITE PERCOLATION AND DRAINAGE PATHS.

**ROOF PLAN** 1/4" = 1'-0"

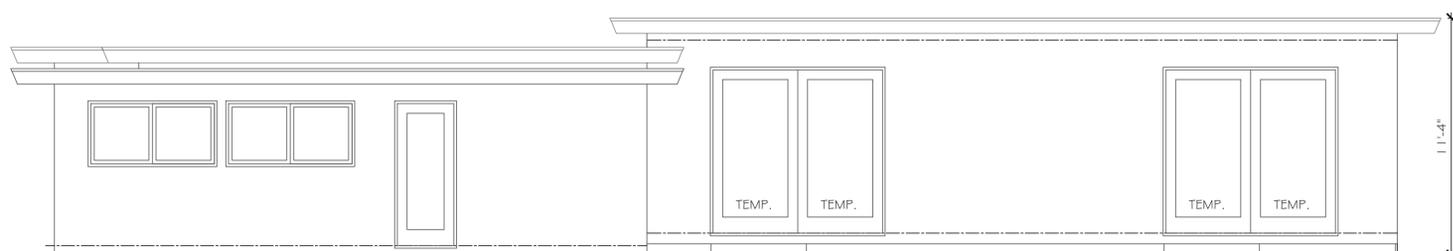
SKYLIGHT NOTE:  
ALL NEW SQUARE SKYLIGHTS SHALL BE: FLAT,  
TEMPERED, DUAL-GLAZE BRONZE ANODIZED  
ALUMINUM FRAME UNITS AS MANUFAC. BY  
"VELUX" (OR EQUAL) I.A.M.F.O. #ER-0019.  
(HTTP://WWW.VELUXUSA.COM)

ROOFING NOTE:  
ENTIRE HOUSE TO BE  
RE-ROOFED w/ TORCH DOWN  
MEMBRANE CAP SHEET



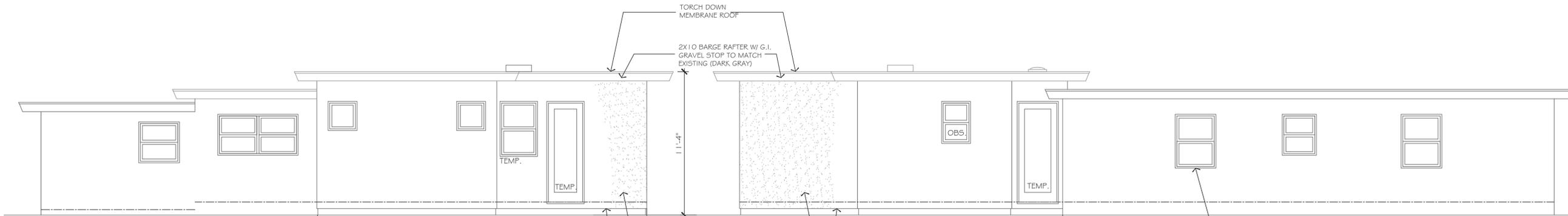
FRONT ELEVATION

1/4"=1'-0"



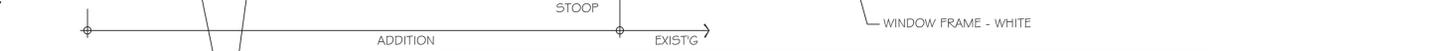
RIGHT SIDE ELEVATION

1/4"=1'-0"



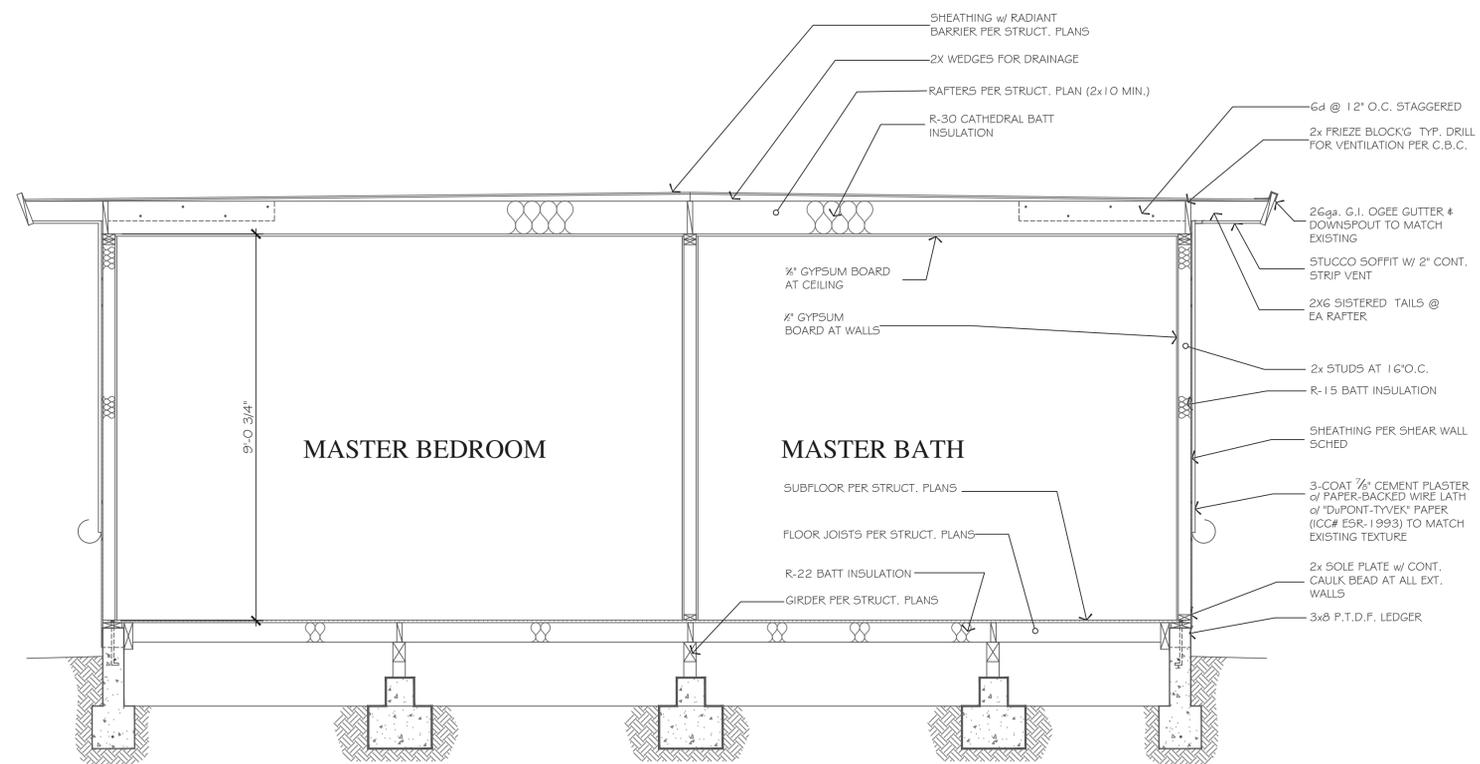
REAR ELEVATION

1/4"=1'-0"



LEFT SIDE ELEVATION

1/4"=1'-0"



CONSTRUCTION SECTION

1/2"=1'-0"



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EXTERIOR ELEVATIONS  
CONSTRUCTION SECTION

REMODEL TO:  
**THE JOHANSEN RESIDENCE**  
1045 NORMANDY DRIVE  
CAMPBELL, CALIFORNIA 95008  
(408) 464-5741

**From:** Shoe, Bill Bill.Shoe@PLN.SCCGOV.ORG   
**Subject:** 1045 Normandy info  
**Date:** August 25, 2016 at 12:06 PM  
**To:** kristen@thejohansenbunch.com

SB

Kristen,

Assessor records and building permit info as follows:

BP 16353, 1950 for original one story SFR. No attached garage or carport noted. However, Assessor record and photos clearly show an attached carport as original construction. 12 foot side setbacks noted on original permit.

BP 22999, 1976, for conversion of garage to family room. Even if the “garage” was really a carport, the permit legalized the full enclosure and conversion. At that time, the County did not in this case require another covered off street parking structure for one space, minimum, upon conversion of the carport. Today we do. Your parking situation if you remained unincorporated would be non-conforming.

That is all we have other than re-roof and minor updates. No permit for the detached carport or reference to it in the Assessor Record. So you don’t have anything to share w the city to prove it is legal. What they require you to do about it is up to them.

Until 2003, the County did not have a minimum private driveway width in the Zoning Ordinance in order to construct a garage or carport in the rear yard. It could be done with standard 8 foot setbacks, or less if the car could pass through. As of 2003, we adopted a 10 foot width requirement, given trend towards larger vehicles, and safe clearance, ability to actually open a car door, etc.

Let me know if you are City need anything further. If they request further info, you can share this with them. They know me generally.

Bill Shoe  
Principal Planner/Zoning Administrator  
Planning Office, Santa Clara County  
(408) 299-5749



CITY OF CAMPBELL · PLANNING COMMISSION  
Staff Report · September 27, 2016

**City-Initiated  
Determination of  
Discontinued Use  
(PLN2016-293)**

Public Hearing to determine if a nonconforming use (e.g. the Cardiff Lounge) has been discontinued for a continuous period of six months (PLN2016-293) on property located at **260 E. Campbell Avenue**.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution** determining that a nonconforming use (liquor establishment) had discontinued for a continuous period of six months, thereby losing its vested right to continue operation.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find that this action is Categorical Exempt under Section 15321(a) of the California Environment Quality Act (CEQA), pertaining to enforcement actions by regulatory agencies to enforce or revoke an entitlement for a use issued, adopted or prescribed by the regulatory agency.

**PROJECT LOCATION**

The project site is located on the south side of E. Campbell Avenue, east of S. Second Street and west of S. First Street (reference **Attachment 2** – Location Map). The property is zoned C-3 (Central Business District), with a Central Commercial General Plan Land Use Designation, and is located in the Campbell Downtown.

**PURPOSE & SCOPE OF REVIEW**

Pursuant to Campbell Municipal Code (CMC) Section 21.10.060.L, whenever a nonconforming use is ‘abandoned’ or ‘discontinued’ for a continuous period of six months, the ‘grandfathered status’ is lost and the business may not continue operations until a Conditional Use Permit is obtained.

As such, the purpose of the public hearing is to determine whether or not the Cardiff Lounge bar<sup>1</sup> had remained closed for a ‘continuous period of six months’. This determination is distinct from whether or not activity of ‘any kind<sup>2</sup>’ had transpired, or whether the operator had intent to reopen or operate. As such, the scope of review is limited to the nature and duration of the

---

<sup>1</sup> Defined as a ‘liquor establishment’ pursuant to CMC21.72.020.L. Definitions, “L.”

<sup>2</sup> For example, operations behind closed doors not contributing to the continued operation of the liquor establishment.

closure, and does not pertain to questions of land use compatibility, business operations, or if the use of the property as a bar should be supported.

The general purpose of the nonconforming provisions of the CMC is to allow uses that do not comply with current zoning requirements to continue while bringing properties into conformance with current zoning requirements when those uses are discontinued or abandoned. Allowing for a business to reassume operations after having been closed for less than six-months is intended to allow a reasonable period of time for a business to be reestablished (e.g. accommodate a transfer of ownership), while not allowing a nonconforming use to continue indefinitely.

## **BACKGROUND**

Cardiff & Cocktails, under different ownership and name<sup>3</sup>, had continuously operated as a bar<sup>4</sup> since the 1960's. In 1988, the downtown core was rezoned to C-3 (Central Business District), which served to enact a requirement for liquor establishments to be approved through a Conditional Use Permit. As the business was not required to have a Conditional Use Permit when it was established, the liquor establishment has existed as a nonconforming use (due to the lack of a Conditional Use Permit) since that time.

Between February 26, 2016 and September 15, 2016, Cardiff remained closed to the public while handling internal business affairs (reference **Attachment 4** – Closure Date and Grand Opening Announcement) garnering the attention of the City and staff. In that the business remained closed for more than six-months (approximately 202-days), staff initiated the subject hearing as a means of providing the owner and operator the opportunity for a public hearing prior to the nonconforming use status being deemed lost. However, staff was made aware that the operator conducted a soft opening on Friday, September 2, 2016. At that day, the Cardiff Lounge would have remained closed for 190 days.

## **DISCUSSION**

The extended period of closure, from February to September, amounts to Cardiff having been closed for 22 days more than what is required for the vested right of the bar to operate to have been lost. While the exact date range could be debated, subsequent emails from the operator, site inspections, and sales tax records from Q1 (Jan-March 2016), all support the conclusion that the business has been closed for at least six months.

Whereas staff is aware that the business owner had made efforts to reassume operations during this time, whether or not the business was open and conducting alcohol sales during this time serves to establish a bright-line<sup>5</sup> for whether the operation of a liquor establishment (by definition) had been discontinued.

## **USE PERMITS**

As noted in the Administrative Record, two Use Permits are on file for the property which include UP 79-16 and PLN2004-63 (reference **Attachments 6 & 7**). Staff evaluated these Use

---

<sup>3</sup> Formerly Cardiff Lounge; originally believed to operate as Busy Bee Lounge.

<sup>4</sup> Defined as a 'liquor establishment' pursuant to CMC21.72.020.L. Definitions, "L."

<sup>5</sup> Providing an unambiguous criterion or guideline especially in law <a *bright-line distinction*>.

Permits, concluding that, while both Conditional Use Permits serve to acknowledge the presence of the existing bar, neither serves to establish a Use Permit for the operation of a liquor establishment<sup>6</sup>.

### **PUBLIC COMMENT**

The application was noticed to all property owners within a 300-foot radius. No responses were received as of the preparation of this staff report. Materials provided to staff in advance of the meeting will be included as desk items.

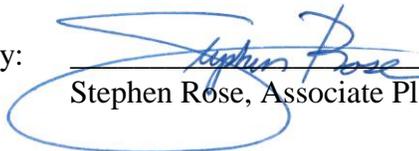
### **NEXT STEPS**

Should the Planning Commission determine the use to have been discontinued for a period of six months, the determination may be appealed to the City Council. In the event the determination is not appealed, the decision would be final in ten calendar days requiring the use of the property as a bar to discontinue until such time a Conditional Use Permit is obtained.

### **ALTERNATIVES**

- Continue to the item, requesting more information from the business operator, owner or staff.

Prepared by:

  
Stephen Rose, Associate Planner

Approved by:

  
Paul Kermoyan, Community Development Director

### Attachments:

1. PC Resolution - (PLN2016-293)
2. Location Map
3. Administrative Record & Supporting Documentation
4. Property Photos
5. Closure Date & Grand Opening Announcement
6. UP 79-16 – Allowing a Remodel of 266 E. Campbell Avenue
7. PLN2004-63 – Allowing Live Entertainment & Late Night Activities

---

<sup>6</sup> UP 79-16 served to allow a remodel of 266 E. Campbell Avenue, the adjacent tenant space, which had been focused on façade changes to the building exterior (at the time Site and Architectural alterations required a Use Permit in the Planned Development Zoning District). Further, PLN2004-63 served to allow live entertainment and late night hours in association with the existing bar, but in and of itself did serve to establish a Use Permit for the existing bar.

**RESOLUTION NO.**

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL DETERMINING THAT A NONCONFORMING USE (LIQUOR ESTABLISHMENT) HAD DISCONTINUED FOR A CONTINUOUS PERIOD OF SIX-MONTHS (PLN2016-293), THEREBY LOSING ITS VESTED RIGHT TO CONTINUE OPERATION ON PROPERTY LOCATED AT **260 E. CAMPBELL AVENUE.**

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

The Planning Commission finds as follows with regard to the discontinuation of a nonconforming use (PLN2016-293):

Environmental Finding

1. The project is Categorically Exempt under Section 15321(a) of the California Environment Quality Act (CEQA), pertaining to enforcement actions by regulatory agencies to enforce or revoke an entitlement for a use issued, adopted or prescribed by the regulatory agency.

Evidentiary Findings

2. The project site is located at 260 E. Campbell Avenue, Campbell CA 95008.
3. The project site is located on the south side of E. Campbell Avenue, east of S. Second Street and west of S. First Street.
4. The subject property is zoned C-3 (Central Commercial) and has a General Plan Land Use Designation of Central Commercial.
5. The Cardiff Lounge, under different ownership and name, had continuously operated as a bar in its present location since the 1960's, before the enactment of the current zoning ordinance.
6. On July 23, 1979, the City Council approved (by minute action) UP 79-16 for 260 and 266 E. Campbell Avenue allowing for the remodel of 266 E. Campbell Avenue.
7. On November 28, 1988, the City Council approved a City-Initiated zone change of the Downtown Core Area to C-3, thereby enacting requirements for liquor establishments to be approved by a Conditional Use Permit.
8. On December 14, 2004, the Planning Commission adopted Resolution No. 3618 approving a Conditional Use Permit to allow late night activities and live entertainment in association with the existing bar.

9. A bar is defined as a liquor establishment pursuant to CMC21.72.020.L. Definitions, "L." and means a retail activity that is primarily devoted to the selling of alcoholic beverages as a stand-alone bar or tavern, or in conjunction with a restaurant or nightclub facility, for consumption on the premises.
10. The C-3 zoning district requires a Conditional Use Permit to establish a liquor establishment.
11. While both Use Permits, UP 79-16 and PLN2006-63, serve to acknowledge the presence of the existing bar, neither serves to establish a Use Permit for the operation of a liquor establishment.
12. The liquor establishment, therefore, existed as a nonconforming use due to a lack of a Conditional Use Permit.
13. Between February 26, 2016 and September 15, 2016, the Cardiff Lounge was closed, ceasing to operate and conduct alcohol sales.
14. While the business owner made efforts to resume operations during this time, whether or not the business had been open and conducting alcohol sales serves to establish a 'bright-line' for whether the operation of a liquor establishment (by definition) had been discontinued.
15. Pursuant to CMC 21.10.60.L (Nonconforming uses and structures in the C-3- (Central Business District) zoning district: Whenever a nonconforming use has been abandoned or discontinued for a continuous period of six months, the nonconforming use shall not be reestablished, and the use of the structure and site shall comply with the regulations for the C-3 zoning district.
16. The City of Campbell lacks a codified definition for what constitutes an 'abandoned' or 'discontinued' use.
17. The City of Campbell lacks a codified definition for what constitutes a 'month'.
18. Campbell Municipal Code Section 21.72.10 provides that when a word is not defined, the most common dictionary definition is presumed to be correct.
19. Merriam-Webster defines 'Abandoned' as: given up: left empty or unused <abandoned houses>.
20. Merriam-Webster defines 'Discontinue' as: to break the continuity of: cease to operate, administer, use, produce or take.
21. Merriam-Webster defines 'Month' as: a measure of time corresponding nearly to the period of the moon's revolution and amounting to approximately 4 weeks or 30 days or  $\frac{1}{12}$  of a year.

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

22. Cardiff & Cocktails discontinued operation of the liquor establishment for at least six months, thereby losing its vested right to continue operation.

THEREFORE, BE IT RESOLVED that the Planning Commission has determined that a nonconforming use (liquor establishment) had discontinued for a continuous period of six-months (PLN2016-293), thereby losing its vested right to continue operation at 260 E. Campbell Avenue, subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 27th day of September, 2016, by the following roll call vote:

AYES: Commissioners:  
NOES: Commissioners:  
ABSENT: Commissioners  
ABSTAIN: Commissioners:

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

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

**CONDITIONS OF APPROVAL**  
**Determination of Discontinued Use (PLN2016-293)**

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. Discontinuation of Use: The Planning Commission determination shall be effective immediately and the business shall cease and desist operation of a liquor establishment until such time that a Conditional Use Permit is obtained. Should the business continue to operate without a permit, the City will assess a \$1,000 per day fine until the violation has been resolved. Please note that failure to comply with this Condition of Approval may result in further actions, including but not limited to criminal prosecution, civil suits or administrative proceedings.
2. Sign: The 'Open' sign on the front façade shall be removed within **fourteen (14) calendar days**. Please be advised that this sign had been installed without the benefit of a building permit and does not comply with the C-3 (Central Business District) sign requirements (which prohibit exposed neon lighting).

# Location Map



## **Administrative Record & Supporting Documentation**

The following is an abridged summary of significant events pertaining to the subject property and vicinity dating back to the original site construction until present.

---

On or around March 28, 1947 the one-story stucco building located at 260 & 266 E. Campbell Avenue was originally built.

On or around May 3, 1948 the building at 260 E. Campbell Avenue was used by a Cleaner, and 266 E. Campbell Avenue was used for a Post Office.

On March 28, 1952 the City of Campbell was incorporated and included the subject property.

Between 1967 & 1968 the building was extensively remodeled, and the building was noted as having been divided into two. The first area measuring 32' x 80' (266 E. Campbell Avenue) was used as a billiard parlor (d.b.a. Campbell Billiard Center) and the other area measuring 24' x 80' (260 E. Campbell Avenue) was used as a bar (d.b.a. Busy Bee Lounge).

On July 23, 1979, the City Council approved (by minute action) UP 79-16 for 260 and 266 E. Campbell Avenue allowing for the remodel of 266 E. Campbell Avenue.

On November 28, 1988, the City Council approved a City-Initiated zone change of the Downtown Core Area to C-3, thereby enacting requirements for liquor establishments to be approved by a Conditional Use Permit.

On December 14, 2004, the Planning Commission adopted Resolution No. 3618 approving a Conditional Use Permit to allow late night activities and live entertainment in association with the existing bar.

On February 14, the Cardiff held a Valentine's Day event as noted on the Cardiff Facebook page. No additional events are known to have occurred between this date and September 8, 2016.

**On February 26, 2016 the City became informed that the business was closed. A review was posted on Yelp noting that the place is closed. (Date Closed)**

On February 29, 2016, Associate Planner Daniel Fama left a voicemail with Sam Ramirez to determine the operational status of Cardiff and ascertain whether or not the business was closed permanently.

On March 1, 2016, Associate Planner Daniel Fama followed up with an email to determine the operational status of Cardiff and ascertain whether or not the business was closed permanently.

On March 8, 2016, Associate Planner Stephen Rose observed a note posted on the door specifying that the business was "Closed for Remodel".

On September 2, 2016 the Cardiff held a soft opening for friends and family.

**On September 15, 2016 Cardiff & Cocktails held its Grand Opening. (Date Reopened)**

**From:** [Sam Ramirez](#)  
**To:** [Daniel Fama](#)  
**Subject:** Re: Cardiff Status  
**Date:** Tuesday, March 01, 2016 10:10:12 AM

---

No sir just handling some internal Buisness  
Thanks for checking in

Sam Ramirez  
[Sammy@sammyramirez.com](mailto:Sammy@sammyramirez.com)  
408-340-3830  
[www.lastcallgroup.com](http://www.lastcallgroup.com)  
[www.thecontinentalbar.com](http://www.thecontinentalbar.com)  
Twitter  
@thecontinentalbar  
@sammyramirez

On Mar 1, 2016, at 8:52 AM, Daniel Fama <[danielf@cityofcampbell.com](mailto:danielf@cityofcampbell.com)> wrote:

Hi Sam – I'm following up on my voicemail from yesterday. What's going on with the Cardiff? Is it closed for good?

Daniel

<!--[if !vml]--><image002.jpg><!--[endif]-->**Daniel Fama | Associate Planner**  
Community Development Department | Planning Division  
 [danielf@cityofcampbell.com](mailto:danielf@cityofcampbell.com)  
 408.866.2193 |  408.871.5140  
 70 N. First Street, Campbell, CA 95008

Email or Phone

Password

Log In

Forgot account?



# The Cardiff Lounge

@CardiffLounge

## Home

About

Events

Photos

Reviews

Videos

Likes

Menu

New Tab 1

Posts

Create a Page



More

Call Now



The Cardiff Lounge shared Darren Holland's event.

February 12 ·

<https://www.facebook.com/events/1571131946543155>



**FEB 13** The Cardiff lounge presents The Valentines House Edi...

Sun 9:00 PM · Campbell, CA  
8 people interested · 2 people going

Like Comment Share



The Cardiff Lounge shared Darren Holland's event.

January 28 ·

<https://www.facebook.com/events/225069841163489/#>



**JAN 30** The Cardiff Lounge Presents- Saturday Night at The G...

Sat 9:00 PM in PST · Campbell, CA  
22 people interested · 9 people going

Bar · Campbell, California

4.2

Always Open

Search for posts on this Page

## PEOPLE

2,543 likes  
24,476 visits

## ABOUT



260 E Campbell Ave  
Campbell, CA 95008-2022

(408) 374-7477

Open 24 Hours

Menu

<http://www.cardiff lounge.com/>

## APPS

New Tab 1

## PHOTOS

## Cardiff & Cocktails

[HOME](#) [ABOUT](#) [CALENDAR](#) [INSTAGRAM](#) [C](#)

It looks like nothing was found at this location. Maybe try one of the links below or a search?



Search

### Archives

Try looking in the monthly archives. 😊

Select Month

### UPCOMING EVENTS

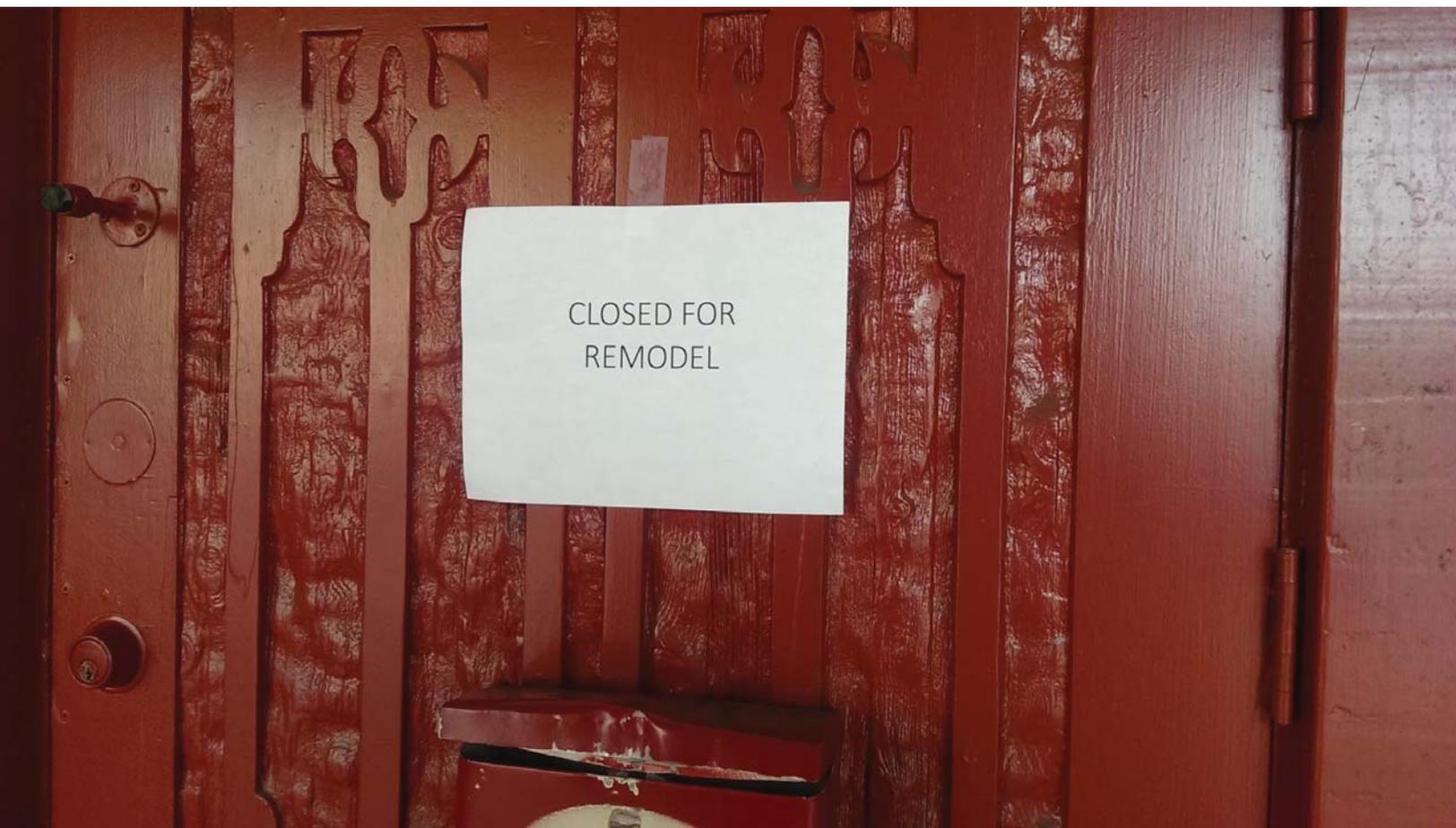
1.

#### Cardiff & Cocktails Grand Opening

September 15 @ 7:00 pm - September 16

2:00 am

[View All Events](#)



March 8, 2016 - Sign observed noting 'Closed for Remodel'

LOCATIONS & ENTITIES V9.0  
DATE: 09/12/2016  
TIME: 12:19:32

City of Campbell  
GENERAL BUSINESS REPORT - ALL LICENSES

PAGE NUMBER: 1  
MODULE : busgenrpt

SELECTION CRITERIA:

BUS. ID	BUSINESS ID	BUSINESS ADDRESS	ESTAB DT	LICENSE NO	CATEGORY	ISSUE DT	EXPIRAT.	STAT
001055	CARDIFF LOUNGE/LIVE ENTERTAINM	260 E CAMPBELL AVE	07/18/80	5159	7929L	07/18/80		C
	PARC ID: 412-06-033	STATUS: C	DATE CLOSED: 03/13/03					
	OWNER : SHIFLET, GARY & DOROTHY	CAMPBELL CA 95008						
001056	CARDIFF LOUNGE/POOL TABLES	260 E CAMPBELL AVE	07/18/80	5168	7999P	07/18/80		C
	PARC ID: 412-06-033	STATUS: C	DATE CLOSED: 03/13/03					
	OWNER : SHIFLET, GARY & DOROTHY	CAMPBELL CA 95008						
021833	CARDIFF LOUNGE	260 E CAMPBELL AVE	10/31/05	76687	7929L	10/31/05	09/30/16	A
	PARC ID: 412-06-033	STATUS: O						
	OWNER : SAM RAMIREZ / PAUL PATANGUI	CAMPBELL CA 95008						
004053	CARDIFF COCKTAIL LOUNGE	260 E CAMPBELL AVE	02/22/79	12578	5813	02/22/79	05/31/03	C
	PARC ID: 412-06-033	STATUS: C	DATE CLOSED: 03/13/03					
	OWNER : CARDIFF SWIM/RAC CLUB INC	CAMPBELL CA 95008						
010540	CARDIFF LOUNGE/AMUSEMNT DEVICE	260 E CAMPBELL AVE	06/20/80	27381	7993	06/20/80		C
	PARC ID: 412-06-033	STATUS: C	DATE CLOSED: 03/13/03					
	OWNER : SHIFLET, GARY & DOROTHY	CAMPBELL CA 95008						
019394	THE CARDIFF LOUNGE DBA:	260 E CAMPBELL AVE	02/25/03	62057	5813	02/25/03	01/31/16	C
	PARC ID: 412-06-033	STATUS: C	DATE CLOSED: 06/01/16					
	OWNER : PAUL PATANGUI/SAM RAMIREZ	CAMPBELL CA 95008						

TOTAL BUSINESSES: 6

ORDINANCE NO. 1734

BEING AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF CAMPBELL AMENDING THE  
ZONING MAP FROM INTERIM ZONING DISTRICT  
TO C3 (CENTRAL BUSINESS DISTRICT) FOR PROPERTIES  
LOCATED WITHIN CIVIC CENTER DRIVE AND ORCHARD CITY  
DRIVE (DOWNTOWN CORE AREA) AS SHOWN ON THE ATTACHED  
EXHIBIT (CITY-INITIATED APPLICATION; ZC 88-04).

The City Council of the City of Campbell does ordain as follows:

SECTION ONE: That the Zoning Map of the City of Campbell is hereby changed and amended by adopting the attached Exhibit A entitled Map of Said Property, as per the City-initiated application for approval of a Zone Change for properties located within Civic Center Drive and Orchard City Drive (Downtown Core Area) from Interim Zoning (PD - Planned Development) to C3 (Central Business District).

SECTION TWO: This Ordinance shall become effective thirty days following its passage and adoption and shall be published once within fifteen days upon passage and adoption in the San Jose Mercury News, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

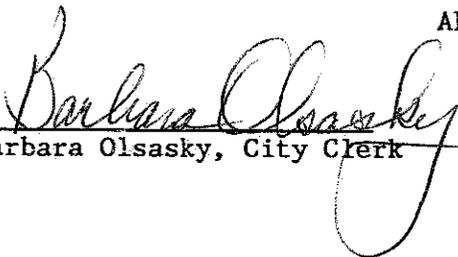
PASSED AND ADOPTED this 28th day of November , 19 88 by the following roll call vote:

AYES: Councilmembers: KOTOWSKI, ASHWORTH, BURR, WATSON

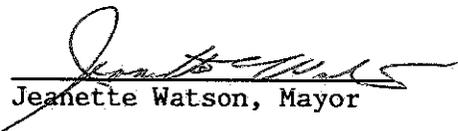
NOES: Councilmembers: NONE

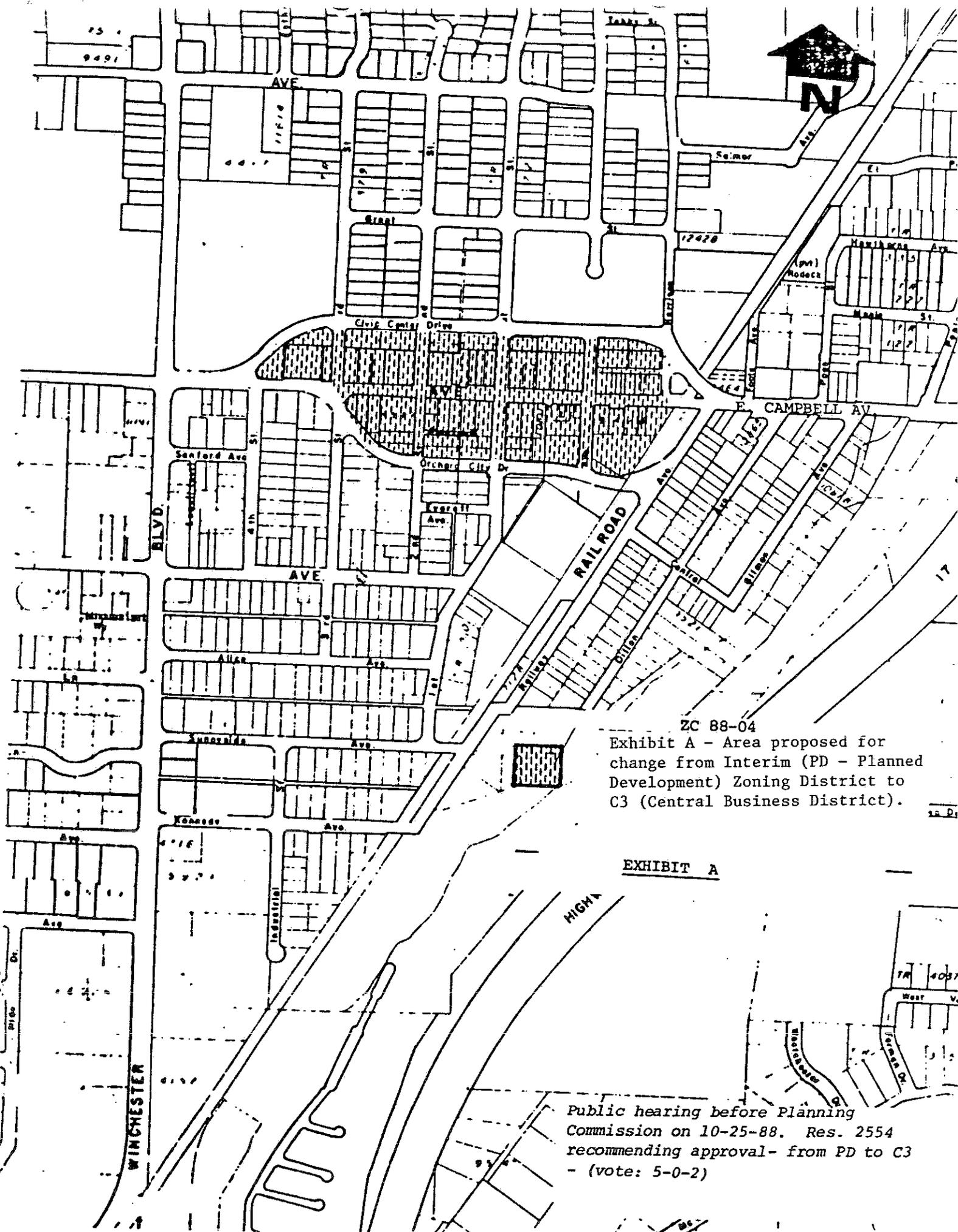
ABSENT: Councilmembers: NONE

ATTEST:

  
Barbara Olsasky, City Clerk

APPROVED:

  
Jeanette Watson, Mayor



ZC 88-04

Exhibit A - Area proposed for change from Interim (PD - Planned Development) Zoning District to C3 (Central Business District).

EXHIBIT A

Public hearing before Planning Commission on 10-25-88. Res. 2554 recommending approval- from PD to C3 - (vote: 5-0-2)



Transfer	Date	Grantee	Consideration	Remarks
B4500	3/28/17	Bldg Juddins	500.00	
344	Jan 67	Sign Elec Prod Corp	400.00	
3579	10-7-62	repairs Mergure (Honey gran.) & interior	7800	
4798	7/19/67	R. Roddant - remodel front NEW STUCCO - STONE FRONT; REMOVE EXISTING GLASS STORE FRONT	6,000	
10299	10-9-79	with KumRay Janitorial - interior paint	8,000	
13130	1-85		16100	
13218	3-31-8	T.I.	6800-	
94-06210	8-26-94	T.I.	20,000	
243212	9-18-62	Rothom, Richard & Gerding, et al	97 <sup>th</sup> WPK	
476395	8-26-47	John R. Lynden, Jr. Esther Lynden Fairt + Richard Lynden	N.R.S	
334681	1-23-45	John R. + Sarah M. Lynden Rt + Olive C. Dodge	5.55	

E. W. Russell, Jr.  
3/20/68

413-6-75

**STRUCTURE:**

One story stucco building originally built in 1947 and remodeled extensively in 1967-1968. Building divided in two; area 32 x 80' used as billiard parlor; other area 24 x 80' used as a bar.

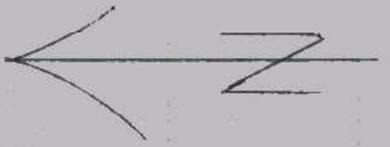
**BAR:** Wall to wall carpeting over asphalt tile floor wall paper one wall, paneled one wall. Acoustical ceiling. (1) women's (1) men's restroom.

**BILLIARD PARLOR:** Paneled walls, wall to wall carpeting over asphalt tile. (1) men's (1) women's restroom.

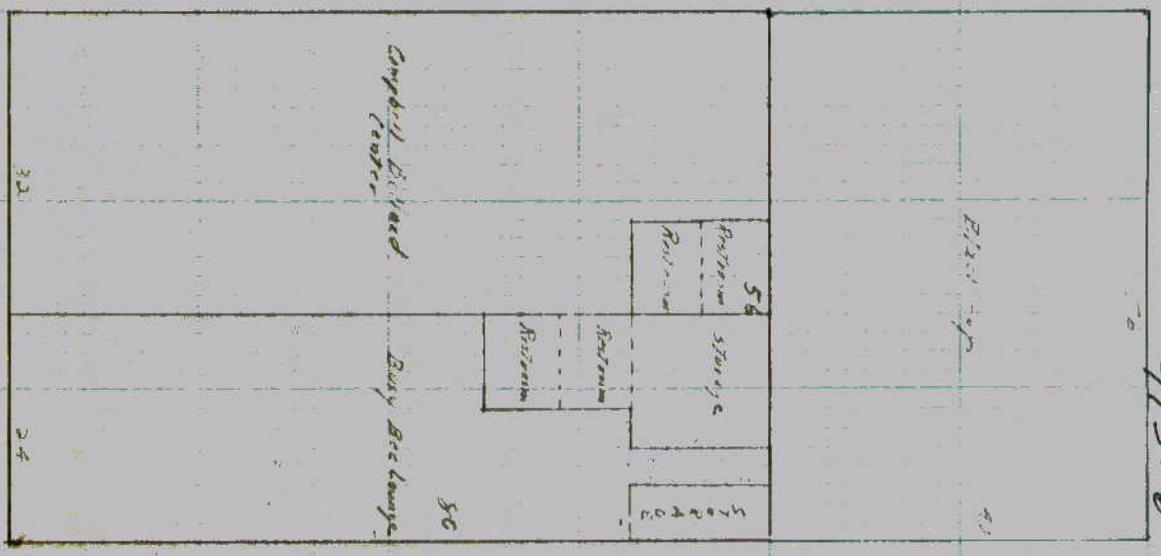
**CLASSIFICATION:** D 5 A (AH 532.21 5/1/63, pg.3)

**COMPUTATIONS:**

1) 4480 $\square$ @ 6.63 (AH 532.21 6/13/67 pg.10) x area adjustment factor 1.01 = 6.69 x 4480	= \$29,971
2) 4 Type 2 Toilet fixtures	= 1,300
3) 56 lin. ft. medium quality store front @ \$75.	= 4,200
4) 118 lin. ft. of partitions @ \$20.	= 2,360
5) 2240 $\square$ Black Top @ .30¢	= <u>672</u>
	38,503
	<u>x.25</u>
	9,630 A.V.



4/3-6-75

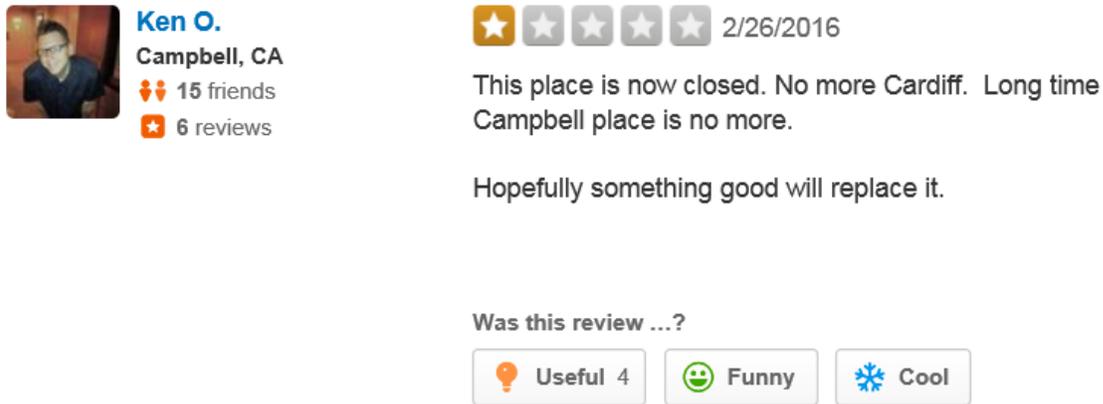


Tampabay Avenue

# Property Photos



## Closure Date & Grand Opening Announcement



**Ken O.**  
Campbell, CA  
15 friends  
6 reviews

★ ★ ★ ★ ★ 2/26/2016

This place is now closed. No more Cardiff. Long time Campbell place is no more.

Hopefully something good will replace it.

Was this review ...?

Useful 4   Funny   Cool

Figure 1: Yelp Review noting business closure on February 26, 2016.



**THURSDAY SEPTEMBER 15TH**

JOIN US FOR THE **CARDIFF & COCKTAILS** GRAND OPENING  
*Campbell*

INTRODUCING SHAKIN' NOT STIRRED  
EVERY THURSDAY HOSTED BY ROGER MOOREHOUSE  
WITH YOUR GRAND OPENING DEEJAYS

**DAVID HARNESS  
JULIUS PAPP  
ROGER MOOREHOUSE**

SHAKIN' - NOT - STIRRED

**CARDIFF & COCKTAILS**  
260 EAST CAMPBELL AVENUE CAMPBELL CA  
MUSIC BEGINS 7PM -2AM | 21+

Figure 2: Grand Opening Announcement for September 15, 2016

CITY COUNCIL MTG.  
7-23-79

UP 79-16 - 260 & 266 East  
Campbell Ave. - Raffanti

This is minute action approving UP 79-16 - 260 and 266  
East Campbell Avenue - R. Raffanti.

UP 79-16  
Raffanti, R.

This is the time and place for a public hearing to consider the application of Mr. Robert Raffanti for a use permit and approval of plans to remodel an existing building located on property known as 260 & 266 E. Campbell Avenue in a P-D (Planned Development/Commercial) Zoning District.

Commissioner Kasolas reported that the applicant had met with the Site and Architectural Review Committee this morning and the Committee is recommending approval of this application.

Mr. Kee stated that staff is also recommending approval.

Chairman Samuelson declared the public hearing open and invited anyone in the audience to speak for or against this item.

No one wishing to be heard, Commissioner Vierhus moved that the public hearing be closed, seconded by Commissioner Pack and unanimously adopted.

RESOLUTION NO. 1800

Commissioner Vierhus moved that the Planning Commission adopt Resolution No. 1800 approving the application of Mr. Robert Raffanti for a use permit and approval of plans to remodel an existing building located on property known as 260 & 266 E. Campbell Avenue in a P-D (Planned Development/Commercial) Zoning District, UP 79-16, seconded by Commissioner Meyer and unanimously adopted by the following roll call vote:

-10-

AYES: Commissioners: Meyer, Dickson, Campos, Pack, Vierhus, Kasolas, Samuelson  
NOES: Commissioners: None  
ABSENT: Commissioners: None

\* \* \*

*File*

MEMORANDUM



CITY OF CAMPBELL

To: Honorable City Council

Date: July 18, 1979

From: Planning Commission

Subject: UP 79-16 Raffanti, R.  
260 & 266 E. Campbell Avenue

RECOMMENDATION

That the City Council ratify the attached resolution approving the application of Mr. Robert Raffanti for a use permit and approval of plans to remodel an existing building located on property known as 260 & 266 E. Campbell Avenue in a P-D (Planned Development/Commercial) Zoning District, subject to the attached conditions.

DISCUSSION

The applicant is proposing to remodel the front of a building formerly occupied by Campbell Billiards, to add a 4-foot overhang to the rear of the structure, and to eliminate the rock veneer from the side and rear of the building.

The applicant is also proposing to repair the stucco on the existing building and repaint the exterior a tan color.

The site plan indicates that there are 28 parking spaces available for use by the portion of the building to be remodeled and the adjoining Beehive Lounge. These parking spaces result in a parking ratio of one space for every 165 square feet of the gross building area. The total building area is 4,600 square feet. The Commission is of the opinion that the 28 spaces should provide adequate parking for the proposed offices and existing cocktail lounge.

The Architectural Advisor is of the opinion that the design is acceptable.

At its meeting of July 17, 1979, the Planning Commission recommended approval of UP 79-16 by a vote of 7-0-0.

PJS:ld  
Attachments

RESOLUTION NO. 1800

After notification and public hearing as specified by law on the application of Mr. Robert Raffanti for a use permit and approval of plans to remodel an existing building located on property known as 260 & 266 E. Campbell Avenue in a P-D (Planned Development/Commercial) Zoning District, as per application filed in the Office of the Planning Department on June 18, 1979, and after presentation by the Planning Director, proponents, and opponents, the hearing was closed.

After due consideration of all evidence presented, the Commission did find as follows:

That the establishment, maintenance, and operation of the proposed use will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the City.

Based on the above findings, the Planning Commission does hereby grant the requested use permit subject to the following conditions:

1. All mechanical equipment located on roofs to be screened as approved by the Planning Director.
2. Approval shall not become effective until ratified by the City Council.

The applicant is notified as part of this application that he/she is required to meet the following conditions in accordance with Ordinances of the City of Campbell and Laws of the State of California.

- A. All parking and driveway areas to be developed in compliance with Section 21.50 of the Campbell Municipal Code. All parking spaces to be provided with appropriate concrete curbs or bumper guards.
- B. Underground utilities to be provided as required by Section 20.16.070 of the Campbell Municipal Code.
- C. Plans submitted to the Building Department for plan check shall indicate clearly the location of all connections for underground utilities including water, sewer, electric, telephone and television cables, etc.
- D. Sign application to be submitted in accordance with provisions of the sign ordinance for all signs. No sign to be installed until application is approved and permit issued by the Building Department. (Section 21.68.070 of the Campbell Municipal Code.)

- E. Ordinance No. 782 of the Campbell Municipal Code stipulates that any contract for the collection and disposal of refuse, garbage, wet garbage and rubbish produced within the limits of the City of Campbell shall be made with Green Valley Disposal Company. This requirement applies to all single-family dwellings, multiple apartment units, to all commercial, business, industrial, manufacturing, and construction establishments.
- F. Trash container(s) of a size and quantity necessary to serve the development shall be located in area(s) approved by the Fire Department. Unless otherwise noted, enclosure(s) shall consist of a concrete floor surrounded by a solid wall or fence and have self-closing doors of a size specified by the Fire Department. All enclosures to be constructed at grade level.
- G. Applicant shall comply with all appropriate State and City requirements for the handicapped.

FIRE DEPARTMENT

- H. Construct a trash enclosure at rear of building.

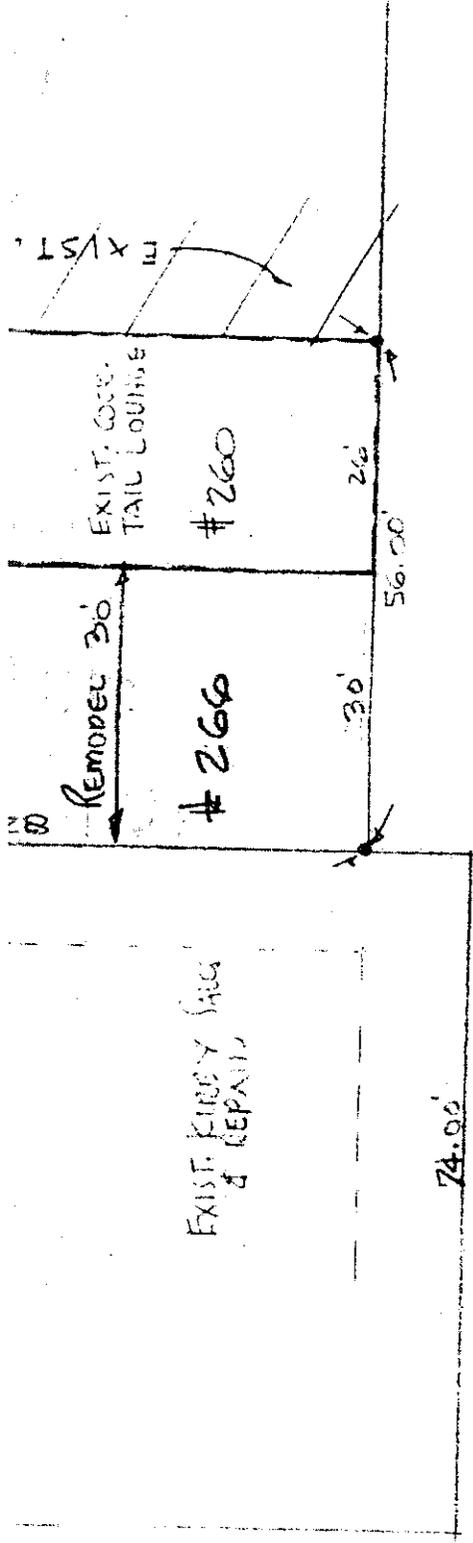
The applicant is notified that he shall comply with all applicable Codes or Ordinances of the City of Campbell which pertain to this development and are not herein specified.

PASSED AND ADOPTED this 17th day of July, 1979, by the following roll call vote:

AYES: Commissioners: Meyer, Dickson, Campos, Pack, Vierhus, Kasolas,  
Samuelson  
NOES: Commissioners: None  
ABSENT: Commissioners: None

APPROVED: Carl E. Samuelson  
Chairman

ATTEST: Arthur A. Kee  
Secretary



E. CAMPBELL

EXIST. KITCHEN SINK & REPAIR

74.00'

REMODEL 30'

#266

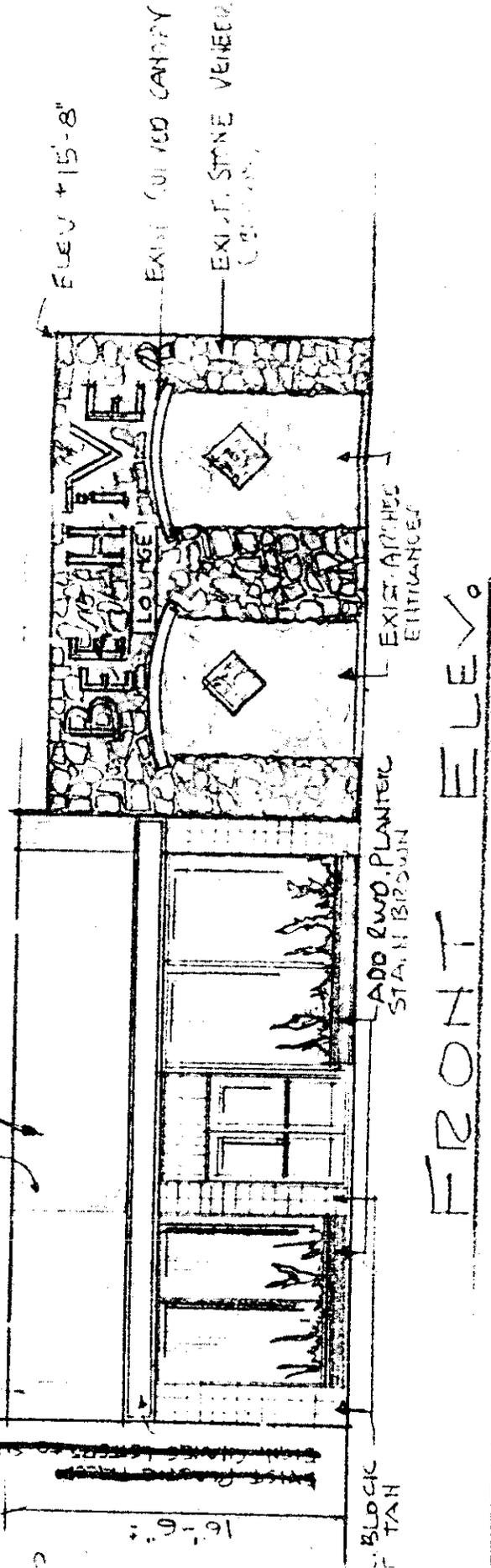
EXIST. COOR. TAIL LOUNGE

#260

26'

56.70'

BE SIGN TO BE RELOCATED AND REPAIRED  
 EXIST. STUCCO-LATEX OR EQ. EXT. PAINT, COLOR TAN TO MATCH  
 EXIST. COMBED STUCCO (BLDG. #234)



FRONT ELEV.

T. SIGH.



R. Raffanti  
234 E. Campbell Ave.  
Campbell, Calif. 95008  
June 15, 1979  
Ph. 866-8801

Re: Use Permit

City of Campbell  
Planning Department

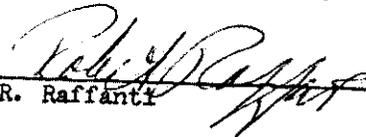
Dear Sirs,

The property at No. 260 and 266 E. Campbell Ave. needs upgrading so that it will improve the general neighborhood. No. 266 has been vacant for months and it seems the only way I can rent the building is to cut the interior into small offices.

By re-stucco work and a complete new paint application, along with redwood planters at the front, this should help with the improvement of the downtown area.

Hoping you find justification in granting the use permit needed to accomplish the above improvements.

Respectfully submitted,

  
R. Raffanti

RECEIVED  
JUN 18 1979

CITY OF CAMPBELL  
PLANNING DEPARTMENT

CITY OF CAMPBELL, CALIFORNIA  
INITIAL STUDY

EIR-1

ENVIRONMENTAL INFORMATION FORM - TO BE COMPLETED BY APPLICANT

Date Filed: \_\_\_\_\_

GENERAL INFORMATION:

1. Name and address of developer or project sponsor:  
Mr. R. Raffanti  
234 E. Campbell Ave. Campbell, Calif. 95008
2. Address of project: 260 and 266 E. Campbell Ave.  
Assessor's Block and Lot Number 413-6-75
3. Name, address, and telephone number of person to be contacted concerning this project:  
R. Raffanti 234 E. Campbell Ave. Campbell, Calif. 95008 ph. 866-8801
4. Indicate number of the permit application for the project to which this form pertains: \_\_\_\_\_
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:  
none
6. Existing zoning district: Commercial
7. Proposed use of site (Project for which this form is filed):  
Remodal #266 vacant bldg. into office spaces and add overhang at the rear of #260 & 266 E. Campbell Ave.

PROJECT DESCRIPTION (ATTACHED ADDITIONAL SHEETS IF NECESSARY)

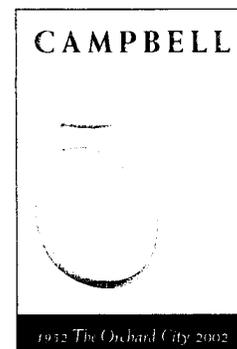
8. Site size. 56'x 120'
9. Square footage. 6720
10. Number of floors of construction. 1
11. Amount of off-street parking provided. 17 plus
12. Attach plans.
13. Proposed scheduling. Start remodelling 30 days after approval by City of Campbell
14. Associated projects. none
15. Anticipated incremental development. none

RECEIVED  
JUN 18 1979

CITY OF CAMPBELL  
PLANNING DEPARTMENT



**CITY OF CAMPBELL**  
Community Development Department



December 16, 2004

Sam Ramirez  
265 Shadow Dance  
San Jose, CA 95110

Re: PLN2004-63 – 260 E. Campbell Avenue – Use Permit – Cardiff Lounge

Dear Applicant:

Please be advised that at its meeting of December 14, 2004, the Planning Commission adopted Resolution No. 3618 approving a Conditional Use Permit to allow late night activities and live entertainment on the above referenced property.

This action is effective in ten calendar days, unless appealed in writing to the City Clerk by 5 p.m. on Friday, **December 24, 2004**. The time within which judicial review of this action must be sought is governed by Section 1094.6 of the California Code of Civil Procedure, unless another statute (such as California Government Code Section 65009 or some other applicable provision) sets forth a more specific time period is set forth.

If you have any questions, please do not hesitate to contact me at (408) 866-2140.

Sincerely,

Stephanie Willsey  
Planner I

cc: Ed Arango, Public Works  
Frank Mills, Building  
Ryan Rucker, County Fire  
Art Markham, Police Department

Robert Raffanti (Property Owner)  
1711 Marseilles Court  
San Jose, CA 95138

## **RESOLUTION NO. 3618**

**BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A CONDITIONAL USE PERMIT (PLN2004-63) TO ALLOW LATE NIGHT ACTIVITIES AND LIVE ENTERTAINMENT IN AN EXISTING BAR ON PROPERTY OWNED BY MR. ROBERT RAFFANTI LOCATED AT 260 E. CAMPBELL AVENUE IN THE C-3-S (CENTRAL BUSINESS DISTRICT) ZONING DISTRICT. APPLICATION OF MR. SAM RAMIREZ, ON BEHALF OF THE CARDIFF LOUNGE. FILE NO. PLN2004-63.**

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

After due consideration of all evidence presented, the Planning Commission did find as follows with respect to application PLN2004-63.

1. The proposed late night activities and live entertainment in conjunction with the existing bar is consistent with the Central Commercial General Plan land use designation.
2. The proposed late night activities, occurring between 11:00 p.m. and 6:00 a.m., and live entertainment in conjunction with the existing bar will be compatible with the C-3 (Central Business District) zoning designation with approval of a Conditional Use Permit.
3. The project site consists of a 6,720 square foot lot, developed with 4,619 square feet of building area, zero square feet of landscaping, and 2,101 square feet of paving.
4. The project site is located on the south side of East Campbell Avenue, between South First Street and South Second Street. The property is surrounded by commercial uses on the north, east and west sides, and a parking lot to the south.
5. The proposed project is consistent with other developments and uses in the surrounding area.
6. No exterior modifications to the building are proposed in conjunction with the proposed late night activities and live entertainment.
7. The Police Department has not expressed a concern with the proposed project.
8. The hours of operation shall be restricted to 12:00 p.m. to 2:00 a.m. daily and the hours for live entertainment shall be restricted to 9 p.m. to 1:30 a.m. daily.
9. The types of live entertainment offered at the establishment would consist of live D.J.'s, three piece bands, and karaoke.
10. The project qualifies as a Categorical Exempt project per Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA).

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

1. The proposed project is consistent with the General Plan.
2. The proposed use is allowed within the applicable zoning district with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Municipal Code.
3. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area.
4. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate.
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property.
6. The establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
7. 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.
8. There is a reasonable relationship and a rough proportionality between the conditions of approval and the impacts of the project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves a Conditional Use Permit (PLN2004-63) to allow late night activities and live entertainment in an existing bar on property owned by Mr. Robert Raffanti located at **260 E. Campbell Avenue** in the C-3-S (Central Business District) Zoning District, subject to the following conditions:

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

## COMMUNITY DEVELOPMENT DEPARTMENT

### Planning Division:

1. Approved Project: Approval is granted for a Conditional Use Permit (PLN2004-63) to allow late night activities and live entertainment in an existing bar on property located at 260 E. Campbell Avenue. The project shall substantially conform to the plans and project description received by the Planning Division on November 19, 2004, except as may be modified by the conditions of approval contained herein.
2. Conditional Use Permit Approval Expiration:
  - a. The Conditional Use Permit approval shall be valid for one year from the date of final approval. Within this one-year period the use must be established on the property and the conditions of approval satisfied. Failure to meet this deadline will result in the Conditional Use Permit being void.
  - b. This Conditional Use Permit will be reviewed by the Planning Commission in six months.
3. Revocation of Permit: Operation of the use in violation of the Conditional Use Permit or any standards, codes, or ordinances of the City of Campbell shall be grounds for consideration of revocation of the Conditional Use Permit by the Planning Commission.
4. Property Maintenance: The owner/operator of the subject property shall maintain all exterior areas of the business free from graffiti, trash, rubbish, posters and stickers placed on the property.
5. Trash and Recycling Enclosure: The applicant/property owner shall submit a building permit for the construction of a new trash and recycling enclosure(s) within three months of the date of Planning Commission approval. The design and location of the enclosure shall be to the satisfaction of the Community Development Director. All refuse and recycling containers shall be located in an enclosure constructed and consisting of a concrete floor at least six inches in depth, surrounded by a minimum six-foot high masonry wall and having a solid metal gate. The design of the enclosure shall be compatible with the building. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector. The wall, gate and surface inside the enclosure must be kept in sound repair and condition. The refuse and recycling containers shall be kept in the enclosure at all times except when being emptied by collection personnel.
6. Recordation of Covenant: The applicant/property owner shall record a covenant that stipulates that the businesses located in the building located on parcel number 412-06-033 shall have the shared right to use the parking spaces located on the separate properties known as parcel number 412-06-035 and 412-06-081 for the life of the building. This document

shall be recorded within three months of the date of Planning Commission approval and proof of the recorded document shall be submitted to the Planning Division.

7. **Signing and Advertising:** No signage is approved as part of the development application approved herein. All signs advertising events shall be installed and maintained consistent with the provision of the Sign Ordinance, Chapter 21.30 of the Campbell Municipal Code. The posting of flyers and posters on public property is prohibited. The business owner shall be considered responsible for these postings, if they occur, and shall cause their immediate removal. Failure to comply may result in Revocation of the Conditional Use Permit.
8. **Loitering:** There shall be no loitering allowed outside the business in the rear parking lot or the side parking lot areas.
9. **Outdoor Storage:** No outdoor storage is permitted on the subject property. No equipment, materials or business vehicles shall be parked and/or stored outside the building or within the parking lot.
10. **Noise:**
  - a. **Noise Standard:** Any noises, 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 subject use shall not be audible to a person of normal hearing capacity from any residential property.
  - b. **Noise Management:** In the event complaints are received by the City regarding noise, the Community Development Director may immediately modify the hours of operation and/or limit the extended hours of operation, subject to the project being brought back to the Planning Commission for review.
  - c. **Back Door:** The back door to the business leading to the rear parking area shall be closed at all times during business hours.
  - d. **Trash & Clean Up:** Trash and clean up shall not be done in the evening or early morning hours. All trash and clean shall be done between 12 p.m. to 6 p.m. daily.
11. **Business Operational Hours:** The operational hours shall be limited to 12:00 p.m. to 2:00 a.m. seven days a week. The 2 a.m. closing shall mean that the business is closed and shuttered with no activity. Hours of operation will include the conclusion of liquor sales at 1:30 a.m.
12. **Live Entertainment Hours:** The live entertainment hours shall be limited to 9 p.m. to 1:30 a.m. seven days a week.
13. **Parking and Driveways:** All parking and driveway areas shall be maintained in compliance with the standards in Chapter 21.28 of the Campbell Municipal Code.

**POLICE DEPARTMENT**

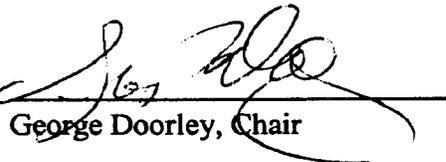
14. Live Entertainment Permit: The applicant shall process a Live Entertainment Permit with the Police Department consistent with Chapter 5.24 of the Campbell Municipal Code prior to the establishment of live entertainment on site.

15. Security and Staffing: The owner/operator of the subject property shall provide one bonded, certified (guard card), uniformed, security guard for every 50 patrons in conjunction with the live entertainment events.

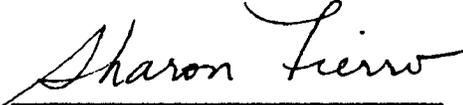
PASSED AND ADOPTED this 14<sup>th</sup> day of December, 2004, by the following roll call vote:

AYES:	Commissioners:	Alderete, Doorley, Francois, Gibbons, Rocha and Roseberry
NOES:	Commissioners:	None
ABSENT:	Commissioners:	None
ABSTAIN:	Commissioners:	None

APPROVED: \_\_\_\_\_

  
George Doorley, Chair

ATTEST: \_\_\_\_\_

  
Sharon Fierro, Secretary



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • December 14, 2004**

**PLN2004-63**  
**Ramirez, S.**

Public Hearing to consider the application of Mr. Sam Ramirez, on behalf of The Cardiff Lounge, for a Conditional Use Permit (PLN2004-63) to allow late night activities and live entertainment in an existing bar on property owned by Mr. Robert Raffanti located at **260 E. Campbell Avenue** in the C-3 (Central Business District) Zoning District.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving a Conditional Use Permit (PLN2004-63) to allow late night activities and live entertainment in an existing bar, subject to the attached conditions of approval.

**ENVIRONMENTAL DETERMINATION**

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

**PROJECT DATA**

Net Lot Area: 6,720 square feet (0.15 acres)

Site Utilization:

Building Coverage: 4,619 square feet (69%)  
Landscape Coverage: 0 square feet (0%)  
Paving Coverage: 2,101 square feet (31%)

Subject Tenant Space: 1,900 square feet

Proposed Hours of Operation: Seven days a week  
12:00 p.m. to 2:00 a.m.

Proposed Live Entertainment Hours: Seven days a week  
9 p.m. to 1:30 a.m.

Surrounding Uses:

North: Commercial  
South: Parking Lot  
East: Commercial  
West: Commercial

## **DISCUSSION**

**Applicant's Proposal:** The applicant is requesting approval of a Conditional Use Permit to allow late night activities and live entertainment in an existing bar (The Cardiff Lounge) located at 260 E. Campbell Avenue.

**Background:** The subject property is currently developed with a single-story, multi-tenant, commercial building constructed in approximately 1947. There are currently three tenant spaces in the building. The Cardiff Lounge (formerly the Bee Hive Lounge) occupies one of the tenant spaces and has been in its current location for approximately 30 years.

**Project Location:** The project site is located on the south side of East Campbell Avenue, between South First Street and South Second Street. The property is surrounded by commercial uses on the north, east and west sides, and a parking lot to the south.

## **ANALYSIS**

**General Plan Designation:** The General Plan land use designation for the project site is Central Commercial. The proposed late night operational hours and live entertainment in conjunction with the existing bar is consistent with this land use designation.

**Zoning Designation:** The zoning designation for the project site is C-3 (Central Business District). The C-3 Zoning District allows late night activities, occurring between 11:00 p.m. and 6:00 a.m., and live entertainment with approval of a Conditional Use Permit. The proposed project would be consistent with the Zoning Ordinance with approval of a Conditional Use Permit.

**Late Night Operational Hours:** On April 3, 2001 the City Council adopted Ordinance No. 2002, which is intended to eliminate non-permitted late night uses. The ordinance requires businesses in the City's commercial zoning districts to obtain a Conditional Use Permit to operate between 11:00 p.m. and 6:00 a.m. Even businesses that were previously "grand fathered" are required to comply with the standard hours of operation or obtain a Conditional Use Permit from the Planning Commission for late night operations. The Ordinance provided for a two year grace period which gave businesses time to get their Use Permit applications into the City or modify their hours of operation. The two year grace period expired on May 3, 2003.

The applicant is requesting approval to operate between the hours of 12:00 p.m. to 2:00 a.m., seven days a week. The applicant has indicated in the attached business description (Attachment #3) that the bar currently operates until 2:00 a.m. with liquor finished being served at 1:30 a.m. and the building emptied by 2:00 a.m. The applicant is requesting approval to maintain the existing hours of operation this bar has operated under for approximately 30 years. Staff has compiled in the attached table (Attachment #4) information about the other similar businesses in Downtown Campbell that have approval to operate past 11:00 p.m. and have approval for live entertainment.

Staff is not proposing to modify the requested hours of operation because the business is primarily surrounded by other commercial uses and is a sufficient distance from any residential uses that would be burdened by adjacent late night operations. Staff is recommending two

conditions of approval that require the back door to be closed at all times during business hours and that no loitering be allowed in the parking lot behind, or to the side of the business.

Live Entertainment: Live entertainment is permitted within the C-3 Zoning District, subject to the approval of a Conditional Use Permit and approval of a Live Entertainment Permit by the City Council. The applicant is proposing to have live entertainment in conjunction with the Cardiff Lounge business seven days a week between the hours of 9:00 p.m. and 1:30 a.m. The attached project description (Attachment #3) indicates that the types of live entertainment offered at the establishment would consist of live D.J.'s, three piece bands, and karaoke.

Use Permit Review: Staff is recommending a condition of approval that allows for the review of the Conditional Use Permit by the Planning Commission if verified noise complaints are received as a result of the live entertainment or late night operational hours. If staff is unable to immediately resolve the matter with the business owner/operator, the Community Development Director may immediately modify the hours of operation and/or prohibit the live entertainment, subject to the project being brought back to the Planning Commission for review.

Exterior Modifications: No exterior modifications to the building are proposed in conjunction with the proposed application. Staff is recommending a condition of approval that requires the applicant to provide a new trash/recycling enclosure in the parking lot behind the building within three months of the date of approval.

Police Department Review: The Campbell Police Department has reviewed the application and has no concerns or objections to the proposed late night operational hours and live entertainment at this location.

They have recommended that two conditions of approval be added which require that the applicant process a Live Entertainment Permit with the Police Department and provide one bonded, certified (guard card), uniformed, security guard for every 50 patrons in conjunction with the live entertainment.

Site and Architectural Review Committee: The Site and Architectural Review Committee did not review this application, as there are no proposed changes to the exterior of the building or site configuration.

Attachments:

1. Findings for Approval of File No. PLN2004-63
2. Conditions of Approval for File No. PLN2004-63
3. Applicant's Business Description
4. Downtown Businesses Table
5. Exhibits
6. Location Map

Prepared by: Stephanie Willsey  
Stephanie Willsey, Planner I

Approved by: Geoff I. Bradley  
Geoff I. Bradley, Senior Planner

