

PLANNING COMMISSION
City of Campbell, California

7:30 P.M.
City Hall Council Chambers

October 11, 2016
Tuesday

AGENDA

ROLL CALL

APPROVAL OF THE MINUTES September 27, 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. **PLN2016-253** Public Hearing to consider the application of LVL, LLC for a Modification (PLN2016-253) to a previously-approved Conditional Use Permit to allow an arcade within an approved restaurant on property located at **400 E. Campbell Avenue**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Daniel Fama, Senior Planner*

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting of **October 25, 2016**, at 7:30 p.m., in the City Hall Council Chambers, 70 North First Street, Campbell, California.

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

SEPTEMBER 27, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of September 27, 2016, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Dodd and the following proceedings were had, to wit:

ROLL CALL

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

| | | |
|-----------------------|---------------|-----------------|
| Commissioners Absent: | Commissioner: | Ron Bonhagen |
| | Commissioner: | Michael L. Rich |

| | | |
|----------------|-----------------------|-------------------|
| Staff Present: | Community Development | |
| | Director: | Paul Kermoyan |
| | 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 September 13, 2016, were approved with correction to a name on page 3. (5-0-2; Commissioners Bonhagen and Rich were absent)

COMMUNICATIONS

Director Kermoyan listed the desk item(s):

1. Two items for Agenda Item No. 2.

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

CONSENT

None

DISCLOSURES

None

PUBLIC HEARINGS

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

1. **PLN2016-219** 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*

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

Chair Dodd asked for the SARC report:

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

- SARC reviewed this item on September 13, 2016, and was generally supportive.
- Advised that SARC had questioned whether the garage needed updates and it was determined that none were required.

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

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

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

Commissioner Young:

- Explained that SARC was satisfied that the converted garage had been taken care of and that the detached carport was being removed.
- Stated that this project looks good. The findings and conditions are good to go.

Chair Dodd agreed that this seems to be a straightforward request and asked for a motion.

Motion: **Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4332 approving 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, subject to the conditions of approval, by the following roll call vote:**

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

NOES: **None**

ABSENT: **Bonhagen and Rich**

ABSTAIN: **None**

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

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

2. **PLN2016-293** 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 Categorically Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Stephen Rose, Associate Planner*

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

Chair Dodd asked if there were questions of staff.

Commissioner Reynolds asked the City Attorney if a posting on a door of a closure is accepted by the Courts.

City Attorney William Seligmann responded that such a posting together with a mailing notification to the last known address is sufficient to serve as noticing.

Commissioner Reynolds said that the applicant hadn't directly notified the City of their closure but rather posted a notice on their door.

City Attorney William Seligmann said that it doesn't matter when the City became aware of this business being closed. It simply matters how long that business has been closed.

Commissioner Young asked staff when such an action as this (loss of grandfathered status due to six-month closure of a use) has been enacted.

Planner Stephen Rose replied that he had not found other such cases during his research.

Commissioner Young asked if the remodel done had included building permits.

Planner Stephen Rose replied no. The work done was without permits but represented minor cosmetic work including addition of wallpaper and the reupholstering of furniture.

Chair Dodd asked about the Valentine's Day event held on February 14th. She questioned whether Cardiff has ever been just a special events location at times.

Planner Stephen Rose replied no. He added that they would have special events in addition to their regular business operations.

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

Sam Ramirez, Operator of the Cardiff Lounge:

- Reported that he has been the operator of the Cardiff for the last 15 years and believes he has done a pretty good job of it.
- Advised that problems arose between him and his partner. The partner misled ABC (Alcohol Beverage Control) regarding the business lease and the liquor license issued to this use. ABC contacted City Planning and the City provided the resolution that had been issued for their Conditional Use Permit.
- Stated that Cardiff has been an icon for the Downtown Area.
- Admitted that he hated to see it closed even for a few days and reopening was ultimately delayed because of people misleading ABC.
- Reiterated that he and Cardiff have been a part of this community for a long time. Campbell has a great Downtown.
- Concluded that he was available for any questions.

Commissioner Young asked Mr. Ramirez if it would be a hardship for him to come into conformance with current Code standards.

Sam Ramirez replied that it would if they would have to close at midnight. He reminded that they have invested a lot of money in their recent upgrades including stocking much nicer quality spirits.

V. Meharu, Investor, Cardiff:

- Stated that Sam Ramirez covered most of his points.
- Explained that he is a primary stakeholder in this business.
- Added that he had created a timeline to explain what has occurred to require their temporary closure. Due to the turmoil caused by a previous partner, the closure was longer than they had anticipated. They would have reopened two months earlier.
- Assured that they are good tenants and part of this community. They have 20 plus employees both full-time and part-time.
- Added that he has invested his life savings in this endeavor.
- Concluded that he was available for questions.

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

Commissioner Reynolds:

- Said that this is a tough situation to consider. There are lots of dates to compute to determine just when they closed and when they reopened.
- Suggested it might be worth considering whether the length of closure is all that far off the required timeframe that the City would win in the event of a legal battle. It seems there are several questions about dates that could be raised in a legal matter that might not be worth the expense of litigation for the City.
- Said it might be better to give these operators the benefit of the doubt.
- Pointed out that oftentimes things can go sideways between business partners. No crimes have been committed but simply this represents a business transaction between partners that went in a bad direction.
- Said when he looks at the data it doesn't seem like the Yelp information can be confirmed. Therefore he's looking at March 8th as the date when the notice of closure was posted.
- Said that the next question is when the first transaction of alcohol sales made. It was on August 26th. There are both grand openings and soft openings for such a business. He counts 171 closed dates using March 8th through August 26th, which is under the 180 days (six month) standard.
- Said that he would feel differently if they had gone way beyond six months and/or if ABC had shut them down. That would be a different story.
- Concluded that this should be an easy decision to make.

Chair Dodd said she is not so sure and advised that it is not the charge of the Planning Commission to determine the cost of potentially litigating a matter under its consideration.

Director Paul Kermoyan:

- Reminded that the operator has given testimony about the circumstances that have occurred that were beyond his control.

- Added that staff observed the closed sign on this business frontage on February 26th.
- Reported that afterwards staff reached out to Sam Ramirez several times by email.
- Advised that the reason Planner Stephen Rose checked Yelp was to try and obtain more information about the closure.

City Attorney William Seligmann:

- Agreed that it is not the Commission's purview to predict what happens with possible litigation.
- Advised that the Planning Commission makes its determinations using existing Code.
- Said that the Commission can consider the on-going efforts to keep the business operating.

Chair Young:

- Said that the Campbell Municipal Code is pretty clear. The intent is to have non-conforming uses come into compliance rather than kept non-compliant in perpetuity.
- Stated that he counts 182 days when looking at the material provided.
- Stated that having this business brought into conformance with current standards brings us opportunities.

Commissioner Hernandez:

- Stated that the issue before this Commission is straightforward in terms of the Code.
- Added that the intent is to bring non-conforming uses into conformance when the opportunity comes up. It's time to take that opportunity.
- Said that may be unfortunate for this operator but they have been "grandfathered" for many years. They had every opportunity to communicate with the City on what was going on. This is the point of these provisions in the Code.
- Stated the question is whether they were operating or not during that time frame. It is clear that they were not operating. It's pretty straightforward.

Commissioner Kendall:

- Agreed with Commissioner Hernandez.
- Pointed out that Mr. Meharu has indicated that he is a new owner with a new license. This is a new operation and license. The old one closed and a new one is opening with a new ABC license.
- Stated that this use has been closed longer than the minimum 180 days.
- Added that this is not intended as a penalty but simply the way the Code is written. It can be addressed with processing of a new Conditional Use Permit. That doesn't mean that it has to have a midnight closure although the Commission has been pretty strict. However, the Commissioner considers each request independently.
- Concluded her belief that this business was closed for more than 180 days.

Commissioner Reynolds:

- Asked Director Paul Kermoyan to clarify dates. The City observed the posted closure notice on February 26th while the staff report indicates March 8th.

Planner Stephen Rose clarified that March 8th is the date the photograph was taken of the sign but that he had first observed it on February 26th.

Commissioner Reynolds asked staff which closing date the Commission is going with.

Chair Dodd said that when the sign was first seen indicating the business was closed as seen by staff.

Commissioner Reynolds asked what day is considered the reopening.

Commissioner Hernandez said that August 26th is the date on the first receipt, which is 182 days.

Chair Dodd said that the question is whether this is the time to bring a non-conforming business into compliance with current Code.

Planner Stephen Rose said that the range of dates is between February 26 and August 26, 2016. On August 26th, the business had a “super soft opening”. A flyer from the business owner indicated February 29th as the date the keys were returned to the property owner.

Commissioner Hernandez added that this doesn’t mean that this operator cannot re-establish their use but there is a process to follow. It’s unfortunate that the closure slipped outside of the six-month time frame.

Commissioner Young:

- Said that he believes the 180 days have been met. He referenced Items 13, 14, 16 and 17.
- Said that he can codify the soft opening as August 26th even without sales receipts.
- Stated that the draft resolution, with conditions, has been met.

Commissioner Kendall questioned Commission Young about Item 13.

Commissioner Hernandez said that there is no proof of sales.

Commissioner Kendall said that they turned on the “open” sign on August 27th. If you count between February 26th and August 26th, that is 182 days.

Chair Dodd said she believes this is an opportunity to bring a non-conforming business into line with current standards. It is not a penalty but rather an opportunity for us. She pointed out that our Downtown is constantly evolving.

Motion: Upon motion of Commissioner Kendall, seconded by Commissioner Hernandez, the Planning Commission adopted Resolution 4333 determining that a nonconforming use (formerly known as Cardiff Lounge) has been discontinued for a continuous period of six months on property located at 260 E. Campbell Avenue, with the following changes:

- Change Item 13 date to August 26th

by the following roll call vote:

AYES: Dodd, Hernandez, Kendall, Reynolds and Young

NOES: None

ABSENT: Bonhagen and Rich

ABSTAIN: None

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

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan provided the following update to his written report:

- Reported that the Fence Exception that had been appealed to Council was upheld.
- Reported that Chair Dodd and Commissioner Young would be attending the CalAPA Conference in Pasadena in October.

ADJOURNMENT

The Planning Commission meeting adjourned at 8:20 p.m. to the next Regular Planning Commission Meeting of **October 11, 2016**.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

RESOLUTION NO. 4332

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.

RESOLUTION NO. 4333

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 August 26, 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: | Dodd, Hernandez, Kendall, and Young |
| NOES: | Commissioners: | Reynolds |
| ABSENT: | Commissioners: | Bonhagen, Rich |
| 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).



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • October 11, 2016

PLN2016-253 Public Hearing to consider the application of LVL, LLC for a Modification LVL, LLC (PLN2016-253) to a previously-approved Conditional Use Permit (PLN2015-202) to allow an arcade within an approved restaurant on property owned by the LES Trust located at **400 E. Campbell Avenue**, in the C-3 (Central Business District) Zoning District.

STAFF RECOMMENDATION

That the Planning Commission take the following actions:

1. **Adopt a Resolution**, approving a Modification (PLN2016-253) to a previously-approved Conditional Use Permit (PLN2015-202) to allow an arcade within an approved restaurant.

ENVIRONMENTAL DETERMINATION

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

PROJECT DATA

| | |
|---|---|
| Lot Size: | 3,965 square feet |
| Tenant Area: | 3,480 square feet |
| Floor Area Ratio (FAR): | 1.75 (6,960 square feet) |
| Seating Capacity (Reduced): | 72 seats (62 dining, 10 bar) |
| Zoning District: | C-3 (Central Business District) |
| General Plan Land Use: | Central Commercial |
| Approved Business Hours (no change): | 11:00 AM – 10:00 PM, Sunday – Wednesday 11:00 AM – 11:00 PM, Thursday – Saturday |
| Approved Operational Hours (no change): | 10:00 AM – 11:00 PM, Sunday – Wednesday 10:00 AM – 12:00 AM, Thursday – Saturday |

DISCUSSION

Project Location: The project site is located on the south side of East Campbell Avenue between North Central Avenue and the railroad tracks within the C-3 (Central Business District) Zoning District (reference **Attachment 2** – Location Map). The property is developed with the historic Grower's National Bank Building, constructed circa 1920, which is listed on the Campbell Historic Resource Inventory (HRI). The building had most recently been utilized as a performance theater, the Gaslighter, from 1970 through 2005. Since that time, it has undergone a seismic retrofit and façade improvements.

Background: Under the current ownership, the Planning Commission has granted three approvals for use of this building:

- **February 26, 2013.** The Planning Commission approves a Conditional Use Permit to allow establishment of a wine bar (239 seats)—occupying the entire building—with late-night hours, beer and wine service, and live entertainment.
- **September 9, 2014.** The Planning Commission approves a Modification to the Conditional Use Permit to convert the approved wine bar to a restaurant with "general" alcohol service, late-night hours, and live entertainment.
- **September 22, 2015.** The Planning Commission approves a Modification to the Conditional Use Permit and an Historic Exception to allow a reduction in size and capacity of the approved restaurant (reduced to 129 seats) limited to the ground floor, expansion of an existing mezzanine into a full second floor, and establishment of professional office space on the second floor.

Applicant's Proposal: The applicant, LVL, LLC, is seeking to modify the Conditional Use Permit approval to allow an arcade consisting of 18 upright arcade machines and three pinball machines within the approved restaurant (reference **Attachment 3** and **4** – Project Plans and Written Description/Menu) There are no proposed changes to the approved hours, alcohol service, or live entertainment. However, to accommodate the arcade machines the overall seating capacity would be reduced from 115 to 72.

ANALYSIS

Zoning Designation: The project site is located within the C-3 (Central Business District) Zoning District, which classifies an arcade (defined as having more than two arcade games) as a conditionally permitted land use. As such, the applicant's request to incorporate arcade machines into the approved restaurant requires Planning Commission approval of a Modification to the existing Conditional Use Permit.

General Plan: The addition of arcade activity within the approved restaurant would be in keeping with applicable General Plan policies that encourage a mix of uses in the Downtown, a balance of daytime and evening activities, preservation of ground floor space for restaurant or retail businesses, and adaptive reuse of historic buildings.

| | |
|---------------------|--|
| Policy LU-2.1: | <u>Ground Level Commercial:</u> Develop and maintain the ground floor space along East Campbell Avenue between Third Street and the light rail tracks as a distinctive retail and restaurant experience with ground floor uses that are diverse and interesting and contribute strongly to a distinctive and unique shopping experience. |
| Strategy LU-2.1a: | Restrict the use of ground floor commercial space along East Campbell Avenue to retail/restaurant uses. |
| Strategy LUT-5.3g: | <u>Day and Evening Activities:</u> Encourage restaurant and specialty retail uses in the Downtown commercial area that will foster a balance of day and evening activity. |
| Strategy LUT-19.1a: | <u>Mix of Uses:</u> Encourage a compatible mix of uses (i.e. professional offices, services and retail uses) with ground floor retail uses. |

Downtown Alcohol Beverage Policy: The Downtown Alcohol Beverage Policy ("Policy") serves as an implementation tool of the Campbell General Plan and Downtown Development Plan. The Policy provides a regulatory framework for alcohol-serving restaurants that is designed to ensure that alcohol beverage service remains ancillary and subordinate to the primary purpose of serving food such that restaurants do not evolve into bars or nightclubs. The Policy does not have language pertaining to arcade games in association with an alcohol-serving restaurant. However, the Policy's direction regarding live entertainment, that it be "complimentary to the primary purpose of providing meal service," may be used as a guide in evaluating the appropriateness of an arcade in association with the restaurant.

To this extent, staff worked with the applicant to ensure that the arcade would function as ancillary component to the restaurant. The initial concern was that introduction of video games would result in a "gaming lounge" or "cyber cafe" such as [AFK Gamer Lounge](#) in Downtown San Jose, that would operate as an entertainment venue or bar, rather than a restaurant. However, the applicant contends that the arcade is intended to provide a family-friendly entertainment that will create a 1980's "retro" ambiance for the restaurant. To ensure that this remains the case, the following aspects of the use have been reviewed:

- **Types of Games**: As proposed and conditioned, the arcade would be limited to pinball machines and cabinet (upright) arcade games that would preclude use of personal computers or game consoles (e.g., Xbox, PlayStation, Wii, etc.).
- **Arcade Layout**: To maintain the use's primary operation as a restaurant, the arcade games would be placed along the perimeter walls to ensure the dining area is uninterrupted.
- **Size of Bar**: The approved floor plan for the restaurant allows for a 14-seat curved bar. The applicant's revised floor depicts a smaller (10-seat) linear bar area that has been reduced in length to minimize its presence.
- **Types of Tables**: With the exception of the bar and four "two-tops" along the back wall, the restaurant's seating will consist of standard height non-communal tables and chairs, to ensure that the establishment maintains an appearance of a restaurant.
- **Full Service Menu**: Consistent with the Policy, the applicant provided a revised food menu that shows appetizers, entrees, salads, and deserts. The original menu had listed only smaller "finger-food" dishes.
- **Alcohol Service**: Lastly, a condition of approval will prohibit the serving or consumption of alcoholic beverages by patrons while playing arcade games.

Capacity/Parking: The current Conditional Use Permit allows for 129 patrons, including 115 dining seats and 14 bar seats. The revised floor plan depicts a total of 72 seats, including 62 dining seats and 10 bar seats, for a reduction of 57 seats. As conditioned, the arcade capacity would be limited to 42 people (an average of two people per game), for a total capacity of 114 people. Since the restaurant's overall capacity would be less than currently approved, the proposed Modification does not increase the parking demand of the establishment.

Arcade Permit: [CMC Chapter 5.30 \(Arcades and Mechanical Amusement Devices\)](#) requires that the operator of an arcade secure a permit from the City Council prior to commencing operation. In addition to ensuring the moral turpitude of the operator, this process also acts as a mechanism for the City to impose certain restrictions on arcades in the interest the public health and safety. Most significantly, minors (under 18) will not be able to enter the restaurant without an adult guardian after 10:00 PM nor play arcade games after 10:00 PM.

Site and Architectural Review Committee: The Site and Architectural Review Committee did not review this application since no exterior alterations are associated with the Modification request.

Attachments:

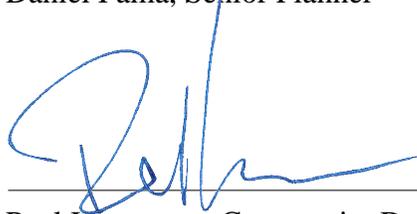
1. Draft Resolution
2. Location Map
3. Project Plans
4. Written Description/Menu

Prepared by:



Daniel Fama, Senior Planner

Approved by:



Paul Kermoyan, Community Development Director

RESOLUTION NO. 42__

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A MODIFICATION (PLN2016-253) TO A PREVIOUSLY-APPROVED CONDITIONAL USE PERMIT (PLN2015-202) TO ALLOW AN ARCADE WITH AN APPROVED GROUND-FLOOR RESTAURANT ON PROPERTY LOCATED AT **400 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 file number PLN2016-253:

1. The project site is zoned C-3 (Central Business District) and designated Central Commercial by the General Plan Land Use Element.
2. The project site is located along East Campbell Avenue between North Central Avenue and the railroad tracks.
3. The project site consists of a 3,965 square-foot parcel, developed with the Grower's National Bank Building.
4. At its meeting of February 26, 2013, the Planning Commission adopted Resolution No. 4094 approving a Conditional Use Permit (PLN2012-255) to allow establishment of a 'wine bar' within the Grower's National Bank Building. The Conditional Use Permit was subsequently modified (PLN2014-207) by the Planning Commission on September 9, 2014, by adoption of Resolution No. 4165, to allow the approved 'wine bar' use to be converted to a restaurant and bar.
5. At its meeting of September 22, 2015, the Planning Commission adopted Resolutions No. 4244 and 4245 approving a Modification to the previously approved Conditional Use Permit and a Historic Exception to allow a reduction in size and capacity of an approved restaurant, expansion of an existing mezzanine into a full second floor (exceeding the allowable FAR), and establishment of professional office space on the second floor (a change of use in an historic resource inventory property)
6. The proposed project is a Modification to a Conditional Use Permit that would allow placement of upright arcade games and pinball machines within the approved restaurant.
7. An arcade is a conditionally permitted use within the C-3 (Central Business District), and may be allowed within the approved restaurant with a Modification to the Conditional Use Permit.
8. The use of the upper floor for professional office would not be affected by the proposed project.
9. The addition of arcade games and pinball machines does not increase the parking demand of the restaurant.

10. The proposed project would be consistent with the following General Plan policies:

- Policy LU-2.1: Ground Level Commercial: Develop and maintain the ground floor space along East Campbell Avenue between Third Street and the light rail tracks as a distinctive retail and restaurant experience with ground floor uses that are diverse and interesting and contribute strongly to a distinctive and unique shopping experience.
- Strategy LU-2.1a: Restrict the use of ground floor commercial space along East Campbell Avenue to retail/restaurant uses.
- Strategy LUT-5.3g: Day and Evening Activities: Encourage restaurant and specialty retail uses in the Downtown commercial area that will foster a balance of day and evening activity.
- Strategy LUT-19.1a: Mix of Uses: Encourage a compatible mix of uses (i.e. professional offices, services and retail uses) with ground floor retail uses.
- Strategy LUT-8.1c: Adaptive Re-Use: Encourage adaptive reuse of and incorporation of the city's historic buildings and structures for new development projects, when feasible.

11. The Modification of the previously approved Conditional Use Permit continues to incorporate applicable operational standards of the Downtown Alcohol Beverage Policy.
12. Alcohol beverage service in the restaurant shall be ancillary and subordinate to the primary purpose of serving food.
13. As conditioned, the arcade games and pinball machines will be ancillary to the restaurant, and may be considered consistent with the Downtown Alcohol Beverage Policy.
14. Policies found within the Campbell General Plan and Downtown Campbell Development Plan articulate a desire to promote and enhance a downtown environment that provides a desirable balance of land uses including shopping, services, and entertainment. This vision is evidenced in policies that encourage a mix of day and evening activities, a distinctive retail presence, a diversity of eating establishments, support for neighborhood-serving businesses, and protection of surrounding residential neighborhoods.
15. The City Council adopted the 'Downtown Alcohol Beverage Policy', as an implementation tool of the Campbell General Plan and Downtown Development Plan. The Policy is intended to balance the health and safety of the community while still maintaining the commercial viability of the downtown in which restaurants have an essential role.
16. Conformance to the provisions of the Downtown Alcohol Beverage Policy is the basis to which the City shall review new applications for alcohol beverage service. Restrictions to the hours of operation, amount of bar area seating, and alcohol beverage service, are necessary to protect the public health, safety and welfare.

17. The Downtown Alcohol Beverage Policy strongly recommends that Conditional Use Permits for establishments for on-site consumption of alcohol beverages be limited to a closing time of no later than 12:00 AM. However, the Planning Commission retains the discretion to allow lesser hours as necessary to satisfy the required findings provided for in CMC Secs. 21.46.070 and 21.46.040.
18. The over-concentration of late night alcohol serving establishments within a compact downtown district can create a cumulative impact that overwhelms the area creating an undesirable result such as drunkenness in public, vandalism, and disorderly conduct.
19. The approval of a Modification to a previously approved Conditional Use Permit incorporates applicable operational standards of the Downtown Alcohol Beverage Policy
20. Alcohol beverage service in the restaurant shall be ancillary and subordinate to the primary purpose of serving food.

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

1. The proposed use is allowed within the applicable zoning district with Conditional Use Permit approval, and complies, as conditioned, with all other applicable provisions of this Zoning Code and the Campbell Municipal Code.
2. The proposed use, as conditioned, is consistent with the General Plan.
3. As conditioned, 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. As conditioned, 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, as conditioned, 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, as conditioned, at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
7. As conditioned, the establishment will not result in an over-concentration of these uses in the surrounding area.

8. As conditioned, the establishment will not create a nuisance due to litter, noise, traffic, vandalism, or other factors.
9. As conditioned, the establishment will not significantly disturb the peace and enjoyment of the nearby residential neighborhood.
10. As conditioned, the establishment will not significantly increase the demand on city services.
11. As conditioned, the establishment will be consistent with the Campbell Downtown Alcohol Policy.
12. The project is Categorically Exempt under Section 15301 Class 1 of the California Environment Quality Act (CEQA), pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Modification (PLN2016-253) to a previously-approved Conditional Use Permit (PLN2015-202) to allow an arcade with an approve restaurant located at **400 E. Campbell Avenue**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 11th day of October, 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
Modification to a Conditional Use Permit (PLN2016-253)

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

1. Approved Project: Approval is granted for a Modification (PLN2016-253) to a previously-approved Conditional Use Permit (PLN2015-202) to allow an arcade within an approved ground-floor restaurant with late-night operational hours, live entertainment, and "general" alcohol sales (liquor establishment) in an historic resource inventory property located at **400 E. Campbell Avenue**. The project shall substantially conform to the previously Approved Project Plans stamped as received by the Planning Division on September 3, 2015, as modified by the Revised Project Plans dated as received on September 9, 2016, except as may be modified by the conditions of approval contained herein.
2. Approval Expiration: The approval shall be valid for one year from the date of final approval (expiring October 21, 2017). Within this one-year period, an application for a building permit(s) for interior tenant improvements for the office space and restaurant must be submitted. Failure to meet this deadline or expiration of an issued building permit will result in the approval being rendered void. Once established, approval for professional office use on the second floor and a restaurant and arcade on the ground floor with late night operational hours, full alcohol sales, and live entertainment, shall be valid in perpetuity subject to continued operation of the use(s). Abandonment, discontinuation, or ceasing of operations for a continuous period of twelve months shall void the Conditional Use Permit approved herein.
3. Previous Conditions of Approval: Upon the effective date of the Modified Conditional Use Permit, the previously approved Conditions of Approval provided in Planning Commission Resolution No. 4244 (PLN2015-202) shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein.
4. Signage: No signage has been approved as part of this development application. New signage shall not be installed prior to approval of a sign permit as required by CMC 21.10.060.K. The allowable sign materials for the project site shall include enameled metal, painted wood, cast metal, painted fabric, and similar materials. Plastic signage of any type, whether individual letters or as part of a box (or cabinet), shall not be approved.
5. Exterior Modifications: The subject building is included in the City's Historic Resource Inventory and is known as the Grower's National Bank Building. No exterior modifications shall be allowed other than those previously approved as part of the

exterior restoration and seismic upgrade Building Permit approved in 2008. The temporary fire sprinkler connection located on the storefront shall be recessed into the wall as originally approved prior to building occupancy.

6. **Refuse Enclosure:** A new refuse enclosure shall be constructed below the rear exterior stairway in compliance with all applicable standards set forth by the Campbell Municipal Code, California Building Code, and California Fire Code, and shall include a roof covering, sanitary drain connection, and fire sprinkler protection. Refuse receptacles shall be kept within the enclosures except during collection in compliance with Chapter 6.04 of the Campbell Municipal Code.
7. **Professional Office Use:** The use of the second floor shall be restricted to "professional office", as defined by the Campbell Municipal Code.
8. **Arcade Standards:** The approved arcade within the restaurant shall comply with the following standards:
 - a. **Number of Machines:** The arcade shall be limited to three (3) pinball machines and eighteen (18) arcade machines.
 - b. **Types of Arcade Machines:** All arcade machines shall be cabinet (upright) arcade games. Personal computers or game consoles (e.g., Xbox, PlayStation, Wii, etc.) are prohibited.
 - c. **Placement of Machines:** All arcade and pinball machines shall be placed along the perimeter walls of the restaurant as shown on the approved project plans.
 - d. **Alcohol Service:** Customers shall be prohibited from consuming or ordering alcoholic beverages while playing arcade games.
 - e. **Arcade Capacity:** In addition to the restaurant's seating capacity (as noted by Condition of Approval No. 9.a), the arcade shall be limited to forty-two (42) individuals (an average of two persons per game), subject to the maximum occupancy capacity as determined by the California Building Code (CBC). It is the responsibility of the business owner to provide adequate entrance controls to ensure that patron occupancy is not exceeded.
 - f. **Admittance Fee:** An admittance fee to enter the restaurant to access the arcade machines shall be prohibited. However, this restriction does not preclude the charging for individual play of the arcade machines.
 - g. **Age Restriction:** Consistent with Campbell Municipal Code Chapter 5.30, minors (under 18) shall not be allowed to enter the restaurant without an adult guardian after 10:00 PM nor play arcade games after 10:00 PM.
 - h. **License Required:** Prior to commencing operation of the arcade, the business operator shall secure an Arcade Permit from the City Council.

9. Restaurant Operational Standards: Consistent with Downtown Alcohol Beverage Policy and other City standards, any restaurant operating pursuant to the Conditional Use Permit approved herein shall conform to the following operational standards.
- a. **Restaurant Seating/Patron Occupancy**: Restaurant patron capacity shall be limited to 72 seated persons, consisting of 62 "dining" seats and 10 "bar" seats, excluding those waiting for service or those playing arcade games, subject to the maximum occupancy capacity as determined by the California Building Code (CBC). It is the responsibility of the business owner to provide adequate entrance controls to ensure that patron occupancy is not exceeded. Maximum Occupancy signs shall be posted conspicuously within the premises.
 - b. **Bar Area Seating**: The bar area shall be composed of ten (10) bar seats as shown on the approved project plans, including the accessible (ADA) space. No part of the dining area shall be considered part of the bar area. There shall be no "waiting area" adjacent to the bar.
 - c. **Floor Plan**: As depicted on the approved project plans, chairs and tables within the dining area shall consist of non-communal standard-height furniture (i.e., no "high-top" seating and tables), with the exception of the four two-person tables along the easterly wall. All tables and chairs shall be placed in such a manner to allow sufficient area for dining and shall not be stacked or removed from the dining area or placed outside. At no time shall the seating be reconfigured to created large open spaces for patrons to congregate, dance, drink, or socialize.
 - d. **Hours of Operation**: Hours of operation shall be as follows. By the end of 'Business Hours' all patrons shall have exited the restaurant. By the end of the 'Operational Hours' all employees shall be off the premises.
 - Business Hours 11:00 AM – 10:00 PM, Sunday – Wednesday
 11:00 AM – 11:00 PM, Thursday – Saturday
 - Operational Hours 10:00 AM – 11:00 PM, Sunday – Wednesday
 10:00 AM – 12:00 AM, Thursday – Saturday
 - e. **Food Service**: Full menu food service—defined as a combination of food items intended to serve as meals for breakfast, lunch or dinner—shall be provided at all times during the Business Hours in the dining and bar areas (i.e., the kitchen shall not be closed).
 - f. **Alcohol Beverage Service**: Alcohol beverage service in the dining area shall only be allowed in conjunction with food service. The dining area shall not be converted to a bar area or dance area.
 - g. **Bar Area Meal Service**: Meal service shall be available in the bar area at all times.
 - h. **Outdoor Seating**: Outdoor seating is prohibited.
 - i. **Loitering**: There shall be no loitering allowed outside the business and within the outside dining area. The business owner is responsible for monitoring the premises to prevent loitering.

- j. **Live Entertainment:** Live entertainment, limited to three musicians for the purpose of providing ambient music, staged as shown on the Approved Floor Plan, shall be permitted 6:00 PM to 10:00 PM, daily, subject to approval of a Live Entertainment Permit in compliance with CMC 5.24. Amplification shall be limited to the establishment's built-in speaker system. On-site security shall be provided as required by the Police Department. The door shall remain closed at all times when live entertainment is occurring, except for the entering and existing of patrons and staff.
- k. **Cover Charge.** At no time shall a cover charge be required or donation necessary in order to patronize the establishment.
- l. **Loud Speakers:** Exterior loud speakers, exterior audio sound systems, and/or public address systems are prohibited.
- m. **Noise:** Regardless of decibel level, and taking into consideration the noise environment of Downtown Campbell, no noise generated by the restaurant shall obstruct the free use of neighboring properties so as to unreasonably interfere with the comfortable enjoyment of the neighboring residents. In the event the city receives three (3) verifiable and repeated number of complaints pertaining to noise, the Planning Commission may review the Conditional Use Permit. Upon review, if the Planning Commission finds that there is substantial evidence that the use is creating unreasonable disturbance to the adjacent residents, the Planning Commission may take reasonable measures to mitigate such noise such as limiting the hours of operational and/or restricting or terminating live entertainment.
- n. **Smoking:** "No Smoking" signs shall be posted on the premises in compliance with CMC 6.11.060. It is the business owner's responsibility to enforce the "no smoking" requirements within the outdoor dining areas and along the immediate exterior of the restaurant.
- o. **Doors and Windows:** Doors and windows shall remain closed after 10:00 PM and during times that live entertainment performances.
- p. **Trash & Clean Up:** All trash, normal clean up, carpet cleaning, etc. shall occur during the approved Operational Hours. Refuse receptacles shall be kept within the refuse enclosure approved by the Community Development Director, except during collection in compliance with Chapter 6.04 of the Campbell Municipal Code.
- q. **Liquor License:** The applicant shall obtain and maintain in good standing a Type 47 license from the State Department of Alcoholic Beverage Control for the sale of alcoholic beverages. The license shall include Business Hour and other applicable restrictions consistent with the Conditional Use Permit approved herein. A copy of the issued license shall be provided to the Community Development Department prior to issuance of a Business License.
- r. **Alcohol Sales:** The monthly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period, consistent with ABC

licensing regulations. The business owner shall provide sales records on demand to the City to verify compliance with this standard.

- s. **Employee Training:** The establishment shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association and the Department of Alcoholic Beverage Control.
 - t. **Designated Driver Program:** The establishment shall maintain and actively promote a designated driver program (e.g., complimentary non-alcoholic beverages for designated drivers), including posting in a conspicuous place contact information for local designated driver services.
 - u. **Taxicab Service:** The establishment shall post in a conspicuous place the telephone numbers of local taxicab services.
 - v. **Outdoor Activity:** No outdoor activity (e.g., cooking) is permitted in association with the establishment.
 - w. **City Meetings:** At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department/Alcohol Beverage Control for on-going employee training on alcoholic beverage service to the general public.
 - x. **Security:** If the use generates disturbances that, in the opinion of the Police Department, warrant security, the applicant shall provide private security to the satisfaction of the Police Chief.
10. Revocation of Permit: Operation of the restaurant and arcade pursuant to the Conditional Use Permit approved herein is subject to Sections 21.68.020, 21.68.030 and 21.68.040 of the Campbell Municipal Code authorizing the appropriate decision making body to modify or revoke a Conditional Use Permit if it is determined that the sale of alcohol has become a nuisance to the City's public health, safety or welfare or for violation of the Conditional Use Permit or any standards, codes, or ordinances of the City of Campbell.

At the discretion of the Community Development Director, if the establishment generates three (3) verifiable complaints related to violations of conditions of approval and/or related to the service of alcohol within a six (6) month period, a public hearing before the Planning Commission may be scheduled to consider modifying conditions of approval or revoking its Conditional Use Permit. The Community Development Director may commence proceedings for the revocation or modification of use permits upon the occurrence of less than three (3) complaints if the Community Development Director determines that the alleged violation warrants such an action. In exercising this authority, the decision making body may consider the following factors, among others:

- a. The number and types of Police Department calls for service at or near the establishment that are reasonably determined to be a direct result of patrons actions;

- b. The number of complaints received from residents, business owners and other citizens concerning the operation of an establishment,
- c. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;
- d. The number and kinds of complaints received from the State Alcoholic Beverage Control office and the County Health Department; and
- e. Violation of conditions of approval.

Building Division:

- 11. Permits Required: A building permit application shall be required for the proposed tenant improvements to the existing vacant commercial structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
- 12. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
- 13. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
- 14. 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.
- 15. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.
- 16. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
- 17. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
- 18. Non-point Pollution Control Program: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24” X 36”) is available at the Building Division service counter.

19. Title 24 Accessibility – Commercial: On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
20. Title 24 Accessibility – Commercial: Projects seeking to use the Title 24 Hardship exemption clause shall blue-line completed, City of Campbell “20%” exemption form on submitted construction plans. Form is available at Building Division service counter.
21. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. West Valley Sanitation District (378-2407) **(Backflow prevention is required)**
 - b. Santa Clara County Fire Department (378-4010)
 - c. Santa Clara County Dept. of Environmental Health (918-3400)
 - d. City of San Jose Dept. of Environmental Services (535-8550)
22. 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.
23. Storm Water Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.
24. Waste Line Separation: All second floor plumbing waste lines shall be independent from first floor waste lines and brought in to building main sewer line, downstream of “Back Water”.

PUBLIC WORKS DEPARTMENT

25. Utilities: All on-site utilities shall be installed underground per Section 21.18.140 of the Campbell Municipal Code for any new or remodeled buildings or additions. Applicant shall comply with all plan submittals, permitting, and fee requirements of the serving utility companies.
26. Water Meter(s) and Sewer Cleanout(s): Proposed water meter(s) and sewer cleanout(s) shall be installed at a location approved by the City Engineer.
27. 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.

28. 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. Campbell Avenue has not been reconstructed or overlaid in the last 5 years. The pavement restoration plan shall indicate how the street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.
29. 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.
30. 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.
31. Private Improvements Agreement: Prior to issuance of any grading or building permits for the site, the owner shall execute an "Agreement for Private Improvements in the Public Right of Way". This agreement would be required to allow the existing utility facilities located in the public right of way along the frontage of this property, and any other non-City standard improvements, to remain.
32. Stormwater Pollution Prevention Measures: Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

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

Project Location Map

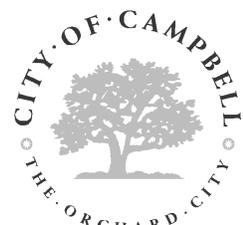
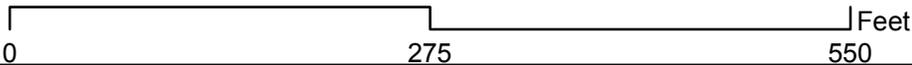


Project Location: 400 E. Campbell Ave.

Application Type: CUP Modification

Planning File No.: PLN2016-253

Description: Add arcade to an approved restaurant.



Community Development Department
Planning Division

400 East Campbell Avenue
Campbell, CA 95008

August 8, 2015

Daniel Fama
City of Campbell
70 North First Street
Campbell, CA 95008

RECEIVED

AUG 10 2016

CITY OF CAMPBELL
PLANNING DEPT.

Dear Mr. Fama:

LVL Up is a restaurant that brings the retro feel of the eighties and nineties, which people loved while growing up, and infuses it with a modern twist they can share with their friends and families. This is an opportunity for parents to share the experiences of their youth with their children while enjoying modern fare in a relaxing and comfortable social environment. This is an opportunity to put down your phone and grab a joystick. We hope that LVL Up will be a refuge from the busy world we live in today. We aim to create a space where people will be interacting and playing together as opposed to alone.

The classic games we offer will have a simplistic appeal, which is appreciated by all ages. Traditional arcade games help draw in people who are normally not into modern video games. Their cross generational appeal creates a friendly ambiance that is conducive toward social interaction. Grandparents can play with grandchildren, parents can play with their children, and all can enjoy the experience together.

Our philosophy differs from traditional restaurant designs by providing high quality food in a comfortable manner. Gone are the days of white tablecloths, stuffy waiters, frustratingly long wait times, and overly large portion sizes. Our food is meant to be enjoyed in the restaurant with friends and family. The days of one entree per guest are archaic and stifle the culinary adventure that our restaurant will provide. Nobody wants to share spaghetti off of a fork. All of our dishes are designed to be shared with the table. Salads, sandwiches, seafood, shared plates are all meant for the table to taste. Take the opportunity to try something new. Providing a cross culinary approach, this establishment will be one of the only locations in Campbell that offers vegan and vegetarian dishes in a diverse array of options. Keeping in part with our philosophy, LVL Up will be providing unique kid-friendly dishes that are not found on the typical children's menu, food which can also be enjoyed by adults. Another significant feature is that the menu will be fluid and change along with the seasonal availability of produce, thereby reducing the environmental impact, while providing fresh regionally sourced ingredients. In addition, our restaurant will provide a mixture of classic and modern cocktails that conform to the 80s and 90s theme.

Along with a comfortable environment, we strive to avoid static eating and encourage exploration and mobility of our guests, so that they can take full advantage of the food and entertainment LVL Up has to offer. For the convenience of our guests we will have both designated ordering stations and rotating servers throughout our seat yourself style restaurant. Food will be delivered to your table. Our commitment to the food industry breaks the boundaries

between front and back of house. All of our employees will be responsible for creating and presenting all products while directly engaging the customers.

While not a focus of the establishment, we will have classic arcade cabinets and pinball machines to add to the nostalgic theme. Costing a quarter, the video games are not a source of revenue; instead they are an important part of the entertainment aspect of our theme. The cabinet style arcades will offer something different that has yet to be seen in the greater Campbell Area. Our inventory will consist of popular interactive and multiplayer games that encourage interaction among our patrons.

We believe this will appeal to those seeking a nostalgic feel, interested in new adventures, and those who want to share the experience with their families. LvL Up is a relaxing environment for mature adults and families. Video games appeal to a wide range of demographics, but we are committed to keeping our games accessible without being dominating over the environment.

The design of the location will utilize the exposed brick and existing historical décor along with an assortment of furniture and fixtures to create a warm and inviting environment. The games will all be kept at an appropriate noise level, so that the building is not inundated with an industrial arcade sound. Televisions above the bar will play a selection of films and cartoons from the eighties and nineties, in addition to sporting events. There will be music from these decades playing in the background, adding to the ambience. The open design of the layout will encourage social interaction.

We are excited to bring this concept to Campbell and to be a part of this growing region. This is a location where people can relieve their stress with an eclectic blend of unique food, diverse beverages, video games, pinball, friends, movies, and other entertainment. This concept will fit perfectly with the Gaslighter, bringing in a new twist on an old form of entertainment in this historic building.

Sincerely,

The LvL Up Team

RECEIVED

SEP 09 2016

CITY OF CAMPBELL
PLANNING DEPT.

September 9 2016

LVL, LLC
c/o David Ramsay
PO Box 5694

File No: PLN2016-253
Address: 400 E. Campbell Ave.
Application: Conditional Use Permit Modification

To Whom it may concern,

The business hours for our proposed establishment are as follows:

11:00 AM-10:00 PM Sunday – Wednesday
11:00 AM-11:00 PM Thursday – Saturday

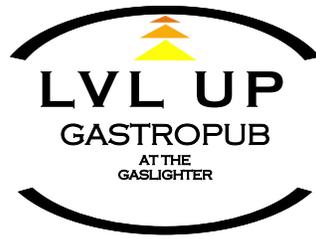
The operational hours for our proposed establishment are as follows:

10:00 AM-11:00PM Sunday- Wednesday
10:00 AM-12:00AM Thursday-Saturday

I have attached the proposed menu.

Thank you,

David Ramsay
c/o



APPETIZERS

GARLIC & HERB NAAN \$7 V Vg CF

Choice of Dip: Roasted Red Beet Tahini, Fiery Cilantro & White Bean, San Marzano Tomato & Olive Tapenade 1 for \$7 or all 3 for \$14.

FLASH PIMENTO & SHIITAKES \$8 V Vg GF

Flash Fried Pimento de Padron and Shiitakes with Sichimi and Fumikake.

CRACKED CLAW \$18 GF

Cracked Crab Claw Lollipops with Bloody Mary Cocktail Sauce.

SWEET POTATO POUTINE \$9 V CF

with Hawaiian Black Salt, Shiitake/Porcini Mushroom Gravy, Squeaky Cheese, Toasted Telecherry Peppercorns.

FANCY TOTS \$8 V GF CF

with White Truffle, Manchego, Garlic, Parsley, and Sriracha Ketchup.

OCTOPUS \$12 GF

Mediterranean Seared Octopus with Preserved Lemon, Olive Oil, & Fresh Herbs.

SALADS

CAESAR SALAD \$12 CF

Four Boqueronnes, Manchego, & Garlic Crouton Shards.

GREEN GODDESS \$11 V

Romaine Salad Spears with Avocado, Crème Fraiche, Pepitas, San Marzano Tomato Jam, Shallots, & Tarragon.

SALINAS VALLEY \$11 V Vg CF

Baby Mixed Greens with Salted Sunflower Seeds, Cucumber, Red Onions, Cherry Tomatoes, and Honey Balsamic Vinaigrette .

NAPA CABBAGE SALAD \$11 V Vg

Bean Sprouts, Green Onions, Cilantro, Thin Sliced Kimchi, Peanuts, & Sweet Chili Dressing.

ENTREES

SAKE GLAZED PRAWNS \$15

with Dried Orange Zest, Jasmine Rice, Fresh Miners Lettuce & Chilies .

SMOKED TROUT NAAN FLATBREAD \$15

with Dill, Capers, Crème Fraiche Spread, Radish, & Arugula.

THIN CUT LAMB CHOPS \$16 GF

with Rosemary, Garlic, Lemon, Olive Oil, Kalamatta Olive Tapenade, Saf-fron Rice and Fresh Greek Oregano.

THREE MUSHROOM PATE SANDWICH \$12 V Vg

with Shiitake, Porcini, & Crimini Mushrooms, Garlic, Roasted Peppers, Pepitas, Arugula served with a side of tots or mixed greens and a pickle.

MUFFALETTA CIABATTA SANDWICH \$15 CF

with Prosciutto, Olives, Sun Dried Tomato, Provolone, Black Forest Ham, Genoan Salami, Arugula, Champagne Vinegar, Olive Oil served with a side of tots or mixed greens and pickle.

FONDUE DIPPERS \$11 V CF

Smoked Tomato Fondue with Grilled Cheese Dippers.

DESSERTS

ESPRESSO AFFOCATO \$8 V

with Chocolate Chip Hazlenut Ice Cream and Candied Coffee Beans

ROCK YOUR OTTER POPS \$4 V Vg CF

Choose from Strawberry, Blue and Black Currant, Banana and Coconut Cream, Pineapple berry, and Watermelon .

MRS. FIELDS CHOCOLATE CHIP SANDWICH \$8 V CF

Ice Cream Cookie Dippers with Caramel Fudge Dipping Sauce.

VEGAN



VEGETARIAN



GLUTEN FREE



CHILD FRIENDLY



PLEASE ASK ABOUT OUR CHILD FRIENDLY OPTIONS.

ALL FOODS ARE SOURCED LOCALLY AND ORGANICALLY WHENEVER POSSIBLE.

400 E CAMPBELL AVENUE

CAMPBELL, CA 95008

PHONE: 510-386-7379

WEBSITE: WWW.THELVLUP.COM

EMAIL: CONTACT@LVLUPCA.COM

4. Application of Saul Flores for a Site and Architectural Review Permit (PLN2015-274) to allow the construction of a new office building and a Parking Modification Permit (PLN2015-275) on property located at **95 E. Hamilton Avenue**.
5. Application of SINA Investments, LLC for a Conditional Use Permit (PLN2015-255) to allow a massage establishment in an existing tenant space on property located at **225 W. Hamilton Avenue**.

B. **SARC Meeting of October 11, 2016:** SARC will review the following item(s):

1. Site and Architectural Review Permit (PLN2015-237) to allow a 1,480 square-foot addition to an existing single-family residence on property located at **786 Cambrian Avenue**. Project Planner: *Daniel Fama, Senior Planner*
2. Site and Architectural Review Permits (PLN2015-264 to 266) and Tree Removal Permit (PLN2016-266) to allow the construction of three new single-family residences and removal of a protected tree on property located at **738 Briarwood Way**. Project Planner: *Stephen Rose, Associate Planner*