

PLANNING COMMISSION
City of Campbell, California

7:30 P.M.
City Hall Council Chambers

November 17, 2016
Thursday

AGENDA

Special Meeting

ROLL CALL

APPROVAL OF THE MINUTES October 25, 2016 (The regular meeting of November 8, 2016 was cancelled).

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. PLN2016-320,321** Public Hearing to consider the application of Martin East Coast Pizzeria, Inc., for a Conditional Use Permit (PLN2016-320) and a Modification (PLN2016-321) to a previously-approved Administrative Planned Development Permit (PLN2006-71) to allow beer and wine service ("liquor establishment") in conjunction with an existing restaurant (Sal's Pizza) on property located at **533 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
- 2. PLN2016-335** Public Hearing to consider a City-initiated Zoning Code Amendment (PLN2016-335) to replace Campbell Municipal Code Section 21.36.200 (Secondary dwelling units) with new Chapter 21.23 (Accessory Dwelling Units) and to amend various other sections of the Campbell Municipal Code to achieve consistency with California Senate Bill 1069 and Assembly Bill 2299 pertaining to the construction of accessory dwelling units. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Tentative City Council Meeting Date: December 6, 2016. Project Planner: Daniel Fama, Senior Planner

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting of **November 22, 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

OCTOBER 25, 2016
CITY HALL COUNCIL CHAMBERS

The Planning Commission meeting of October 25, 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:	Michael L. Rich
	Commissioner:	Donald C. Young

Commissioners Absent: None

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 Young, seconded by Commissioner Kendall, the Planning Commission minutes of the meeting of October 11, 2016, were approved as submitted. (6-0)

COMMUNICATIONS

Director Paul Kermoyan listed the communications items as follows:

- Letter from Susan Landry regarding Agenda Item. 4
- Letter from Audrey Kiehtreiber regarding Agenda Item 4.

AGENDA MODIFICATIONS OR POSTPONEMENTS

Director Paul Kermoyan advised that the applicant for Item 5 has requested a continuance to the next meeting on November 22, 2016. If the Commission elects to grant this continuance, he suggested moving Item 5 to the beginning of the agenda.

ORAL REQUESTS

None

PUBLIC HEARINGS

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

5. PLN2016-255 Public Hearing to consider the 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**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Cindy McCormick, Senior Planner*

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

Motion: Upon motion of Commissioner Kendall, seconded by Commissioner Reynolds, the Planning Commission CONTINUED TO THE MEETING OF NOVEMBER 22, 2016, the consideration of a Conditional Use Permit (PLN2015-255) to allow a massage establishment in an existing tenant space on property located at 225 W. Hamilton Avenue. (6-0)

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

1. **PLN2016-237** Public Hearing to consider the application of HOMETEC Architecture for a Site and Architectural Review Permit (PLN2016-237) to allow a single-story addition to an existing single-family residence on property located at **786 Cambrian Drive**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Daniel Fama, Senior Planner*

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

Chair Dodd asked if there were questions of staff.

Commissioner Rich asked staff to clarify that were this property not in the Cambrian 36 area it might not have to come before the Planning Commission at all.

Planner Daniel Fama said that it would depend on the size of the addition.

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

Rick Hartman, Project Architect:

- Said that this request is for a first-story addition to a single-story house on a very large property.
- Added that it is similar to others in the neighborhood.
- Stated that they are cleaning up prior additions made to the home as well as to add new space.
- Advised that the property owners are available if there are any questions for them.

Maggie Ostrowski, Property Owner:

- Stated that she is very excited about this project.
- Added that she has a couple of questions regarding the Conditions of Approval such as the requirement for the undergrounding of utilities since the pole is located diagonally across the street.

Planner Daniel Fama said that with the recent revisions to the Code pertaining to the undergrounding of utilities, this project would not require undergrounding. That condition was included in error.

Director Paul Kermoyan said that can be remedied by simply striking that condition.

Maggie Ostrowski:

- Said that another concern she has is the requirement for the installation of a new driveway per the City's standards.

- Reported that at the present time, their street has no curb, gutter or sidewalk but they have some concrete in place in the public right-of-way. Is she going to be required to remove that existing concrete? She wants to discuss that issue.

Director Paul Kermoyan suggested having the applicant continue to go through her requests and the Commission can consider them during deliberations.

Maggie Ostrowski:

- Concluded that they like to have a walkway leading from their driveway to the door as well as down to the street connecting them to the street.

Ed Dawson, Resident on Briarwood Way:

- Said that he is real excited to see this proposal. It looks nice.
- Added that he hopes the City will work with his neighbors on their driveway concerns.
- Reported that the neighbors on Briarwood are all excited about these plans.

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

Chair Dodd pointed out to staff that there are three issues raised. The first concern is the driveway.

Planner Daniel Fama:

- Said the driveway condition comes from Public Works. There's no one to respond to this requirement from Public Works this evening.
- Added that a new driveway would be required to meet City standards. That requirement is in response to their desire to have a new driveway rather than a requirement for a new driveway by Public Works.
- Clarified that the standard is not to allow improvements except for the driveway approach on public right-of-way.
- Concluded that the applicant could discuss this issue with the Public Works Department Engineers.

Chair Dodd clarified that the Commission should strike the condition for undergrounding of utilities and suggest that the applicant work with Public Works on the walkway and driveway concerns.

Director Paul Kermoyan said that the City will work with the applicant to resolve the issues of the walkway. He asked the City Attorney whether this would need to come back to the Commission if not resolved.

City Attorney William Seligmann said that an Encroachment Permit will be required to put a sidewalk within the public right-of-way.

Director Paul Kermoyan reminded that the City has been currently entering into Deferred Street Improvement Agreements for future installation.

Planner Daniel Fama:

- Said he would coordinate with the City's Senior Engineer.
- Reminded that work done within the public right-of-way is not the purview of the Planning Commission.
- Asked the City Attorney whether an Encroachment Permit was considered a ministerial process and therefore not appealable.

Chair Dodd said that Planner Daniel Fama and the applicant will work with Public Works on the driveway/walkway issues and related Encroachment Permit requirements.

Commissioner Rich said that the undergrounding concern has been addressed by striking the draft condition of approval that required it.

Commissioner Young said he agrees. He added that the findings for this project are clear and fitting.

Chair Dodd re-opened the public hearing for Agenda Item 1.

Rick Hartman, Project Architect:

- Reported that it was the Public Works Engineer that told him to remove the sidewalk and driveway. The owner wants to leave what's existing alone but it extends out 10 feet beyond the property line and into the public right-of-way.
- Reiterated that the owner wants to leave it alone.

Chair Dodd re-closed the public hearing for Agenda Item 1.

Director Paul Kermoyan:

- Pointed out that per the plan the driveway "dies" at the property line. Therefore, the site plan is not accurate.
- Added that as a result Public Works told them to remove from the plan.
- Stated that an encroachment permit is required with any alteration, modification or refinement of something that falls within the public right-of-way.
- Suggested modifying the Public Work's condition to read that if there are any private improvements within the public right-of-way an Encroachment Permit is required.

Motion: **Upon motion of Commissioner Reynolds, seconded by Commissioner Kendall, the Planning Commission adopted Resolution No. 4340 approving a Site and Architectural Review Permit (PLN2016-237) to allow a single-story addition to an existing single-family residence on property located at 786 Cambrian Drive, subject to the conditions of approval as amended:**

- **Strike condition 27 and**
 - **Add that if any sidewalk/driveway falls within the public right-of-way an encroachment permit is required;**
- by the following roll call vote:**

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

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

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

2. **PLN2015-264/265/266**
PLN2016-260 Public Hearing to consider the application of Terry Pries for a Site and Architectural Review Permit (PLN2015-264, 265, 266) to allow the construction of three new single-family residences and a Tree Removal Permit (PLN2016-260) to allow the removal of a protected tree on property located at **738 Briarwood Way**. 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.

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

- SARC reviewed this proposal at its meeting of October 11, 2016, and was generally supportive of the design, color and architecture.
- Said that SARC suggested two trees per property that are complimentary to other trees in the area and that the trees are reflected in the Building submittal.
- Added that SARC suggested the inclusion of French doors in lieu of a solid side door in the garage for Unit 1 and the use of pervious pavers on all lots.

Chair Dodd asked if there were questions of staff.

Commissioner Reynolds stated for the record that he had met with the applicants for this project.

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

Rick Hartman, Project Architect:

- Said that use of a French door as the side door of a garage is not secure. It would have to be a solid door.
- Added that this door is not visible at all from the street.

Terry Pries, Applicant:

- Asked if color boards are still required by November 1st as indicated in Condition 1.
- Said that he'd like to have a two-year expiration date for this approval rather than the proposed one-year.
- Questioned the need for a pad elevation certification and asked to have that condition stricken if possible.

John Murphy, Resident on Briarwood:

- Questioned the potential duration of construction.
- Said that he would not like to see staged construction site over the course of two plus years.
- Asked if the City considers parking being impacted by this project.
- Pointed out that his property has a 40 to 50 foot length of street parking along its street frontage.
- Suggested limited construction parking on the street during the day.
- Recounted that he experienced putting up with a six-year construction project on the home next to his.
- Stated that this project is great. It looks fantastic.

Commissioner Reynolds asked Mr. Murphy if he was concerned about the two-year permit.

John Murphy said that it would be nice to make sure that the site conditions can be palatable to the neighborhood during construction.

Mike Jacoby, Resident on Flamingo:

- Advised that he owns 743 Briarwood.
- Said he asks how the project will run. There will be three new homes and one existing home torn down.
- Admitted that he is most concerned for the potential to have a stalled project and hopes there are ways to control that.
- Asked what the process is for the house being torn down.
- Questioned the phasing of the construction of the three homes and asked to be educated on how that might work.

Director Paul Kermoyan said that that staff would defer to the applicant to describe his phasing plans.

Terry Pries, Applicant:

- Assured that his request for a two-year expiration date on his approval is not to delay the actual construction of the project but rather to allow some flexibility. Each home takes between six and nine months. His plan is to start one and get it to a certain point before starting the second and again for the third.
- Advised that there is sufficient parking on each of the parcels. Each home will have two covered parking and two driveway spaces. Lot 3 will actually have room for three cars on the driveway.
- Explained that they will have screening construction fencing obscured with the green fabric to ensure the job site is obscured from view by the neighbors.

Mike Jacoby asked if he can ask the purpose for these homes.

Chair Dodd said that this would not be a part of the review process.

Mike Jacoby said that there are other lots in the immediate vicinity that are currently dilapidated. Could there be some effort for cleanup?

Chair Dodd said that the Commission's purview is just this project tonight.

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

Planner Stephen Rose:

- Advised that no color/material boards are required in addition to what has been provided by the applicant.
- Said that the standard for project approval expiration is one year from date of approval plus the 10-day appeal period.
- Added that the approval period allows an applicant to submit their construction drawings in for Building permit review and issuance.
- Said that in this case Mr. Terry Pries is asking for a maximum of two years to submit construction plans for the three homes.
- Explained that Mr. Terry Pries raised questions about the necessity for a pad certification and accordingly for a waiver of such. However, that is a standard requirement across the board in all development.
- Stated that he doesn't recommend waiving that standard.

Commissioner Hernandez asked if the house currently on the property would be demolished.

Planner Stephen Rose replied yes.

Commissioner Hernandez asked what the Code is on demolition.

Planner Stephen Rose explained that the map creating three lots was approved. Once the structure is demolished, the applicant has one year to get plans approved. If not, they would lose their vested right of a protected park fee credit and instead would have to pay new park fees.

Commissioner Hernandez asked if staff was in favor of a two-year approval.

Planner Stephen Rose said that is up to the Planning Commission to decide. There are other options available. There is always the ability to seek an extension of approval.

Commissioner Hernandez pointed out that these are larger lots in this neighborhood. Some within the community have concerns about the lot split. She said that she assumes that appropriate noticing had been done.

Commissioner Rich asked staff what a construction period might run as long as there is continuous work.

Planner Stephen Rose replied as long as there are building inspections done within each six-month period.

Commissioner Kendall asked about the parking requirement. Is this site over parked? Is the provision of parking subject to the size of home or not?

Planner Stephen Rose replied no, it is per single family residence and is not based upon actual square footage of a home.

Commissioner Reynolds asked about Condition 15A, which is the requirement for a pad elevation certification.

Planner Stephen Rose said it is used to verify the appropriate height for the pad. The second check is the first floor. Waiving the first pad certification could be a problem at a later stage if the final elevation is not correct.

Director Paul Kermoyan said that the pad elevation certification occurs before framing the foundation. Without it a building can be taller than intended. The pad certification helps assure the final building height is what was approved.

Commissioner Reynolds asked what the advantage might be to the applicant to skip the condition requiring the pad certification.

Planner Stephen Rose said the cost of having it prepared.

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

Commissioner Rich:

- Said that he has no major concerns.
- Added that he is satisfied with the provision of parking.
- Stated that he saw no justification for a two-year time frame prior to submittal of construction drawings especially since an extension of approval is already possible through the Community Development Director.
- Concluded that he was fairly comfortable with what he sees.

Commissioner Reynolds:

- Concurred with Commissioner Rich.
- Said that this is a beautiful plan for beautiful houses.
- Added that he likes the layout for the houses.
- Admitted he was not a fan of flag lots but can make an exception in this case. It is a good product for that neighborhood.
- Stated that he doesn't think the two-year approval is necessary since there is already the possibility of securing an extension of approval beyond one year if it becomes necessary.

- Said that he sees the applicant's phasing as his way to protect the neighborhood from construction impacts. He is okay with the green fencing. Everything else looks good.

Motion: Upon motion of Commissioner Rich, seconded by Commissioner Reynolds, the Planning Commission took the following actions:

- Adopted Resolution No. 4341 approving a Site and Architectural Review Permit (PLN2015-264) to allow the construction of a new single-family residence on property located at 738 Briarwood Way (Lot 1), subject to the conditions of approval;
- Adopted Resolution No. 4342 approving a Site and Architectural Review Permit (PLN2015-265) to allow the construction of a new single-family residence on property located at 738 Briarwood Way (Lot 2), subject to the conditions of approval; and
- Adopted Resolution No. 4343 approving a Site and Architectural Review Permit (PLN2015-266) to allow the construction of a new single-family residence together with a Tree Removal Permit (PLN2016-26) to allow the removal of a protected oak tree on property located at 738 Briarwood Way (Lot 3 – Rear Flag), subject to the conditions of approval;

by the following roll call vote

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

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

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

3. **PLN2016-140** Public Hearing to consider the application of Kaiser Foundation Health Plan, Inc., for a Conditional Use Permit (PLN2016-140) to allow the establishment of a medical services clinic and pharmacy within the Vasona Technology Park (Building 'G') on property located at **250 E. Hacienda 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: Project Planner: *Daniel Fama, Senior Planner*

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

Chair Dodd asked if there were questions of staff.

Commissioner Rich asked what the full cost of the signal is given this use's fair-share contribution is established as \$75,000.

Planner Daniel Fama said that City Traffic Engineer Matthew Jue can address that.

Matthew Jue, Traffic Engineer:

- Said that the fair-share ratio is based on projected trips from this added use versus existing traffic. In this case, it represents 25 percent of the cost of the signal.

Commissioner Rich said that means the full cost of the signal will be about \$350,000.

Commissioner Hernandez asked when the signal would be constructed.

Matthew Jue replied that it is not currently funded.

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

Jo-Ann Fairbanks, Resident on Hacienda Ave:

- Stated that she is in favor of this project
- Said that it is of great benefit to the community and located in a great spot.
- Concluded that she would like to see it approved.

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

Commissioner Kendall:

- Said that she is also in favor of this project.
- Said that she likes the idea of Kaiser being here in Campbell. They are well thought of.
- Added that the Dell Avenue Area doesn't get a lot of recognition of what it does for our City.
- Reported that many friends use Kaiser and this is a convenient location for Kaiser patients.

Commissioner Rich reported that he had the opportunity to tour the facility about five or six years ago. He agreed it is an excellent location and what they are doing there is impressive and he can support this request.

Chair Dodd said that she is very pleased and in favor of this request.

Motion: Upon motion of Commissioner Young, seconded by Commissioner Kendall, the Planning Commission adopted Resolution No. 4344 approving a Conditional Use Permit (PLN2016-140) to allow the establishment of a medical services clinic and pharmacy within the Vasona Technology Park (Building 'G') on property located at 250 E. Hacienda Avenue,

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

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

NOES: None

ABSENT: None

ABSTAIN: None

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

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

4. **PLN2015-274/275** Public Hearing to consider the application of Saul Flores for a Site and Architectural Review Permit (PLN2015-274) to allow the construction of a new office building and a Tree Removal Permit (PLN2015-275) to remove four protected Redwood trees on property located at **95 E. Hamilton Avenue**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Cindy McCormick, Senior Planner*

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

Chair Dodd asked for a SARC update.

Commissioner Kendall:

- Reported that SARC discussed trees at length. The arborist said that Trees A, B, C and D would be damaged during construction.

Planner Cindy McCormick said that the proposed replacement Italian Cypress would not grow outward and its roots grow downward.

Commissioner Reynolds:

- Asked if staff had reviewed the desk items.
- Stated that it seems that Ms. Landry knows what she's talking about regarding ADA that is contradictory to staff.

Planner Cindy McCormick advised that ADA issues are usually addressed during Building Plan Check.

Commissioner Rich asked staff if they feel that ADA issues have been adequately addressed.

Planner Cindy McCormick said she would defer to the Project Architect, who is here. She added that the City's Building Official looks at ADA compliance issues as well during plan check for Building Permits.

Commissioner Kendall:

- Pointed out that the owners of this building will be using the building and that several of them use motorcycles.

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

Bishall Dokras, Project Architect:

- Advised that he had received the comments today regarding ADA concerns.
- Added that as a result he rearranged the back area, placed the motorcycle spaces back there and moved two parking spaces to allow for the relocation of the door. They have also enlarged to a nine-foot clearance for the ADA parking spaces.

Director Paul Kermoyan said that if there is a problem with the dumpster enclosure staff will bring it back.

Commissioner Rich:

- Asked Mr. Dokras if they had given any consideration to retaining two of the redwoods located at back parking area.

Bishall Dokras, Project Architect:

- Assured that they tried to keep as many as possible but there is not a lot of clearance to keep them and still meet the required parking.
- Said that this is the best and most efficient way they could come up with.

Saul Flores, Applicant:

- Agreed that it is great to save as many trees as possible.
- Advised that these trees have grown wild. When that happens they create large raised trunk area that would create problems in getting a flat parking area and pad.
- Said he is willing to accept another species of tree if that is recommended. They have no problem changing their landscaping choices.

Susan Landry, Resident on Curtner Ave:

- Explained that she is a Landscape Architect.
- Advised that several residents had contacted her with their concerns about the proposed removal of large redwood trees from this site.
- Added that once she looked at plans she kept finding things to comment on including ADA issues.
- Stated that these redwood trees are more important than parking space depth.
- Said that she thinks that these trees can be saved and that any concerns about roots can be addressed.
- Recommended that the Commission not approve this project as it stands but rather continue it to a future meeting to allow this applicant to redesign for tree placement.

Commissioner Kendall asked which neighbors expressed concern. To the back? To one side?

Susan Landry said that it was Campbell residents but not neighbors to the site. These are people in the community that are concerned about trees coming down. These are big prominent trees. This is an overall concern for the whole City.

Audrey Kiehtreiber, Resident on Walnut:

- Said that she is the President of STACC (San Tomas Area Community Coalition).
- Advised that she was contacted by STAAC members with their concerns about this project.
- Stated that in general, this project's design is appropriate for a commercial use.
- Reported that she heard from some people who were required to retain existing trees and design around them. They complained about that.
- Suggested that there is some concern that the same care is not always applied to commercial sites such as this.
- Said that she doesn't see a need for eight motorcycle parking spaces.
- Said that this project needs to go back and make changes so it should either be denied outright or continued for redesign.

Ali Albazani, Project Civil Engineer:

- Reported that they have switched from just partial use of pervious pavers to full use of pervious pavers. That means the drain pipes are no longer required beneath the area in which they propose to place the Italian Cypress trees.
- Added that the handicapped access issue has been fixed.

Jo-Ann Fairbanks, Resident on Hacienda Ave:

- Showed photographs of redwoods on other commercial properties in Campbell.
- Pointed out that they can thrive without impacting office buildings and parking provision.
- Supported the recommendation for redesign.
- Reminded that the General Plan charges us with the protection of mature trees. They have aesthetic value as well as helping to improve our air quality.
- Assured that protecting trees and building buildings are not mutually exclusive goals.
- Suggested sending this back for redesign in a way that protects the trees on site.
- Advised that SARC had attempted to guide the applicant in a way that allowed the trees to be preserved.

Bishall Dokras, Project Architect:

- Thanked everyone for their comments
- Agreed that there are valid ways to address issues.
- Added that they considered a few iterations of their plan to preserve trees.
- Stated that the ADA issues are a valid concern including the use of paving that makes sure everything is level. They are trying to be flexible.

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

Commissioner Reynolds:

- Said that it seems that ADA issues are usually ironed out through Building's plan check and permitting process.
- Stated that with a previous project considered this evening. three houses are being constructed on what was previously one lot. These houses were designed around the lot. However, in this case, the lot is being designed around the building.
- Said that he believes there are ways to preserve these trees. These trees may be suffering because of a lack of care. Once the site is developed, these trees could come back.
- Recounted that he learned from former Commissioner Bob Roseberry how redwoods do well in a grove-like setting.
- Suggested that the structure be designed around the lot.
- Said that Susan Landry has raised good points. We will regret it if we let these trees be cut down.
- Supported a continuance to allow the project architect to make changes.
- Added that he would be okay with reducing the number of motorcycle spaces.

Commissioner Young:

- Said that SARC considered a proposal for an empty plot of land that is adjacent to residential properties. There are challenges when placing commercial adjacent to residential uses.
- Said that Finding 9 may not be applicable since construction can harm existing trees if their drip line is disturbed during construction.
- Perhaps a reduction in parking can be considered if that could help in the retention of these trees.

Commissioner Hernandez:

- Said that this lot has been empty for a long time.
- Added that she thinks the loss of trees is troubling. Some have been lost due to drought and potentially here in this case to accommodate a new building.
- Questioned whether this can be considered a complete project that is presently here in front of the Planning Commission.
- Admitted to being uncomfortable and wants to be sure of what she is approving.
- Said that eight motorcycle spaces may be a bit much for such a small project site.
- Opined that the proposed replacement with Italian Cypress is not on the same playing field as the redwoods proposed for removal.
- Added that the replacement trees must be something that is more in line with what we are losing if these redwood trees are removed.

Commissioner Kendall:

- Agreed with Commissioner Hernandez.
- Said that it seems per the report that Tree D cannot be saved as it is right in the center of things.
- Added that if sending this back for redesign she would not insist that Trees C or D be saved.

Commissioner Rich:

- Also agreed with Commissioner Hernandez.
- Added that he'd like to see two proposals. One would include saving the trees and the other with proposed parking modifications. Let the Commission look at both options.

Director Paul Kermoyan:

- Pointed out that the trees shown by Ms. Fairbanks were planted at the time the buildings on site were constructed. As such, they adapt to the site.
- Said that this site has existing trees.
- Agreed that it is possible to work around trees.
- Suggested more than a two-week delay to allow for another Arborist Report to be prepared to determine the potential impacts of parking around these trees.
- Advised that the Coastal Redwood is not native to this Valley.
- Encouraged the Planning Commission that in order for the trees to be saved an arborist be asked to advise how to create the parking lot in a manner that does not harm those existing trees.

Commissioner Young

- Referenced Finding 4, impact on surrounding area.
- Suggested a directed approach if this item is to be continued.
- Stressed the need to indicate what the Commission is asking for specifically in the motion for a continuance.

Chair Dodd:

- Said she is hearing interest in having more information about the trees.
- Reminded that the arborist report indicates one tree in good condition and others in fair condition but with signs of stress from the drought.
- Added that the "stress" will not "decrease" with construction occurring on site.
- Said it is important to determine what impacts and odds of survival there are for these trees.
- Stated that the arborist's recommendation was for removal of four and retention of two.

Commissioner Young suggested that an arborist consider if there are mitigations they can recommend.

Commissioner Rich said he would like to see this project with a parking exception.

Director Paul Kermoyan:

- Asked staff who had commissioned the original arborist report and was advised that the applicant had.
- Suggested that the Commission could request a separate independent arborist report overseen by the City.
- Reminded that this lot is vacant and these trees have adapted to this environment.
- Added that Coastal Redwoods generally prefer a wet environment.

Chair Dodd said that she didn't want to create a situation that is dangerous with construction.

Director Paul Kermoyan said that the potential for dropping limbs could be a good question to ask of an evaluating arborist.

Commissioner Kendall asked Director Paul Kermoyan if the Coastal Redwood is protected under the City's Tree Ordinance.

Director Paul Kermoyan replied yes they are since they are native to California.

Commissioner Reynolds said that who hired the arborist makes a big difference. He is looking for an arborist report that comes back with ways to save these trees. He'd like to protect these trees while allowing this applicant to build a building on site.

Chair Dodd suggested someone put forth a motion for a continuance.

Director Paul Kermoyan suggested that a continuance be made to a date uncertain to allow an arborist to conduct a focused review that considers retention techniques.

Motion: Upon motion of Commissioner Reynolds, seconded by Commissioner Hernandez, the Planning Commission CONTINUED TO A DATE UNCERTAIN the consideration of a Site and Architectural Review Permit (PLN2015-274) to allow the construction of a new office building and a Tree Removal Permit (PLN2015-275) to remove four protected Redwood trees on property located at 95 E. Hamilton Avenue. (6-0)

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

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

- Advised that Commissioner Bonhagen has resigned from the Planning Commission.
- Reported that a new Bill was recently adopted that provides regulations for Secondary Dwelling Units. The City of Campbell needs to act before January 1st to be compliant.
- Said that staff is looking at November 14th for a special PC meeting to consider these changes.
- Asked Commissioners to let staff know if that day works with their respective calendars.
- Reported that he and Chair Dodd and Commissioner Young have just returned from the California APA Conference held in Pasadena. It was a great program offering excellent continuing education.

Chair Dodd reported that out of the 13 sessions offered, she attended 12. She found out a lot about Density Bonus as well as how to engage different parts of the

community. She said she thoroughly enjoyed this conference. She has attended the League of California Cities Conference in the past but preferred this conference. She said that members of Council would benefit as well.

Commissioner Young reported that he learned that San Diego is stricter about their Commissioners' operation. They cannot make site visits and cannot communicate with parties appearing before their Commission outside of the public hearings. He also learned gentrification issues. He went to all 13 sessions offered.

Director Paul Kermoyan advised that next year's CalAPA Conference will be held in Sacramento. He will budget for three members of the Commission to be able to attend.

ADJOURNMENT

The Planning Commission meeting adjourned at 10:05 p.m. to the next Regular Planning Commission Meeting of **November 22, 2016** (the Regular Meeting of November 8, 2016 has been cancelled).

SUBMITTED BY: _____

Corinne Shinn, Recording Secretary

APPROVED BY: _____

Cynthia Dodd, Chair

ATTEST: _____

Paul Kermoyan, Secretary

RESOLUTION NO. 4340

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2016-237) TO ALLOW A SINGLE-STORY ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED AT **786 CAMBRIAN DRIVE**.

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

The Planning Commission finds as follows with regard to file number PLN2016-237:

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 at the southeast corner of Cambrian Drive and Briarwood Way.
5. The application is subject to design review under the City of Campbell Design Guidelines for Additions to Single Family Homes.
6. The project is compatible with the architecture of the existing home and the adjacent neighborhood in that the project utilizes simple architectural design that matches existing materials and colors of existing residence, with a design not out of conformance with the surrounding community.
7. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.

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

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

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2016-237) to allow a single-story addition to an existing single-family residence on property located at **786 Cambrian Drive**, subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 25th day of October, 2016, by the following roll call vote:

AYES: Commissioners: Dodd, Hernandez, Reynolds, Young, Rich and Kendall
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Site and Architectural Review Permit (PLN2016-237)

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 (PLN2016-91) to allow an approximately 1,571 square-foot single-story addition to an existing single-family residence located at **786 Cambrian Avenue**. The project shall substantially conform to the Revised Project Plans and Color/Material Board stamped as received by the Planning Division on October 6, 2016 and July 20, 2016, respectively, 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 November 4, 2017). Within this one-year period, an application for a building permit must be submitted. Failure to meet this deadline will result in the Site and Architectural Review Permit being rendered void.
3. Planning Final Required: Planning Division clearance is required prior to Building Permit final. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
4. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior lighting for the project shall be reviewed and approved by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. Lighting fixtures shall be of a decorative design to be compatible with the residential development and shall incorporate energy saving features.
5. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Section 21.18.060 of the Campbell Municipal Code and shall be submitted for review and approval by the Community Development Department.
6. Construction Activities: The applicant shall abide by the following requirements during construction:
 - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.

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

Building Division

- 7. Permits Required: A building permit application shall be required for the proposed addition to and remodeling of the existing structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
- 8. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
- 9. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
- 10. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
- 11. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Elevation bench marks shall be called out at all locations that are identified as “natural grade” and intended for use to determine the height of the proposed structure.
- 12. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
- 13. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Appendix Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.

14. 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.
15. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
- a. West Valley Sanitation District (378-2407)
 - b. Santa Clara County Fire Department (378-4010)
 - c. Bay Area Air Quality Management District (Demolitions Only)
 - d. School District:
 - i) Campbell Union School District (378-3405)
 - ii) Campbell Union High School District (371-0960)
 - iii) Moreland School District (379-1370)
 - iv) Cambrian School District (377-2103)
- Note:** To determine your school district, contact the offices identified above or visit: <http://www.sccoe.k12.ca.us/resourcesfamilies/districtlocator>. Obtain the School District payment form from the City Building Division, after the Division has approved the building permit application.
16. P.G.&E: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.
17. Intent to Occupy During Construction: Owners shall declare their intent to occupy the dwelling during construction. The Building Inspection Division may require the premises to be vacated during portions of construction because of substandard and unsafe living conditions created by construction.
18. Build it Green: Applicant shall complete and submit a "Build it Green" inventory of the proposed new single family project prior to the issuance of a building permit.
19. Stormwater Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.
20. CA Green Building Code: This project is subject to the mandatory requirements for new residential structures (Chapter 4) under the California Green Building Code, 2013 edition.

PUBLIC WORKS DEPARTMENT

The scope of this project triggers the requirement for Frontage Improvements as required by Campbell Municipal Code 11.24.040. However Frontage Improvements will be deferred

at this location per 11.24.050 - Deferred street improvement agreements. The building permit and grading permit will not be issued until all Public Works Conditions of Approval have been satisfied.

Quitclaim SJWC: It is recommended that the homeowner work directly with San Jose Water Company (SJWC) to quitclaim the water easement as identified on the title report crossing a center portion as shown on the Tract Map 471 (CL Pipe Line Location: 17 of Maps, Page 4).

These Conditions of Approval are a supplement to the “Greg Staples & Maggie Ostrowski Plans” dated August 15, 2016 by Hometec Architecture Inc. The plans are not approved for construction. Further plan checking by Public Works will be required post entitlement.

21. 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.
22. Proof of Ownership: Prior to issuance of any grading, drainage, or building permits for the site, the applicant shall provide a current Preliminary Title Report, grant deed, or other satisfactory proof of ownership.
23. 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 \$755.00.
24. 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.

25. 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, curb ramp, ADA*

compliant driveways, street trees, street lights, necessary drainage facilities and necessary conforms to existing improvements.

26. Encroachment Permit / Fees / Deposits: Prior to issuance of any grading or building permits for the site, the applicant shall pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for the construction of the Asphalt Concrete (AC) for driveways as identified on the plans as “New Driveway Apron Per City Standard”.

Asphalt Concrete (AC) for driveways: The City does not allow any concrete improvements to be installed in the public right of way; residents are allowed to pave from existing edge of pavement to property line (i.e. driveways). In this case the section can be either: 6” AC deep lift or 4” AC over 4” Aggregate Base (AB). AC to be Type A, ¾” max. med. AB to be Class II. Grades need to conform to existing adjacent properties.

The following conditions only apply if the applicant has a need to install / upgrade utility services (water, sewer, gas, etc.) in the street:

27. Utilities: Utility locations shall not cause damage to any existing street trees. Where there are utility conflicts due to established tree roots or where a new tree will be installed, alternate locations for utilities shall be explored. Include utility trench details where necessary.
28. 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.
29. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
30. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. Streets that have been reconstructed or overlaid within the previous five years will require boring and jacking for all new utility installations. Cambrian 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.
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 pavement restoration installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.

32. 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.
33. 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. 4341

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW 3,733 SQUARE-FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED AT 738 BRIARWOOD WAY (LOT 1). FILE NO.: PLN2015-264

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 PLN2015-264:

Environmental Finding(s)

1. The project qualifies as a Categorically Exempt project per Section 15303 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings.

Evidentiary Findings

1. The project site is zoned R-1-8 (Single Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated Low Density Residential (<4.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The project site is located at the northeast end of Briarwood Way, north of Cambrian Drive, west of Union Avenue, and south of central Park Drive in the Campbell Village Neighborhood.
4. The proposed project consists of the construction of a 3,733 square-foot two-story single-family residence with a lot coverage of 27.4% and a floor area ratio of 44% where a maximum lot coverage of 40% and floor area ratio of 45% is allowable.
5. The proposed project will be compatible with the R-1-8 (Single Family Residential) Zoning District with approval of a Site and Architectural Review Permit.
6. The proposed residence provides two covered parking spaces, satisfying the applicable parking requirement to provide two spaces, one of which shall be covered.
7. The proposal is consistent with the City adopted Design Guidelines for Single Family Homes.
8. The proposal is consistent with the Considerations in Review of Applications (CMC21.42.040) subject to Site and Architectural Review.

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

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area;
3. The project is consistent with applicable adopted design guidelines; and
4. This project is Categorically Exempt under per Section 15303 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings, pertaining to minor to minor alterations to existing private structures.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2015-264) to allow for the construction of a new 3,733 square-foot, two-story single-family residence on property located at **738 Briarwood Way (Lot 1)**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 25th day of October, 2016, by the following roll call vote:

AYES: Commissioners: Dodd, Hernandez, Reynolds, Young, Rich and Kendall
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Site and Architectural Review Permit – 738 Briarwood Way (PLN2015-264)

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 (PLN2015-264) to allow for the construction of a new 3,733 square-foot, single-family residence located at **738 Briarwood Way (Lot 1)**. The project shall substantially conform to the project plans and color and material board as received by the Planning Division on November 4, 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 November 4, 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. Revision to Plans: The building permit submittal construction plans shall incorporate the following revisions:
 - a. Trees: The project plans shall note the inclusion of two (24-inch box) trees.
 - b. Pervious Pavers or Stamped Patterns: The building permit plans shall reflect the inclusion of pervious pavers or stamped patterns (to resemble the look of pavers).
 - c. French Door: The garage door on the west side of the building shall be replaced with a French door.

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

4. Planning Final Required: Planning Division clearance is required prior to final Building Permit clearance. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
5. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any

proposed exterior lighting for the project shall be reviewed and approved by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. Lighting fixtures shall be of a decorative design to be compatible with the residential development and shall incorporate energy saving features.

6. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Campbell Municipal Code Section 21.18.060 and shall be submitted for review and approval by the Community Development Department.
7. Contractor Contact Information Posting: The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
8. Construction Activities: The applicant shall abide by the following requirements during construction:
 - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
 - b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
 - c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
 - d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
 - f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

Building Division

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

13. 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.
14. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Elevation bench marks shall be called out at all locations that are identified as "natural grade" and intended for use to determine the height of the proposed structure.
15. Foundation Inspections: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. pad elevation
 - b. finish floor elevation (first floor)
 - c. foundation corner locations
16. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
17. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C 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. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. West Valley Sanitation District (378-2407)
 - b. Santa Clara County Fire Department (378-4010)
 - c. Bay Area Air Quality Management District (Demolitions Only)
 - d. School District:
 - i) Campbell Union School District (378-3405)
 - ii) Campbell Union High School District (371-0960)
 - iii) Moreland School District (379-1370)
 - iv) Cambrian School District (377-2103)

Note: To determine your school district, contact the offices identified above or visit: <http://www.sccoe.k12.ca.us/resourcesfamilies/districtlocator>. Obtain the

School District payment form from the City Building Division, after the Division has approved the building permit application.

20. Construction Fencing: This project shall be properly enclosed with construction fencing to prevent unauthorized access to the site during construction. The construction site shall be secured to prevent vandalism and/or theft during hours when no work is being done. All protected trees shall be fenced to prevent damage to root systems.
21. Build it Green: Applicant shall complete and submit a "Build it Green" inventory of the proposed new single family project prior to the issuance of a building permit.
22. Stormwater Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.
23. CA Green Building Code: This project is subject to the mandatory requirements for new residential structures (Chapter 4) under the California Green Building Code, 2013 edition.

FIRE DEPARTMENT

24. Formal Plan Review: Review of this development proposal is limited to accessibility of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work the applicant shall make application to, and receive from, the Building Division all applicable construction permits.
25. Fire Sprinklers Required: An Automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. NOTE: Covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. NOTE: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to the this department for review and approval prior to beginning their work. R313.2 as adopted and amended by CBLMC.
26. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an applicant capable of causing contamination of the potable water supply of the purveyor of record. Final approval of

the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2007 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

27. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specification SI-7.

28. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.5 mm) high with a minimum stroke width of 0.5 inch (12.7mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1

RESOLUTION NO. 4342

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW 3,784 SQUARE-FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED AT **738 BRIARWOOD WAY (LOT 2)**. FILE NO.: PLN2015-265

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 PLN2015-265:

Environmental Finding(s)

1. The project qualifies as a Categorically Exempt project per Section 15303 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings.

Evidentiary Findings

1. The project site is zoned R-1-8 (Single Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated Low Density Residential (<4.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The project site is located at the northeast end of Briarwood Way, north of Cambrian Drive, west of Union Avenue, and south of central Park Drive in the Campbell Village Neighborhood.
4. The proposed project consists of a two-story 3,784 square-foot single-family residence with a lot coverage of 27.8% and a floor area ratio of 44% where a maximum lot coverage of 40% and floor area ratio of 45% is allowable.
5. The proposed project will be compatible with the R-1-8 (Single Family Residential) Zoning District with approval of a Site and Architectural Review Permit.
6. The proposed residence provides two covered parking spaces, satisfying the applicable parking requirement to provide two spaces, one of which shall be covered.
7. The proposal is consistent with the City adopted Design Guidelines for Single Family Homes.
8. The proposal is consistent with the Considerations in Review of Applications (CMC21.42.040) subject to Site and Architectural Review.

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

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area;
3. The project is consistent with applicable adopted design guidelines; and
4. This project is Categorically Exempt under per Section 15303 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings, pertaining to minor to minor alterations to existing private structures.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2015-265) to allow for the construction of a new 3,784 square-foot, single-family residence on property located at **738 Briarwood Way (Lot 2)**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 25th day of October, 2016, by the following roll call vote:

AYES: Commissioners: Dodd, Hernandez, Reynolds, Young, Rich and Kendall
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Site and Architectural Review Permit – 738 Briarwood Way (PLN2015-265)

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 (PLN2015-265) to allow for the construction of a new 3,784 square-foot, single-family residence located at **738 Briarwood Way (Lot 2)**. The project shall substantially conform to the project plans and color and material board as received by the Planning Division on September 27, 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 November 4, 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. Revision to Plans: The building permit submittal construction plans shall incorporate the following revisions:
 - a. Trees: The project plans shall note the inclusion of two (24-inch box) trees.
 - b. Pervious Pavers or Stamped Patterns: The building permit plans shall reflect the inclusion of pervious pavers or stamped patterns (to resemble the look of pavers).

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

4. Planning Final Required: Planning Division clearance is required prior to final Building Permit clearance. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
5. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior lighting for the project shall be reviewed and approved by the Community Development Director prior to installation of the lighting for compliance

with all applicable Conditions of Approval, ordinances, laws and regulations. Lighting fixtures shall be of a decorative design to be compatible with the residential development and shall incorporate energy saving features.

6. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Campbell Municipal Code Section 21.18.060 and shall be submitted for review and approval by the Community Development Department.
7. Contractor Contact Information Posting: The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
8. Construction Activities: The applicant shall abide by the following requirements during construction:
 - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
 - b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
 - c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
 - d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
 - f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

Building Division

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

13. 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.
14. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Elevation bench marks shall be called out at all locations that are identified as "natural grade" and intended for use to determine the height of the proposed structure.
15. Foundation Inspections: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. pad elevation
 - b. finish floor elevation (first floor)
 - c. foundation corner locations
16. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
17. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C 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. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. West Valley Sanitation District (378-2407)
 - b. Santa Clara County Fire Department (378-4010)
 - c. Bay Area Air Quality Management District (Demolitions Only)
 - d. School District:
 - i) Campbell Union School District (378-3405)
 - ii) Campbell Union High School District (371-0960)
 - iii) Moreland School District (379-1370)
 - iv) Cambrian School District (377-2103)

Note: To determine your school district, contact the offices identified above or visit: <http://www.sccoe.k12.ca.us/resourcesfamilies/districtlocator>. Obtain the

School District payment form from the City Building Division, after the Division has approved the building permit application.

20. Construction Fencing: This project shall be properly enclosed with construction fencing to prevent unauthorized access to the site during construction. The construction site shall be secured to prevent vandalism and/or theft during hours when no work is being done. All protected trees shall be fenced to prevent damage to root systems.
21. Build it Green: Applicant shall complete and submit a "Build it Green" inventory of the proposed new single family project prior to the issuance of a building permit.
22. Stormwater Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.
23. CA Green Building Code: This project is subject to the mandatory requirements for new residential structures (Chapter 4) under the California Green Building Code, 2013 edition.

FIRE DEPARTMENT

24. Formal Plan Review: Review of this development proposal is limited to accessibility of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work the applicant shall make application to, and receive from, the Building Division all applicable construction permits.
25. Fire Sprinklers Required: An Automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. NOTE: Covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. NOTE: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to the this department for review and approval prior to beginning their work. R313.2 as adopted and amended by CBLMC.
26. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an applicant capable of causing contamination of the potable water supply of the purveyor of record. Final approval of

the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2007 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

27. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specification SI-7.

28. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.5 mm) high with a minimum stroke width of 0.5 inch (12.7mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1

RESOLUTION NO. 4343

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW 3,953 SQUARE-FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE AND TREE REMOVAL PERMIT (PLN2016-260) TO ALLOW THE REMOVAL OF A PROTECTED TREE ON PROPERTY LOCATED AT **738 BRIARWOOD WAY (LOT 3)**. FILE NO.: PLN2015-266 & PLN2016-260

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 PLN2015-266 & PLN2016-260:

Environmental Finding(s)

1. The project qualifies as a Categorical Exempt project per Section 15303 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings and under Section 15304 pertaining to minor alterations to private land and vegetation.

Evidentiary Findings

1. The project site is zoned R-1-8 (Single Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated Low Density Residential (<4.5 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The project site is located at the northeast end of Briarwood Way, north of Cambrian Drive, west of Union Avenue, and south of central Park Drive in the Campbell Village Neighborhood.
4. The proposed project would allow the construction of a new two-story 3,953 square-foot single-family residence with a lot coverage of 27.8% and a floor area ratio of 44.8% where a maximum lot coverage of 40% and floor area ratio of 45% is allowable. Further, the project would allow for the removal of one (1) 14-inch diameter oak tree.
5. The proposed project will be compatible with the R-1-8 (Single Family Residential) Zoning District with approval of a Site and Architectural Review Permit.
6. The proposed residence provides two covered parking spaces, satisfying the applicable parking requirement to provide two spaces, one of which shall be covered.
7. The proposal is consistent with the City adopted Design Guidelines for Single Family Homes.

8. The proposal is consistent with the Considerations in Review of Applications (CMC21.42.040) subject to Site and Architectural Review.
9. Removal of trees greater than 12-inches in diameter (of a protected species) requires a Tree Removal Permit under the City's Tree Protection requirements (CMC 21.32).
10. The oak tree is in direct conflict with the proposed residence.
11. The oak tree is in poor condition, with dried out and dead branches, termite damage, a poor root structure and may be diseased.
12. Redwood, oak, cedar and ash trees are considered protected in the City of Campbell.
13. The applicant will be required to plant two 24-inch box trees to replace the removed tree, one of which shall be oak.
14. The 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 and pursuant to CMC Section 21.42.020, the Planning Commission further finds and concludes that:

1. The project will be consistent with the General Plan;
2. The project will aid in the harmonious development of the immediate area;
3. The project is consistent with applicable adopted design guidelines;
4. The tree is in poor condition and presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices such that public health or safety requires its removal; and
5. This project is Categorically Exempt under Section 15303 of the California Environmental Quality Act (CEQA), pertaining to the construction of single-family dwellings, and under Section 15304 pertaining to minor alterations to private land and vegetation.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN2015-266) to allow for the construction of a new 3,784 square-foot, single-family residence and removal of a one (1) 14-inch diameter oak tree (PLN2016-260) on property located at **738 Briarwood Way (Lot 3)**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 25th day of October, 2016, by the following roll call vote:

AYES: Commissioners: Dodd, Hernandez, Reynolds, Young, Rich and Kendall
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Site and Architectural Review Permit (PLN2015-266) &
Tree Removal Permit (PLN2016-260)
738 Briarwood Way (Lot 3)

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 (PLN2015-266) to allow for the construction of a new 3,953 square-foot, single-family residence and the removal of one (1) 14-inch diameter oak tree located at **738 Briarwood Way (Lot 3)**. The project shall substantially conform to the project plans and color and material board as received by the Planning Division on September 27, 2016, except as may be modified by the Conditions of Approval herein.
2. Permit Expiration: The Site and Architectural Review Permit & Tree Removal Permit approval shall be valid for one year from the date of final approval (expiring November 4, 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 & Tree Removal Permit being rendered void.
3. Phasing: The one (1) 14-inch diameter oak tree shall not be removed until after the building permit has been submitted.
4. Revision to Plans: The building permit submittal construction plans shall incorporate the following revisions:
 - a. Trees: The project plans shall note the inclusion of two (24-inch box) trees, one of which shall be oak. One of the two trees shall be planted at the northwest corner of the property, to the west of the garage.
 - b. Pervious Pavers or Stamped Patterns: The building permit plans shall reflect the inclusion of pervious pavers or stamped patterns (to resemble the look of pavers).

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

5. Planning Final Required: Planning Division clearance is required prior to final Building Permit clearance. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.

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

Building Division

10. Permits Required: A building permit application shall be required for the proposed addition to the existing structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
11. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be "wet stamped" and signed by the qualifying professional person.

12. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
13. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
14. 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.
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. 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.
16. 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
17. Title 24 Energy Compliance: California Title 24 Energy Compliance forms shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
18. 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.
19. 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.
20. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
 - a. West Valley Sanitation District (378-2407)
 - b. Santa Clara County Fire Department (378-4010)
 - c. Bay Area Air Quality Management District (Demolitions Only)
 - d. School District:

- i) Campbell Union School District (378-3405)
- ii) Campbell Union High School District (371-0960)
- iii) Moreland School District (379-1370)
- iv) Cambrian School District (377-2103)

Note: To determine your school district, contact the offices identified above or visit: <http://www.sccoe.k12.ca.us/resourcesfamilies/districtlocator>. Obtain the School District payment form from the City Building Division, after the Division has approved the building permit application.

- 21. Construction Fencing: This project shall be properly enclosed with construction fencing to prevent unauthorized access to the site during construction. The construction site shall be secured to prevent vandalism and/or theft during hours when no work is being done. All protected trees shall be fenced to prevent damage to root systems.
- 22. Build it Green: Applicant shall complete and submit a "Build it Green" inventory of the proposed new single family project prior to the issuance of a building permit.
- 23. Stormwater Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.
- 24. CA Green Building Code: This project is subject to the mandatory requirements for new residential structures (Chapter 4) under the California Green Building Code, 2013 edition.

FIRE DEPARTMENT

- 25. Formal Plan Review: Review of this development proposal is limited to accessibility of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work the applicant shall make application to, and receive from, the Building Division all applicable construction permits.
- 26. Fire Sprinklers Required: An Automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. NOTE: Covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. NOTE: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to the this department for review and approval prior to beginning their work. R313.2 as adopted and amended by CBLMC.

27. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an applicant capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2007 CFC Sec. 903.3.5 and Health and Safety Code 13114.7
28. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specification SI-7.
29. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.5 mm) high with a minimum stroke width of 0.5 inch (12.7mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1

RESOLUTION NO. 4344

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A CONDITIONAL USE PERMIT (PLN2016-140) TO ALLOW THE ESTABLISHMENT OF A MEDICAL SERVICES CLINIC AND PHARMACY WITHIN THE VASONA TECHNOLOGY PARK (BUILDING 'G') ON PROPERTY LOCATED AT **250 E. HACIENDA 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 No. PLN2016-140:

1. The project site consists of 4 parcels, totaling 18 ½ acres.
2. The project site is located at the southeast corner of Winchester Boulevard and East Hacienda Avenue.
3. The project site is zoned C-M/80 (Controlled Manufacturing / 80,000 sf. min. parcel size) as shown on the Campbell Zoning Map.
4. The project site is designated *Research and Development* as shown on the Campbell General Plan Map.
5. The project site is bordered by commercial and industrial uses to the north, south, and east, and Winchester Boulevard to the west.
6. The project site is developed with a seven-building business park, commonly known as the Vasona Technology Park.
7. The business park was originally created in 1980 when the Planning Commission approved the remodel of the former IBM processing building and construction of six new office/manufacturing/warehousing buildings.
8. The Planning Commission approved a remodel of the business park buildings in 2000 to accommodate research and development uses and for approval of a parcel map to subdivide the property into four parcels.
9. In late 2015 the Planning Commission approved a more contemporary remodel for center, including installation of new entry features, standing seam metal roofs, a new color scheme, as well as a restriping of the parking lot to increase the overall parking supply.
10. The project site encompasses a variety of research and development, medical, and professional office uses.
11. The proposed project would allow establishment of a medical clinic and ancillary pharmacy within 36,000 square-feet of existing commercial space with Building G.

12. A medical clinic with an ancillary pharmacy is a conditionally permitted use in the C-M (Controlled Manufacturing) Zoning District.
13. With the proposed medical clinic, the parking requirement for the overall site is 1,146 space based on a combination of parking for research and development use, professional office use, and medical use (pursuant to Kaiser Permanente's 1999 and 2002 Conditional Use Permits).
14. As part of the 2015 remodel project, the business park's parking capacity was increased to 1,150 spaces, which will accommodate the proposed medical clinic.
15. A traffic impact analysis was prepared for the project, which did not identify any significant traffic impacts.

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

1. The proposed project is consistent with the General Plan.
2. The proposed use is allowed within the applicable Zoning District with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Municipal Code.
3. The proposed use will not create a nuisance due to litter, noise, traffic, vandalism, or other factors.
4. The proposed use will not significantly disturb the peace and enjoyment of the nearby residential neighborhood.
5. The proposed use will not significantly increase the demand on City services.
6. The site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area.
7. The site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate.
8. The project is Categorical Exempt under Section 15060(c)(2) of the California Environment Quality Act (CEQA), pertaining to activities that will not result in a direct or reasonably foreseeable indirect physical change to the environment.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Conditional Use Permit to allow establishment of a medical services clinic and pharmacy with the Vasona Technology Park (Building G), subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 25th day of October, 2016, by the following roll call vote:

AYES: Commissioners: Dodd, Hernandez, Reynolds, Young, Rich and Kendall
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Conditional Use Permit (PLN2016-140)

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

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

1. Approved Project: Approval is granted for a Conditional Use Permit (PLN2016-140) to allow the establishment of a medical services clinic and ancillary pharmacy within the Vasona Technology Park Building 'G' on property located at **250 E. Hacienda Avenue**. The project shall substantially conform to the Project Plans and Project Description, stamped as received by the Community Development Department on April 22, 2016, and June 23, 2016, respectively except as may be modified by the Conditions of Approval contained herein.
2. Permit Expiration: The Conditional Use Permit approval shall be valid for one (1) year from the date of final approval. Within this one-year period an application for a building permit must be submitted. Failure to meet this deadline or expiration of an issued building permit will result in the Conditional Use Permit being rendered void.
3. Planning Final Required: Planning Division clearance is required prior to Building Permit final. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
4. Revocation of Permit: Non-compliance with these standards, or any other conditions of approval specified herein or any standards, codes, or ordinances of the City of Campbell or State of California shall be grounds for consideration of revocation of the Conditional Use Permit by the Planning Commission.
5. Operational Standards: Consistent with the Approved Project Plans and Project Description, any medical services clinic and pharmacy operating pursuant to the Conditional Use Permit approved herein shall conform to the following operational standards. Significant deviations from these standards (as determined by the Community Development Director) shall require approval of a Modification to the Conditional Use Permit.
 - a. **Approved Use**: The approved use is a "Medical services, clinic" as defined by the Campbell Municipal Code, with an ancillary pharmacy. Any activity inconsistent with this approved land use is prohibited.

- b. **Medical Services:** Only outpatient medical, mental health, surgical, and other personal health services, shall be allowed. No in-patient and/or extended care services shall be provided.
 - c. **Pharmacy:** The approved ancillary pharmacy may provide prescription and over-the-counter medications and personal care products, to patients of the medical services clinic.
 - d. **Hours of Operation:** Hours of operation for the medical clinic and pharmacy shall be restricted to 6:00 AM to 11:00 PM, daily, exclusive of the customary and reasonable use of the facility for administrative activity.
 - e. **Parking Management:** In the event that a verifiable complaint is received by the City regarding parking, the Community Development Director may require preparation of a parking management plan.
 - f. **Transportation Demand Management (TDM) Program:** The operator shall prepare a TDM program for review and approval by the Community Development Director which shall include incentives and provisions to encourage alternative transportation methods, including, but not limited to carpooling, car-share services, and bicycle usage.
 - g. **Smoking:** "No Smoking" signs shall be posted on the premises in compliance with CMC 6.11.060.
 - h. **Noise:** Any noises, sounds and/or voices, including but not limited to amplified sounds, loud speakers, sounds from microphones, audio sound systems, and/or public address system, generated by the use shall not be audible to a person of normal hearing acuity from any residential property.
 - i. **Trash Disposal and Clean-Up:** All trash disposal, normal clean-up, carpet cleaning, window cleaning, sidewalk sweeping, etc. shall occur during the approved Hours of Operation.
 - j. **Deliveries:** All deliveries shall occur during the approved Hours of Operation.
 - k. **Property Maintenance:** The property owner shall maintain the property free from graffiti, trash, and rubbish.
 - l. **Business License:** The business shall be required to obtain and maintain a City business license at all times.
6. Location of Mechanical Equipment: No roof-mounted mechanical equipment (i.e. air conditioning units, ventilation ducts or vents), shall be added to the existing buildings without providing screening of the mechanical equipment from public view and surrounding properties. The screening material and method shall be architecturally compatible with the building and requires review and approval by the Community Development Director and Building Division prior to installation of such screening.
7. Landscape Maintenance: All landscaped areas shall be continuously maintained. Landscaped areas shall be watered on a regular basis so as to maintain healthy

plants. Landscaped areas shall be kept free of weeds, trash, and litter. Dead or unhealthy plants shall be replaced with healthy plants of the same or similar type.

8. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Section 21.18.060 of the Campbell Municipal Code and shall be submitted for review and approval by the Community Development Department.
9. Parking Areas: All parking and driveway areas shall be maintained in compliance with the approved plans and Chapter 21.30 (Parking and Loading) of the Campbell Municipal Code. The site at all times shall maintain a minimum of 1,146 parking spaces.
10. Construction Activities: The applicant shall abide by the following requirements during construction:
 - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior to the issuance of building permits.
 - b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
 - c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
 - d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
 - f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

Building Division:

11. Permits Required: A building permit application shall be required for the building and site improvements. 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 CF-1R and MF-1R shall be blue-lined on the construction plans. 8½ X 11 calculations shall be submitted as well.
17. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
18. Non-Point Source: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
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. Santa Clara County Fire Department (378-4010)
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. Stormwater Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Stormwater water shall not drain onto neighboring parcels.
24. California Green Building Code: This project shall comply with the California Green Building Code, Chapter 5.

PUBLIC WORKS DEPARTMENT

25. Response Letter: Upon submittal of the Street Improvement Plans, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
26. Street Improvement Agreements / Plans / Encroachment Permit / Fees / Deposits: Prior to issuance of any grading or building permits for the site, the applicant shall cause plans for public street improvements to be prepared, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:
- a. Remove and replace damaged areas of the sidewalk on the south side of Hacienda Avenue between Winchester Blvd and the first driveway. Contractor to verify in the field with the Public Works Inspector the extent of replacement.
 - b. Remove and replace the metal storm drain plate cover on the south side of Hacienda Avenue between Winchester Blvd and the first driveway located in the sidewalk.
 - c. Retrofit existing curb ramps to meet ADA requirements; if however, retrofit is not possible, remove and install will be required. 1) Replace the yellow acrylic truncated dome in the curb ramps on the south side of the first driveway and 2) Install truncated domes in the curb ramps on the north side of the first driveway. Add this note to the site plan “Detectable warning surface shall be precast 1’ x 1’ x 2” ADA compliant detectable warning concrete pavers – Wausau Terra pavers, ADA 2 -60, as manufactured by Wausau Tile or approved equal. Contractor shall provide a sample paver a minimum of 14 days prior to installation. City reserves the right to change paver specifications.”
 - d. Install signs that read “Public Sidewalk” below the existing handicap sign with arrow located on the south side of the first driveway.
 - e. Install signs that read “Public Sidewalk” at the south east corner of Winchester and Hacienda Avenue.
 - f. Install wheel stops in the adjacent parking spaces to prevent vehicle overhang into the public sidewalk
27. 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.

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. Hacienda 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.
30. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the applicant shall have the required street improvements installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
31. 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.
32. 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.
33. 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.

34. Traffic Mitigation: Prior to issuance of any grading or building permits for the site, the applicant shall satisfy all traffic mitigation measures outlined in the Traffic Impact Analysis (TIA) for this project by W-Trans dated September 2, 2016.
35. New Traffic Signal Contribution: Prior to issuance of any grading or building permit, the applicant shall post a \$7,500.00 payment towards the construction of a future traffic signal at the intersection of SR 17 Northbound Ramps/White Oaks Road. All payments are valued in 2016 dollars. Adjustments will be made at the time of required payment based on the Engineering News Record Construction Cost Index for San Francisco.



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • November 17, 2016

PLN2016-320 Public Hearing to consider the application of Martin East Coast Pizzeria, Inc.,
Martin East for a Conditional Use Permit (PLN2016-320) and a Modification (PLN2016-
Coast Pizzeria 321) to a previously-approved Administrative Planned Development Permit
 (PLN2006-71) to allow beer and wine service ("liquor establishment") in
 conjunction with an existing restaurant (Sal's Pizza) on property located at **533**
E. Campbell Avenue in the P-D (Planned Development) Zoning District.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. **Adopt a Resolution**, approving a Conditional Use Permit (PLN2016-320) and a Modification (PLN2016-321) to a previously-approved Administrative Planned Development Permit (PLN2006-71) to allow beer and wine service ("liquor establishment") in conjunction with an existing restaurant (Sal's Pizza).

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:	1.4 acres
Tenant Space Area:	1,652 square feet
Zoning District:	P-D (Planned Development)
General Plan Land Use:	<i>Central Commercial</i> (E. Campbell Ave. Master Plan)
Business (Public) Hours:	10:00 AM – 10:00 PM, daily
Operating Hours:	8:00 AM – 11:00 PM, daily
Indoor Seating (no change):	39 seats
Outdoor Seating:	N/A
Parking Required (no change):	13 Spaces (1 per 3 seats)
Parking Provided (proportionally):	8 spaces (1 per 200 square-feet [*])

^{*} Assumes the retail ratio per CMC Sec. 21.28.040.D.

DISCUSSION

Project Location: The project site is the Lloyd Square Shopping Center, located along East Campbell Avenue between Foot and Page Streets (reference **Attachment 2** – Location Map). The shopping center was developed in 1990 and consists of a 12,600 square-foot building towards the rear and a smaller 5,000 square-foot "pad" building at the southwest corner of the site. Tenants within the shopping center include a combination of restaurants, personal service, and retail stores. Most recently, the City Council denied an appeal and upheld the Planning Commission's approval for a Steak n' Shake restaurant, which is currently under construction.

Background: The subject tenant space is occupied by a pizzeria that was established pursuant to the Community Development Director's January 2, 2007 approval of an Administrative Planned Development Permit (PLN2006-171) (reference **Attachment 3** – Approval Documents). This approval allowed a change of use from a jewelry store to a restaurant, with hours of operation of 10:00 AM to 10:00 PM and a seating capacity of 39 patrons.

Applicant's Proposal: The restaurant was recently purchased by a new owner who wishes to encourage more frequent and casual patronage of the restaurant with the addition of beer and wine service. The applicant's written description indicates that other than an alcohol license, the operation of the restaurant would remain unchanged with the same floor plan layout and hours of operation (reference **Attachment 4** and **5** – Written Description and Project Plans).

ANALYSIS

Zoning Designation: Lloyd Square is located within the P-D (Planned Development) Zoning District, subject to the East Campbell Avenue Master Plan. The Master Plan allows alcohol service in conjunction with restaurants with approval of a Conditional Use Permit. The Conditional Use Permit request is subject to additional findings found in CMC 21.46.070 that direct the Planning Commission to consider whether an (1) overconcentration of liquor establishments in the vicinity exists, (2) if the establishment would create a nuisance or (3) adversely affect the neighborhood, and (4) if it would result in an increased demand for City services. In large part, establishment of these findings may be grounded in conformance with the Downtown Alcohol Policy, in that an establishment that maintains responsible alcohol service is unlikely to create a nuisance, disturb the neighborhood, or increase the demand on City services. With respect to overconcentration, there is only one other restaurant with alcohol service within Lloyd Square, Jalisco Mexican Food, which maintains a "general" license.

Land Use: Pertinent City land use policies applicable to review of this application can be found in the Campbell General Plan and the Downtown Campbell Development Plan. Together, these documents articulate a desire to promote and enhance a downtown environment that provides a desirable balance of land uses including shopping, services, and entertainment, while balancing the health and safety of the community. The requested Conditional Use Permit application to allow beer and wine service in association with an existing restaurant would be consistent with the General Plan and Downtown Campbell Development Plan by further activating an existing shopping center.

Downtown Alcohol Beverage Policy: The Downtown Alcohol Beverage Policy is designed to ensure that alcohol beverage service within a restaurant remains ancillary and subordinate to the primary purpose of serving food through imposition of certain operational standards. For this

application, the following "Policy II.3" (Restaurants without Separate Bars) standards apply. As presented and with inclusion of the City's standard conditions of approval, the restaurant would comply with the Policy.

- a. Full menu food service must be provided at all times.
- b. Live entertainment is limited to live musicians complimentary to the primary purpose of providing meal service.
- c. Alcohol beverage service in the dining room area is only allowed in conjunction with food service. Additionally, the dining room area may not be converted to a bar or dance area.
- d. Specific hours of operation are determined by the Planning Commission upon issuance of a Conditional Use Permit. It is strongly recommended 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.
- e. Outdoor seating areas are considered part of the dining area and shall be closed down by 11:00 PM.
- f. Doors and windows shall remain closed after 10:00 PM.

Hours of Operation: The restaurant's existing hours of operation are 10:00 AM to 10:00 PM per the existing Administrative Planned Development Permit approval. The new conditions will clarify that the restaurant's "business hours" (open to the public) are 10:00 AM to 10:00 PM, with "operational hours" of 8:00 AM to 11:00 PM, to allow additional time for staff preparation and clean-up activity.

Parking: The current requests does not propose any change to the seating capacity, therefore no additional parking is required.

Police Department Review: The Police Department has reviewed this application and has no objections.

Site and Architectural Review Committee: The Site and Architectural Review Committee (SARC) did not review this application as no exterior improvements to the building area are proposed.

Attachments:

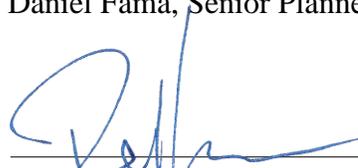
1. Draft Resolution
2. Location Map
3. Approval Documents (2006)
4. Project Plans
5. Written Description

Prepared by:



Daniel Fama, 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 CONDITIONAL USE PERMIT (PLN2016-320) AND A MODIFICATION (PLN2016-321) TO A PREVIOUSLY-APPROVED ADMINISTRATIVE PLANNED DEVELOPMENT PERMIT (PLN2006-71) TO ALLOW BEER AND WINE SERVICE ("LIQUOR ESTABLISHMENT") IN CONJUNCTION WITH AN EXISTING RESTAURANT ON PROPERTY LOCATED AT **533 E. CAMPBELL AVENUE** IN THE P-D (PLANNED DEVELOPMENT) ZONING DISTRICT. FILE NO.: PLN2016-320/321

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 PLN20160-320/321:

1. The project site is a 1.4 acre shopping center commonly known as Lloyd Square, located along East Campbell Avenue between Foot and Page Streets, consisting of a 12,600 square-foot building towards the rear and a smaller 5,000 square-foot building at the southwest corner of the site, improved with 86 parking stalls.
2. The project site is also within the boundaries of the East Campbell Avenue Master Plan.
3. The East Campbell Avenue Master Plan specifies that allowable land uses are the same as those allowed within the Historic Downtown core (i.e., within the C-3 Zoning District), with a specific emphasis on retail and restaurants on the ground floor:

In general, the vision for this Plan area shall be ground floor retail/restaurant, with upper floor residential/office. It is expected that a variety of ground floor retail businesses and eating establishments shall be maintained to achieve a balanced and distinctive pedestrian-oriented experience, without an overconcentration of any one type of use. [Pg. 30]

4. The Proposed Project is an application for a Conditional Use Permit (PLN2016-320) and a Modification (PLN2016-321) to a previously-approved Administrative Planned Development Permit (PLN2006-71) to allow beer and wine service ("liquor establishment") in conjunction with an existing restaurant.
5. Pursuant to the East Campbell Avenue Master Plan, a restaurant is an allowable land use subject to approval of an Administrative Planned Development Permit, except that alcohol service shall require approval of a Conditional Use permit
6. The approval of a Conditional Use Permit incorporates applicable operational standards of the Downtown Alcohol Beverage Policy.
7. Alcohol beverage service in the restaurant shall be ancillary and subordinate to the primary purpose of serving food.
8. 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.

9. 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 drunk in public, vandalism, and disorderly conduct.
10. Alcohol beverage service in the restaurant shall be ancillary and subordinate to the primary purpose of serving food.
11. A public closing time of 10:00 PM for the restaurant is appropriate to ensure that alcohol service remains ancillary to food service and therefore would not result in an overconcentration of alcohol-serving (liquor) establishments.

Based upon the foregoing findings of fact, the City Council further finds and concludes that:

1. The proposed use is allowed within the applicable zoning district with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code;
2. The proposed use is consistent with the General Plan;
3. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area;
4. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate;
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property;
6. The establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city;
7. The establishment will be consistent with the Campbell Downtown Alcohol Policy;
8. As conditioned, the establishment will not result in an over-concentration of these uses in the surrounding area;
9. As conditioned, the establishment will not create a nuisance due to litter, noise, traffic, vandalism, or other factors;

CONDITIONS OF APPROVAL
Conditional Use Permit (PLN2016-320/321)

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

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

1. Approved Project: Approval is granted for a Conditional Use Permit (PLN2016-320) and a Modification (PLN2016-321) to a previously-approved Administrative Planned Development Permit (PLN2006-71) to allow beer and wine service ("liquor establishment") in conjunction with an existing restaurant on property located at **533 E. Campbell Avenue**. The project shall substantially conform to the project plans and revised project description stamped as received by the Planning Division on October 6, 2016, respectively, except as may be modified by the conditions of approval contained herein.

1. Approval Expiration: The Approval granted herein shall be valid for one year from the effective date of Planning Commission action. Within this one-year period a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license from the Department of Alcoholic Beverage Control (ABC) must be secured. Failure to meet this deadline will result in the Approval being rendered void. Once established, this Approval shall be valid in perpetuity on the property, subject to continued maintenance of the Type 41 License. Discontinuation of alcohol service for a continuous period of twelve months, as evidenced by surrender or revocation of the ABC license, shall void the Approval. If this Approval expires or is voided, operation of the restaurant shall revert back to the original Administrative Planned Development Permit (PLN2006-171) as approved by the Community Development Director on January 2, 2007.

2. Previous Conditions of Approval: Upon the effective date of this Approval, the previously approved Conditions of Approval provided in Community Development Director's January 2, 2007 approval of an Administrative Planned Development Permit (PLN2006-171) shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein, except as noted by Condition No. 2.

3. Operational Standards: Consistent with Downtown Alcohol Beverage Policy and other City standards, any restaurant operating pursuant to the Conditional Use Permit approved herein shall conform to the following operational standards.
 - a. **Restaurant Seating/Patron Occupancy**: Total indoor patron occupancy shall be limited to 39 seated persons, subject to the maximum occupancy capacities of certain rooms as determined by the California Building Code (CBC). At no time shall there be more than 39 patrons within the establishment, excluding

those waiting for service. It is the responsibility of the business owner to provide adequate entrance controls to ensure that patron occupancy is not exceeded. Maximum Occupancy signs shall be posted conspicuously within the premises.

- b. **Bar Area Seating:** No bar area, as defined by the Campbell Municipal Code, is permitted in association with the restaurant.
- c. **Floor Plan:** All chairs and tables shall consist of standard-height furniture (i.e., not "high-top"). All tables and chairs shall be placed in such a manner to allow sufficient area for dining and shall not be stacked or removed from the dining area or placed outside. At no time shall the seating be reconfigured to create large open spaces for patrons to congregate, dance, drink, or socialize.
- 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 10:00 AM – 10:00 PM, Sunday – Saturday
 - Operational Hours 8:00 AM – 11:00 PM, Sunday – Saturday
- e. **Food Service:** Full menu food service shall be provided at all times during the Business Hours (i.e., the kitchen shall not be closed).
- f. **Live Entertainment:** No live entertainment is permitted as part of this Approval, including live music, disc jockey, karaoke, and dancing. Future requests for live entertainment shall require approval by the Planning Commission.
- g. **Alcohol Beverage Service:** Alcohol beverage service shall only be allowed in conjunction with food service.
- h. **Outdoor Seating:** Outdoor seating is not permitted by this Approval.
- i. **Loitering:** There shall be no loitering allowed outside the business. The business owner is responsible for monitoring the premises to prevent loitering.
- j. **Noise:** Unreasonable levels of noise, sounds and/or voices, including but not limited to amplified sounds, loud speakers, sounds from audio sound systems, music, and/or public address system, generated by the establishment shall not be audible to a person of normal hearing capacity from any residential property. In the event verified complaints are received by the City regarding such unreasonable noise, the Community Development Director may immediately modify the business hours/hours of operation, subject to the project being brought back to the Planning Commission for review.
- k. **Smoking:** "No Smoking" signs shall be posted on the premises in compliance with CMC 6.11.060.

- l. **Trash & Clean Up:** All trash, normal clean up, carpet cleaning, etc. shall occur during the approved 'Operational Hours'. Refuse and recycling receptacles shall be kept within the enclosure except during collection in compliance with Chapter 6.04 of the Campbell Municipal Code.
 - m. **Liquor License:** The applicant shall obtain and maintain in good standing a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license from the State Department of Alcoholic Beverage Control for the sale of beer and wine beverages in conjunction and restaurant. The license shall include the Business Hour 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.
 - n. **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.
 - o. **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.
 - p. **Taxicab Service:** The establishment shall post in a conspicuous place the telephone numbers of local taxicab services.
 - q. **Outdoor Activity:** Other than outdoor seating as permitted by an Outdoor Seating Permit, no outdoor activity (e.g., cooking) is permitted in association with the establishment.
4. Revocation of Permit: Operation of the restaurant with beer and wine service pursuant to the Approval granted 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 land 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 the Conditional Use Permit. The Community Development Director may commence proceedings for the revocation or modification of use permits upon the occurrence of less than 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:

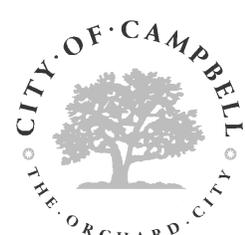
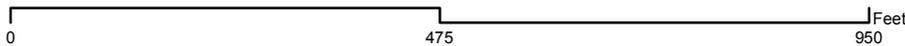
- a. The number and types of Police Department calls for service at or near the establishment that are reasonably determined to be a direct result of patrons actions;
- b. The number of complaints received from residents, business owners and other citizens concerning the operation of an establishment,
- 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.

Project Location Map

Attachment 2



Project Location: 533 E. Campbell Ave.
Application Type: Conditional Use Permit /
Mod. to Admin. P-D Permit
Planning File No.: PLN2016-320,321
Description: Beer and wine service for Sal'z Pizza



Community Development Department
Planning Division



CITY OF CAMPBELL
Community Development Department

January 2, 2007

Mr. Derik Fritsch
P.O. Box 110280
Campbell, CA 95011

Re: Administrative Planned Development Permit
File No: PLN2006-171
533 E. Campbell Avenue

Dear Mr. Fritsch:

The Community Development Director has conditionally approved your Administrative Planned Development Permit to allow a change of use from a jewelry store to a restaurant (Sal's Pizza) in an existing commercial building located at 533 E. Campbell Avenue in the P-D (Planned Development) Zoning District. This approval is based upon the attached findings and is subject to the attached conditions of approval.

This action is effective in ten calendar days, unless appealed in writing to the City Clerk by 5:00 p.m. on January 16, 2007.

If you should have any questions regarding this approval, please do not hesitate to contact me at (408) 866-2193 or by email at kimberlyb@cityofcampbell.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Brosseau". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kimberly Brosseau
Planner II

encl: Findings and Conditions of Approval for File No. PLN2006-171

cc: Jackie C. Young Lind, Senior Planner
Llyod Square Associated, LLC., 54 N. Central Ave. Ste 101, Campbell, CA 95125

FINDINGS FOR APPROVAL OF FILE NO. PLN2006-171

SITE ADDRESS: 533 E. Campbell Avenue
APPLICANT: Derik Fritsch, on behalf of Wicked Good Pizza
DATE: January 2, 2007

Findings for approval of an Administrative Planned Development Permit to allow the establishment of a restaurant in an existing commercial building located at 533 E. Campbell Avenue.

The Community Development Director finds as follows with regard to File No. PLN2006-171:

1. The development of the proposed project will result in a use that is consistent with the General Plan land use designation of General Commercial.
2. The project will be consistent with the P-D (Planned Development) zoning district with approval of an Administrative Planned Development Permit.
3. The project site is located on the north side of East Campbell Avenue between Foote Avenue and Page Street. The project site is surrounded by commercial uses to the south, east, and west and multi-family residential uses to the north.
4. The subject building is currently developed with two single-story, multi-tenant commercial buildings constructed in approximately 1990 under a Planned Development Permit (PD89-07).
5. Building 1 is 5,006 square feet and Building 2 is 12,594 square feet. The proposed restaurant would occupy an existing 1,652 square-foot tenant space in Building 2.
6. The proposed operational hours are Monday through Sunday from 10:00 a.m. to 10:00 p.m.
7. No sale of alcohol is proposed with the project.
8. The proposed project generates a parking demand of 13 parking spaces and the applicant has identified 88 parking spaces on the site plan.
9. The change in use from a retail store to a restaurant will not intensify the site or parking demand and does not require additional parking.

10. No exterior modifications to the building or the site layout are proposed with the project.
11. The project qualifies as a Categorically Exempt project per Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

Based upon the foregoing findings of fact, the Community Development Director further finds and concludes that:

1. The proposed development will result in a more desirable environment and use of the land than would be possible under any other zoning classification.
2. The development will be compatible with the General Plan of the City and will aid in the harmonious development of the immediate area.
3. The development will be compatible with the Zoning Code of the City.
4. The proposed development will not be detrimental to the health, safety or welfare of the neighborhood or the City as a whole.
5. The parking will adequately meet the demands generated by the change in use, and will not be detrimental to the overall parking and circulation in the area.
6. There is a reasonable relationship and a rough proportionality between the conditions of approval and the impacts of the project.
7. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
8. 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.

CONDITIONS OF APPROVAL FOR FILE NO. PLN2006-171

SITE ADDRESS: 533 E. Campbell Avenue
APPLICANT: Derik Fritsch, on behalf of Wicked Good Pizza
DATE: January 2, 2007

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

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division:

1. Approved Project: Approval is granted for an Administrative Planned Development Permit (PLN2006-171) for the establishment of a restaurant in an existing commercial building located at 533 E. Campbell Avenue. The project shall substantially conform to the project plans and project description stamped as received by the Community Development Department on November 13, 2006, except as may be modified by the conditions of approval herein.
2. Administrative Planned Development Permit Approval Expiration: The Administrative Planned Development Permit approval shall be valid for one year from the date of final approval. Within this one-year period a building permit must be obtained and construction completed one year thereafter or the use must be established on the property and all conditions of approval fulfilled (if no building permit is required). Failure to meet these deadlines will result in the Administrative Planned Development Permit being void.
3. Revocation of Permit: Operation of the use in violation of the Administrative Planned Development Permit or any standards, codes, or ordinances of the City of Campbell shall be grounds for consideration of revocation of the Administrative Planned Development Permit by the Community Development Director.

4. Operational Hours: The operational hours shall be limited to 10:00 a.m. to 10:00 p.m. daily.
5. Parking, Driveways, and Maintenance: All parking and driveway areas shall be developed and maintained in compliance with the approved plans and Chapter 21.28 (Parking and Loading) of the Campbell Municipal Code. The project site shall maintain a minimum of 13 parking spaces at all times. All parking areas shall be regularly swept and cleaned to remove litter and debris from the parking areas and driveways.
6. 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.
7. Landscape Maintenance: The owner/operator of the property shall provide on-going maintenance of the existing on-site landscaping.
8. On-Site Lighting: Any proposed 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 exterior lighting shall be reviewed and approved by the Community Development Director, prior to issuance of a building permit. Lighting fixtures shall be of a decorative design to be compatible with the development and shall incorporate energy saving features.
9. Fences/Walls: Any newly proposed fencing and/or walls shall comply with Section 21.18.060 (Fences, Walls, Lattice, and Screens) of the Campbell Municipal Code and shall be submitted for review and approval by the Community Development Department.
10. Signage: No signage is approved as part of the development applications approved herein. No sign shall be installed until a Sign Permit is approved as specified in the Chapter 21.30 (Signs) of the Campbell Municipal Code.

Building Division:

11. Permits Required: A building permit application shall be required for the proposed change in use in an existing 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 size of construction plans submitted for building permits shall be 24 inches by 36 inches.
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. The site plan shall also include site drainage details, site address, and parcel numbers. Site parking and path of travel to public sidewalks shall be detailed.
16. Title 24 Energy Compliance: California Title 24 Energy Standards Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
17. Special Inspections: When a special inspection is required by U.B.C. Section 1701, 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 U.B.C Section 106.3.5. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
18. Non-Point Source: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
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
 - b. Santa Clara County Fire Department

22. PG&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. West Valley Sanitation: Applicant is advised to contact West Valley Sanitation District to investigate their requirements for grease interceptors that may be required for the proposed food establishment.

GENERAL NOTES

- ALL WORK TO BE DONE IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS, CODES, AND ORDINANCES.
- ALL MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION TO BE DESIGNED / BUILT BY SUB-CONTRACTORS. ALL SUB-CONTRACTORS REQUIRED TO OBTAIN ALL REQUIRED PERMITS AND PROVIDE ANY REQUIRED DOCUMENTATION FOR OBTAINING PERMITS.
- ELECTRICAL SUB TO PROVIDE ALL CODE REQUIRED CONVENIENCE OUTLETS.
- ELECTRICAL SUB TO COORDINATE WITH KITCHEN VENDOR FOR POWER LOCATION FEEDS.
- FIRE PROTECTION SUB TO DESIGN AND RELOCATE SPRINKLER HEADS TO PROVIDE PROPER COVERAGE PER CODE.
- HVAC SUB TO DESIGN AND RELOCATE EXISTING HVAC DUCTWORK, SUPPLY AND RETURN GRILLES AS REQUIRED PER LAYOUT.
- EMERGENCY LIGHTING & EXIT SIGNS NOT SHOWN, TO BE DESIGNED BY ELECTRICAL DESIGN / BUILD SUB-CONTRACTOR.

EQUIPMENT LIST

KEY	DESCRIPTION
①	NSF WALK-IN COOLER
②	BARB-CO REVOLVING OVEN ELECT: 110V / 20AMP
③	4X8 PIZZA PREP TABLE ELECT: 110V / 20AMP
④	30"x8" 3 DOOR COKE COOLER ELECT: 110V / 20AMP
⑤	24"x78" PIZZA DISPLAY CASE
⑥	24"x30" SLICE OVEN ELECT: 250V / 60AMP
⑦	24"x48" COLD PASTERY CASE ELECT: 110V / 20AMP
⑧	24"x72" DRY BAKERY CASE 30" HIGH - TOP OF TRANSECTION TOP ELECT: 110V / 20AMP
⑨	VEGETABLE SINK
⑩	MOP SINK
⑪	NSF 3 BAY SINK
⑫	NSF 1 BAY SINK
⑬	50 LB GREASE TRAP
⑭	HOT WATER HEATER
⑮	ELECTRICAL BOX
⑯	24"x48" PREP TABLE
⑰	MIXER ELECT: TBD
⑱	18"x36" SLICE TABLE
⑲	24"x48" TABLE WITH SLICER ELECT: 110V / 20AMP

GENERAL NOTE:

- PROVIDE (4) DUPLEX OUTLETS PER OWNER REQUIREMENTS IN KITCHEN AREA - 110V / 20 AMP
- PROVIDE DUPLEX OUTLETS PER CODE IN DINING AREA - 110V / 20 AMP

TOILET ROOM ACCESSORY SCHEDULE

KEY	DESCRIPTION	MODEL NUMBER	QUANTITY
①	TOILET DISPENSER (ACCESSIBLE)	BOBRICK B-2740	ONE PER ACCESSIBLE TOILET
②	GRAB BAR SET (42")	BOBRICK B-5806	TWO PER ACCESSIBLE TOILET
③	PAPER TOWEL DISPENSER	BOBRICK B-36203	ONE PER ACCESSIBLE TOILET
④	MIRROR UNIT	BOBRICK B-290	ONE PER ACCESSIBLE TOILET

ROOM FINISH SCHEDULE

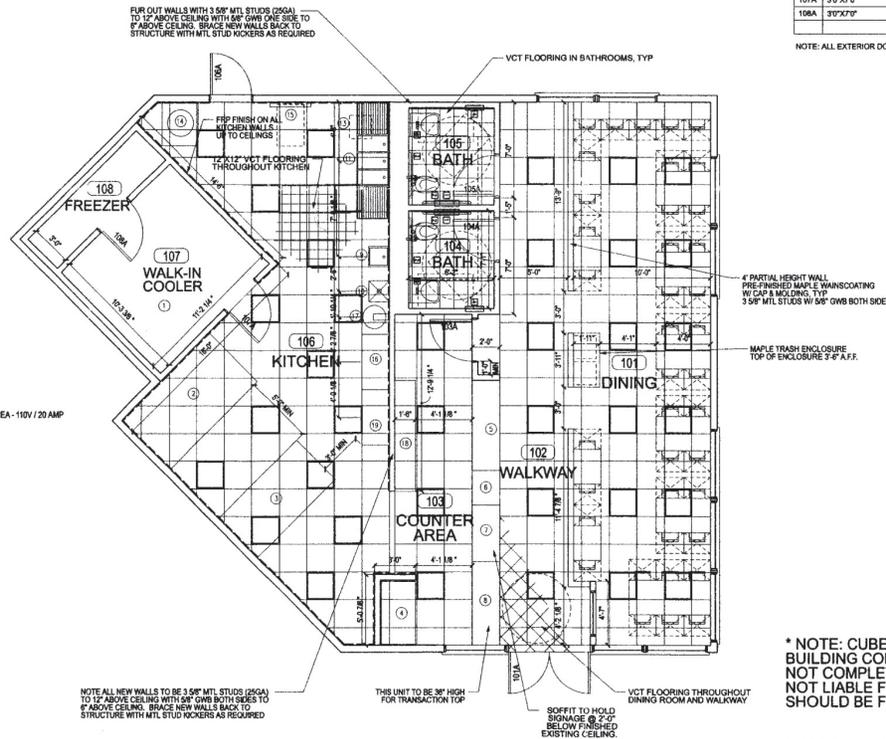
ROOM NUMBER	ROOM NAME	BASE	WALLS				FLOOR	CEILING		ROOM NUMBER
			NORTH	SOUTH	EAST	WEST		MATERIAL	HEIGHT	
101	DINING	RB	PT	PT	PT	PT	VCT	ACT	9'-0"	101
102	WALKWAY	RB	PT	PT	PT	PT	VCT	ACT	9'-0"	102
103	COUNTER AREA	RB	PT	PT	PT	PT	VCT	ACT	9'-0"	103
104	BATHROOM	RB	PT	PT	PT	PT	VCT	ACT	9'-0"	104
105	BATHROOM	RB	PT	PT	PT	PT	VCT	ACT	9'-0"	105
106	KITCHEN	RB	PT	PT	PT	PT	VCT	ACT	9'-0"	106
107	WALK IN COOLER	--	--	--	--	--	--	--	--	107
108	WALK IN FREEZER	--	--	--	--	--	--	--	--	108

NOTE: VCT TO BE ARMSTRONG EXCELON OR EQUAL. ACT TO BE ARMSTRONG OR EQUAL. 2x4 WITH 15"x15" GRID

DOOR SCHEDULE

DOOR NO.	DOOR SIZE	MATERIAL	ELEVATION	GLAZING	MATERIAL	ELEVATION	FRAME HEAD	JAMB	SELL	HWS	FIRE RATING (MIN)	DOOR NO.	REMARKS
101A	3'0"x7'0"	EXISTING								1		101A	EXISTING
103A	3'0"x7'0"	WOOD	F		HM	A				4		103A	
104A	3'0"x7'0"	WOOD	F		HM	A				3		104A	
105A	3'0"x7'0"	WOOD	F		HM	A				3		105A	
106A	3'0"x7'0"	EXISTING								2		106A	EXISTING
107A	3'0"x7'0"	DOOR SUPPLIED AND INSTALLED WITH WALK IN COOLER											
108A	3'0"x7'0"	DOOR SUPPLIED AND INSTALLED WITH WALK IN COOLER											

NOTE: ALL EXTERIOR DOORS ARE CONSIDERED EXISTING



HWS 1

- 2 SETS PUSH/PULLS (FULL HEIGHT OF DOOR)
- 1 PR. FLUSH BOLTS (INACTIVE LEAF)
- 1 ALUM. THRESHOLD
- 2 CONCEALED CLOSERS
- 3 PR. BUTT HINGES
- WEATHER STRIPPING (ALL AROUND)
- 1 DEAD LOCK W/ INTERCHANGEABLE CYLINDER

HWS 2

- 1 PANIC HARDWARE PUSH BAR
- SILENCERS
- 1 ALUM. THRESHOLD
- WEATHER STRIPPING
- 1 1/2 PR. BUTT HINGES
- 1 LEVER LOCKSET (CLASSROOM FUNCTION)
- 1 CLOSER

HWS 3

- 1 1/2 PR. BUTT HINGES
- 1 LEVER LOCKSET (PRIVACY FUNCTION)
- SILENCERS
- WALL DOOR STOP
- 1 CLOSER

HWS 4

- 1 1/2 PR. BUTT HINGES
- 1 LEVER LOCKSET (PASSAGE FUNCTION)
- SILENCERS
- WALL DOOR STOP
- 1 CLOSER

* NOTE: CUBE 3 STUDIO IS NOT LIABLE FOR COMPLIANCE WITH ANY CALIFORNIA BUILDING CODES AND APPLICABLE ACCESSIBILITY CODES. CUBE 3 STUDIO HAS NOT COMPLETED ANY CODE REVIEW OF THIS PROJECT. CUBE 3 STUDIO IS ALSO NOT LIABLE FOR EXISTING SHELL BUILDING DIMENSIONS AND ALL DIMENSIONS SHOULD BE FIELD VERIFIED.

* NOTE: ALL WORK INCLUDING ALL PLUMBING, MECHANICAL, ELECTRICAL, AND FIRE PROTECTION TO BE DESIGNED AND INSTALLED PER ALL APPLICABLE STATE, LOCAL, & FEDERAL CODES BY DESIGN / BUILD CONTRACTOR

RECEIVED

OCT 06 2016

CITY OF CAMPBELL
PLANNING DEPT.

Regarding: Sal's Pizza Beer and wine license

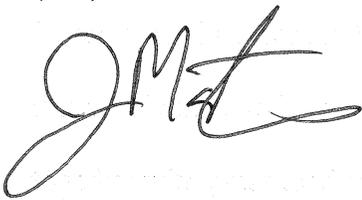
To whom it may concern,

We propose to add beer and wine to our menu in the upcoming months. We would like to grow our retail service and be a restaurant that people from the community can come enjoy a beer and watch sports. We are not changing the layout at all, (we will not exceed 39 seats) we just want to have more of a welcoming feel and better atmosphere. We think this will both benefit us and the community as the plan is to bring the community together with great food and a better ambiance. We do not anticipate an uptake in noise as we will be closing at 10 pm and anticipate more of a sports fans atmosphere. We want to support local breweries and highlight Campbell and the community as well as be a place to bring everyone together. Our intention is to become a place where the Campbell community can be proud of.

Thank you for your time,

Jason Martin

(408) 515-7158





CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • November 17, 2016

PLN2016-335 Public Hearing to consider a City-initiated Zoning Code Amendment
Zoning Code (PLN2016-335) to replace Campbell Municipal Code Section 21.36.200
Amendment (Secondary dwelling units) with new Chapter 21.23 (Accessory Dwelling Units) and to amend various other sections of the Campbell Municipal Code to achieve consistency with California Senate Bill 1069 and Assembly Bill 2299 pertaining to the construction of accessory dwelling units.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. **Adopt a Resolution**, recommending that the City Council adopt the attached draft ordinance to replace Campbell Municipal Code Section 21.36.200 (Secondary dwelling units) with new Chapter 21.23 (Accessory Dwelling Units) and to amend various other sections of the Campbell Municipal Code to achieve consistency with California Senate Bill 1069 and Assembly Bill 2299 pertaining to the construction of accessory dwelling units.

ENVIRONMENTAL DETERMINATION

An amendment to the Zoning Ordinance is considered a "project" under Section 15378(a)(1) of the California Environmental Quality Act (CEQA) Guidelines. However, the proposed amendment may be considered exempt from formal environmental review pursuant to Guideline Section 15061(b)(3) in that construction of accessory dwelling units on presently developed properties within the community has no potential to cause a significant effect on the environment.

DISCUSSION

Background: Starting with adoption of the Mello Act in 1982, the State of California has required all local jurisdictions to accommodate construction of secondary dwelling units on developed residential properties. These are small living units that are ancillary to a primary residence that are not limited by standard residential density restrictions that would otherwise preclude a single-family residential property from being development with two residences.

The law has been revised over the years to increasingly limit local government's ability to impose restrictions on creation of such units, with the goal of facilitating their development. On September 27, 2016, Governor Brown signed two bills, [Senate Bill \(SB\) 1069](#) and [Assembly Bill \(AB\) 2299](#) that continue this trend.* Together, these bills require the City to adopt new provision that ease parking requirements, increase unit sizes, remove fire sprinkler requirements in some cases, and simplify garage conversions. The terminology has also been modified to reclassify what had been known as secondary dwelling units to accessory dwelling units (ADU).

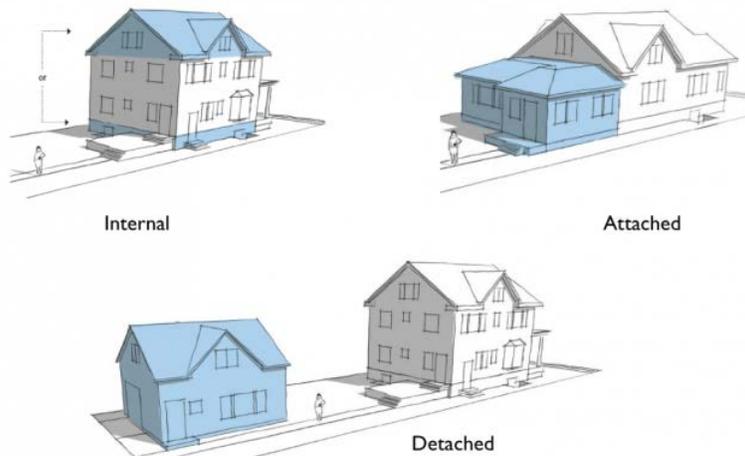
* The Governor also signed [Assembly Bill 2406](#) that allows for the voluntary creation of a "junior accessory dwelling unit" ordinance, but the law does not require to the City to adopt such provisions.

If the City does not adopt a new ADU ordinance, the provisions for an ADU provided in SB 1069 and AB 2299 will go into effect on January 1, 2017. Most significantly, the State legislation does not provide a minimum lot size. Therefore, staff has expedited preparation of the proposed ordinance and convened a special Planning Commission meeting so that the City Council may consider it in December.

Current Requirement: The City's current requirements are found in the Zoning Code's "[Provisions for Special Uses](#)" section. These allow for a second unit of up to 640 square-feet on R-1 zoned properties of 10,000 square-feet (net) or larger, subject to a maximum height of 14-feet and the development standards applicable to a standard single-family residence.

Proposed Amendments: The attached ordinance would replace existing Section 21.36.200 (Secondary dwelling units) with new Chapter 21.23 (Accessory Dwelling Units) and amend various other sections of the Campbell Municipal Code. Key changes include:

1. ADU Terminology: In addition to renaming secondary dwelling units to accessory dwelling units, the ordinance creates a distinction between three different types of ADUs: "attached" (created by an addition to an existing house), "detached" (created as a separate structure), and "interior" (created within the existing living area of a house), as depicted below. The distinction in terminology reflects varying parking and maximum size requirements for the different types of ADUs.



2. ADU Size Maximums. The State legislation requires the City to allow ADUs up to 1,200 square-feet. To maintain a relationship between the size of a parcel and the size of the ADU, only larger lots will be able to build up to 1,200 square-feet as noted in the table below. As proposed, the lowest size cap will increase from 640 square-feet to 700 square-feet, with each 1,000 square feet of lot size resulting in additional 100 square-feet in ADU size up to 1,200 square-feet for lots of 15,000 square-feet or greater. For detached ADUs, the maximum size is inclusive of an attached garage or other accessory structure (e.g., workshop, studio, etc.). For attached and interior ADUs, the maximum size would be further restricted to no more than 50% of the size of the main residence—consistent with the State legislation—such that a 1,200 square-foot attached or interior ADU could only be constructed if the existing house was already 2,400 square-feet or larger. This provision would also replace an existing provision that allowed certain large lots to build an ADU without a specified maximum size.

Net Lot Size Range (square-feet)	Maximum Size (square-feet)
10,000-10,999	700
11,000-11,999	800
12,000-12,999	900
13,000-13,999	1,000
14,000-14,999	1,100
15,000 or greater	1,200

3. Parking Requirements: The City's current parking requirements specify that an ADU must provide two parking spaces (1 covered and 1 uncovered, minimum) in addition to the two spaces required of the primary residence. As required, the proposed ordinance would entirely eliminate the parking requirements for an interior ADU and require only one space *per bedroom* for an attached or detached ADU, except if the unit is (1) located a ½ mile from light-rail, (2) within a historic district, (3) within a parking permit program area, or (4) a block from a car-share vehicle (i.e., Zipcar), in which case no parking is required.

In terms of parking placement, the State legislation requires that parking be allowed in certain setback areas, within existing driveways, and in a tandem configuration. As such, the proposed ordinance would allow required parking to be placed within an existing driveway that is within a required front- or street-side setback (as most driveways are). Additionally, garages that are demolished as part of creation of an ADU may be replaced with new covered or uncovered parking spaces in any configuration, such as tandem or through use of mechanical lifts.

4. Garage Conversions: Conversion of an existing garage to an ADU can now be achieved without having to comply with the setback requirements that would otherwise apply to a dwelling unit (garages and dwellings have different setback requirements in some cases). However, an ADU created by a garage conversion could be no larger than the existing garage footprint, and the parking spaces in the garage would need to be replaced.
5. Fire Sprinklers: Creation of an interior ADU will no longer automatically trigger a requirement to install a fire sprinkler system (although it may still be required in certain limited circumstances). Attached and detached ADUs will continue to require installation of a fire sprinkler system.
6. Public Improvements: The City has historically required installation of off-site public improvements (e.g., curb, gutter, sidewalk, street trees, etc.) with construction of an ADU. This requirement will be changed to treat an ADU the same as any other addition so that public improvements will only be required if the ADU exceeds 50% of the existing property's square-footage (home, garage, and accessory structures).
7. Rental Restrictions. Homeowners will continue to be able to rent out only one of dwelling unit at a time. The revised language will also specifically prohibit short-term rentals (i.e., airbnb).

8. Height. Detached ADUs will continue to be limited to 14-feet in height, consistent with the height maximum for accessory structures (e.g., garages, tough sheds, etc.). However, attached and interior ADUs will now be required to be on the ground floor to avoid privacy impacts.
9. Allowable Rooms. The limit on the number of bedrooms will increase from one to two, with a maximum of two bathrooms. This will aid in maintaining ADUs as an ancillary component of a single-family residential property.

ANALYSIS

Pursuant to CMC Sec. 21.60.070, an amendment to the Municipal Code may only be approved if the decision-making body finds that: (1) the proposed amendment is consistent with the goals, policies, and actions of the General Plan; (2) the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and (3) the proposed amendment is internally consistent with other applicable provisions of the Zoning Code. Staff believes that these findings can be favorably established, as discussed below:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan;

[The General Plan Housing Element](#) includes Program H-5.3a, below, which directs the City to encourage production of secondary units by furnishing information to the public. This has been achieved through creation and distribution of an [informational handout](#). At an [August 19, 2014 Housing Element Study Session](#), the City Council considered a version of this program that would have required the City to reduce the minimum required lot size to 8,000 square-feet and increase the allowable unit size to 800 square-feet. However, as was noted in the [January 27, 2015 Planning Commission staff report](#) on the Housing Element, the Council directed this program removed and replaced with the text that was adopted. As such, creation of the new Accessory Dwelling Unit Ordinance, including retention of the 10,000 square-foot minimum lot size, would be consistent with the General Plan.

Program H-5.3a: **Secondary Dwelling Units:** Provide for the infill of modestly priced rental housing by encouraging secondary units in residential neighborhoods.

Program H-5.3a: Secondary Dwelling Units: A secondary dwelling unit is a separate dwelling unit that provides complete, independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, cooking, eating, and sanitation on the same parcel as the primary unit is situated. Given the limited developable land remaining in Campbell, integrating secondary dwelling units in existing residential neighborhoods presents an opportunity for the City to accommodate needed rental housing. The development of secondary dwelling units is effective in dispersing affordable housing throughout the City and can provide housing to lower-income persons, including seniors and college students. Approximately 1,000 single-family parcels in Campbell are of sufficient size to add a secondary dwelling unit.

Implementation Objective: The City will facilitate the construction of new secondary dwelling units by making information available to the public.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city;

The proposed ordinance would maintain appropriate restrictions on the creation of ADUs within the community. As presented, the ordinance will not increase the number of eligible properties since the 10,000 square-foot minimum lot size will be maintained. In this regard, there will not be a potential for a sudden increase of ADUs within the community such that the public interest, health, safety, convenience or general welfare will not be harmed.

3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

In addition to new Chapter 21.23 (Accessory Dwelling Ordinance), the proposed ordinance also revises any existing code section that makes reference to "secondary dwelling unit(s)" to instead state "accessory dwelling unit(s)," to ensure internal consistency within the Zoning Code.

Attachments:

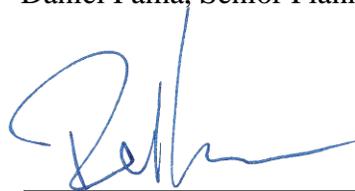
1. Draft Planning Commission Resolution
2. Draft City Council Ordinance

Prepared by:



Daniel Fama, Senior Planner

Approved by:



Paul Kermoyan, Community Development Director

RESOLUTION NO. 43__

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE (ZONING CODE AMENDMENT) REPLACING CAMPBELL MUNICIPAL CODE SECTION 21.36.200 (SECONDARY DWELLING UNITS) WITH NEW CHAPTER 21.23 (ACCESSORY DWELLING UNITS) AND AMENDING VARIOUS OTHER SECTIONS OF THE CAMPBELL MUNICIPAL CODE TO ACHIEVE CONSISTENCY WITH CALIFORNIA SENATE BILL 1069 (WEICKOWSKI) AND ASSEMBLY BILL 2299 (BLOOM) PERTAINING TO THE CONSTRUCTION OF ACCESSORY DWELLING UNITS. FILE NO. PLN2016-335

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 PLN2016-335:

1. The project consists of a Zoning Code Amendment to replace Campbell Municipal Code Section 21.36.200 (Secondary dwelling units) with new Chapter 21.23 (Accessory Dwelling Units) and to amend various other sections of the Campbell Municipal Code to achieve consistency with California Senate Bill 1069 and Assembly Bill 2299 pertaining to the construction of accessory dwelling units
2. The proposed Zoning Code Amendment would be consistent with the General Plan in that it will allow the continued creation of accessory dwelling units consistent with Program H-5.3a of the Housing Element:

Program H-5.3a: **Secondary Dwelling Units:** Provide for the infill of modestly priced rental housing by encouraging secondary units in residential neighborhoods.

Program H-5.3a: Secondary Dwelling Units: A secondary dwelling unit is a separate dwelling unit that provides complete, independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, cooking, eating, and sanitation on the same parcel as the primary unit is situated. Given the limited developable land remaining in Campbell, integrating secondary dwelling units in existing residential neighborhoods presents an opportunity for the City to accommodate needed rental housing. The development of secondary dwelling units is effective in dispersing affordable housing throughout the City and can provide housing to lower-income persons, including seniors and college students. Approximately 1,000 single-family parcels in Campbell are of sufficient size to add a secondary dwelling unit.

Implementation Objective: The City will facilitate the construction of new secondary dwelling units by making information available to the public.

3. The legislature of the State of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry;
4. Review and adoption of this Zoning Code Amendment is done in compliance with California government Code Sections 65853 through 65857, which require a duly noticed public hearing of the Planning Commission whereby the Planning Commission shall provide its written recommendation to the City Council for its consideration.

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

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of the Zoning Code.
4. Adoption of the proposed amendment, which is intended to modify existing local regulatory requirements to be consistent with State law, is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline Section 15061(b)(3) in that construction of accessory dwelling units on presently developed properties within the community has no potential to cause a significant effect on the environment.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt the attached Ordinance (reference **Exhibit A**) recommending approval of the above described Zoning Code Amendment.

PASSED AND ADOPTED this 17th day of November, 2016, by the following roll call vote:

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

APPROVED: _____
Cynthia Dodd, Chair

ATTEST: _____
Paul Kermoyan, Secretary

Ordinance No. _____

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL REPLACING CAMPBELL MUNICIPAL CODE SECTION 21.36.200 (SECONDARY DWELLING UNITS) WITH NEW CHAPTER 21.23 (ACCESSORY DWELLING UNITS) AND AMENDING VARIOUS OTHER SECTIONS OF THE CAMPBELL MUNICIPAL CODE TO ACHIEVE CONSISTENCY WITH CALIFORNIA SENATE BILL 1069 (WEICKOWSKI) AND ASSEMBLY BILL 2299 (BLOOM) PERTAINING TO THE CONSTRUCTION OF ACCESSORY DWELLING UNITS. FILE NO. PLN2016-335

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

SECTION 1. The City Council finds and determines that the adoption of this ordinance, which is intended to modify existing local regulatory requirements to be consistent with State law, is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline Section 15061(b)(3) in that construction of accessory dwelling units on presently developed properties within the community has no potential to cause a significant effect on the environment.

SECTION 2. The City Council further finds and determines that the proposed ordinance is consistent with the goals, policies, and actions of the General Plan; would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and is internally consistent with other applicable provisions of the Campbell Municipal Code.

SECTION 3. The City Council further finds and determines that adoption of this ordinance is consistent with the mandatory provisions of Senate Bill 1069 (Wieckowski) and Assembly Bill 2299 (Bloom), while maintaining locally appropriate standards for the construction and occupancy of accessory dwelling units.

SECTION 4. The City Council further finds and determines that the purpose of permitting accessory dwelling units is to allow more efficient use of the City's existing housing stock and to provide the opportunity for the development of small rental housing units designed to meet the special long-term housing needs of individuals and families, while preserving the integrity of single-family neighborhoods.

SECTION 5. Deletion of Current Secondary Dwelling Unit Provisions: Campbell Municipal Code Section 21.36.200 (Secondary dwelling units) is hereby deleted in its entirety from the Campbell Municipal Code.

SECTION 6. Adopting of Accessory Dwelling Unit Chapter: New Chapter 21.23 (Accessory Dwelling Units) is hereby added to Article 3 (Development and Operational Standards) of Title 21 (Zoning Code) of the Campbell Municipal Code:

CHAPTER 21.23 (ACCESSORY DWELLING UNITS)

21.23.010 - Purpose

This Chapter provides for the establishment of accessory dwelling units in compliance with Article 2 (Zoning Districts). The purpose of permitting accessory dwelling units is to allow more efficient use of the City's existing housing stock and to provide the opportunity for the development of small rental housing units designed to meet the special long-term housing needs of individuals and families, while preserving the integrity of single-family neighborhoods.

21.23.020 - Definitions

In addition to the terms defined by Article 6 (Definitions), the following terms shall have the following meanings as used in this Chapter:

"Accessory dwelling unit" means a dwelling unit ancillary to a primary dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, laundry, and sanitation on the same parcel as the primary dwelling unit is situated. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Attached accessory dwelling unit" means an accessory dwelling unit that is constructed as a physical expansion (i.e., addition) of a primary dwelling unit, and also includes an existing garage attached to a primary dwelling unit that is legally converted (fully or partially) to an accessory dwelling unit and construction of a new basement underneath a primary dwelling unit to accommodate an accessory dwelling unit.

"Detached accessory dwelling unit" means an accessory dwelling unit that is constructed as a separate structure from the primary dwelling unit, and also includes an existing garage detached from the primary dwelling unit that is legally converted (fully or partially) to an accessory dwelling unit.

"Interior accessory dwelling unit" means an accessory dwelling unit that is legally created entirely within the existing living area of a primary dwelling unit, including within an existing basement.

"Complete building permit application" means an application for a building permit that has been cleared for issuance by all reviewing departments and which the Building Official has determined may be issued to an appropriate individual upon payment of the necessary fees.

"Existing garage" means a legally constructed attached or detached garage that is in existence and/or granted a certificate of occupancy prior to January 1, 2017.

"Existing living area" means the legally constructed living area of a primary dwelling unit that is in existence and/or granted a certificate of occupancy prior to January 1, 2017.

"Living area" means the interior habitable floor area of a dwelling unit, including conditioned basements and attics, but not garages or other accessory structures, as measured to the outside surface of exterior walls.

"Floorspace" means the gross floor area of a detached accessory dwelling unit as measured to the outside surface of exterior walls, including its living area, basement area whether conditioned or unconditioned, and any garage or other enclosed accessory structure attached to the detached accessory dwelling unit

"Passageway" means a pathway that is unobstructed to the sky and extends from a street to the entrance of an accessory dwelling unit.

"Public transit" means one of the existing light rail passenger terminals located within the City of Campbell (i.e., Hamilton Station, Downtown Campbell Station, and Winchester Station).

21.23.030 - Minimum Standards for Eligibility

An accessory dwelling unit may only be constructed on parcels satisfying the following minimum standards:

- A. Zoning district. A parcel located within an R-1 (Single-Family Residential) Zoning District.
- B. Existing primary dwelling unit. A parcel that is presently developed with one primary dwelling unit. An accessory dwelling unit may not be constructed on a parcel without a primary dwelling unit or which is developed with more than one primary dwelling unit.
- C. Minimum lot size. A parcel with a net lot area of 10,000 square feet or greater, inclusive of any public or private easements except for easements that establish a private street, subject to the living area or floorspace limitations specified by Table 3-1(a). The community development director may require preparation of a survey to verify the parcel size.

Table 3-1(a) – Minimum Lot Size by Living Area or Floorspace

Minimum Net Lot Area	Maximum Floorspace or Living Area
10,000-10,999 sq. ft.	700 sq. ft.
11,000-11,999 sq. ft.	800 sq. ft.
12,000-12,999 sq. ft.	900 sq. ft.
13,000-13,999 sq. ft.	1,000 sq. ft.

14,000-14,999 sq. ft.	1,100 sq. ft.
15,000 sq. ft. or greater	1,200 sq. ft.

D. Compliant parking. A parcel that is presently developed with the minimum number of parking spaces required for a primary dwelling unit (1 covered and 1 uncovered) or which will be developed with the required number parking spaces in conjunction with the creation of an accessory dwelling unit.

21.23.040 - Development Standards

An accessory dwelling unit may only be constructed in accordance with the following development standards:

- A. General requirements. Except as otherwise specified by this Chapter, all accessory dwelling units shall satisfy the requirements applicable to a primary dwelling unit, including required yards, building height, distance between buildings, setbacks, floor area ratio, and lot coverage standards, as specified by the zoning district and/or area or neighborhood plan in which the parcel is located, as well as all applicable general performance, site development, landscaping, and parking standards (including those specified by Section 21.23.040.H). The requirements for accessory structures found in Section 21.36.020 (Accessory structures) do not apply to accessory dwelling units.
- B. Existing garages. An existing garage that is fully (not partially) converted to an accessory dwelling unit is subject to all provisions of this Chapter except that no additional setback from property lines or to other existing structures shall be required, provided that the existing garage is not expanded. Any expansion of the structure shall comply with applicable setback requirements and shall not be permitted to exercise the setback exception for non-conforming structures provided for in Section 21.58.050.F (Exceptions).
- C. Maximum size. The maximum floorspace for a detached accessory dwelling unit and the maximum living area for an attached or interior accessory dwelling unit shall be as specified in Section 21.21.030.C, Table 3-1(a), except that in no case shall the living area for an attached or interior accessory dwelling unit exceed fifty percent of the existing living area of the primary dwelling unit.
- D. Maximum height and stories. A detached accessory dwelling unit shall be a maximum of fourteen feet in height and not exceed one story. An attached or interior accessory dwelling unit shall be limited to the ground floor or the basement of the primary dwelling unit.
- E. Allowable rooms. Accessory dwelling units shall include no more than two bedrooms and two bathrooms. In no case shall an accessory dwelling unit include more than one kitchen.

- F. Design. A detached accessory dwelling unit shall be constructed to incorporate the same or similar building materials and colors as the primary dwelling unit, except for manufactured homes which shall be required to incorporate only the same or similar building colors as the primary dwelling unit. Attached or interior accessory dwelling units shall maintain the appearance of the primary dwelling unit as that of a single-family dwelling. Garages that are converted to accessory dwelling units shall include removal of garage doors which shall be replaced with architectural features, including walls, doors, windows, trim and accent details that remove any appearance that the structure was originally a garage.
- G. Entrances. An accessory dwelling unit shall include separate exterior access from the primary dwelling unit and may include an interior connection. However, the front door of an accessory dwelling unit shall not be oriented towards a public street. A passageway from the accessory dwelling unit to a public street may be created, but shall not be required by the City.
- H. Parking. Off-street parking for accessory dwelling units, in addition to those parking spaces required for the primary dwelling unit (1 covered space and 1 uncovered space), shall be provided in compliance with the following provisions.
1. Number of parking spaces required.
 - a. No additional parking shall be required for interior accessory dwelling units.
 - b. Attached and detached accessory dwelling units shall provide one parking space (covered or uncovered) per bedroom provided that any existing parking spaces that are removed by conversion of an existing garage shall be replaced concurrently with creation of the accessory dwelling unit.
 2. Parking configuration. Required and replacement covered parking spaces created by construction of a carport or garage and replacement uncovered spaces shall comply with all applicable development standards. Uncovered parking spaces required for an accessory dwelling unit may encroach into a required front-yard or street-side yard setback within an existing driveway that satisfies the minimum stall dimensions for a residential parking space, unless such a configuration is determined not to be feasible based upon fire and/or life safety conditions present on the property. Such a determination may be appealed as an interpretation of this Code in compliance with Section 21.02.030 (Procedures for interpretations).
 3. Demolition of an existing garage. When an existing garage (or carport) is demolished in conjunction with the construction of an accessory dwelling unit, any required parking spaces contained within the garage (or carport)

shall be replaced concurrently with creation of the accessory dwelling unit. The replacement spaces shall comply with all applicable development standards except that the replacement spaces may be located in any configuration on the parcel, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

4. Exception to parking requirement. The parking requirement for an attached and detached accessory dwelling unit shall not apply in the following instances, which shall allow creation of an attached or detached accessory dwelling unit without provision of additional parking.
 - a. The accessory dwelling unit is located on a parcel within a traversable distance of one-half mile of public transit.
 - b. The accessory dwelling unit is located on a parcel within a designated historic district.
 - c. The accessory dwelling unit is located within the boundaries of a permanent residential parking permit program, and where the City does not offer parking permits to the occupant(s) of the accessory dwelling unit.
 - d. The accessory dwelling unit is located on a parcel within one block of a City-licensed car-share vehicle (as defined by the California Vehicle Code).

21.23.050 – General Requirements and Restrictions

The following requirements and restrictions apply to all existing and new accessory dwelling units:

- A. Rentals. No more than one dwelling unit on the parcel, either the accessory dwelling unit or the primary dwelling unit, shall be leased or otherwise rented. Leases for durations of less than thirty (30) days, including short-term rentals (as defined by the California Government Code) are prohibited. The community development director shall require recordation of a deed restriction documenting these restrictions.
- B. Subdivision and sales. No subdivision of land or air rights shall be allowed, including creation of a stock cooperative or similar common interest ownership arrangement.
- C. Park impact fee. A fee in-lieu of parkland dedication land shall be paid in compliance with Chapter 13.08 (Park Impact Fees).

- D. Building code. Accessory dwelling units shall comply with all applicable building and fire codes as appropriate, except that the Building Official shall not require installation of fire sprinklers for an interior unit if they would otherwise not be required for the primary dwelling unit, except if the creation of the accessory dwelling unit would result in creation of a "new dwelling using portions of the original structure" pursuant to Chapter 18.32 (Determination of scope of work).
- E. Utilities. The Building Official shall coordinate with local utility agencies to ensure that accessory dwelling units are not considered new residential uses for the purpose of calculating local agency connection fees or capacity charges for utilities, including water and sewer services.

21.23.060 – Approval Process

The City shall issue a building permit for an accessory dwelling unit that is consistent with the provisions of this Chapter, as determined by issuance of a Zoning Clearance, within one hundred and twenty (120) days of submittal of a complete building permit application. However, physical expansion (i.e., addition) or exterior alteration to an existing primary dwelling unit located on a parcel that is subject to design review pursuant to Chapter 21.42 (Site and architectural review) or Chapter 21.33 (Historic preservation) shall first receive approval of the appropriate land use permit prior to a submittal of a building permit application for an accessory dwelling unit.

SECTION 7. Utility Meters: Campbell Municipal Code Section 18.20.030 (Utility meters) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

18.20.030 - Utility meters.

No parcel or lot located in an R-1 zoning district shall have more than one utility meter for each utility servicing the parcel or lot.

Exception: When necessary for installation of residential photo-voltaic battery storage systems, an additional utility electrical meter is allowed. This meter shall be used only in conjunction with a photo-voltaic system and shall not be used for providing power to an accessory dwelling unit ~~Secondary Dwelling Units~~.

SECTION 8. Accessory Structures: Campbell Municipal Code Section 21.36.020.A (Living quarters prohibited) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

A. Living quarters prohibited. An accessory structure shall not include sleeping quarters or a kitchen. The number of allowed plumbing fixtures shall be limited to two fixtures and may only include a toilet, sink, hot water heater or washing machine connection. Enclosed workshops with separate entrances are not allowed. Workshops with partial bathrooms must be open to the rest of the structure by at least a six-foot opening. The

community development director may require the recordation of a deed restriction stating that the structure will not be used as a dwelling unit. An accessory living dwelling unit may be approved in compliance with Chapter 21.23 (Accessory Dwelling Units) Section 21.36.200 (Secondary Dwelling Units).

SECTION 9. Utility Undergrounding: Campbell Municipal Code Section 21.18.140.B.1.e is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

e. An addition to an existing single-family dwelling that within a five-year period adds and/or replaces fifty percent or more to the dwelling's gross floor area except when located along a residential collector street. Existing and/or new detached garages, ~~secondary~~accessory dwelling units, and other fully enclosed accessory structures shall be considered in this section; and

SECTION 10. R-1 Zoning District Permitted Uses: Campbell Municipal Code Section 21.08.030.B (Permitted uses in R-1 (Single-family) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. Permitted uses in R-1 (Single-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

1. Accessory structures;
- ~~4.~~2. Accessory dwelling units;
- ~~2.~~3. Family child day care homes, small;
- ~~3.~~4. Garage/yard sales, private;
- ~~4.~~5. Groundwater recharge facilities;
- ~~5.~~6. Hobby car restoration;
- ~~6.~~7. Home occupations;
- ~~7.~~8. Manufactured housing (subject to architectural requirements within the parameters of State Law);
- ~~8.~~9. Parks, public;
- ~~9.~~10. Residential care homes, small;
- ~~10.~~11. Residential service facilities, small;
- ~~11.~~12. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- ~~12.~~13. Schools - K-12, public;
- ~~13.~~ Secondary dwelling units;
14. Single-family dwellings;

- 15. Supportive housing;
- 16. Transitional housing.

SECTION 11. Parking Requirements by Land Use (Table 3-1), Deletion of Secondary Dwelling Unit Requirement: Campbell Municipal Code Section 21.28.040, Table 3-1 (Parking Requirement by Land Use) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text, with the remainder of the table remaining unchanged, except as amended by Section 12:

Secondary dwelling units (including e Caretaker and employee housing)	2 spaces per unit, 1 of which must be covered.
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SECTION 12. Parking Requirements by Land Use (Table 3-1), Addition of Accessory Dwelling Unit Requirement: Campbell Municipal Code Section 21.28.040, Table 3-1 (Parking Requirement by Land Use) is amended to insert the following row for "Accessory Dwelling Unit" before the row for "Child day care homes, large," with underlining indicating new text, with the remainder of the table remaining unchanged, except as amended by Section 11:

<u>Accessory dwelling units</u>	<u>As specified by Section 21.23.040.H (Parking)</u>
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SECTION 13. Secondary Dwelling Unit Definition: Subsection S (DEFINITIONS, "S.") of Campbell Municipal Code Section 21.72.020 (Definitions of specialized terms and phrases) is amended to delete the definition of "secondary dwelling unit".

SECTION 14. Exception to Street Improvement Requirement: Campbell Municipal Code section 11.24.180.D is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- E. Additions, alterations or repairs to any existing residential structure, including construction of an accessory dwelling unit, within a five-year period that add less than fifty percent of the size, measured in square feet, to the existing structural coverage shall be exempt from the requirement of this chapter to install street improvements unless the contemplated additions and use of the property in question will result in an immediate danger to the public safety, as determined by the city engineer.

SECTION 14: This Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, one time within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this _____ day of _____, 2016 by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk



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

MEMORANDUM

To: Members of the Planning Commission **Date:** November 17, 2016
From: Paul Kermoyan, Community Development Director
Subject: Report of the Community Development Director

I. **CITY COUNCIL ACTIONS:** The City Council met on Tuesday, **November 1, 2016**, and discussed the following items of interest to the Planning Commission:

- A. **Text Amendment:** Council took second reading and adopted an Ordinance approving a Text Amendment amending Section 21.10.50 of the CMC (C-2 - General Commercial Zoning District).
- B. **Zoning Map Amendment for 1223 Walnut Drive:** Council took second reading of an Ordinance approving Zoning Map Amendment to change the zoning district designation from R-M to P-D.
- C. **Zoning Map Amendment and Zoning Code Amendment for Pruneyard Expansion Project:** The City Council took second reading and adopted Ordinances approving a Zoning Map Amendment and Zoning Code Amendment.
- D. **Resignation of Ron Bonhagen from the Planning Commission:** Council accepted the resignation and directed the City Clerk to advertise the vacancy and prepare the appropriate recognition of service.
- E. **Appeal of PC Determination on Cardiff:** Council adopted a resolution granting the appeal and overturning the PC's determination that a non-conforming use (liquor establishment) has been discontinued for a continuous period of six months.
- F. **Urgency Ordinance – Prohibiting and Regulating Non-Medical Marijuana in the event of passage of State Proposition 64:** Council adopted an Urgency Ordinance prohibiting and regulating non-medical marijuana and added Chapter 8.40 "Non-Medical Marijuana" to Title 8 of the CMC.

II. **CITY COUNCIL ACTIONS:** The City Council will meet on Tuesday, **November 15, 2016** and discuss the following:

- Study Session on the Campbell Village Area Plan
- 226 Alice Avenue – Mills Act Application
- Building Code revisions/adoption

The Director will provide an oral update on the items from this meeting at this Special PC meeting on November 17th.

III. MISCELLANEOUS

- A. **SARC Meeting of November 8, 2016:** The SARC met on November 8th and considered the following items:
1. Conditional Use Permit (PLN2-16-258) to allow a rear addition and interior remodel to a historic resource inventory property in a Historic District located at **235 S. First Street.**
 2. Administrative Planned Development Permit to allow an interior and exterior renovation of an existing movie theater, including expansion into an adjoining tenant space, a Conditional Use Permit (PLN2016-170) to allow beer and service ("liquor establishment") in association with the existing movie theater with late-night operational hours; and a Sign Permit (PLN2016-297) to allow a marquee sign, on property located at **2501 S. Winchester Boulevard.**
- B. Next Regular Planning Commission Meeting to be held on November 22, 2016, will include the following Items:
1. Application of Michael Navone for a Conditional Use Permit (PLN2016-258) to allow a rear addition and interior remodel to a historic resource inventory property in a Historic District located at **235 S. First Street.**
 2. 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.**
 3. Application of Hema Venicatesan for a Conditional Use Permit (PLN2016-313) to allow the establishment of a large fitness studio (d.b.a. Club Pilates) with late night hours (opening at 5:45 a.m.) out of an existing commercial tenant space on property owned by M&M Properties, located at **10 E. Hamilton Avenue, Suite 300.**
 4. Application of John Thomas for a Modification (PLN2016-351) to a previously approved Site and Architectural Approval to allow the installation of a new guardrail system along the perimeter of the roof of an existing commercial building located at **503 & 504 Vandell Way.**
 5. Application of Michael Bates for a Conditional Use Permit with Site and Architectural Review (PLN2016-290) to allow for the establishment of a major motor vehicle repair and maintenance facility (network operator) with vehicle painting and cleaning (d.b.a. "Caliber Collision"), and a Parking Modification Permit (PLN2016-354) to allow a reduction in the number of required parking spaces at **665 E. McGlincy Lane.**
- C. A Study Session of the Planning Commission will be held on November 22, 2016, will include the following Item:
1. Pre-Application (PRE2016-03) for a proposed 7-lot subdivision of property located at **1180 Abbott Avenue.**