

**PLANNING COMMISSION**  
City of Campbell, California

7:30 P.M.  
City Hall Council Chambers

February 12, 2019  
Tuesday

## **AGENDA**

### **ROLL CALL**

### **APPROVAL OF THE MINUTES**     January 22, 2019

### **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. **PLN2018-163**  
**City-Initiated**                      Public Hearing to consider a City-initiated Zoning Code Amendment (PLN2018-163) to adopt a new Chapter 21.45 and amending other sections of the Campbell Municipal Code pertaining to the permitting and regulation of temporary uses on private property. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Tentative City Council Meeting Date: March 19, 2019. Project Planner: Daniel Fama, Senior Planner

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

### **ADJOURNMENT**

Adjourn to the next regularly scheduled Planning Commission meeting of **February 26, 2019**, at 7:30 p.m., in the City Hall Council Chambers, 70 North First Street, Campbell, California.

CITY OF CAMPBELL PLANNING COMMISSION

MINUTES

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7:30 P.M.

TUESDAY

JANUARY 22, 2019  
CITY HALL COUNCIL CHAMBERS

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The Planning Commission meeting of January 22, 2019, was called to order at 7:30 p.m., in the Council Chambers, 70 North First Street, Campbell, California by Chair Hernandez and the following proceedings were had, to wit:

**ROLL CALL**

Commissioners Present: Chair:	JoElle Hernandez
Vice Chair:	Andrew Rivlin
Commissioner:	Stuart Ching
Commissioner:	Terry Hines
Commissioner:	Mike Krey
Commissioner:	Maggie Ostrowski
Commissioner:	Michael L. Rich

Commissioners Absent: None

Staff Present:	Community
Development Director:	Paul Kermoyan
Senior Planner:	Daniel Fama
City Attorney:	William Seligmann
Recording Secretary:	Corinne Shinn

**APPROVAL OF MINUTES**

**Motion: Upon motion by Commissioner Ostrowski, seconded by Commissioner Rich, the Planning Commission minutes of the meeting of December 11, 2018, were approved as submitted. (5-0-0-2; Commissioners Rivlin and Hines abstained)**

**SPECIAL PRESENTATION OF 2018 PC CHAIR PLAQUE**

Chair Hernandez presented THE 2018 Planning Commission Chair Plaque to outgoing Chair Michael Rich. She thanked him for his leadership and pointed out that it is not always easy to sit in this chair. The Commission considered lots of complicated issues

and had several long nights during 2018. She recognized his patience, leadership, fortitude and service.

Commissioner Rich stated that it was his pleasure to serve as Chair. He acknowledged that staff makes serving as PC Chair much easier. He stated that this is a great commission in general and that he looks forward to continuing to serve as a Commissioner.

### **COMMUNICATIONS**

None

### **AGENDA MODIFICATIONS OR POSTPONEMENTS**

None

### **ORAL REQUESTS**

Adam Buchbinder, Resident on Almarida Drive:

- Advised that the State legislature is currently considered SB50, which is similar to the previous SB27. SB50 is a statewide zoning bill.
- Asked whether staff has come up with any type of presentation on how this legislation would impact Campbell including what, where and how.

Chair Hernandez thanked Mr. Buchbinder for his question and suggested he reach out to staff during office hours to discuss his interests in this issue and receive answers. As it is not an agendized item, the Commission cannot enter into a discussion on this issue this evening.

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### **PUBLIC HEARINGS**

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

1. **PLN2018-382** Public Hearing to consider the application of BOOS Development West, LLC on behalf of CVS Pharmacy for a Conditional Use Permit (PLN2018-382) to allow establishment of a pharmacy/drugstore with late-night hours, off-site alcoholic beverage sales, and ancillary medical services, in the San Tomas Plaza shopping center on property located at **148 N San Tomas Aquino Road**. Staff is recommending that this project 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*

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

Chair Hernandez asked if there were questions for staff.

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

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

Commissioner Krey:

- Advised that he lives close to this center and there have been no issues with the CVS being there in their original location.
- Concluded he is perfectly fine with CVS relocating into a different unit within the same center.

Commissioner Rich said that this is a great location for this CVS and advised that he would be supportive.

Commissioner Hines:

- Said he could support the inclusion of alcohol sales and minor medical services.
- Reported that he had observed flooding at the back loading dock area during his site visit.
- Suggested that a door that was previously just an exit door be repurposed as both an entrance/exit door to help with site accessibility.

Planner Daniel Fama explained that Public Works imposes a trash capture device to prevent storm inlets from becoming plugged up and causing flooding as well as preventing trash from being swept out into the Bay.

**Motion:**           **Upon motion of Commissioner Krey, seconded by Commissioner Ostrowski, the Planning Commission adopted Resolution No. 4477 approving a Conditional Use Permit (PLN2018-382) to allow establishment of a pharmacy/drugstore with late-night hours, off-site alcoholic beverage sales, and ancillary medical services, in the San Tomas Plaza shopping center on property located at 148 N San Tomas Aquino Road, by the following roll call vote:**

**AYES:**           **Ching, Hernandez, Hines, Krey, Ostrowski, Rich and Rivlin**  
**NOES:**           **None**  
**ABSENT:**       **None**  
**ABSTAIN:**      **None**

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

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**REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR**

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

- Informed the Commissioners about two upcoming training opportunities. The League of California Cities Planning Academy in March in Long Beach and the National American Planning Association Conference in April in San Francisco. Staff is costing these events and will determine how many Commissioners can be registered to attend their preferred event. It is felt by staff that the San Francisco event might be more affordable given the close proximity of the venue and ability to avoid the costlier expenses of air travel and hotel accommodations.

**ADJOURNMENT**

The Planning Commission meeting adjourned at 7:45 p.m. to the next Regular Planning Commission Meeting of **February 12, 2019**.

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

APPROVED BY: \_\_\_\_\_  
JoElle Hernandez, Chair

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

## RESOLUTION NO. 4477

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A CONDITIONAL USE PERMIT TO ALLOW ESTABLISHMENT OF A PHARMACY/DRUGSTORE WITH LATE-NIGHT HOURS, OFF-SITE ALCOHOLIC BEVERAGE SALES, AND ANCILLARY MEDICAL SERVICE, ON PROPERTY LOCATED AT **148 N SAN TOMAS AQUINO ROAD**. FILE NO.: PLN2018-382

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

After due consideration of all evidence presented, the Planning Commission did find as follows with respect to file number PLN2018-382:

1. The project site is a tenant space located within the San Tomas Plaza Shopping Center.
2. The project site is located at the northeast corner of North San Tomas Aquino Road and West Campbell Avenue.
3. The project site is within the C-1 (Neighborhood Commercial) Zoning District and within the *Neighborhood Commercial* General Plan Land Use District as depicted on the City of Campbell Zoning and General Plan Maps, respectively.
4. The proposed project is an application for a Conditional Use Permit to allow establishment of a pharmacy/drugstore with late-night hours, off-site alcoholic beverage sales, and ancillary medical services
5. The proposed project includes a principally permitted land use—a "pharmacy/drugstore"—with three land use that are conditionally permitted in the C-1 Zoning District, including "late night activities," "off-site alcohol sales," and "medical services, clinic". The proposed project, therefore, is allowable in the C-1 Zoning District upon approval of a Conditional Use Permit.
6. Conditions of approval would restrict and limit alcohol sales and medical services activity such that they shall remain ancillary to the primary pharmacy/drugstore use.
7. The proposed project is exempt from the limitations and requirements for "liquor stores" pursuant to CMC Section 21.36.110 due to the ancillary nature of the proposed alcohol sales in association with the pharmacy/drugstore.
8. The proposed project, as conditioned, would be consistent with the following General Plan policies and strategies:

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

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

9. In review of the proposed project, the Planning Commission considered the proposed project's traffic safety, traffic congestion, site circulation, landscaping, structure design, and site layout.
10. In review the proposed project, the Planning Commission also weighed the public need for, and the benefit to be derived from, the project, against any impacts it may cause.
11. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required conditions of approval, will have a significant adverse impact on the environment.

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

Conditional Use Permit Finding (CMC Sec. 21.45.040):

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; and
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.

Environmental Findings (CMC Sec. 21.38.050):

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

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Conditional Use Permit (PLN2018-382), to allow establishment of a pharmacy/drugstore with late-night hours, off-site alcoholic beverage sales, and ancillary medical services, subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 22nd day of January, 2019, by the following roll call vote:

AYES: Commissioners: Rich, Dodd, Hernandez, Krey, Ostrowski, Rivlin, Hines  
NOES: Commissioners:  
ABSENT: Commissioners:  
ABSTAIN: Commissioners:

APPROVED: \_\_\_\_\_  
JoElle Hernandez, Chair

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



**CONDITIONS OF APPROVAL**  
**Conditional Use Permit (PLN2018-382)**

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

**COMMUNITY DEVELOPMENT DEPARTMENT**

1. Approved Project: Approval is granted for a Conditional Use Permit (PLN2018-382) to allow establishment of a pharmacy/drugstore with late-night hours, off-site alcoholic beverage sales, and ancillary medical services on property located at **148 N San Tomas Aquino Road**. The project shall substantially conform to the Project Plans and Written Description, dated as received by the Community Development Department on November 21, 2018, 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 effective date of Planning Commission action (expiring February 1, 2020). Within this one-year period the transfer of the Type 21 (Off-Sale General – Package Store) Alcoholic Beverage Control (ABC) License shall be completed. Failure to meet this deadline or expiration of an issued building permit will result in the Approval being rendered void.

Once established, this Approval shall be valid in perpetuity on the property subject to continued operation of the pharmacy/drugstore and maintenance of a valid ABC liquor license. Abandonment, discontinuation, or ceasing of operations for a continuous period of twelve months shall void the approval.

3. Transfer of Approval: By exercise of this Approval, the property owner acknowledges that the existing pharmacy/drugstore located at 100 N San Tomas Aquino Road may not be licensed by the Department of Alcoholic Beverage Control for the sale of alcoholic products without approval of a new Conditional Use Permit.
4. Signage: No signage is approved as part of this approval. New signage shall not be installed prior to approval of a sign permit. All signage shall be installed and maintained consistent with the provisions of the San Tomas Plaza Master Sign Program.
5. Operational Standards: The operation of the pharmacy/drugstore store shall be subject to the following operational standards. Significant deviations from these standards, as determined by the Community Development Director, shall require approval of the Planning Commission.

- a. **Approved Use:** The approved use is a "pharmacy/drugstore" with "late night activities," ancillary "off-site alcoholic beverage sales" and an incidental "medical services, clinic," as defined by the Campbell Municipal Code. Activity inconsistent with these definitions, including, but not limited to, primary use as a "liquor store," is prohibited.
- b. **Operational/Business Hours:** The approved operational/business hours shall be limited to 6:00 AM to 12:00 AM, daily, inclusive of delivery, stocking, and janitorial activity. Prior to and after these hours, the pharmacy/drugstore shall not be occupied by customers or employees, except in the case of an emergency.
- c. **Alcohol Sales:** The sale of alcoholic products within the pharmacy/drugstore shall be subject to the following restrictions:
  - (1) The applicant shall obtain a Type 21 (Off-Sale General – Package Store) license from the State Department of Alcoholic Beverage Control prior to the sale of alcoholic beverages.
  - (2) The Community Development Director may require specific signage or locked cabinet shelving, or similar measures, to prevent the unauthorized selling or theft of alcohol.
  - (3) The sale of alcoholic products shall be limited to 10% of the gross floor area of the pharmacy/drugstore.
  - (4) The sale of single serving alcohol containers shall be prohibited. Multi-packaged alcohol cannot be broken up, separated or sold separately from the original packaging. This shall include single bottles or cans of beer, regardless of volume, single serving containers of wine coolers or other similar alcohol products. This prohibition shall not include standard wine bottles with a volume equal or greater to 750 ml.
- d. **Medical Clinic Services:** Medical clinic services shall be limited to two (2) private exam rooms and a waiting room not to exceed 500 square feet in area. Services shall be provided only by nurse practitioners and limited to the diagnosis and treatment of common family illnesses, vaccination services, wellness check-ups, sports and camp physicals, and treatment of minor injuries not resulting in suturing, surgical procedures, invasive procedures, or radiation (x-rays). Medical services requiring care by a medical doctor shall not be provided at this center.
- e. **Smoking:** "No Smoking" signs shall be posted on the premises in compliance with CMC Sec. 6.11.060. It is the store operator's responsibility to enforce the "no smoking" requirements along the exterior of the store.
- f. **Refuse Management:** If necessary to secure the refuse area, as based on verified complaints, the Community Development Director may require use of locking refuse and recycling bins.

- g. **Outdoor Display:** Products displays at the front entry of the pharmacy/drugstore shall be maintained in good order and shall not impede accessible path-of-travel into or out of the pharmacy/drugstore store. Seasonal displays (e.g., Christmas trees), may not encroach into the parking lot unless approved by the Community Development Director in compliance with Campbell City Council Policy 9.8 (or a successor Temporary Use Permit Ordinance).
  - h. **Noise:** Unreasonable levels of noises, sounds and/or voices, including but not limited to amplified sounds from radio and loud speakers, shall not be audible to a person of normal hearing acuity from any residential property. In the event verified complaints are received by the City regarding such noise, the Community Development Director may immediately curtail the Hours of Operation pursuant to Condition of Approval No. 6 (Revocation of Permit).
  - i. **Property Maintenance:** The store operator shall maintain all exterior areas of the business free from graffiti, trash, rubbish, posters and stickers placed on the property.
  - j. **Trash & Clean Up:** All trash, normal clean up, carpet cleaning, etc. shall not be done in the late evening or early morning hours. All clean up and trash collection shall be done between 6:00 AM and 10:00 PM daily. Refuse and recycling containers shall be kept in the enclosure at all times except when being emptied by collection personnel.
  - k. **Outdoor Storage:** No equipment, materials or business vehicles shall be parked and/or stored outside or within the parking lot.
  - l. **Powered Equipment:** The use of powered equipment shall be limited to the hours of 8:00 AM and 7:00 PM, Monday through Friday, and between the hours of 9:00 AM and 6:00 PM Saturday, Sunday and nationally recognized holidays.
  - m. **Shopping Cart Retention:** If necessary to secure shopping carts from theft and abandonment, as based on verified complaints, the Community Development Director may require installation of security devices that preclude removal of the shopping carts from the property.
  - n. **Storefront Clearance:** At no time shall an obscure wall or barrier be installed along, behind or attached to storefront windows or doorways that blocks visual access or blocks natural light.
  - o. **Parking:** The parking lot shall be maintained in compliance with the standards in the Campbell Municipal Code. All parking and driveway areas shall be developed and maintained in compliance with the approved plans and Chapter 21.28 (Parking and Loading) of the Campbell Municipal Code. All parking areas shall be regularly swept and cleaned to remove litter and debris from the parking areas and driveways. Parking shall be restricted for on-site uses only.
6. **Revocation of Permit:** Operation of the pharmacy/drugstore pursuant to this Approval 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 and/or hours of operation, has become a nuisance to the City's public health, safety or welfare or for violations of the land use permit or any standards, codes, or ordinances of the City of Campbell. The business owner shall be obligated to cover the actual cost of all staff time associated with revocation proceedings. This obligation may be enforced by the City as permitted by law.

At the discretion of the Community Development Director, if the establishment generates three (3) verifiable complaints related to violations of conditions of approval, noise, and/or the sale of alcohol within a one (1) year period, a public hearing before the Planning Commission may be scheduled to consider modifying conditions of approval or revoking the Approval. The Community Development Director may commence proceedings for the revocation of the Approval upon the occurrence of less than three (3) complaints if the Community Development Director determines that the alleged violation warrants such an action. The Director may also at such time, restrict the establishment's hours of operation. In exercising this authority, the decision making body may consider the following factors, among others:

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



**CITY OF CAMPBELL • PLANNING COMMISSION**  
**Staff Report • February 12, 2019**

**PLN2018-163** Public Hearing to consider a City-initiated Zoning Code Amendment  
**Zoning Code** (PLN2018-163) adding new Chapter 21.45 (Temporary Use Permits) and  
**Amendment** amending various other sections of the Campbell Municipal Code pertaining to  
the permitting and regulation of temporary uses on private property.

**STAFF RECOMMENDATION**

That the Planning Commission take the following action:

1. **Adopt a Resolution** (reference **Attachment 1**), recommending that the City Council adopt an ordinance to add new Chapter 21.45 (Temporary Use Permits) and amending various other sections of the Campbell Municipal Code pertaining to the permitting and regulation of temporary uses on private property.

**ENVIRONMENTAL DETERMINATION**

Staff recommends that the Planning Commission find that the proposed ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline Section 15061(b)(3) in that the minor temporary uses of land the proposed ordinance is intended to allow are exempt from environmental review under section 15304(e) such that the ordinance has no potential to cause a significant effect on the environment.

**DISCUSSION**

Background: Based on an evident need to establish formal permitting authority for temporary activities not otherwise allowed by the City's Municipal Code, the Planning Commission initiated preparation of an ordinance to establish a framework for a Temporary Use Permit (TUP) at its meeting of June 26, 2018.

Proposed Ordinance: The attached ordinance (reference **Attachment 2**) would add a new Chapter 21.45 (Temporary Use Permits), and amend various other sections of the Campbell Municipal Code, to allow temporary uses to be conducted on *non-residentially* zoned private property. Specifically, the draft ordinance would provide for the following:

- **Allowable Activities:** Numerous temporary activities with varying durations are specified as allowable subject to approval of a TUP, including Christmas tree lots, sidewalk sales, carnivals, outdoor grand opening events, blood drives, food truck events, car and boat shows, craft shows, issuance of single-day alcohol licenses, and placement of cargo storage containers and construction trailers. Additionally, the Community Development Director may also consider a temporary use that is not specified if the proposal is found "to be of the same general character" as a specified use. Such a determination would constitute an interpretation that may be appealed.

- **Allowable Zoning Districts:** A temporary use may only be approved in a non-residential zoning district, including the City's commercial (C-1, C-2, C-3), office (P-O), industrial (M-1, C-M), and institutional (P-F, PF/OS) districts, as well as the Planned Development (P-D) district with comparable General Plan land use designations.
- **Approval Authority:** The Community Development Director would decide on TUP applications, but maintain the ability to forward any request to the Planning Commission for a decision. Additionally, the Director may also refer an application for review and recommendation to the Police, Fire, Building, and/or Public Works Departments, depending on the nature of a particular request.
- **Review Procedure:** An application for a TUP would need to be submitted at least 60 days prior to the proposed activity. If upon review the Community Development Director deems the application "complete," a decision must be rendered within five business days.
- **Public Noticing:** Upon a rendering a decision, staff would mail a notice to all property owners within 300-feet of the subject property informing them of the decision and procedures for an appeal. An appeal must be filed within ten calendar days or otherwise the Community Development Director's decision is final.
- **Conditions:** The Community Development Director's decision to approve a TUP would also include establishment of time limits on the proposed activity, which may vary from a single day to several weeks (e.g., for Christmas tree sales lots). An approval would also include operational restrictions appropriate for the proposed use, such as sanitary facilities, crowd control, and security.
- **Exemptions:** The TUP process would only apply to private property, with the exception of the Pruneyard, which has its own special event provisions under the Master Use Permit. Additionally, events on public property—such as Oktoberfest—would continue to be reviewed by the City Council for consideration of a Special Event Permit.

## ANALYSIS

General Plan Conformance: Pursuant to CMC Section 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 affirmatively established, as discussed below:

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

As with the recent consideration of revised regulations for tutoring centers, the General Plan (Strategy LUT-9.1) directs the City to periodically review the allowable types of allowable land uses in the City. The proposed Temporary Use Permit process would also advance the General Plan guidance that encourages a variety of uses (Policy LUT-5.3). In particular, a formalized TUP process may entice entertainment activities of interest to the community that are not currently allowed.

Lastly, by formalizing a process to regulate temporary uses, the City will be able to manage potential land use incompatibilities that in the past went unaddressed, consistent with Strategy LUT-9-1.d.

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

Strategy LUT-9.1: Land Use Review: Review the types of land uses allowed in the City's zoning districts and revise, where appropriate, to assure greater compatibility.

Strategy LUT-9.1d: Land Use Limits and Controls: Amend the Zoning Ordinance to establish limits and controls regarding operating hours for uses that are incompatible with adjoining residential uses to noise, traffic or other disturbances.

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

The current lack of formal permitting authority of temporary activities leaves many events to be conducted without review by City staff and/or limited review by outside agencies without coordination. In this regard, formal permitting authority will enhance the City's ability to protect the public interest, health, and safety.

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

To implement the new Chapter 21.45 (Temporary Use Permits), the draft ordinance would amend the non-residentially zoning districts to list temporary uses as a permitted use; identify temporary use permits as an appealable action; exempt temporary use permits from the live entertainment permit requirement; and eliminate redundant permitting procedures for circuses/carnivals and other amusement activities that would now be regulated via a TUP. Additionally, concurrent with its consideration of the draft ordinance, the City Council would also consider rescinding Council Policy 9.8, which pertains to the permitting of Christmas tree and pumpkin lots.

Attachments:


1. Draft Planning Commission Resolution
2. Draft Ordinance

Prepared by:



\_\_\_\_\_  
Daniel Fama, Senior Planner

Approved by:

  
\_\_\_\_\_  
Paul Kernoyan, Community Development Director

**RESOLUTION NO. 44\_\_**

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING NEW CHAPTER 21.45 (TEMPORARY USE PERMITS) AND AMENDING VARIOUS OTHER SECTIONS OF THE CAMPBELL MUNICIPAL CODE PERTAINING TO THE PERMITTING AND REGULATION OF TEMPORARY USES ON PRIVATE PROPERTY. FILE NO. PLN2018-163

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 PLN2018-163:

1. The project consists of a Zoning Code Amendment to add new Chapter 21.45 (Temporary Use Permits) and amending various other sections of the Campbell Municipal Code pertaining to the permitting and regulation of temporary uses on private property.
2. The proposed Zoning Code Amendment would be consistent with the General Plan in that it will formalize a process to regulate temporary uses consistent with the following policies and strategies:

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

Strategy LUT-9.1: Land Use Review: Review the types of land uses allowed in the City's zoning districts and revise, where appropriate, to assure greater compatibility.

Strategy LUT-9.1d: Land Use Limits and Controls: Amend the Zoning Ordinance to establish limits and controls regarding operating hours for uses that are incompatible with adjoining residential uses due to noise, traffic or other disturbances.

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;
3. The proposed amendment is internally consistent with other applicable provisions of the Zoning Code; and
4. Adoption of the proposed amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline Section 15061(b)(3) in that the minor temporary uses of land this ordinance is intended to allow for are exempt from environmental review under section 15304(e) such that the ordinance 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**).

PASSED AND ADOPTED this 12th day of February, 2019, by the following roll call vote:

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

APPROVED: \_\_\_\_\_  
JoElle Hernandez, Chair

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

Ordinance No. \_\_\_\_\_

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL TO ADDING NEW CHAPTER 21.45 (TEMPORARY USE PERMITS) AND AMENDING VARIOUS OTHER SECTIONS OF THE CAMPBELL MUNICIPAL CODE PERTAINING TO THE PERMITTING AND REGULATION OF TEMPORARY USES ON PRIVATE PROPERTY. FILE NO. PLN2018-163

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 is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline Section 15061(b)(3) in that the minor temporary uses of land this ordinance is intended to allow for are exempt from environmental review under section 15304(e) such that the ordinance 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.** Adopting of Temporary Use Permit Chapter: New Chapter 21.45 (Temporary Use Permits) is hereby added to Article 3 (Development and Operational Standards) of Title 21 (Zoning Code) of the Campbell Municipal Code to read as follows:

#### CHAPTER 21.45 (TEMPORARY USE PERMITS)

##### 21.45.010 – Purpose of Chapter.

A temporary use permit allows short-term land use activities that might not meet the normal development or use standards of the Zoning Code but may be nonetheless appropriate due to their temporary nature. This Chapter provides a process for reviewing a proposed temporary use to ensure that basic health, safety and general community welfare standards are met.

##### 21.45.020 – Applicability.

Temporary use permit required. The following temporary uses located on non-residentially zoned private property, in compliance with Article 2, (Zoning Districts) shall require approval of a temporary use permit subject to the standards and requirements of this Chapter.

1. Art, craft and antique shows;
2. Beer and wine festivals/walks;

3. Blood drives;
4. Car and Boat shows;
5. Cargo storage containers (excepting those allowed by Section 21.36.050);
6. Christmas tree and pumpkin sales lots;
7. Construction (on-site) trailers;
8. Construction staging yards (off-site) for active construction projects;
9. Fairs and carnivals;
10. Food truck events;
11. Late night holiday business hours;
12. Model homes and sale offices;
13. Night markets;
14. Outdoor grand opening events;
15. Outdoor music shows;
16. Parking lot/sidewalk sales (associated with a retail business) ;
17. Short-term valet parking programs;
18. Traveling amusements;
19. Any other activity requiring issuance of a Daily (Special One-day Event Permit) from the California Department of Alcoholic Beverage Control;
20. Other uses determined by the community development director to be of the same general character as the above uses, in compliance with Section 21.02.020.F (Allowable uses of land).

Exemption. This Chapter shall not apply to special events approved by the City Council pursuant to Chapter 5.50, (Special Events Permit). However, this exemption shall not relieve property owners from securing a temporary use permit for any activity located on private property that may be associated with an approved special event. This Chapter shall also not apply to property located within an overlay combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit).

#### 21.45.030 – Application filing and contents.

- A. Filing. An application for a temporary use permit shall be filed with the community development department in compliance with Chapter 21.38, (Application Filing, Processing and Fees), at least sixty (60) days prior to the date of the proposed temporary use.
- B. Contents. Applications for a temporary use permit shall be available from and filed with the community development department and shall contain the following information:

1. Name, address and phone number of the applicant and property owner;
2. Signature of the applicant and property owner;
3. Address of the property where the temporary use is proposed to occur;
4. A site plan depicting existing structures and improvements and the area of the property to be occupied by the proposed temporary use;
5. Parking management plan;
6. A drawing of any proposed temporary signage (subject to a temporary sign permit in compliance with Section 21.30.070);
7. A written statement of the proposed temporary use, including a description of the proposed activity(s), days and hours of the use, personnel involved in the operation, what type of goods or services provided, sanitary facilities provided, the use of amplified music, cooking facilities, provision of alcoholic beverages, temporary lighting, parking accommodations, and required vehicular circulation;
8. Application fee as established by the Schedule of Fees and Charges; and
9. Any other information deemed necessary by the community development director to properly evaluate the request.

21.45.40 – Approval authority and permit process.

- A. Approval authority. The community development director shall be the approval authority for applications for temporary use permits. However, the community development director may refer an application to the Planning Commission for consideration and decision, subject to the provisions of Chapter 21.64, (Public Hearing).
- B. Review considerations. In evaluating an application for a temporary use permit, the community development director shall consider the potential noise, parking, traffic, light, glare, odor, dust, aesthetic, and public safety impacts of the proposed temporary use in conjunction with existing on-site land uses. To facilitate this evaluation, the community development director may request that an application for a temporary use permit be reviewed by the police chief, city engineer, traffic engineer, building official, and/or fire district chief, for review and recommendation prior to deeming an application complete.
- C. Decision. Upon acceptance of a complete application in compliance with Chapter 21.38, (Application Filing, Processing, and Fees), the community development director shall render a decision on the application within five (5) business days.
- D. Notice to the applicant. Upon rendering of a decision for a temporary use permit application, the community development director shall provide written notification of the decision to the applicant and property owner. The notification shall include findings for the decision, the ending date of the appeal period, and in the case of

approval, shall include all conditions and time limits imposed by the community development director.

- E. Public notification. Concurrently with the notice to the applicant and property owner the community development director shall also mail a notice of decision to all owners of property situated within three hundred feet of the subject property at the address set forth on the most currently available assessment roll adopted by the County of Santa Clara. The notice shall provide a brief description of the temporary use permit request, the location of the subject property, the decision rendered, the appeal process, and the ending date of the appeal period.
- F. Appeals. A decision of the community development director may be appealed within ten calendar days of the date of the notice of decision, in compliance with Chapter 21.62, (Appeals).

#### 21.45.050 – Findings.

An application for a temporary use permit may only be approved if the community development director finds that:

- A. The temporary use is allowable by this Chapter and within the applicable zoning district, upon approval a temporary use permit;
- B. The temporary use would not conflict with restrictions of an existing Conditional Use Permit or similar entitlement applicable to the subject property;
- C. The temporary use is consistent with the Campbell General Plan and the purpose of this Chapter;
- D. The temporary use is compatible with existing land uses on the subject property;
- E. The subject property is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the temporary use would be expected to generate; and
- F. The conditions and time limits imposed by the community development director are sufficient to ensure that the temporary use will not, under the circumstances of the particular application, be detrimental to the health, safety or general welfare of persons residing or working near the subject property.

#### 21.45.060 – Conditions and time limits.

In approving an application for a temporary use permit, the community development director shall impose a time limit and reasonable and necessary conditions necessary to affirmatively establish the findings listed in Section 21.45.050, above, including but not limited to the following:

1. Limitation on the length of time, the day(s) of the week, and the hours of the day during which the temporary use may be conducted;

2. Provision for traffic and/or crowd control;
3. Provision for security as recommended by the Police Chief;
4. Provision for sanitary facilities; and
5. A cash deposit as surety for clean-up, repair of public property, and/or unanticipated use of public resources.

#### 21.45.070 – Other Approvals Required

Nothing in this Chapter eliminates the need for obtaining any permit, approval, or entitlement that may be required to comply with the regulations of any county, regional, State, or Federal agency.

**SECTION 4. Relationship to Special Event Permits:** New Section 5.50.135 (Temporary Use Permits) is hereby added to Chapter 5.50 – Special Event Permit to read as follows:

#### 5.50.135 – Temporary Use Permits

Approval of a special event permit shall not relieve property owners from securing a temporary use permit in compliance with Chapter 21.54, (Temporary Use Permits) for any activity located on private property that may be associated with an approved special event.

**SECTION 5. P-O Zoning District Permitted Uses:** Campbell Municipal Code Section 21.10.030.B (Permitted uses in P-O (Professional Office) zoning district) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

B. Permitted uses in P-O (Professional office) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

1. Offices, professional;
2. Satellite television or personal internet broadband dishes/antenna (less than 3 feet in diameter);
3. Schools—K-12, public;
4. Temporary uses, subject to Chapter 21.45;
- ~~4.5.~~ Tutoring centers, large, subject to Section 21.36.243;
- ~~5.6.~~ Tutoring centers, small, subject to Section 21.36.243;
- ~~6.7.~~ Wireless telecommunications—stealth (requires approval of a site and architectural review permit).

**SECTION 6. C-1 Zoning District Permitted Uses:** Campbell Municipal Code Section 21.10.040.B (Permitted uses in C-1 (Neighborhood Commercial) zoning district) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

B. Permitted uses in C-1 (Neighborhood Commercial) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

1. Automated teller machines (ATM's);
2. Banks and financial services;
3. Catering business, only when ancillary to a restaurant;
4. Collection containers, small, subject to obtaining a permit pursuant to Section 21.36.245;
5. Dry cleaning;
6. Grocery stores (under ten thousand square feet);
7. Hardware stores (under ten thousand square feet);
8. Laundromats, self-service;
9. Libraries, public;
10. Light rail passenger terminals;
11. Meat markets;
12. Offices, professional;
13. Outdoor seating, when twelve total seats or less;
14. Parking lots/structures, public;
15. Personal services, general;
16. Pharmacies/drug stores;
17. Photocopying;
18. Photography studio/supply shop;
19. Repair and maintenance, consumer products;
20. Restaurants or cafes (excluding fast food or drive-ins);
21. Retail stores, general merchandise;
22. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
23. Schools K—12, public;
24. Shopping centers (under ten thousand square feet);
25. Temporary uses, subject to Chapter 21.45;
- 25-26. Travel agencies;
- 26-27. Universities/colleges, public;
- 27-28. Vending machines;
- 28-29. Wireless telecommunications facilities - stealth (requires approval of a site and architectural review permit).

**SECTION 7. C-2 Zoning District Permitted Uses:** Campbell Municipal Code Section 21.10.050.B (Permitted uses in C-2 (General Commercial) zoning district) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

B. Permitted uses in C-2 (General Commercial) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):

1. Ambulance service;
2. Artisan products, small-scale assembly;
3. Automated teller machines (ATM's);
4. Banks and financial services;
5. Blueprinting shops;
6. Catering business, only when ancillary to a restaurant;
7. Collection containers, large and small, subject to obtaining a permit pursuant to section 21.36.245;
8. Dry cleaning;
9. Furniture, furnishings, and equipment stores (greater than ten thousand square feet);
10. Furniture, furnishings, and equipment stores (under ten thousand square feet);
11. Garden centers/plant nurseries;
12. Grocery stores (under ten thousand square feet);
13. Handicraft industries, small scale assembly;
14. Hardware stores (under ten thousand square feet);
15. Hotels;
16. Laundromats, self-service;
17. Libraries, public;
18. Light rail passenger terminals;
19. Medical services, laboratories;
20. Motels;
21. Offices, professional;
22. Outdoor seating, when twelve total seats or less;
23. Parking lots/structures, public;
24. Personal services, general;
25. Pharmacies/drug stores;
26. Photocopying;



27. Photography studio/supply shop;
28. Repair and maintenance, consumer products;
29. Restaurants or cafes (excluding fast food or drive-ins);
30. Retail stores, general merchandise;
31. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
32. Schools K—12, public;
33. Shopping centers (under ten thousand square feet);
34. Temporary uses, subject to Chapter 21.45;
- ~~34.35.~~ Travel agencies;
- ~~35.36.~~ Universities/colleges, public;
- ~~36.37.~~ Vending machines;
- ~~37.38.~~ Wireless telecommunications facilities - stealth (requires approval of a site and architectural review permit).

**SECTION 8. C-3 Zoning District Permitted Uses:** Campbell Municipal Code Section 21.10.060.B (Permitted uses in C-3 (Central Business District) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeouts~~ (~~strikeout~~) indicating deleted text:

- B. Permitted uses in C-3 (Central Business District) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):
1. Retail business, including but not limited to clothing stores, department stores, drugstores, furniture stores, toy stores, jewelry stores, shoe stores, florist shops and gift shops subject to standards for alcohol sales in compliance with paragraph (F) (Standards for alcohol sales in the C-3 zoning district), below. Does not include retail business uses specified in paragraph (C) (Uses permitted with a conditional use permit in the C-3 district).
  2. Tutoring centers (small and large), studios (small and large), and professional offices, except on the ground floor of parcels abutting East Campbell Avenue east of Second Street unless the following standards can be met:
    - a. The business is located in a separate tenant space that is a minimum of fifty feet from the East Campbell Avenue property line; and
    - b. The separate tenant space does not have a door or entrance that takes access from East Campbell Avenue.
  3. Service commercial establishments including but not limited to barber shops, beauty parlors, dry cleaning, photographic studio, shoe repair shops, and tailors, except on the ground floor of parcels abutting East Campbell Avenue east of Second Street unless the following standards can be met:

- a. The business is located in a separate tenant space that is a minimum of fifty feet from the East Campbell Avenue property line; and
  - b. The separate tenant space does not have a door or entrance that takes access from East Campbell Avenue.
4. Outdoor seating and merchandise displays, subject to approval of an outdoor seating and merchandise display permit in compliance with paragraph (H) (Standards and permit requirements for outdoor seating and merchandise display), below.
  5. Restaurants, subject to the provisions of paragraph (F) (Standards for alcohol sales in the C-3 zoning district) and standards for live entertainment in compliance with paragraph (G) (Standards for live entertainment in the C-3 zoning district), below.
  6. Temporary uses, subject to Chapter 21.45.
  - ~~6.7.~~ Wireless telecommunications facilities—stealth (requires approval of a site and architectural review permit).
  - ~~7.8.~~ Other uses similar to the above in compliance with Chapter 21.02 (Interpretation of Provisions).

**SECTION 9. C-M Zoning District Permitted Uses:** Campbell Municipal Code Section 21.10.070.B (Permitted uses in C-M (Controlled Manufacturing) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- B. Permitted uses in C-M (Controlled Manufacturing) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):
1. Artisan products, small-scale assembly;
  2. Blueprinting shops;
  3. Business support service;
  4. Collection containers, large and small, subject to obtaining a permit pursuant to Section 21.36.245;
  5. Clothing products manufacturing;
  6. Electronics and equipment manufacturing;
  7. Food and beverage product manufacturing;
  8. Furniture/cabinet shops;
  9. Glass products manufacturing;
  10. Handicraft industries, small-scale assembly;
  11. Laundries/dry cleaning plants;
  12. Light rail passenger terminals;

13. Machinery manufacturing;
14. Metal products fabrication;
15. Offices, professional;
16. Paper products manufacturing;
17. Pharmaceutical manufacturing;
18. Plastics and rubber products;
19. Printing and publishing;
20. Research and development;
21. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
22. Sign manufacturing;
23. Temporary uses, subject to Chapter 21.45;
- ~~23-24.~~ Textile products manufacturing;
- 24-25. Warehousing, wholesaling and distribution facility, incidental (less than fifty percent of floor area);
- 25-26. Wireless telecommunications facilities - stealth (requires approval of a site and architectural review permit).

**SECTION 10. M-1 Zoning District Permitted Uses:** Campbell Municipal Code Section 21.10.080.B (Permitted uses in M-1 (Light Industrial) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- B. Permitted uses in M-1 (Light Industrial) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):
1. Ambulance service.
  2. Artisan products, small-scale assembly.
  3. Blueprinting shops.
  4. Business support service.
  5. Clothing products manufacturing.
  6. Collection containers, large and small, subject to obtaining a permit pursuant to section 21.36.245;
  7. Electronics and equipment manufacturing.
  8. Emergency shelters, only in that portion of the M-1 zone bounded generally by Camden Avenue, Los Gatos Creek County Park, Hacienda Avenue and Winchester Boulevard.
  9. Food and beverage product manufacturing.
  10. Furniture/cabinet shops.

11. Glass products manufacturing.
12. Handicraft industries, small-scale assembly.
13. Laboratories.
14. Laundries/dry cleaning plants.
15. Light rail lines.
16. Light rail passenger terminals.
17. Lumber and wood products, including incidental mill work.
18. Machinery manufacturing.
19. Metal products fabrication.
20. Offices, professional.
21. Paper products manufacturing.
22. Pharmaceutical manufacturing.
23. Plastics and rubber products.
24. Printing and publishing.
25. Repair and maintenance, consumer products.
26. Research and development.
27. Rug and upholstery cleaning.
28. Satellite television or personal internet broadband dishes/antenna (less than 3 feet in diameter).
29. Sign manufacturing.
30. Sign shops.
31. Temporary uses, subject to Chapter 21.45.
- ~~31.32.~~ Textile products manufacturing.
- ~~32.33.~~ Trucking/freight terminals.
- ~~33.34.~~ Warehousing, wholesaling and distribution facility, incidental.
- ~~34.35.~~ Warehousing, wholesaling and distribution facility, primary.
- ~~35.36.~~ Wireless telecommunications facilities—stealth (requires approval of a site and architectural review Permit).
- ~~36.37.~~ Sexually oriented business in compliance with Chapter 5.55 and section 21.36.205 of this Code

**SECTION 11. P-D Zoning District Permit Requirement:** Campbell Municipal Code Section 21.12.030.H (Permit Required) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

H. Permit required. Unless otherwise specified in this chapter, and excepting a temporary use permit approved in compliance with Chapter 21.45, (Temporary Use Permit) no use or structure shall be constructed, created, enlarged, erected, established, installed, maintained, or placed within a P-D zoning district unless and until a planned development permit or an administrative planned development permit has been approved. An administrative planned development permit shall be processed through the administrative decision process as prescribed in Chapter 21.71, (Administrative Decision Process). An application for an administrative planned development permit shall be filed with the community development department in compliance with Chapter 21.38, (Application Filing, Processing and Fees). The application shall be accompanied by a detailed and a fully dimensioned site plan, floor plan and elevations and any other data/materials identified in the community development department application for an administrative planned development permit. All applications shall be accompanied by a filing fee in compliance with the City Council's fee resolution. It is the responsibility of the applicant to establish the findings required by this section. The decision by the community development director may be appealed as prescribed in Chapter 21.62, (Appeals).

**SECTION 12. P-F Zoning District Permitted Uses:** Campbell Municipal Code Section 21.12.040.C (Uses allowed with site and architectural review in the P-F (Public Facilities) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- C. ~~Uses allowed with site and architectural review. The following uses are allowed, subject to the approval of a site and architectural review permit in compliance with Chapter 21.42, (Site and Architectural Review), except where exempt~~ Permitted uses in P-F (Public Facilities) Zoning District. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):
1. Structures and facilities owned, leased, or operated (whether in a governmental or proprietary capacity) by the city, the county, the state, the federal government, any public school district, or any other public district within the city.
  2. Temporary uses, subject to Chapter 21.45.

**SECTION 13. Deletion of Beer and Wine Festivals provisions:** Campbell Municipal Code Section 21.36.30 (Beer and wine festivals) is hereby deleted in its entirety from the Campbell Municipal Code.

**SECTION 14: Definitions of Beer and Wine Festival:** The definition for "beer and wine festival" is hereby deleted from Campbell Municipal Code Section 21.72.020.B.

**SECTION 15. Decision-Making Table:** Table 4-1 (Decision-Making Table) of Section 21.38.020 (Authority for land use and zoning decisions) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

**Table 4-1  
Decision-Making Body**

Type of Permit or Decision	Decision-making body and Role (1)			
	Procedures are found in:	Community Development Director (2)	Planning Commission	City Council
<b>Land Use Permits and other Development Entitlements</b>				
Administrative Planned Development Permits	21.12.030	Decision	Appeal	Appeal
Administrative Site and Architectural Review Permits	21.42	Decision	Appeal	Appeal
Conditional Use Permits	21.46		Decision (5)	Appeal
Development Agreements	21.52		Recommend	Decision
Fence Exceptions	21.18.060	Decision	Appeal	
Home Occupation Permits	21.44	Issuance		
Parking Modification Permit (5)	21.28.050	Decision	Decision/Appeal	Decision/Appeal
Planned Development Permits	21.12.030		Recommend	Decision
Pre-applications	21.41	Comments(4)	Comments(4)	
Reasonable Accommodations	21.50	Decision	Appeal	Appeal
Sign Permits	21.30	Issuance(2)	Decision(2)	Decision(2) Appeal(2)
Site and Architectural Review Permits	21.42		Decision(5)	Appeal

<u>Temporary use permits</u>	<u>21.45</u>	<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
Tree Removal Permits	21.32	Decision	Appeal	Appeal
Variances	21.48		Decision	Appeal
Zoning Clearances	21.40	Issuance		
<b>Zoning Code Administration and Amendments</b>				
General Plan Amendments	21.60		Recommend	Decision
Interpretations	21.02	Decision	Appeal	Appeal
Zoning Code Amendments	21.60		Recommend	Decision
Zoning Map Amendments	21.60		Recommend	Decision

**SECTION 16. Appeals from administrative decisions:** Campbell Municipal Code Section 21.62.020.B (Appeal of community development director's decisions) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. Appeal of community development director's decisions. The applicant or any other interested party may file an appeal to the planning commission from any of the following decisions made by the community development director:

1. Administrative planned development permits;
2. Administrative site and architectural review permits;
3. Fence exceptions;
4. Notice of intent to record;
5. Parking modification permits;
6. Reasonable accommodation;
7. Temporary use permits;
- ~~7.8.~~ Tree removal permits;
- ~~8.9.~~ Conditional Use Authorization (in compliance with Section 21.14.030.C.4 (Administrative authority); and
- 9.10. Architectural Modification (in compliance with Section 21.14.030.C.4 (Administrative authority).

**SECTION 17: Definitions of Temporary Use:** The following definition is added to subsection T of Campbell Municipal Code section 21.72.020 between the definitions of "Target population" and "Tennis courts, private" to read as follows, with underlining indicating new text:

"Temporary use" means a land use activity described in Chapter 21.45, whether profit or non-profit, conducted solely on private property for a limited period of time as prescribed by a temporary use permit.

**SECTION 18: Exemption from Live Entertainment Permit Requirements:** Campbell Municipal Code Section 5.24.010(c) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

(c) The following uses are specifically exempted from this section:

- (1) Shows and entertainments, theatrical, musical and vocal presentations, and other live performances conducted by schools, colleges, churches, lodges and private clubs themselves on their own premises, and those conducted and sponsored by civic groups in supervised municipal parks;
- (2) Live entertainment conducted in a standard restaurant (as defined in Section ~~21.02.335-21.72.020.R~~) in a the C3-S-C-3 (eCentral bBusiness District) zZoning dDistrict, provided that such entertainment satisfies the requirements stated in Section ~~21.26.020 21.10.060.G~~ (Standards for live entertainment in the C-3 zoning district).
- (3) Live entertainment conducted in conjunction with an approved temporary use permit in compliance with Chapter 21.45 (Temporary use permits).

**SECTION 19: Exemption from Permit Procedures:** Campbell Municipal Code Section 5.08.010 (Activities designated – Fees) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

5.08.010 - Activities designated—Fees.

No person shall conduct any of the following businesses and activities in the ~~e~~City without first securing a permit therefor from the ~~e~~City ~~e~~Council on written application filed therefor with the City Clerk, approved by the Chief of Police, the Chief of the Fire Department, and the Community Development Director-Zoning Officer of the city. The application shall comply with the requirements of Section 5.08.020. The following are the activities regulated by this chapter and the license fee therefor:

- ~~(1) Amusement concession, when not connected with any fair or carnival, for each \$6.00 per day, per day\6.00~~
- ~~(A) Merry-go-round, per day\6.00~~
- ~~(B) Ferris wheel, per day\6.00~~
- ~~(C) Scenic railway, per day\6.00~~
- ~~(D) Shoot the chutes, per day\6.00~~



- ~~(E) Dodge 'em., per day\6.00~~
- ~~(F) Swing, per day\6.00~~
- ~~(G) Any mechanical device for carrying passengers, per day\6.00~~
- ~~(H) Ball-throwing game, per day\6.00~~
- ~~(I) Ring-throwing game, per day\6.00~~
- ~~(J) Fortune or other wheel games, per day\6.00~~
- ~~(K) (K) Shooting gallery, per day\6.00~~
- ~~(L) (L) Keno, lotto or other and similar games, per day\6.00~~
- ~~(2) Skee ball, bat ball or other similar device, equipment or entertainment, per year\15.00~~
- ~~(3) Box-Boxing or wrestling bout, per day\25.00~~
- ~~(4) Circus, menagerie or wild west show or like exhibition under or enclosed by canvas, first day\200.00~~
- ~~Each additional day, per day\100.00~~
- ~~(5) Festival, fair or carnival, first day\336.00~~
- ~~Each additional day, per day\106.00~~
- ~~(6)(1) Fire and/or bankruptcy and/or wreck sale, first day\50.00~~
- ~~Each additional day, per day\25.00~~
- ~~(7)(2) Grinding and/or sharpening knives, scissors, cutlery, lawn mowers, etc., when the person conducting such business travels from place to place by vehicle or on foot, per year\25.00~~
- ~~(8)(3) Hypnotism, per year\449.00~~
- ~~(9)(4) Itinerant medicine vendor, street vendor, temporary vendor and/or peddler, per day\30.00~~
- ~~(10)(5) Occult science, including astrology, palmistry, phrenology, life reading, fortunetelling, cartomancy, clairvoyance, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy, when the person who conducts same demands or receives a fee for the exercise or exhibition of his art therein either directly or indirectly or as a gift or donation, or charges admission, per year\336.00~~
- ~~(11)(6) Pawnbroker, per year\336.00~~
- ~~(12)(7) Used motor vehicle dealer—Same as Commercial per Municipal Code Section 5.04.010~~

~~(13)~~(8) Billiard and/or pool room, per year\224.00

~~(14)~~(9) Dancehall, public dances, per year\100.00

~~(15)~~(10) Mechanical amusement device and contraptions and vending machines—See Section 5.08.080

~~(16)~~——Sideshow, per day\25.00

**SECTION 20. Deletion of Special Requirements for Circuses and Carnivals:** Campbell Municipal Code Chapter 5.16 (Circuses and Carnivals) is hereby deleted in its entirety from the Campbell Municipal Code.

**SECTION 21. Special Provisions for Cargo Storage Containers:** Campbell Municipal Code Chapter 21.36.050 (Cargo storage containers) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

21.36.050 - Cargo storage containers.

This section provides regulations for the use of sea cargo and transport containers used for temporary storage purposes during active construction, ~~when placed on a property~~.

A. One cargo container shall be allowed on a ~~residential~~ property in conjunction with an active building permit and ~~shall meet the~~ subject to the following criteria:

1. The cargo container shall be installed on private property and not in a public right-of-way, unless approved by the City Engineer;

~~2. Maximum allowable time of installation on a residential property shall be one year from date of installation;~~

~~3.2.~~ The location of ~~a the~~ cargo container, ~~the installation date, and the removal date~~ shall be shown on the approved building plans; and

~~4.3.~~ The cargo container shall be removed before issuance of a certificate of occupancy; ~~and~~

~~5. Placement of more than one cargo container shall require approval of a use permit.~~

~~B. Cargo containers may be allowed in residential zoning districts subject to approval of a conditional use permit in compliance with Chapter 21.46 (Conditional Use Permits).~~

~~C.B.~~ Cargo containers unrelated to active construction or a request for more than one container may be allowed in a nonresidential zoning districts subject to approval of a ~~conditional use permit~~ temporary use permit in compliance with Chapter 21.456 (~~Temporary use permits~~ Conditional Use Permits).

~~D. The use of cargo storage containers shall be considered temporary in nature and a one year maximum time limit shall be imposed for their use. Upon approval, the applicant shall provide a letter of agreement, satisfactory to the city attorney, stating that the container(s) will be removed from the property within one year from the date of approval, unless the planning commission grants an extension.~~

~~E. In order to approve a cargo storage container, the planning commission shall find that the placement of a container(s):~~

- ~~1. Does not adversely affect required parking facilities for the property;~~
- ~~2. Is architecturally compatible with existing and neighboring structures to the extent possible including building materials, colors and roof elements;~~
- ~~3. Does not impair the orderly and harmonious development of the surrounding properties.~~

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the following roll call vote:

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

APPROVED:

\_\_\_\_\_  
Richard M. Waterman, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk



project site from R-1-6 (Single-Family Residential) to P-D (Planned Development); and a Planned Development Permit (PLN2018-220) to allow construction of two single-family homes with an exception to the access requirement, on property located at **1806 White Oaks Road**.

3. Public Hearing to accept comments from interested public agencies, organizations, and individuals on the adequacy of the project-level Draft Environmental Impact Report (DEIR) prepared for the proposed Campbell In-N-Out Burger Project, on property located at **499 E. Hamilton Avenue**.