SITE AND ARCHITECTURAL REVIEW COMMITTEE

City of Campbell, California

Register in advance for this Zoom meeting if attending remotely:

www.campbellca.gov/SARCsignup

October 22, 2024
Tuesday
6:00 PM

After registering, you will receive a confirmation email containing information about joining the meeting.

SARC AGENDA

Doetsch Conference Room
70 North First Street, Campbell, CA 95008

CALL TO ORDER / INTRODUCTIONS

AGENDA MODIFICATIONS OR POSTPONEMENTS

MEETING MANAGEMENT

The Site and Architectural Review Committee (SARC) is a subcommittee of the Planning Commission authorized by the Campbell Municipal Code to review the architectural design and site layout of proposed development projects. The SARC makes reports and recommendations to the Planning Commission, however, the SARC has no decision-making authority, and its recommendations are not binding on the Planning Commission.

SARC meetings are scheduled immediately preceding the 7:00 PM Planning Commission public hearings. As such, the time allotted for each application is limited and must be reserved for review and discussion by the SARC, staff, and applicants. Any time remaining during the scheduled review time may be utilized for public comment at the discretion of the Chair.

SCHEDULED ITEMS

ITEM/FILE NO.		ADDRESS	START TIME	APPLICANT
1.	PLN-2023-52	480 E. Hamilton Avenue	6:00 PM	Scott A. Mommer Consulting
Major Planned Development Permit Modification to adjust the operational characteristics of an existing 102,332 square-foot hardware store with a 18,705 square-foot garden center, including limited allowance of outdoor storage of merchandise and product on a 10.17-acre P-D property. Project Planner: Nishant Seoni, Contract Associate Planner				

ADJOURNMENT

Adjourn to the next Site and Architectural Review Committee meeting on **November 5, 2024**, to be held in the Doetsch Conference Room, 70 North First Street, Campbell, California.

Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, listening assistance devices are available for meetings held in the Council Chambers. If you require accommodation to participate in the meeting, please contact City Clerk's Office at ClerksOffice@campbellca.gov or (408) 866-2117.

MEMORANDUM

Community Development Department
Planning Division

To: Site and Architectural Review Committee **Date**: October 22, 2024

From: Nishant Seoni, Contract Associate Planner

Subject: Major Planned Development Permit Modification (Home Depot)

File No.: PLN-2023-51 ~ 480 E. Hamilton Avenue

BACKGROUND

Project Site:
The project site is the Campbell Home Depot, which consists of two parcels; an approximately 10-acre lot owned by the Campbell Union School District and a smaller 2-acre lot owned by Home Depot USA Incorporated. The project site is located southwest of the E. Hamilton Avenue and Salmar Avenue intersection and developed with an existing 102,332 square-foot hardware store with a 18,705 square-foot garden center, dba 'Home Depot', along with a parking lot and outdoor food cart use.



Project Background:
The City Council approved a Planned Development Permit in 1991 allowing the construction and operation of the existing Home Depot. The site has five previously approved entitlements associated with Home Depot, beginning with the 1991 Planned Development Permit (reference **Attachment A** – Entitlement History).

Staff have received complaints from adjacent residents to the west of the site regarding noise generated from merchandise delivery vehicles and other activity along the western property line, unpermitted sale of food and beverages on site, inaccessible sidewalks due to outdoor merchandise display, trash buildup on site, and staff congregation at the western property line. Related to this, the city has issued code violations to Home Depot related to afterhours noise and outdoor storage in unpermitted areas. As a result, Home Depot entered into a "compliance agreement" with the City that required submittal of this application to modify Home Depot operations and address the outstanding violations.

Proposed Project:
Home Depot currently stores excess merchandise outdoors. Outdoor merchandise storage is not permitted on this site under current approved entitlements. The applicant has applied for a Major Planned Development Permit Modification to address code violations and adjust Home Depot's operational characteristics, including legalizing the existing, unpermitted outdoor merchandise storage and adding additional outdoor merchandise storage areas. In addition to the proposed modifications to outdoor storage, the City is recommending new conditions of approval that establish clear delivery and storage locations, routes, and times, and clear operational restrictions and standards to minimize nuisance impacts to the surrounding neighborhood. If this application is approved by the City Council, the conditions of approval for all existing entitlements will be replaced with the new conditions of approval.

The application was deemed complete on May 24, 2023. The project is therefore subject to prior General Plan policies and Zoning District designations in effect at the time and that have since been replaced with the current adopted Zoning Code and General Plan.

Pursuant to the currently adopted Zoning Code all outdoor storage of merchandise or products on the project site is prohibited. However, at the time the application was deemed complete outdoor storage of merchandise or products was allowed if permitted under a discretionary entitlement. Therefore, outdoor storage of merchandise and products can be permitted with approval of the subject application.

The applicant is not proposing any new development on the site. The proposed project will not alter the building footprint, building exterior, or parking lot. The subject entitlement request and associated conditions of approval will establish operational requirements for the existing use.

PROJECT DATA

Zoning Designation: Planned Development (P-D)

General Plan Designation: General Commercial

Standard	Existing	Allowed[1]
Area	10.17 acres (gross)	N/A
Height	38'	N/A
Square footage	Store: 102,332 sq. ft. Garden Center: 18,705 sq. ft. Total: 121,037 sq. ft.	N/A
Lot coverage	27.3 %	N/A
FAR	.273	N/A

DISCUSSION

[1] The P-D zoning district does not prescribe specific development standards.

Scope of Review:

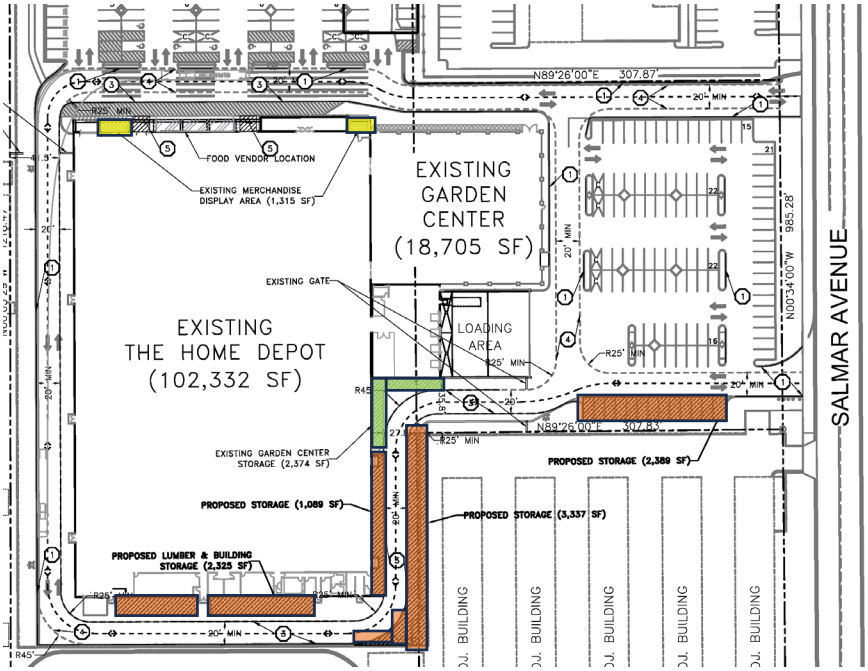
The Site and Architectural Review Committee's (SARC) role is to review the architectural design and site configuration of the proposed project for compatibility with City design standards and guidelines, and to make recommendations, as appropriate, to the Planning Commission. Under the City's prior Planned Development zoning standards in effect at the time this application was deemed "complete," the SARC "shall review all development plan and shall make reports and recommendations on each application to the Planning Commission." However, given that the application is to modify Home Depot's operational characteristics, the SARC's role is narrow but required by the Zoning Code.

Changes to Site Layout and Use:

The proposed site plan, excerpted below, shows the existing conditions: layout of the store, garden center, and parking lot, existing unpermitted outdoor merchandise storage locations, and emergency access; and proposed conditions: new outdoor merchandise storage locations, site access, and delivery routes and locations. The Santa Clara County Fire District reviewed the site plan and approved the project with regards to fire apparatus access road width, turning radius, location, and materials.

Home Depot currently stores excess merchandise in an existing area south of the Garden Center (highlighted in green on the site plan below). Excess merchandise stock is stored outdoors to allow Home Depot to restock in-store merchandise quickly during heavy sale periods. Excess merchandise is typically brought into the store within 72 hours. This is unpermitted storage that will become permitted with approval of this application.

Home Depot displays merchandise currently for sale in front of the store (highlighted in yellow on the site plan below) including barbeques, patio furniture, material displays, fencing displays, and landscape products. This is permitted under current entitlements. Home Depot proposes to store excess merchandise in additional outdoor locations (highlighted in orange on the site plan below).



Excess merchandise will be stored on 12-foot-tall pallets in both existing outdoor merchandise storage locations and proposed outdoor merchandise storage locations. Merchandise for sale displayed in front of the store must remain restricted to the designated merchandise display area on the site plan and cannot be placed in pedestrian walkways. The applicant will be required to keep all sidewalks and walkways clear of any items, including merchandise, and maintain a 5-foot-wide pedestrian access as shown on the site plan at all times. The pedestrian walkway in front of the store will be striped to separate it from the rest of the parking lot. No merchandise storage, loading, or display of any kind is permitted at any time along the western property line.

Staff has worked with the applicant to propose a site layout and usage restrictions that will address the code violations and adjacent resident concerns listed above and be discussed in further detail in the Planning Commission staff report. For example, delivery vehicles will access the site from Salmar Avenue only and deliver merchandise at the Loading Area to the south of the existing Garden Center. The western side of the property will only be used for exit of delivery and emergency vehicles. Delivery hours will be restricted to 8:00 AM through 6:00 PM Monday through Friday, and 9:00 AM through 3:00 PM Saturday.

Parking:
The project site provides 450 existing conforming parking spaces (minimum of 8.5 feet wide and 18 feet long, with minimum 25-foot backup distances, pursuant to CMC 21.28.080). AB-2097, adopted in 2022, prohibits a public agency from imposing or enforcing minimum parking requirements on development projects located within a ½ mile of a major transit. As the project is not proposing any new development and is within a ½ mile of both the Campbell VTA Light Rail Station and Hamilton VTA Light Rail Station, the site is not subject to minimum parking requirements.

Landscaping:
The project is not proposing new landscaping. The site is consistent with CMC 21.26.030, which provides several guidelines and standards for landscaping in all zoning districts. Landscaping throughout the site consists of a mix of turf, ground cover, shrubs, and trees. Trees are a minimum of 15-gallon size and shrubs are a minimum of 5-gallon size. Entrance and exit points into the site off Salmar Avenue and Hamilton Avenue are bordered by a variety of trees, shrubs, and planters. Neighboring residences are screened from the store by trees all along the western property line. The existing parking lot includes trees and planters placed at regular intervals throughout both parking lots adjacent to Salmar Avenue and Hamilton Avenue.

Fencing and Screening:
The project is not proposing new fencing or screening. Pursuant to CMC 21.18.120, existing landscaping and fencing screens the property from adjacent differing land uses (residences to the west). The site has an existing 6-foot CMU wall along the western and southern sides of the property. Existing trees, bushes, and planters provide additional screening from residences to the west of the property. Landscaping also provides screening along a portion of Salmar Avenue to the east of the property.

Consistent with CMC 21.18.120.C, proposed outdoor storage areas to the south of the building and will be screened from public view along Salmar Avenue by adjacent public storage buildings, landscaping, and the existing CMU wall. No outdoor storage is proposed north of building in view

of Hamilton Avenue. However, the proposed outdoor storage along the south of the eastern parking lot will be partially visible from Salmar Avenue. This proposed outdoor storage location was added to a revised site plan after the application was deemed "complete." Pursuant to CMC 21.18.120.C, all outdoor storage and operations must be screened from view by solid sight obstructing walls and gates not less than six feet in height and architecturally compatible with other on-site development. Staff will recommend conditions of approval requiring screening of this outdoor storage location or, if screening is not feasible, its removal. If screening is not feasible, this outdoor storage location. The SARC should discuss potential screening options or relocation of proposed storage if screening is not operationally feasible for Home Depot.

Trash Management:
Prior to issuance of a building permit, the applicant will be required to submit a plan showing the inventory of existing on-site storm drain catch basins, with and without trash capture inserts, to the Public Works Department. As determined by the Public Works Department, the applicant will be required to install trash capture inserts in on-site storm drain catch basins located adjacent to the proposed fire lane.

Public Comments:
In an effort to engage the community, staff mailed a courtesy notification about the project to property owners within 300 feet of the subject property at the time the application was received. Several residents have submitted comments on the project expressing concerns about noise generated from merchandise delivery vehicles and other activity along the western property line, unpermitted sale of food and beverages on site, inaccessible sidewalks due to outdoor merchandise display, trash buildup on site, and staff congregation at the western property line (reference **Attachment E** – Community Correspondence). Additionally, staff conducted a community outreach meeting with City staff, neighboring residents, the applicant, and Home Depot representatives on January 10, 2024. Neighboring residents expressed concerns related to operation of the site and Home Depot representatives explained existing conditions and operations. As discussed above, staff has worked with the applicant to propose a site layout and formulate conditions of approval that together address these concerns.

SUMMARY

Staff believes that the site layout and configuration is appropriate for the proposed operational changes with the exception of proposed unscreened storage along the south of the eastern parking lot. If the SARC believes that the project warrants changes, the applicant may be asked to revise the design for review by the Planning Commission.

Attachments
A. Entitlement History
B. Project Plans
C. Project Description
D. Site Photos
E. Community Correspondence

Entitlement History:

1. 1991: CC Ordinance No. 1841 approving a Planned Development Permit to allow construction of the store and garden center.
2. 1994: CC Ordinance No. 1901 approving a modification to the previous Planned Development Permit related to outdoor merchandise delivery and storage, delivery hours, and special events.
3. 2001: CC Ordinance No. 2015 approving a modification to the original Planned Development Permit related to more stringent requirements to control noise from merchandise delivery and storage.
4. 2007: PC Resolution No. 3843 approving a conditional Use Permit allowing a limited-term use of four temporary cargo storage containers.
5. 2010: PC Resolution No. 3978 approving an Administrative Planned Development Permit to allow continued late night activity overnight stocking of shelves.
6. 2022: CDD approval of an Administrative Planned Development Permit to formalize establishment of an existing food service cart.

3/8/2023

Home Depot – Campbell, CA #0642

Project Description

The existing Home Depot store is located at 480 East Hamilton Avenue Campbell, CA 95008 and APN: 279-33-043. The below is the proposed Project Description for the Land Use Application for the proposed additional operations at the existing Home Depot:

EXISTING FRONT SIDEWALK SALES & DISPLAY

The Home Depot store proposes to display along the front of the store a number of items such as barbeques, patio furniture, material displays, fencing displays, and landscape products including living plants, sand, and blocks.

EXISTING & PROPOSED STAGING AREAS/ STORAGE AREAS

The purpose for the staging area is to allow for product to be brought in and taken off the flat-bed trucks to be brought into the store or garden center within 72 hours. This is to allow for available merchandise during heavy sale periods to keep product on-site and avoid additional trucking, which helps on the carbon footprint. The height is typically 3 stacked pallets.

Attachment C

THE HOME DEPOT CAMPELL #0642

480 EAST HAMILTON AVENUE
CAMPBELL, CA 95008

PROJECT INFORMATION

SITE ADDRESS:	480 EAST HAMILTON AVENUE CAMPBELL, CA, 95008
APN:	279-33-043
ZONING DISTRICT:	(PD) PLANNED DEVELOPMENT
SCOPE OF WORK:	DESIGNATED AREAS INTENDED FOR HOME DEPOT OUTDOOR SALES, STAGING AREA, AND STORAGE AREA.
LOT AREA :	10.17 AC (443,005 SF)
BUILDING AREA:	121,037 SF
COVERAGE AREA:	123,687 SF
FLOOR AREA RATIO (FAR):	0.273(27.3%)
BUILDING LOT COVERAGE:	0.279 (27.9%)
LANDSCAPE AREA:	34,317 SF
LANDSCAPE COVERAGE:	0.077 (7.7%)
PAVEMENT AREA:	212,908 SF
PAVEMENT COVERAGE:	0.481 (48.1%)
TOTAL PARKING:	450 STALLS

LEGEND

- EXISTING LIMITS OF SUBJECT BOUNDARY
- EXISTING HANDICAP STALLS
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING LIGHT POLE
- EXISTING DOOR/EMERGENCY EXIT
- EXISTING BOLLARD
- EXISTING CART CORRAL
- EXISTING CURB
- EXISTING FENCE
- EXISTING WALL
- EXISTING STRIPING

SHEET INDEX

SHEET 1	COVER SHEET
SHEET 2	OVERALL SITE PLAN
SHEET 3	FOCUSED SITE PLAN
SHEET 4	EMERGENCY ACCESS PLAN
SHEET 5	SITE FIRE PLAN
SHEET 6	TRUCK DELIVERY ROUTE

RESERVED FOR CITY

SCOTT A. MOMMER CONSULTING
LAND DEVELOPMENT SERVICES
4694 WEST JACQUELYN AVENUE - FRESNO, CA 93722
TEL: 559 978-1000 FAX: 559 276-0850 SMOMMER@SCOTTMOMMER.COM



VICINITY MAP
NOT TO SCALE

COVER SHEET

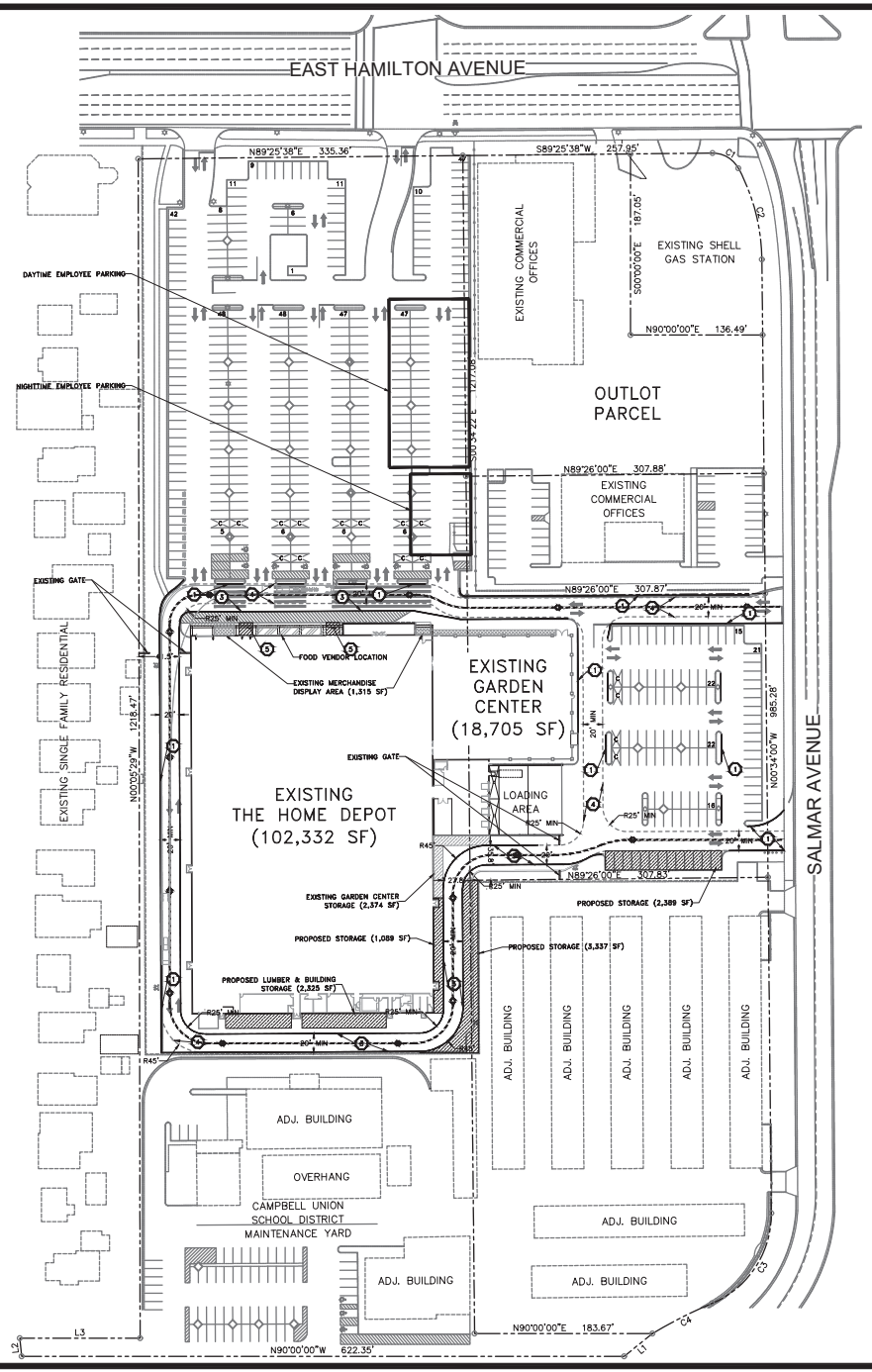
DATE:	10/18/2022
REVISION DATES:	12/02/2022 02/17/2023 09/20/2024
SITE PLANNER	CHRIS FISCHBACH
SITE DEV. COORDINATOR	CASSIE PERMENTER

CA - CAMPBELL
STORE # 0642

ADDRESS:	480 EAST HAMILTON AVENUE CAMPBELL, CA 95008
LA PROJECT NUMBER	22040.00

CONSTRUCTION NOTES

1. EXISTING RED CURB FOR FIRE ACCESS LANE (6" WIDE ALONG 0" CURB).
2. CURB ALONG FIRE ACCESS LANE TO BE PAINTED RED (6" WIDE ALONG 0" CURB).
3. FIRE ACCESS LANE TO BE PAINTED RED (4"PAINT 4" WIDE RED STRIPE ALONG FIRE ACCESS PATHWAY).
4. FIRE TRUCK PATH OF TRAVEL SHOWN FOR REFERENCE (MIN. 20' WIDTH) TO BE MAINTAINED AT ALL TIMES.
5. PAINT 4" WIDE WHITE STRIPE ALONG AREA PERIMETER. PAINT 4" WIDE WHITE STRIPE DIAGONALS 3' O.C. WITHIN INTERIOR OF AREA. MAINTAIN 4' MINIMUM CLEARANCE FOR ADA WALKWAY ALONG FRONT OF APRON.



HATCHING LEGEND

- PROPOSED SIDE STAGING AREA
- EXISTING FRONT APRON SALES AREA
- PROPOSED LUMBER AND BUILDING STORAGE AREA
- EXISTING GARDEN CENTER STORAGE AREA
- PROPOSED WHITE STRIPPING (SEE CONSTRUCTION NOTE 5)
- 4' ADA PEDESTRIAN PATH (SEE CONSTRUCTION NOTE 5)

SYMBOLS LEGEND

- FIRE ACCESS LANE. SEE CONSTRUCTION NOTE 3
- EXISTING CART CORRAL
- PROPOSED PARKING
- FIRE TRUCK ACCESS ROUTE

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VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

HOME DEPOT SITE DATA	
HOME DEPOT PARCEL AREA	10.17 AC
APN:	279-33-043
ZONE:	PLANNED DEVELOPMENT (PD)
LAND USE:	PLANNED DEVELOPMENT (PD)
JURISDICTION:	CITY OF CAMPBELL
HOME DEPOT BUILDING AREAS	
EXISTING HOME DEPOT AREA	102,332 SF
EXISTING GARDEN CENTER AREA	+ 18,705 SF
TOTAL HD AREA	121,037 SF
PARKING REQUIRED PER CITY CODE	
HOME DEPOT (@ 1/300 SF) GFA	341 STALLS
GARDEN CENTER (@ 1/300 SF) GFA	+ 62 STALLS
TOTAL HD PARKING REQUIRED	403 STALLS
HOME DEPOT PARKING PROVIDED	
FRONT FIELD PARKING	361 STALLS
SIDE FIELD PARKING	89 STALLS
REAR FIELD PARKING	+ 0 STALLS
TOTAL HD PARKING PROVIDED	450 STALLS
INCLUDED WITHIN PARKING PROVIDED	
ACCESSIBLE PARKING (8 REQ AT 301-400)	8 STALLS
PRO PARKING	10 STALLS
NOT INCLUDED WITHIN PARKING PROVIDED	
CART CORRALS	12 STALLS
EXISTING STAGING AREA	13 STALLS
EXISTING SHED DISPLAY	5 STALLS
PROPOSED STORAGE	13 STALLS

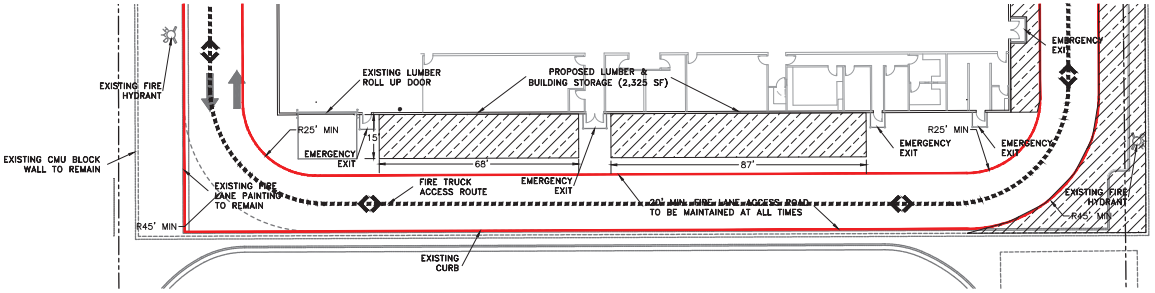
OVERALL SITE PLAN

DATE:	10/18/2022
REVISION DATES:	12/02/2022
	02/17/2023
	09/20/2024
SITE PLANNER	CHRIS FISCHBACH
SITE DEV. COORDINATOR	CASSIE PERMENTER

CA - CAMPBELL
STORE # 0642

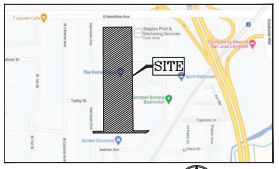
ADDRESS:	480 EAST HAMILTON AVENUE CAMPBELL, CA 95008
LA PROJECT NUMBER	22040.00

SCALE 1"=60'



SECTION A: PROPOSED LUMBER AND STORAGE AREA

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VICINITY MAP
NOT TO SCALE

FOCUSED SITE PLAN

DATE: 10/18/2022
REVISION DATES: 12/02/2022
02/17/2023
09/20/2024

SITE PLANNER CHRIS FISCHBACH
SITE DEV. COORDINATOR CASSIE PERMENTER

CA - CAMPBELL
STORE # 0642

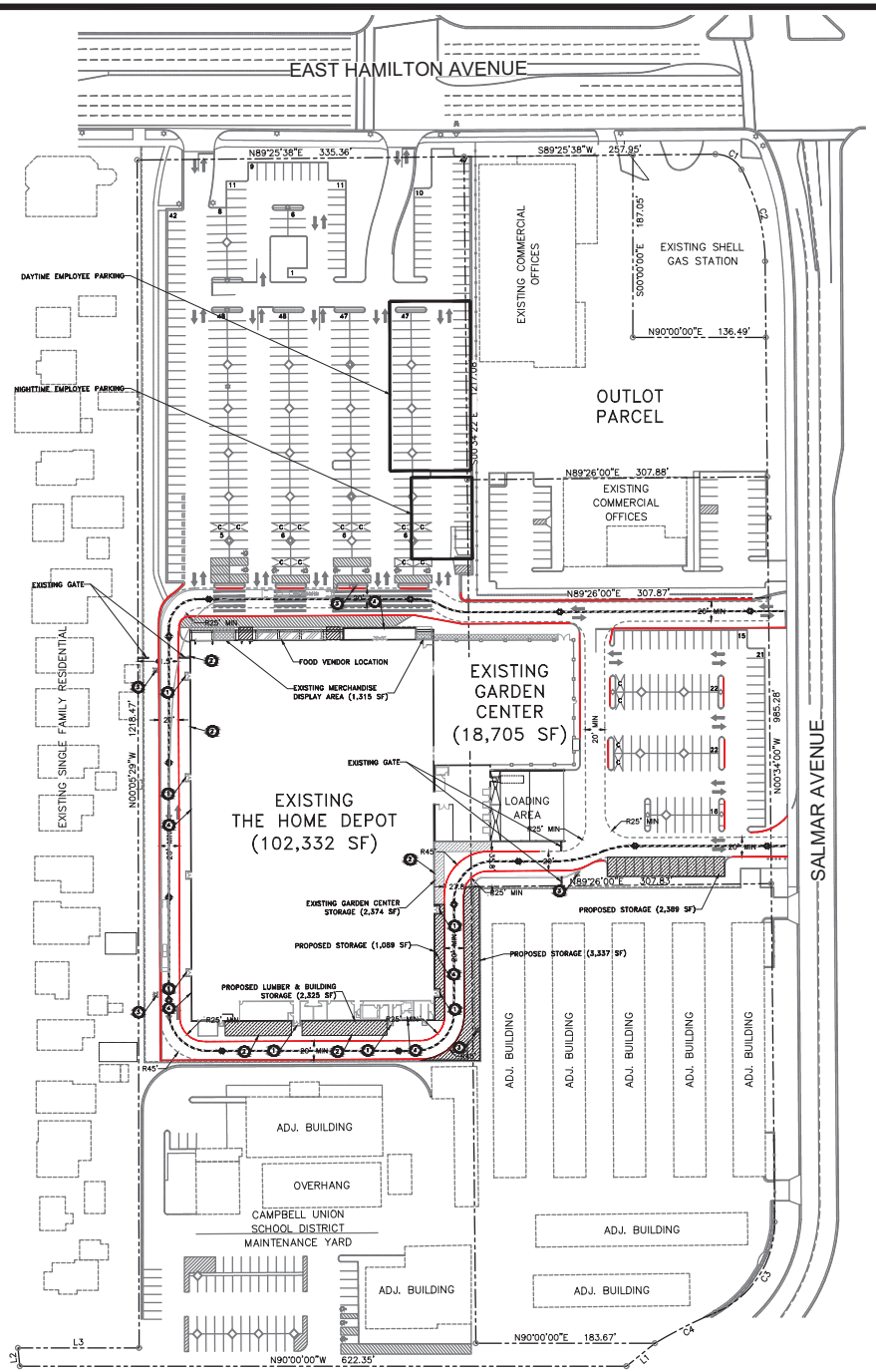
ADDRESS: 480 EAST HAMILTON AVENUE
CAMPBELL, CA 95008

LA PROJECT NUMBER 22040.00

0' 20' 40'
SCALE 1"=20'

NOTES

1. EXISTING EMERGENCY EXIT TO MAINTAIN CLEAR OF OBSTRUCTIONS (KEEP CLEAR 11' WIDE FOR DOUBLE DOORS AND 8' WIDE FOR SINGLE DOORS)
2. ALL PROPOSED STORAGE AND STAGING AREAS TO NOT EXCEED MORE THAN 15' IN HEIGHT FOR FIRE DEPARTMENT ARIEL ACCESS.
3. EXISTING FIRE HYDRANT TO REMAIN AND MAINTAIN AN UNOBSTRUCTED TOTAL CLEARANCE OF 30'. CALIFORNIA VEHICLE CODE 22514.
4. POINTS OF AERIAL ACCESS



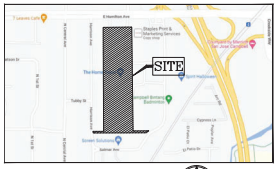
HATCHING LEGEND

- PROPOSED SIDE STAGING AREA
- EXISTING FRONT APRON SALES AREA
- PROPOSED LUMBER AND BUILDING STORAGE AREA
- EXISTING GARDEN CENTER STORAGE AREA
- PROPOSED WHITE STRIPPING (SEE CONSTRUCTION NOTE 5)
- 4' ADA PEDESTRIAN PATH (SEE CONSTRUCTION NOTE 5)

SYMBOLS LEGEND

- FIRE ACCESS LANE. SEE CONSTRUCTION NOTE 3
- EXISTING CART CORRAL
- PROPOSED PARKING
- FIRE TRUCK ACCESS ROUTE

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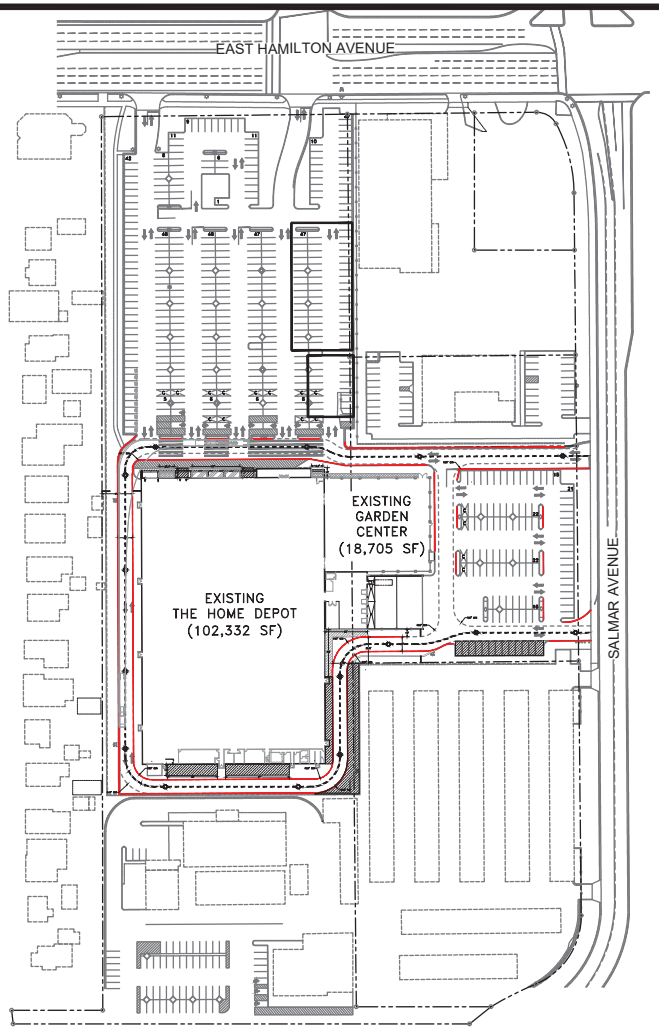
EMERGENCY ACCESS PLAN

DATE:	10/18/2022
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SITE PLANNER	CHRIS FISCHBACH
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CA - CAMPBELL
STORE # 0642

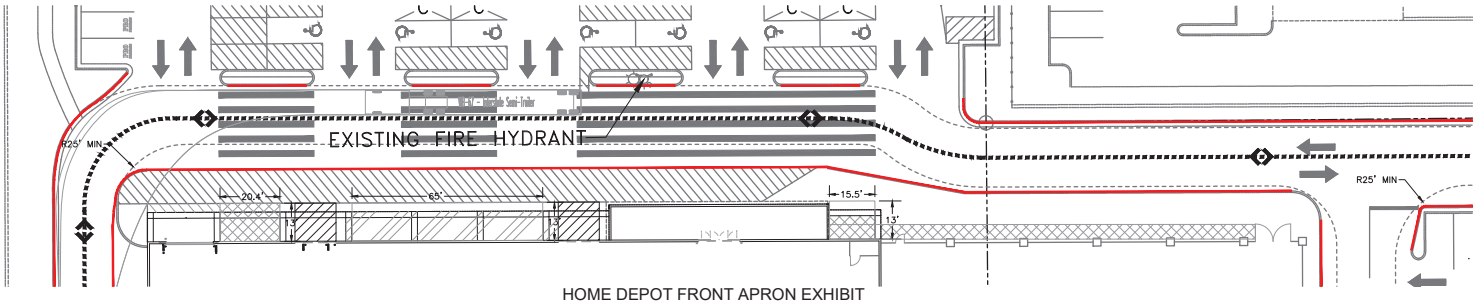
ADDRESS:	480 EAST HAMILTON AVENUE CAMPBELL, CA 95008
LA PROJECT NUMBER	22040.00

0' 60' 120'
SCALE 1"=60'



FIRE LANE STRIPING EXHIBIT

N.T.S.



HOME DEPOT FRONT APRON EXHIBIT

N.T.S.

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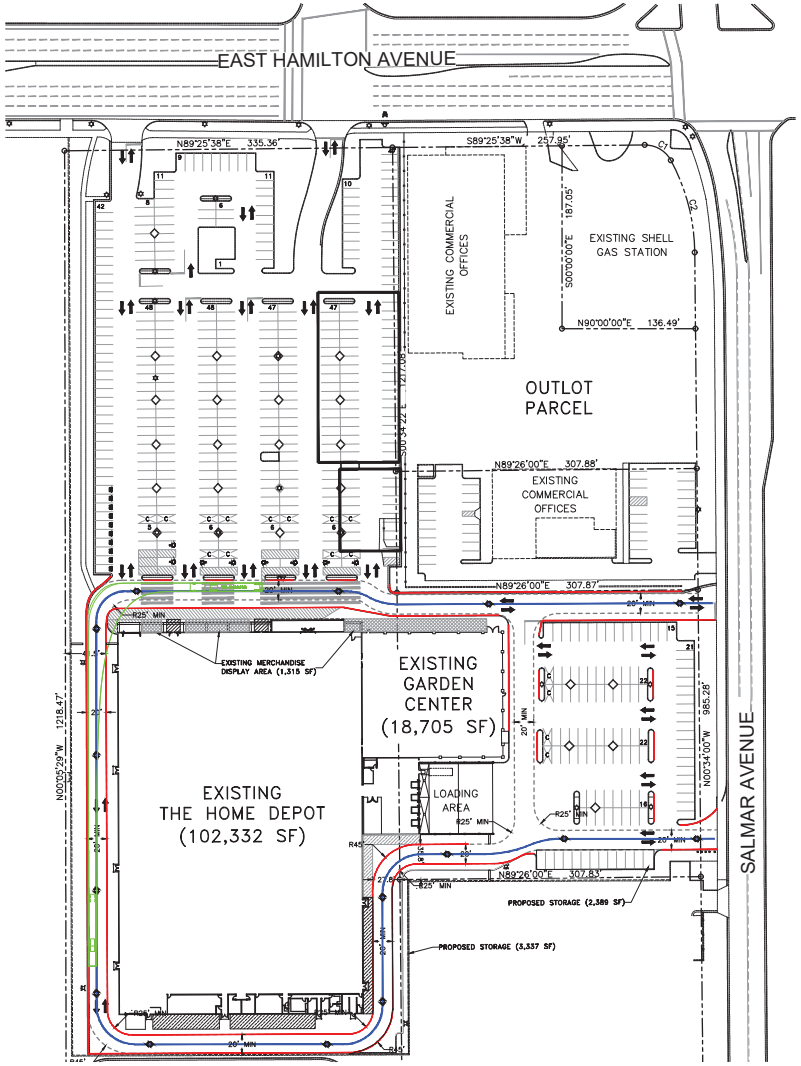
VICINITY MAP
NOT TO SCALE

FIRE PLAN

DATE:	10/18/2022
REVISION DATES:	12/02/2022
	02/17/2023
	09/20/2024
SITE PLANNER	CHRIS FISCHBACH
SITE DEV. COORDINATOR	CASSIE PERMENTER

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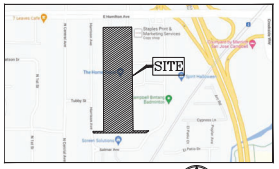
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SYMBOLS LEGEND

- FIRE ACCESS LANE. SEE CONSTRUCTION NOTE 3
- EXISTING CART CORRAL
- PROPOSED PARKING
- TRUCK ACCESS ROUTE

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TRUCK DELIVERY ROUTE

DATE:	10/18/2022
REVISION DATES:	12/02/2022
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	09/20/2024
SITE PLANNER	CHRIS FISCHBACH
SITE DEV. COORDINATOR	CASSIE PERMENTER

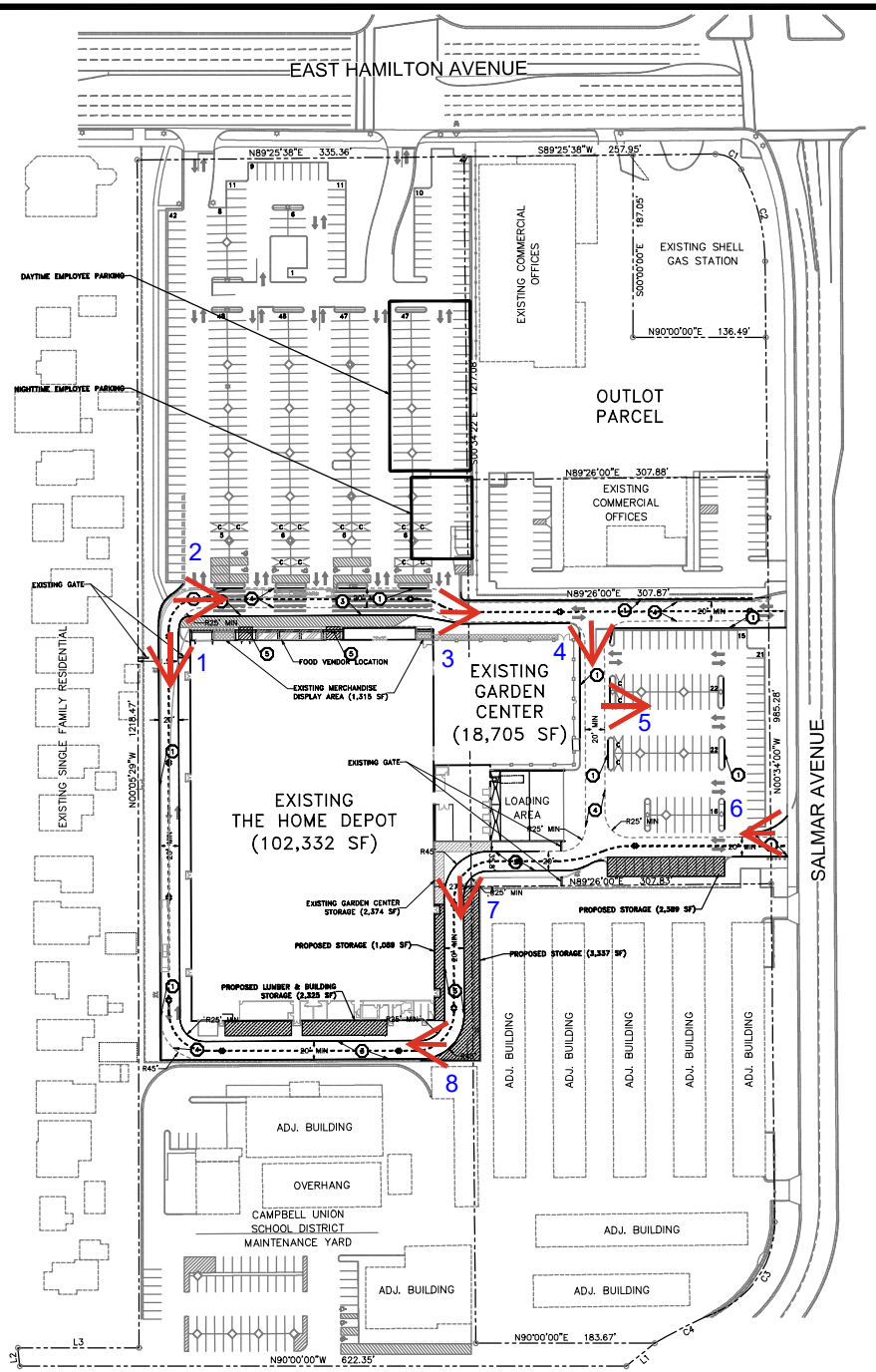
CA - CAMPBELL
STORE # 0642

ADDRESS:	480 EAST HAMILTON AVENUE CAMPBELL, CA 95008
LA PROJECT NUMBER	22040.00

0' 60' 120'
SCALE 1"=60'

CONSTRUCTION NOTES

1. EXISTING RED CURB FOR FIRE ACCESS LANE (6" WIDE ALONG 0" CURB).
2. CURB ALONG FIRE ACCESS LANE TO BE PAINTED RED (6" WIDE ALONG 0" CURB).
3. FIRE ACCESS LANE TO BE PAINTED RED (4"PAINT 4" WIDE RED STRIPE ALONG FIRE ACCESS PATHWAY).
4. FIRE TRUCK PATH OF TRAVEL SHOWN FOR REFERENCE (MIN. 20' WIDTH) TO BE MAINTAINED AT ALL TIMES.
5. PAINT 4" WIDE WHITE STRIPE ALONG AREA PERIMETER. PAINT 4" WIDE WHITE STRIPE DIAGONALS 3' O.C. WITHIN INTERIOR OF AREA. MAINTAIN 4' MINIMUM CLEARANCE FOR ADA WALKWAY ALONG FRONT OF APRON.



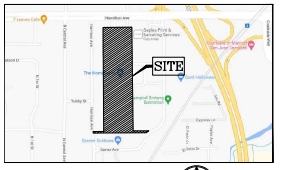
HATCHING LEGEND

- PROPOSED SIDE STAGING AREA
- EXISTING FRONT APRON SALES AREA
- PROPOSED LUMBER AND BUILDING STORAGE AREA
- EXISTING GARDEN CENTER STORAGE AREA
- PROPOSED WHITE STRIPPING (SEE CONSTRUCTION NOTE 5)
- 4' ADA PEDESTRIAN PATH (SEE CONSTRUCTION NOTE 5)

SYMBOLS LEGEND

- FIRE ACCESS LANE. SEE CONSTRUCTION NOTE 3
- EXISTING CART CORRAL
- PROPOSED PARKING
- FIRE TRUCK ACCESS ROUTE

SCOTT A. MOMMER CONSULTING
SAMC
LAND DEVELOPMENT SERVICES
4694 WEST JACQUELYN AVENUE - FRESNO, CA 93722
TEL: 559 978-1000 FAX: 559 276-0850 SMOMMER@SCOTTMOMMER.COM



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

HOME DEPOT SITE DATA	
HOME DEPOT PARCEL AREA	10.17 AC
APN:	279-33-043
ZONE:	PLANNED DEVELOPMENT (PD)
LAND USE:	PLANNED DEVELOPMENT (PD)
JURISDICTION:	CITY OF CAMPBELL
HOME DEPOT BUILDING AREAS	
EXISTING HOME DEPOT AREA	102,332 SF
EXISTING GARDEN CENTER AREA	+ 18,705 SF
TOTAL HD AREA	121,037 SF
PARKING REQUIRED PER CITY CODE	
HOME DEPOT (@ 1/300 SF) GFA	341 STALLS
GARDEN CENTER (@ 1/300 SF) GFA	+ 62 STALLS
TOTAL HD PARKING REQUIRED	403 STALLS
HOME DEPOT PARKING PROVIDED	
FRONT FIELD PARKING	361 STALLS
SIDE FIELD PARKING	89 STALLS
REAR FIELD PARKING	+ 0 STALLS
TOTAL HD PARKING PROVIDED	450 STALLS
INCLUDED WITHIN PARKING PROVIDED	
ACCESSIBLE PARKING (8 REQ AT 301-400)	8 STALLS
PRO PARKING	10 STALLS
NOT INCLUDED WITHIN PARKING PROVIDED	
CART CORRALS	12 STALLS
EXISTING STAGING AREA	13 STALLS
EXISTING SHED DISPLAY	5 STALLS
PROPOSED STORAGE	13 STALLS

OVERALL SITE PLAN

DATE:	10/18/2022
REVISION DATES:	12/02/2022
	02/17/2023
	09/4/2024
SITE PLANNER	CHRIS FISCHBACH
SITE DEV. COORDINATOR	CASSIE PERMENTER

THE HOME DEPOT

CA - CAMPBELL
STORE # 0642

ADDRESS:	480 EAST HAMILTON AVENUE CAMPBELL, CA 95008
LA PROJECT NUMBER	22040.00

0' 60' 120'
SCALE 1"=60'


1

2

3

CAUTION
ATTENTION
SLIPPERY




ESTENSON
LOGISTI


7


8

Summary of comments received by the public:

Complaints related to site conditions/use:

1. Noise generated from merchandise delivery vehicles and other activity along the western property line.
2. Unpermitted sale of food and beverages on site.
3. Inaccessible sidewalks due to outdoor merchandise display.
4. Trash buildup on site.
5. Staff congregation at the western property line.
6. Day laborer congregation, food and alcohol sale, and littering on site.

Requests related to site usage limitations, conditions of approval, and City enforcement:

1. Prohibit merchandise delivery on Sundays consistent with previous entitlements.
2. Limit west side of property to exit of delivery trucks and emergency vehicles. Prohibit movement of freight, merchandise, and individuals on this side.
3. Prohibit storage on west side of property and clearly mark designated storage areas.
4. Limit hours maintenance on west side of property is allowed.
5. Prohibit congregation of staff along west of store near the entrance.
6. Enforcement of vehicle code preventing solicitation/selling within 500 feet of public highway.

From: Philip Rawlinson
To: Nishant Seoni; Daniel Fama
Cc: Matthew Sheppard;
Subject: Day Laborers - Home Depot
Date: Tuesday, January 16, 2024 12:04:18 PM
Attachments: A (Slightly) Stronger Stance on Loitering at Home Depot. White Oaks Blog.pdf

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Nishant, Matt

Before I reach out to Home Depot directly on this (as i want to understand their corporate policy and then establish whether the local store is adhering to it), I was wondering whether the current re-write of the permits and conditions has any stipulations regarding the congregation of day laborers/fruit sellers/ wider solicitation within the parking lot and premises leased by HD. I am assuming not but wanted to check. If not, could it be?

I am also curious (and you may or may not know) as to whether the City has undertaken (or plans to undertake) any other non-permit related action regarding these folks. Their numbers are obviously small at the moment but this was a real problem in the past at this site and I am sure that we would like to avoid that becoming the case in the future. I have attached an article regarding San Carlos and HD day laborers that might present a path forward. I think the core issue here is likely to be how to stop them milling around (passively or aggressively touting for business) either on HDs premises and or the public highway OR other premises nearby (such as Gas Stations). We should not forget that their congregation is on the residential side of the HD site not the commercial side. As such, the risk of nuisance is heightened by that fact alone (as it was historically). As Matt alluded to on the call, the problem was solved previously using a law barring congregation close to the freeway. I doubt that this law is no longer available and so there must be a corporate memory as to what was done and by whom.

Reading through Google (non Campbell specific), I suspect that "The Home Depot maintains a policy of non-solicitation at our stores by individuals and organizations not affiliated with our company. Home Depot can (or maybe has) register a trespassing letter with the Police Department, giving officers the go-ahead to enter its property to arrest solicitors."

It is not my intention to place the burden of solving this issue on you guys (unless it is solvable through planning permit rules) but I do think that the time is nigh to address this issue before it becomes a larger problem. Outside of the 'permit' solution, if there is a City of Campbell contact (City Manager?) to whom I should be speaking, I am happy to be directed there.

Regards

Phil

From: Philip Rawlinson
To: Nishant Seoni; Daniel Fama
Cc: Matthew Sheppard
Subject: Home Depot Meeting - follow up.
Date: Thursday, January 11, 2024 12:49:33 PM

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_____

Nishant, Daniel

Thank you for arranging the meeting yesterday. Also a huge thank you to Nishant for his work on consolidating that abundance of papers that are existence. Having read some of them and following yesterday's call, I am in no doubt that, absent clarity, HD will seek to carry on regardless citing ignorance or seeking forgiveness. I (and I am sure Matthew and Pat) are more than happy to continue to contribute to this process as necessary to ensure a sustainable (and peaceful for all) outcome.

I appreciate that not too much was resolved on the call but it did allow for an airing of issues and, more interestingly, it also allowed us all to see at first hand the disconnect that exists within HD as to what and what is not permitted under current rules. As we have more meetings, I will respond further regarding my thoughts on how it would be reasonable to proceed but I am in no doubt that the process has to be driven by the City of Campbell and the residents of Harrison Avenue. HD, in my view, are really just interested in getting the permit and then want to put it to bed. Now is the time (and Nishant's work is the tool) for bringing greater clarity, establishing air-tight rules and, most significantly, imposing policing standards (Cameras, Door Open / Close Timers and alarms).

Regarding my more detailed response:

I) Home Depot, if it wants to expand or operate more efficiently, needs to start planning for an expansion of the Salmar side of the building and the City of Campbell needs to encourage this in terms of positive mood music. The piecemeal approach to storage and the movement of material is only ever going to push up against the residential side and things will just continue to be fractious unless and until HD starts to think more strategically about its whole store and what it needs to change to expand.

Understanding that HD are just looking to solve their unentitled storage on the South Side, I think we have to use this request to force some standards and clarity on them. These should include: -

I) Stopping the storage (temporary, overnight or otherwise) of anything (including vehicles, trailers etc) on the West side of the building AND within 10 meters (eastwards) of the rear shutter door. No exceptions. This should also apply to the back wall on the south side as well as up against the store. Basically, to have one straight line across (north to south)- absolutely necessary to avoid creep.
Ii) Use of the west side to be ONLY for the exit of delivery trucks (within designated hours) that are depositing material to the designated south facing storage areas and then exiting. It should be made one-way only to reinforce this.
Iii) The west side should NOT be 'operational' (it should be Delivery Exit ONLY) - i.e it must not be used to store/move material from the front to back or visa versa. If they want to move material, they can do so using the internal rolling doors at the front and back during permitted hours. This will address noise issues as well as instilling in them (in unequivocal terms) that the west side is NOT for operational use. We witnessed quite clearly on the call that the Manager viewed the space as operational and somewhere where things could be left / moved at his discretion. He was contradicted by the HDs own drawings and the other folks from HD. If we give them wiggle room, they will abuse it - experience has taught us this.
Iv) Regarding the storage itself, once the distance rules above are established to address noise and nuisance for the Harrison residence, I think it becomes an issue for FIRE, OSHA etc to ensure that the storage is compliant. I fear that piling things high (which HD may try) cannot be the solution from either a FIRE/OSHA perspective.

Enforcement
- As we have discussed, HD seek forgiveness and they take a mile. We need to have an enforcement regime that is automated. HD have to fund cameras that clearly show the west and south sides 24/7. Access to these cameras should be extended to the City of Campbell enforcement team so they can be observed remotely and constantly. HD will resist this on privacy grounds but that is a point that should be argued with lawyers and if we make it a condition of entitlement we have the leverage. As a bare minimum, they should undertake to provide footage from those cameras upon request within 48 hours should the enforcement team receive a complaint or wish to do a spot check irrespective of a complaint.

- Regarding timing and assuming we establish firmly that the west side is not 'operational in any way', the back rear shutter door becomes the core issue. If the rules state that the door must be shut between defined hours on defined days, there is technology out there that we should compel HD to install which can enforce those rules. I doubt that it would be akin to a safe 'time lock' but the technology should be able to record all open and close times and flag the number of instances where those were outside of permitted hours. As with the cameras, this should be available to enforcement real time or within a 48 hour window. This may cost some money but HD should fund it as a condition and as a show of good will that they want to comply and are happy to be policed on that compliance.

Please note that I do not speak for Matthew or Pat or anyone else on Harrison. Others may share some or all of my views on how best to proceed. What I am in no doubt is that absent a counter voice from the City of Campbell and local residents, HDs commercial interests will always be promoted by them ahead of residential interests or concerns. This was the case in 1993 and 2001 from what I have read. I don't believe that it has changed.

Thanks for your diligence and work here. It is much appreciated.

Phil

Sent from my iPad

From: Matthew Sheppard
To: Nishant Seoni
Cc: Philip Rawlinson; Patrick Todd
Subject: Re: Noise study
Date: Tuesday, March 19, 2024 10:31:22 PM

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Hello, Nishant.

Any updates on the situation with Home Depot? Still finding that they are not being good neighbors AND not adhering to the laws/codes. In my last discussion with Kyle, he claimed that CPD were not responding to his requests to clear the lot of day laborers. Can you please investigate and reply back with # of calls/requests/responses over the last 6 months? If it is true that the PD are not responding and enforcing local laws, I'd like some evidence to present to the City Council. In recent months, Hamilton has become a corridor of lawlessness and I intend to ask the Council to review CPD's lack of enforcement/patrol of a high crime area (Wheel Away has been robbed 4 times in 6 months).

Also, please add to the list of complaints. There is now a daily food service/food cart preparing and selling breakfast on the front lawn. Right next to Joe Escober. If you drive by, you can't miss them. Also, a water/oranges/bananas/beer selling operation, run out of the back of a van. They have an umbrella and a price sign. If interested, you will easily find them in the day laborer section on weekends. My favorite decoration is the rocking chair that is usually stashed in the bushes by the 5 gallon bucket that they use as an ashtray.

This is where we live. This serves as a daily reminder of the Home Depot's toll on the quality of life for Campbell residents. We need your help.

> On Jan 26, 2024, at 20:50, Nishant Seoni <nishants@campbellca.gov> wrote:
>
> Hi all,
>
> Daniel and I met with both our community development director and code enforcement/PD to discuss the issues and ways to address them. We will be drafting a set of conditions of approval that will alter how the site can be used and incorporate some of the requests you had made re: limiting hours of delivery, using the western access only for exit and during certain times, limiting hours the rear door can be used, and keeping walkways clear. I am still figuring out if we can require this but we may include a requirement that walkways in front of the store be striped or marked in some way. We will also include conditions that require an annual review by the Planning Commission to ensure compliance with conditions, use of locked gates and signage to prevent entrance on the western side of the store, speed limits for delivery vehicles, disallowing idling of delivery vehicles, and conditions preventing loitering. It will be Home Depot's responsibility to ensure loitering doesn't occur on site – there is not a whole lot we or the PD can do to ensure people do not come onto the site as it is a

public area.

We spoke to the Police Department about the use of cameras and sensors on the site and after looking into it they informed us that the City using cameras to surveil the store and its employees would run into 4th amendment search and seizure issues. That is beyond my scope of understanding so if you wanted to learn more I would direct you to Lee Heitzman at the PD who we have been working with. He did tell us that responding to noise complaints is a standard part of their job and a service they provide when they have the available staff, and encouraged you not to refrain from calling the PD for noise complaints.

Once draft conditions are ready I'll send them to you and Home Depot for input. We don't have a hearing date yet and are a ways away from that.

<!--[if !vml]-->
<image010.png>
<!--[endif]-->**Nishant Seoni**

Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
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<image004.png>

<image005.png>

<image006.png>

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From: Philip Rawlinson <>
Sent: Wednesday, January 24, 2024 2:28 PM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <; Patrick Todd <>
Subject: Re: Noise study

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Nishant

I am just checking on where things currently stand. Is there a hearing planned or an alternative proposal being put forward by Home Depot?

What is the current position (post the meetings, reports) of the City of Campbell about what should and should not be permitted?

Phil
Sent from my iPad

On Jan 17, 2024, at 3:24 PM, Nishant Seoni <nishants@campbellca.gov> wrote:

Hi all,

Noise study is attached.

<image002.png>
Nishant Seoni
Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
<image003.jpg>
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<image007.jpg>

<image008.png>

<image009.png>

From: Nishant Seoni
Sent: Tuesday, January 16, 2024 5:52 PM
To: Philip Rawlinson <>
Cc: Matthew Sheppard <>;
Patrick Todd <>
Subject: RE: Noise study

Hi all,

Correct, we just need an updated file from the consultant. The study itself is fine

<image011.png>
Nishant Seoni
Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
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From: Philip Rawlinson <>
Sent: Tuesday, January 16, 2024 8:06 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <>; Patrick Todd <>
Subject: Re: Noise study

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Nishant

Thank you for the update.

To confirm, the issue you cite is not with the report or its findings (where a re-write/edit or similar has, as a consequence, now been requested? It is simply a technical issue with

the PDF itself?

Regards

Phil

Sent from my iPad

> On Jan 11, 2024, at 4:00 PM, Nishant Seoni <nishants@campbellca.gov> wrote:
>
> Hi all,
>
> Having some issues with the noise study pdf and am waiting for a new one. Will send to you as soon as I get it
>
> <image002.png>
> **Nishant Seoni**
> **Contract Associate Planner**
> (415) 755-1254
> City of Campbell | Community Development Department
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<480 E Hamilton Avenue Noise Study.pdf>

From: Philip Rawlinson
To: Nishant Seoni
Cc: Matthew Sheppard; Patrick Todd
Subject: Re: Update from Police Department on Home Depot
Date: Wednesday, April 17, 2024 2:49:10 PM

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Nishant

Thanks for your comment. I mentioned some things to you in my email of January 16th which I think are pertinent. In San Carlos, the Police and Home Depot decided to take a more proactive approach to the issue of trespass. It included signage and private security.

The response below seems to be 'hear no evil, see no evil.' Home Depot have it within their powers to cite trespass as a means of having all the day laborers and the non permitted vendors removed from their car park. They can also employ private security (which is what they have done elsewhere). What concerns me is that there seems to be an acquiescence to them being there - both by Campbell PD and Home Deport. The Police will move them on if HD forces the issue (with trespass requests) but they are then saying that they can just go to the roadside as there is no law/ordinance etc that the Police can use to move them on. The tacit rule (by HD and CPD) seemingly to be - they are better within the car park than on the side walk and don't rock the boat. It is our view that they are not better in either instance and I am sure Staples, Escobar Jewelers, Wheel Away and Rotten Robbie would all agree.

In addition, Matt indicated on the call that there was such an ordinance in the past and it pertained to loitering near a freeway. There will be records of that law and I think that it should be revisited. I think the issue then was that a Law Firm next to Home Depot drove this action. My question is - what are Home Depot doing to solve the problem that they have brought to our neighborhood. As we have established, the management of this particular Home Depot seems less engaged on these external issues and the impacts on neighbors.

My personal view (albeit i do not want to speak for Matthew/Pat) is that if we are to be left with this 'laissez faire' approach (to which i do object), then the day laborers should, at the very least, be forcibly moved by HD security to a small corner of HD land on Salmar (near the entrance next to the storage center). This, at least, gets them out of the main car park and the main road and the shops.

Phil

Sent from my iPad

> On Apr 16, 2024, at 2:38 PM, Nishant Seoni <nishants@campbellca.gov> wrote:
>
> Hi all,
>
> Following up to see if you have any questions. Conditions have gone through a couple

revisions and I'm meeting with Daniel and our department Director Friday to review. I should have a draft to send you for comments end of day Friday or Monday morning.

<!--[if !vml]-->
<image002.png>
<!--[endif]-->**Nishant Seoni**

Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
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From: Nishant Seoni
Sent: Friday, April 5, 2024 5:55 PM
To: Matthew Sheppard <>; piprawlinson@me.com; Patrick Todd <>
Subject: Update from Police Department on Home Depot

Hi all,

Below is the feedback I received from the police department after forwarding your questions re: calls coming from Home Depot. I know this may not answer all your questions, but please review and let me know if there is further clarification you'd like to get from them.

Nishant,

I reviewed our calls regarding disturbance, unwanted subject, and municipal code violation incidents for the past 6 months at Home Depot. Of the calls, only a few met the criteria in the complainant's email. I found two calls related to day laborers. One from a citizen who was informed that Home Depot is private property, and another call from an employee who asked someone to leave and they were refusing. Multiple other calls involved people living out of vehicles, one of which a subject was contacted and advised to leave or they would be prosecuted for trespassing. Another caller complained of someone selling tamales in the parking lot, but again this was a citizen, not the store calling. This call was categorized as a patrol check for the officer assigned to that beat. Other relevant calls were theft related.

A couple things to note regarding the day laborer issue: 1) Police officers cannot detain someone for loitering in a parking lot, as laws against loitering have been deemed unconstitutional, 2) Home Depot is private property; so, unless the store is calling about someone refusing to leave their property (essentially trespassing), officers typically will not respond. This issue often leads to confusion when citizens call about loitering on property other than their own. Additionally, there are recent issues with the constitutionality of enforcing food vendor laws, therefore our department would not be responding to such calls. Much like the day laborer issue, it would be best for the store itself to determine whether these people are welcome on their property. I hope this help clarify some of the details in the complaint.

<!--[if !vml]-->
<image003.png>
<!--[endif]-->**Nishant Seoni**

Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
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From:	Philip Rawlinson
To:	Nishant Seoni
Cc:	Matthew Sheppard; Patrick Todd
Subject:	Re: Update from Police Department on Home Depot
Date:	Sunday, April 28, 2024 12:54:58 PM

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Nishant

Thanks for this. As I have stated before, the views that I state are mine alone and, as such, should not be considered the 'residents' of Harrison Avenue' opinion. That said, my thoughts are below:

i) I think we are not being overt in outlying what can and cannot be permitted on the West side ('Residential' (Harrison Avenue) of the site. Experience has taught us that, absent a clear and unambiguous instruction, Home Deport will claim mis-understanding or offer mis-direction etc. I would append a (10) as follows:

(10). West Side ('Residential') of Site from Southern Perimeter Wall to North Perimeter of the main building: This western laneway is ONLY to be used as an exit laneway for deliveries (see point 2). It is to be designated and signed as one direction - south to north. It is expressly forbidden for it to be used for any day to day 'operational' purposes. FORBIDDEN operational purposes in this instance to include (not exclusive) the following:

- The movement of any material / merchandise / non delivery vehicles / individuals from the back (south) to the front (north) of the store and visa versa. This restriction applies 24/7 Monday to Sunday (inclusive). All movement of material / merchandise / non delivery vehicles, individuals etc from back to front (and visa versa) must be internal (through the building) or via the east side of the site.
- Consistent with point (3), storage of any kind and any height is NOT permitted on the west side. IT MUST ALWAYS BE CLEAR. This restriction includes all items of merchandise, machinery, vehicles - NONE of which are allowed to stored on the west side.

- West Side ('Residential') Building/Site Maintenance Qualification - where non delivery exit access to the west side ('Residential') laneway is required for necessary site maintenance (e.g to such areas as the west side or top of the main building or the grass/trees on the west side or the wall on the west side), this work must only take place between 9am to 6pm Monday to Friday. As required, permits will need to be sought from the City of Council in each instance.

The language may need tightening up but you get the idea. Absent clear rules that can be easily read, understood and cited, I simply do not trust HD to adhere to any conditions in the medium to long term. As you can tell from my language, I also think that we start consistently referring to the west side as the 'residential side.' The HD mindset needs to change to appreciate that they have a site next to a residential area and not exclusively in a commercial zone. It comes with responsibilities.

Regarding day laborers etc, I have offered opinions already. It seems pretty clear that the Police do not want this problem pushed on to the Hamilton Avenue sidewalks as they argue that they will not be able to do anything. This seems somewhat defeatist but it may be a battle

for another day. Moving and policing (with security paid for by HD as they have at other sites) the day laborers to the Salmar side and away from the main car park and residential west side seems the 'best fit' for now.

On a final note, I would force HD to use paint to demarcate the permitted storage areas (by height, distance from building etc). If it is not clear it will inevitably lead to stretch by them).

Regards

Phil
Sent from my iPad

On Apr 26, 2024, at 7:47 PM, Nishant Seoni <nishants@campbellca.gov> wrote:

Hi all,

Thank you for your patience on this. In speaking with Daniel and our Director, we don't typically share exact conditions until they are finalized with the public. However, below is a more detailed summary of the conditions I finalized this week related to your concerns. We are still discussing private security, and as Sergeant Heitzman explained, recently laws against loitering have been deemed unconstitutional. Given the issues and the restraints, we've come up with the following rules:

1. Hours, parking, gates

    a. **Business Hours**:

<!--[if !supportLists]--> i. <!--[endif]-->6:00 AM to 9:00 PM Monday through Saturday

<!--[if !supportLists]--> ii. <!--[endif]-->7:00 AM through 8:00 PM Sundays.

    b. **Indoor Staff Overnight Hours**:

<!--[if !supportLists]--> i. <!--[endif]-->9:00 PM to 6:00 AM Monday through Saturdays

<!--[if !supportLists]--> ii. <!--[endif]-->8:00 PM through 6:00 AM Sundays.

<!--[if !supportLists]-->a. <!--[endif]-->**Outdoor Staff Hours**: Not allowed between 11:00 PM to 6:00 AM except for arriving prior to start of a work shift, during a scheduled meal break to leave the site for food, and immediately leaving the property at the end of a work shift.

No use of mechanical equipment outside the building during this time.

<!--[if !supportLists]-->b. <!--[endif]--> **Late Night Activity Employee Parking Hours**: Employees working overnight must enter parking from Salmar and park in a designated area in the southeast lot.

<!--[if !supportLists]-->c. <!--[endif]--> **Delivery Hours**: Outdoor deliveries restricted to

<!--[if !supportLists]--> i. <!--[endif]--> 8:00 AM through 6:00 PM Monday through Friday,

<!--[if !supportLists]--> ii. <!--[endif]--> 9:00 AM through 3:00 PM Saturday and Sunday.

<!--[if !supportLists]--> iii. <!--[endif]--> Delivery gates and roll up doors in front and rear of store open during this time only.

<!--[if !supportLists]-->d. <!--[endif]--> **Parking Lot Gate Hours**: Parking lot gates on the northeast and northwest corners of the building open during business hours only

<!--[if !supportLists]-->e. <!--[endif]--> **Parking lot cleaning only between** 9:00 AM through 11:00 PM daily.

2. Deliveries: Delivery access will be limited to entering from Salmar, going to the back of the store, and exiting along the west during delivery hours. These will be labeled on an exhibit. Trucks can't idle during delivery and have a 15mph speed limit

3. Storage: Storage is allowed in a designated area (back of store, south of garden center) to be labeled on exhibit. No storage in parking lot. Storage can't be taller than 12 feet tall. Can't restrict fire lanes

4. Outdoor Merchandise Display: Merchandise displayed in front of store and north/east of garden center (exact area being determined) outside of 5 foot walkways. Using forklifts to set up or remove displays only allowed during business hours.

5. Walkways: All walkways and sidewalks shall maintain a 5 foot wide pedestrian access at all times as shown on a Site Plan (Exhibit X). Shall be clear of storage and merchandise, walkway along front of store striped.

6. Food cart: 1 foot cart in operation during business hours at a time in a designated area on an exhibit. No alcohol service allowed. Cleanup must happen during business

hours

7. Loitering: None allowed, as discussed earlier it is responsibility of Home Depot to enforce loitering or make calls about trespassing

8. Day Laborers: Any day laborers using the site must be required to congregate in the southeast parking lot a designated area.

9. Noise: Regardless of volume, noise complaints received by the city may lead to the department director curtailing approved hours. Front side and rear doors can't remain open at any time. Video records about noise complaints must be available to the city

<!--[if !vml]-->
<image010.png>
<!--[endif]-->**Nishant Seoni**

Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
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From: Philip Rawlinson <>
Sent: Wednesday, April 17, 2024 11:49 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <>; Patrick Todd <>
Subject: Re: Update from Police Department on Home Depot

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Nishant

Thanks for your comment. I mentioned some things to you in my email of January 16th which I think are pertinent. In San Carlos, the Police and Home Depot decided to take a more proactive approach to the issue of trespass. It included signage and private security.

The response below seems to be 'hear no evil, see no evil.' Home Depot have it within their powers to cite trespass as a means of having all the day laborers and the non permitted vendors removed from their car park. They can also employ private security (which is what they have done elsewhere). What concerns me is that there seems to be an acquiescence to them being there - both by Campbell PD and Home Deport. The Police will move them on if HD forces the issue (with trespass requests) but they are then saying that they can just go to the roadside as there is no law/ordinance etc that the Police can use to move them on. The tacit rule (by HD and CPD) seemingly to be - they are better within the car park than on the side walk and don't rock the boat. It is our view that they are not better in either instance and I am sure Staples, Escobar Jewelers, Wheel Away and Rotten Robbie would all agree.

In addition, Matt indicated on the call that there was such an ordinance in the past and it pertained to loitering near a freeway. There will be records of that law and I think that it should be revisited. I think the issue then was that a Law Firm next to Home Depot drove this action. My question is - what are Home Depot doing to solve the problem that they have brought to our neighborhood. As we have established, the management of this particular Home Depot seems less engaged on these external issues and the impacts on neighbors.

My personal view (albeit i do not want to speak for Matthew/Pat) is that if we are to be left with this 'laissez faire' approach (to which i do object), then the day laborers should, at the very least, be forcibly moved by HD security to a small corner of HD land on Salmar (near the entrance next to the storage center). This, at least, gets them out of the main car park and the main road and the shops.

Phil

Sent from my iPad

> On Apr 16, 2024, at 2:38 PM, Nishant Seoni <nishants@campbellca.gov> wrote:

Hi all,

Following up to see if you have any questions. Conditions have gone through a couple revisions and I'm meeting with Daniel and our department Director Friday to review. I should have a draft to send you for comments end of day Friday or Monday morning.

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Nishant Seoni
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City of Campbell | Community Development Department
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From: Nishant Seoni
Sent: Friday, April 5, 2024 5:55 PM
To: Matthew Sheppard <; ; Patrick Todd <ptodd@rmw.com>
Subject: Update from Police Department on Home Depot

Hi all,

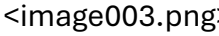
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Nishant,

I reviewed our calls regarding disturbance, unwanted subject, and municipal code violation incidents for the past 6 months at Home Depot. Of the calls, only a few met the criteria in the complainant's email. I found two

calls related to day laborers. One from a citizen who was informed that Home Depot is private property, and another call from an employee who asked someone to leave and they were refusing. Multiple other calls involved people living out of vehicles, one of which a subject was contacted and advised to leave or they would be prosecuted for trespassing. Another caller complained of someone selling tamales in the parking lot, but again this was a citizen, not the store calling. This call was categorized as a patrol check for the officer assigned to that beat. Other relevant calls were theft related.

A couple things to note regarding the day laborer issue: 1) Police officers cannot detain someone for loitering in a parking lot, as laws against loitering have been deemed unconstitutional, 2) Home Depot is private property; so, unless the store is calling about someone refusing to leave their property (essentially trespassing), officers typically will not respond. This issue often leads to confusion when citizens call about loitering on property other than their own. Additionally, there are recent issues with the constitutionality of enforcing food vendor laws, therefore our department would not be responding to such calls. Much like the day laborer issue, it would be best for the store itself to determine whether these people are welcome on their property. I hope this help clarify some of the details in the complaint.


Nishant Seoni
Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department










From: Patrick Todd
To: Philip Rawlinson; Nishant Seoni
Cc: Matthew Sheppard
Subject: RE: Update from Police Department on Home Depot
Date: Tuesday, April 30, 2024 3:13:45 AM
Attachments: image002.png

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Nishant,

Following up on Phil's comments. I believe the previously approved conditions restricted the outdoor delivery days to Monday through Friday, as noted below and Saturday from 9:00 am to 3:00 pm. Is there a reason why you are now allowing HD to have outdoor delivery hours on Sunday from 9:00 am to 3:00 pm?

3. **Delivery Hours**: Outdoor deliveries restricted to

    1. 8:00 AM through 6:00 PM Monday through Friday,
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    3. Delivery gates and roll up doors in front and rear of store open during this time only.

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	9:00 a.m.	3:00 p.m.	Saturday

Thank you.

Patrick Todd
Studio Director – Architecture

RMW Architecture Interiors

Desk 408 755-3117
Cell 408 472-1681
Email ptodd@rmw.com

rmw.com

From: Philip Rawlinson <piprawlinson@me.com>

Sent: Sunday, April 28, 2024 9:55 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <sheppardo@yahoo.com>; Patrick Todd <ptodd@rmw.com>
Subject: Re: Update from Police Department on Home Depot

Nishant

Thanks for this. As I have stated before, the views that I state are mine alone and, as such, should not be considered the 'residents' of Harrison Avenue' opinion. That said, my thoughts are below:

i) I think we are not being overt in outlying what can and cannot be permitted on the West side ('Residential' (Harrison Avenue) of the site. Experience has taught us that, absent a clear and unambiguous instruction, Home Deport will claim mis-understanding or offer mis-direction etc. I would append a (10) as follows:

(10). West Side ('Residential') of Site from Southern Perimeter Wall to North Perimeter of the main building: This western laneway is ONLY to be used as an exit laneway for deliveries (see point 2). It is to be designated and signed as one direction - south to north. It is expressly forbidden for it to be used for any day to day 'operational' purposes. FORBIDDEN operational purposes in this instance to include (not exclusive) the following:

- The movement of any material / merchandise / non delivery vehicles / individuals from the back (south) to the front (north) of the store and visa versa. This restriction applies 24/7 Monday to Sunday (inclusive). All movement of material / merchandise / non delivery vehicles, individuals etc from back to front (and visa versa) must be internal (through the building) or via the east side of the site.
- Consistent with point (3), storage of any kind and any height is NOT permitted on the west side. IT MUST ALWAYS BE CLEAR. This restriction includes all items of merchandise, machinery, vehicles - NONE of which are allowed to stored on the west side.

- West Side ('Residential') Building/Site Maintenance Qualification - where non delivery exit access to the west side ('Residential') laneway is required for necessary site maintenance (e.g to such areas as the west side or top of the main building or the grass/trees on the west side or the wall on the west side), this work must only take place between 9am to 6pm Monday to Friday. As required, permits will need to be sought from the City of Council in each instance.

The language may need tightening up but you get the idea. Absent clear rules that can be easily read, understood and cited, I simply do not trust HD to adhere to any conditions in the medium to long term. As you can tell from my language, I also think that we start consistently referring to the west side as the 'residential side.' The HD mindset needs to change to appreciate that they have a site next to a residential area and not exclusively in a commercial zone. It comes with responsibilities.

Regarding day laborers etc, I have offered opinions already. It seems pretty clear that the Police do

not want this problem pushed on to the Hamilton Avenue sidewalks as they argue that they will not be able to do anything. This seems somewhat defeatist but it may be a battle for another day. Moving and policing (with security paid for by HD as they have at other sites) the day laborers to the Salmar side and away from the main car park and residential west side seems the 'best fit' for now.

On a final note, I would force HD to use paint to demarcate the permitted storage areas (by height, distance from building etc). If it is not clear it will inevitably lead to stretch by them).

Regards

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1. Hours, parking, gates
    1. **Business Hours**:
        1. 6:00 AM to 9:00 PM Monday through Saturday
        2. 7:00 AM through 8:00 PM Sundays.
    2. **Indoor Staff Overnight Hours**:
        1. 9:00 PM to 6:00 AM Monday through Saturdays
        2. 8:00 PM through 6:00 AM Sundays.
            1. **Outdoor Staff Hours**: Not allowed between 11:00 PM to 6:00 AM except for arriving prior to start of a work shift, during a scheduled meal break to leave the site for food, and immediately leaving the property at the end of a work shift. No use of mechanical equipment outside the building during this time.
    2. **Late Night Activity Employee Parking Hours**: Employees working overnight must enter parking from Salmar and park in a designated area in the southeast lot.
    3. **Delivery Hours**: Outdoor deliveries restricted to

1. 8:00 AM through 6:00 PM Monday through Friday,
2. 9:00 AM through 3:00 PM Saturday and Sunday.
3. Delivery gates and roll up doors in front and rear of store open during this time only.

4. **Parking Lot Gate Hours**: Parking lot gates on the northeast and northwest corners of the building open during business hours only
5. **Parking lot cleaning only between** 9:00 AM through 11:00 PM daily.

2. Deliveries: Delivery access will be limited to entering from Salmar, going to the back of the store, and exiting along the west during delivery hours. These will be labeled on an exhibit. Trucks can't idle during delivery and have a 15mph speed limit
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Sent: Wednesday, April 17, 2024 11:49 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <sheppardo@yahoo.com>; Patrick Todd <ptodd@rmw.com>
Subject: Re: Update from Police Department on Home Depot

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>
> **From:** Nishant Seoni
> **Sent:** Friday, April 5, 2024 5:55 PM
> **To:** Matthew Sheppard <sheppardo@yahoo.com>;

piprawlinson@me.com; Patrick Todd <ptodd@rmw.com>
Subject: Update from Police Department on Home Depot

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Nishant Seoni
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City of Campbell | Community Development Department
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<image013.png>

From: Matt Sheppard
To: Philip Rawlinson; Nishant Seoni; Patrick Todd
Subject: Re: Update from Police Department on Home Depot
Date: Tuesday, April 30, 2024 4:22:17 PM
Attachments: image002.png

WARNING: This email originated from an external sender! Please do not open attachments or click on links unless you are certain it is legitimate.

Hello, Nishant.

1. I am in complete agreement with Patrick. This is one of the items that jumped off the page to me, when I first read your proposal. I am staunchly opposed to awarding Sunday delivery. I would ask that we continue to prohibit any/all foot traffic behind the store on Sundays AND Holidays. The residents do not agree to hear forklifts, trucks, yelling, etc. 7 days a week. We deserve at least one day of silence (as originally agreed by Home Depot and Campbell).
2. I am not okay with any use of the West side of the property for any reason other than exit of delivery trucks and emergency vehicles. No parking, freight, temporary storage or forklift/pallet jack superhighway. Any/all freight transfer from the back of the store to the front can be done using the lumber alley inside the store - or the long way around, all the way to Salmar side, then across the front of the store.
   2.a. I see no mention of designated break/smoking areas. I want to see language that prohibits the gathering/smoking/yelling/inappropriate language in the existing area along the West side of the front of the store, right at the entrance to the side gate (a picnic bench and a few chairs and several 5 gallon bucket ashtrays). When I worked there, all breaks were to be taken in the designated break room (inside the store) - or off company property on the Salmer sidewalk (for smokers). Over time, with the expansion of the hot dog cart, employees were encouraged to use the demonstration bleachers in the front of the store, next to the hot dog stand. When the bleachers were removed, employees began to congregate on a bench/chairs on the other side of the wall from Campbell residents. This is not okay. It needs to be removed and relocated to the Salmar side of the property.
3. I am not in agreement to designate a Day Laborer section of the property - anywhere. As Phil said, it is the lesser of two evils... but we don't have to agree to any evils. Home Depot is responsible for their property (hire security or conduct regular patrols) and Campbell PD is responsible for public sidewalks. Campbell PD has stated that they will remove any unwanted solicitors/vendors from Home Depot's property if they fail to respond to requests from Home Depot employees. Based on your research, you found that Home Depot has NOT requested removal of Day Laborers from their property. Kyle stated in our meeting (on ZOOM) and then again to me on the phone, that he had asked Campbell PD to remove them on several occasions, but they refused. Campbell Police does not have any record of Kyle calling to remove loiterers/solicitors/vendors - ever.
   3.a. Campbell PD can enforce the below law. We had a similar situation in the past and they found that they were able to leverage the below to remove laborers/solicitors/vendors from the public sidewalk. Home Depot is within 500 feet of highway 17. Once CPD were made aware of this law, they cleared everyone out in a matter of days. Maybe they forgot?

*Section 22520.5 - Prohibited solicitation or vending**(a)** No person shall solicit, display, sell, offer for sale, or otherwise vend or attempt to vend any merchandise or service while being wholly or partly within any of the following:**(1)** The right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway.**(2)** Any roadway or adjacent shoulder within 500 feet of a freeway off ramp or on ramp.**(3)** Any sidewalk within 500 feet of a freeway off ramp or on ramp, when vending or attempting to vend to vehicular traffic.**(b)** Subdivision (a) does not apply to a roadside rest area or vista point located within a freeway right-of-way which is subject to Section 22520.6, to a tow truck or service vehicle rendering assistance to a disabled vehicle, or to a person issued a permit to vend upon the freeway pursuant to Section 670 of the Streets and Highways Code.**(c)** A violation of this section is an infraction. A second or subsequent conviction of a violation of this section is a misdemeanor.*
Ca. Veh. Code § 22520.5

Amended by Stats. 1988, Ch. 924, Sec. 10.

On Tuesday, April 30, 2024 at 12:13:40 AM PDT, Patrick Todd <ptodd@rmw.com> wrote:

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Thank you.

Patrick Todd

Studio Director – Architecture
Desk 408 755–3117

Cell 408 472–1681

Email ptodd@rmw.com

RMW Architecture Interiors

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    2. **Late Night Activity Employee Parking Hours**: Employees working overnight must enter parking from Salmar and park in a designated area in the southeast lot.

    3. **Delivery Hours**: Outdoor deliveries restricted to
        1. 8:00 AM through 6:00 PM Monday through Friday,
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5. **Parking lot cleaning only between** 9:00 AM through 11:00 PM daily.

2. Deliveries: Delivery access will be limited to entering from Salmar, going to the back of the store, and exiting along the west during delivery hours. These will be labeled on an exhibit. Trucks can't idle during delivery and have a 15mph speed limit
3. Storage: Storage is allowed in a designated area (back of store, south of garden center) to be labeled on exhibit. No storage in parking lot. Storage can't be taller than 12 feet tall. Can't restrict fire lanes
4. Outdoor Merchandise Display: Merchandise displayed in front of store and north/east of garden center (exact area being determined) outside of 5 foot walkways. Using forklifts to set up or remove displays only allowed during business hours.
5. Walkways: All walkways and sidewalks shall maintain a 5 foot wide pedestrian access at all times as shown on a Site Plan (Exhibit X). Shall be clear of storage and merchandise, walkway along front of store striped.
6. Food cart: 1 foot cart in operation during business hours at a time in a designated area on an exhibit. No alcohol service allowed. Cleanup must happen during business hours
7. Loitering: None allowed, as discussed earlier it is responsibility of Home Depot to enforce loitering or make calls about trespassing
8. Day Laborers: Any day laborers using the site must be required to congregate in the southeast parking lot a designated area.

9. Noise: Regardless of volume, noise complaints received by the city may lead to the department director curtailing approved hours. Front side and rear doors can't remain open at any time. Video records about noise complaints must be available to the city

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Nishant Seoni

Contract Associate Planner

(415) 755-1254

City of Campbell | Community Development Department

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From: Philip Rawlinson <piprawlinson@me.com>
Sent: Wednesday, April 17, 2024 11:49 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <sheppardo@yahoo.com>; Patrick Todd <ptodd@rmw.com>
Subject: Re: Update from Police Department on Home Depot

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Nishant

Thanks for your comment. I mentioned some things to you in my email of January 16th which I think are pertinent. In San Carlos, the Police and Home Depot decided to take a more proactive approach to the issue of trespass. It included signage and private security.

The response below seems to be 'hear no evil, see no evil.' Home Depot have it within their powers to cite trespass as a means of having all the day laborers and the non permitted vendors removed from their car park. They can also employ private security (which is what they have done elsewhere). What concerns me is that there seems to be an acquiescence to them being there - both by Campbell PD and Home Deport. The Police will move them on if HD forces the issue (with trespass requests) but they are then saying that they can just go to the roadside as there is no law/ordinance etc that the Police can use to move them on. The tacit rule (by HD and CPD) seemingly to be - they are better within the car park than on the side walk and don't rock the boat. It is our view that they are not better in either instance and I am sure Staples, Escobar Jewelers, Wheel Away and Rotten Robbie would all agree.

In addition, Matt indicated on the call that there was such an ordinance in the past and it pertained to loitering near a freeway. There will be records of that law and I think that it should be revisited. I think the issue then was that a Law Firm next to Home Depot drove this action. My question is - what are Home Depot doing to solve the problem that they have brought to our neighborhood. As we have established, the management of this particular Home Depot seems less engaged on these external issues and the impacts on neighbors.

My personal view (albeit i do not want to speak for Matthew/Pat) is that if we are to be left with this 'laissez faire' approach (to which i do object), then the day laborers should, at the very least, be forcibly moved by HD security to a small corner of HD land on Salmar (near the entrance next to the storage center). This, at least, gets them out of the main car park and the main road and the shops.

Phil

Sent from my iPad

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Hi all,

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From: Nishant Seoni
Sent: Friday, April 5, 2024 5:55 PM
To: Matthew Sheppard <sheppardo@yahoo.com>; piprawlinson@me.com; Patrick Todd <ptodd@rmw.com>
Subject: Update from Police Department on Home Depot

Hi all,

Below is the feedback I received from the police department after forwarding your questions re: calls coming from Home Depot. I know this may not answer all your questions, but please review and let me know if there is further clarification you'd like to get from them.

Nishant,

I reviewed our calls regarding disturbance, unwanted subject, and municipal code violation incidents for the past 6 months at Home Depot. Of the calls, only a few met the criteria in the complainant's email. I found two calls related to day laborers. One from a citizen who was informed that Home Depot is private property, and another call from an employee who asked someone to leave and they were refusing. Multiple other calls involved people living out of vehicles, one of which a subject was contacted and advised to leave or they would be prosecuted for trespassing. Another caller complained of someone selling tamales in the parking lot, but again this was a citizen, not the store calling. This call was categorized as a patrol check for the officer assigned to that beat. Other relevant calls were theft related.

A couple things to note regarding the day laborer issue: 1) Police officers cannot detain someone for loitering in a parking lot, as laws against loitering have been deemed unconstitutional, 2) Home Depot is private property; so, unless the store is calling about someone refusing to leave their property (essentially trespassing), officers typically will not respond. This issue often leads to confusion when citizens call about loitering on property other than their own. Additionally, there are recent issues with the constitutionality of enforcing food vendor laws, therefore our department would not be responding to such calls. Much like the day laborer issue, it would be best for the store itself to determine whether these people are welcome on their property. I hope this help clarify some of the details in the complaint.

From: Philip Rawlinson
To: Nishant Seoni
Cc: Matthew Sheppard; Patrick Todd
Subject: Re: Update from Police Department on Home Depot
Date: Tuesday, July 9, 2024 1:34:31 AM

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Nishant

Thank you for the update. Regarding the feedback that you received for the "Motor Vehicle Code", can you confirm who provided that feedback as I have some questions for them and think that it may just be easier for us to reach out to them directly.

As feedback, it seems not to address the specific code (cited by Matthew) itself and instead just states that there is nothing that can be done or enforced or compelled of Home Depot. To say that this is defeatist would be an understatement. It also seems to ignore the fact that this code was used previously and so I would be curious as to whether further case law has now made it invalid. The dates of the cases cited would imply not but such dates can be deceptive.

Regarding the removal of the requirement regarding day laborers, this essentially leaves us with relying on Home Depot to address the issue themselves. From our call, they seemed reluctant to do anything and, indeed, referenced conversations with Campbell PD that seemed to imply that CPD did not want them moved from the car park to the roadside. I am aware that HD uses private security in other stores to address these issues and so am trying to understand why this cannot be encouraged (if not compelled). What would need to happen for the City of Campbell to be compelled to do something? Is it volume (100 v 1000 day laborers), or nuisance (intimidation, vagrancy, theft) or hazard (fire or otherwise).

I would welcome your thoughts.

Phil

Sent from my iPad

> On Jul 8, 2024, at 7:12 PM, Nishant Seoni <nishants@campbellca.gov> wrote:
>
> Hi all,
>
> We have updated conditions to reflect the following neighbor comments:
>
> - Removed delivery from Sunday
> - Added language repeating that:
> - The west side is for delivery and emergency vehicles only + no storage
> - Movement of merchandise and individuals is indoors
> - Added language:
> - Limiting site maintenance hours on west side + location of employee breaks
> - Clarification of trespassing conditions and that no food/beverage to be sold outside other than previously approved food cart
> - At the PD's discretion, the operator will be required to provide a security plan
>
> Final conditions will be available to review when the project goes to hearing.
>
> The next step is to take the project to the Site and Architectural Review Committee before we go to Planning Commission and City Council. We are still waiting on updated plans showing designated areas on the site before we can go to these hearings so a date is not set yet.

This was the feedback I received about the motor vehicle code statute and condition re: day laborers in general:

The solicitation of work or funds is recognized as a form of speech that is protected by the First Amendment of the United States Constitution and Article I, Section 2 of the California Constitution (see *United States* v. *Kokinda* (1990) 497 U.S. 720, 725; *Doucette* v. *City of Santa Monica* (C.D. Cal. 1997) 955 F. Supp. 1192, 1202; *Los Angeles Alliance for Survival* v. *City of Los Angeles* (2000) 22 Cal.4th 352, 364.). The City's ability to limit day worker activities or require businesses and owners to privately enforce restrictions is limited and the City cannot adopt or enforce any condition that specifically targets day workers.

We have removed the requirement for a day laborer area.

<!--[if !vml]-->
<image002.png>
<!--[endif]-->**Nishant Seoni**

Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
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From: Matthew Sheppard <sheppardo@yahoo.com>
Sent: Saturday, July 6, 2024 10:25 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Philip Rawlinson <piprawlinson@me.com>; Patrick Todd <ptodd@rmw.com>
Subject: Re: Update from Police Department on Home Depot

WARNING: This email originated from an external sender! Please do not open attachments or click on links unless you are certain it is legitimate.

Good morning, Nishant.

Status update, please. The 4th of July weekend was exceptionally loud and filthy. So much trash in the parking lot and it seems like the day labor problem has also accelerated.

When is the meeting and what did the city attorney say about enforcing the statute related to proximity to a freeway on ramp?

-Matt

On May 2, 2024, at 16:31, Nishant Seoni <nishants@campbellca.gov> wrote:

Hi all,

Thanks for your patience and feedback. I've tried to summarize and address the comments below:

<!--[if !supportLists]-->1. <!--[endif]-->Sunday and holiday delivery – thanks for catching this discrepancy, I'll update this and confirm with Daniel

<!--[if !supportLists]-->2. <!--[endif]-->The exhibits we will require from the applicant will show designated and marked storage areas that will not include the west side, but we will have language that says the western side can only be used for exiting the site during designated delivery hours and cannot be used for entrance/storage/movement of materials, and that materials must enter the store from the south or around the other side. We can add language that limits maintenance work on this side to certain hours and prohibits breaks from being taken on this side.

<!--[if !supportLists]-->3. <!--[endif]-->I will ask if we can mandate a specific break area, or just prohibit breaks from being taken on the west side.

<!--[if !supportLists]-->4. <!--[endif]-->We are currently waiting for an interpretation from the City Attorney regarding what can and can't be enforced on the issue of day laborers/loitering and whether we can mandate that Home Depot use private security. This is a legal question beyond my purview so I don't have an answer to this yet, but we will try to get some clarity on this. I will forward the below code reference to them.

I will get back to you about the above items when I have some clarity from the Attorney and managers.

I appreciate your involvement in this process and bringing to light some of the issues on the site that we can address. After this round of review, we will move forward with a draft set of conditions and start taking the project to Planning Commission and City Council. When those hearings are scheduled, you will be sent a notice in the mail since you are within the vicinity of the project. There will be links on the agenda to attend virtually to provide comment, an email link to email comments to the Planning Commission/City Council, and of course you can attend in person as well. Please use those avenues for further comments on the project. If for some reason you don't receive those notices, let me know and I will email you the agendas.

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Nishant Seoni
Contract Associate Planner
(415) 755-1254
City of Campbell | Community Development Department
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From: Matt Sheppard <sheppardo@yahoo.com>

Sent: Tuesday, April 30, 2024 1:21 PM
To: Philip Rawlinson <piprawlinson@me.com>; Nishant Seoni <nishants@campbellca.gov>; Patrick Todd <ptodd@rmw.com>
Subject: Re: Update from Police Department on Home Depot

WARNING: This email originated from an external sender! Please do not open attachments or click on links unless you are certain it is legitimate.

Hello, Nishant.

1. I am in complete agreement with Patrick. This is one of the items that jumped off the page to me, when I first read your proposal. I am staunchly opposed to awarding Sunday delivery. I would ask that we continue to prohibit any/all foot traffic behind the store on Sundays AND Holidays. The residents do not agree to hear forklifts, trucks, yelling, etc. 7 days a week. We deserve at least one day of silence (as originally agreed by Home Depot and Campbell).
2. I am not okay with any use of the West side of the property for any reason other than exit of delivery trucks and emergency vehicles. No parking, freight, temporary storage or forklift/pallet jack superhighway. Any/all freight transfer from the back of the store to the front can be done using the lumber alley inside the store - or the long way around, all the way to Salmar side, then across the front of the store.
   2.a. I see no mention of designated break/smoking areas. I want to see language that prohibits the gathering/smoking/yelling/inappropriate language in the existing area along the West side of the front of the store, right at the entrance to the side gate (a picnic bench and a few chairs and several 5 gallon bucket ashtrays). When I worked there, all breaks were to be taken in the designated break room (inside the store) - or off company property on the Salmer sidewalk (for smokers). Over time, with the expansion of the hot dog cart, employees were encouraged to use the demonstration bleachers in the front of the store, next to the hot dog stand. When the bleachers were removed, employees began to congregate on a bench/chairs on the other side of the wall from Campbell residents. This is not okay. It needs to be removed and relocated to the Salmar side of the property.
3. I am not in agreement to designate a Day Laborer section of the property - anywhere. As Phil said, it is the lesser of two evils... but we don't have to agree to any evils. Home Depot is responsible for their property (hire security or conduct regular patrols) and Campbell PD is responsible for public sidewalks. Campbell PD has stated that they will remove any unwanted solicitors/vendors from Home Depot's property if they fail to respond to requests from Home Depot employees. Based on your research, you found that Home Depot has NOT requested removal of Day Laborers from their property. Kyle stated in our meeting (on ZOOM) and then again to me on the phone, that he had asked Campbell PD to remove them on several occasions, but they refused. Campbell Police does not have any record of Kyle calling to remove loiterers/solicitors/vendors - ever.
   3.a. Campbell PD can enforce the below law. We had a similar situation in the past and they found that they were able to leverage the below to remove laborers/solicitors/vendors from the public sidewalk. Home Depot is within 500 feet of highway 17. Once CPD were made aware of this law, they cleared everyone out in a matter of days. Maybe they forgot?

*Section 22520.5 - Prohibited solicitation or vending**(a)** No person shall solicit, display, sell, offer for sale, or otherwise vend or attempt to vend any merchandise or service while being wholly or partly within any of the following:**(1)** The right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway.**(2)** Any roadway or adjacent shoulder within 500 feet of a freeway off ramp or on ramp.**(3)** Any sidewalk within 500 feet of a freeway off ramp or on ramp, when vending or attempting to vend to vehicular traffic.**(b)** Subdivision (a) does not apply to a roadside rest area or vista point located within a freeway right-of-way which is subject to Section 22520.6, to a tow truck or service vehicle rendering assistance to a disabled vehicle, or to a person issued a permit to vend upon the freeway pursuant to Section 670 of the Streets and Highways Code.**(c)** A violation of this section is an infraction. A second or subsequent conviction of a violation of this section is a misdemeanor.*

Ca. Veh. Code § 22520.5

Amended by Stats. 1988, Ch. 924, Sec. 10.

On Tuesday, April 30, 2024 at 12:13:40 AM PDT, Patrick Todd <ptodd@rmw.com> wrote:

Nishant,

Following up on Phil's comments. I believe the previously approved conditions restricted the outdoor delivery days to Monday through Friday, as noted below and Saturday from 9:00 am to 3:00 pm. Is there a reason why you are now allowing HD to have outdoor delivery hours on Sunday from 9:00 am to 3:00 pm?

<!--[if !supportLists]-->1. <!--[endif]--> **Delivery Hours**: Outdoor deliveries restricted to

<!--[if !supportLists]-->1. <!--[endif]-->8:00 AM through 6:00 PM Monday through Friday,

<!--[if !supportLists]-->2. <!--[endif]-->9:00 AM through 3:00 PM Saturday and Sunday.

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<image010.png>

Thank you.

Patrick Todd

Studio Director – Architecture
Desk 408 755-3117

Cell 408 472-1681

Email ptodd@rmw.com

<image011.jpg>

rmw.com

From: Philip Rawlinson <>
Sent: Sunday, April 28, 2024 9:55 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <>; Patrick Todd <>

Subject: Re: Update from Police Department on Home Depot

Nishant

Thanks for this. As I have stated before, the views that I state are mine alone and, as such, should not be considered the 'residents' of Harrison Avenue' opinion. That said, my thoughts are below:

i) I think we are not being overt in outlying what can and cannot be permitted on the West side (‘Residential’ (Harrison Avenue) of the site. Experience has taught us that, absent a clear and unambiguous instruction, Home Deport will claim mis-understanding or offer mis-direction etc. I would append a (10) as follows:

(10). West Side (‘Residential’) of Site from Southern Perimeter Wall to North Perimeter of the main building: This western laneway is ONLY to be used as an exit laneway for deliveries (see point 2). It is to be designated and signed as one direction - south to north. It is expressly forbidden for it to be used for any day to day ‘operational’ purposes. FORBIDDEN operational purposes in this instance to include (not exclusive) the following:

- The movement of any material / merchandise / non delivery vehicles / individuals from the back (south) to the front (north) of the store and visa versa. This restriction applies 24/7 Monday to Sunday (inclusive). All movement of material / merchandise / non delivery vehicles, individuals etc from back to front (and visa versa) must be internal (through the building) or via the east side of the site.

- Consistent with point (3), storage of any kind and any height is NOT permitted on the west side. IT MUST ALWAYS BE CLEAR. This restriction includes all items of merchandise, machinery, vehicles - NONE of which are allowed to stored on the west side.

- West Side (‘Residential’) Building/Site Maintenance Qualification - where non delivery exit access to the west side (‘Residential’) laneway is required for necessary site maintenance (e.g to such areas as the west side or top of the main building or the grass/trees on the west side or the wall on the west side), this work must only take place between 9am to 6pm Monday to Friday. As required, permits will need to be sought from the City of Council in each instance.

The language may need tightening up but you get the idea. Absent clear rules that can be easily read, understood and cited, I simply do not trust HD to adhere to any conditions in the medium to long term. As you can tell from my language, I also think that we start consistently referring to the west side as the ‘residential side.’ The HD mindset needs to change to appreciate that they have a site next to a residential area and not exclusively in a commercial zone. It comes with responsibilities.

Regarding day laborers etc, I have offered opinions already. It seems pretty clear that the Police do not want this problem pushed on to the Hamilton Avenue sidewalks as they argue that they will not be able to do anything. This seems somewhat defeatist but it may be a battle for another day. Moving and policing (with security paid for by HD as they have at other sites) the day laborers to the Salmar side and away from the main car park and residential west side seems the ‘best fit’ for now.

On a final note, I would force HD to use paint to demarcate the permitted storage areas (by height, distance from building etc). If it is not clear it will inevitably lead to stretch by them).

Regards

Phil

Sent from my iPad

On Apr 26, 2024, at 7:47 PM, Nishant Seoni <nishants@campbellca.gov> wrote:

Hi all,

Thank you for your patience on this. In speaking with Daniel and our Director, we don't typically share exact conditions until they are finalized with the public. However, below is a more detailed summary of the conditions I finalized this week related to your concerns. We are still discussing private security, and as Sergeant Heitzman explained, recently laws against loitering have been deemed unconstitutional. Given the issues and the restraints, we've come up with the following rules:

<!--[if !supportLists]-->1. <!--[endif]-->Hours, parking, gates

<!--[if !supportLists]-->1. <!--[endif]-->**Business Hours**:

1. 6:00 AM to 9:00 PM Monday through Saturday
2. 7:00 AM through 8:00 PM Sundays.

<!--[if !supportLists]-->1. <!--[endif]-->**Indoor Staff Overnight Hours**:

1. 9:00 PM to 6:00 AM Monday through Saturdays
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Nishant Seoni

Contract Associate Planner

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City of Campbell | Community Development Department

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Sent: Wednesday, April 17, 2024 11:49 AM
To: Nishant Seoni <nishants@campbellca.gov>
Cc: Matthew Sheppard <>; Patrick Todd <>
Subject: Re: Update from Police Department on Home Depot

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The response below seems to be 'hear no evil, see no evil.' Home Depot have it within their powers to cite trespass as a means of having all the day laborers and the non permitted vendors removed from their car park. They can also employ private security (which is what they have done elsewhere). What concerns me is that there seems to be an acquiescence to them being there - both by Campbell PD and Home Deport. The Police will move them on if HD forces the issue (with trespass requests) but they are then saying that they can just go to the roadside as there is no law/ordinance etc that the Police can use to move them on. The tacit rule (by HD and CPD) seemingly to be - they are better within the car park than on the side walk and don't rock the boat. It is our view that they are not better in either instance and I am sure Staples, Escobar Jewelers, Wheel Away and Rotten Robbie would all agree.

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From: Nishant Seoni
Sent: Friday, April 5, 2024 5:55 PM
To: Matthew Sheppard
<s Patrick Todd
>
Subject: Update from Police Department on Home Depot

Hi all,

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Nishant,

I reviewed our calls regarding disturbance, unwanted subject, and municipal code violation incidents for the past 6 months at Home Depot. Of the calls, only a few met the criteria in the complainant's email. I found two calls related to day laborers. One from a citizen who was informed that Home Depot is private property, and another call from an employee who asked someone to leave and they were refusing. Multiple other calls involved people living out of vehicles, one of which a subject was contacted and advised to leave or they would be prosecuted for trespassing. Another caller complained of someone selling tamales in the parking lot, but again this was a citizen, not the store calling. This call was categorized as a patrol check for the officer assigned to that beat. Other relevant calls were theft related.

A couple things to note regarding the day laborer issue: 1) Police officers cannot detain someone for loitering in a parking lot, as laws against loitering have been deemed unconstitutional, 2) Home Depot is private property; so, unless the store is calling about someone refusing to leave their property (essentially trespassing), officers typically will not respond. This issue often leads to confusion when citizens call about loitering on property other than their own. Additionally, there are recent issues with the constitutionality of enforcing food vendor laws, therefore our department would not be responding to such calls. Much like the day laborer issue, it would be best for the

store itself to determine whether these people are welcome on their property. I hope this help clarify some of the details in the complaint.

<image003.png>

Nishant Seoni

Contract Associate Planner

(415) 755-1254

City of Campbell | Community Development Department

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