

**PLANNING COMMISSION
City of Campbell, California**

Register in advance for this webinar:

September 8, 2020
Tuesday

<https://us02web.zoom.us/j/82256758679>

After registration, you will receive a confirmation email containing information about joining the webinar. During the registration process, you will be asked if you would like to speak on any of the agenda items. Please provide detail on the items you would like to discuss.

AGENDA

CONVENE MEETING

This Regular Planning Commission meeting will be conducted via telecommunication and is compliant with provisions of the Brown Act and Executive Order N-29-20 issued by the Governor.

The following members of the Planning Commission are listed to permit them to appear electronically or telephonically at the regular Planning Commission meeting on September 8, 2020: Chair Michael Krey, Vice-Chair Maggie Ostrowski, Commissioners Adam Buchbinder, Andrew Rivlin; Nick Colvill; and Stuart Ching.

Members of the public will not be able to attend meetings at the Campbell City Council Chamber physically. The Planning Commission meeting will be live-streamed on Channel 26, the City's website, and YouTube (<https://www.youtube.com/user/CityofCampbell>).

Those members of the public wishing to participate are asked to register in advance at: <https://us02web.zoom.us/j/82256758679>. After registering, you will receive a confirmation email containing information about joining the meeting.

Public comment for the Planning Commission meetings will be accepted via email at planning@campbellca.gov prior to the start of the meeting. Written comments will be posted on the website and distributed to the PC. If you choose to email your comments, please indicate in the subject line "FOR PUBLIC COMMENT" and indicate the item number.

ROLL CALL

APPROVAL OF THE MINUTES August 25, 2020

COMMUNICATIONS

AGENDA MODIFICATIONS OR POSTPONEMENTS

ORAL REQUESTS

This is the point on the agenda where members of the public may address the Commission on items of concern to the Community that are not listed on the agenda this evening. People may speak up to 5 minutes on any matter concerning the Commission.

PUBLIC HEARINGS

1. **PLN-2020-35 (Appeal of TRP PLN-2020-14)** Public Hearing to consider the Appeal (PLN-2020-35) by Kathy Robinson of the Community Development Director's denial of a Tree Removal Permit (PLN-2020-14) to remove four (4) redwood trees on property located at **825 S. San Tomas Aquino Road**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Naz Pouya Healy, Assistant Planner*

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting of **September 22, 2020**, at 7:30 p.m., in the City Hall Council Chambers, 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 Corinne Shinn at the Community Development Department, at corinnes@cityofcampbell.com or (408) 866-2140.

CITY OF CAMPBELL PLANNING COMMISSION
MINUTES

7:30 P.M.

TUESDAY

AUGUST 25, 2020
REMOTE ON-LINE ZOOM MEETING

The Planning Commission meeting of August 25, 2020, was called to order at 7:30 p.m. by Chair Krey and the following proceedings were had, to wit:

ROLL CALL

Commissioners Present: Chair:	Michael Krey
Vice Chair:	Maggie Ostrowski
Commissioner:	Adam Buchbinder
Commissioner:	Stuart Ching
Commissioner:	Nick Colvill
Commissioner:	Terry Hines
Commissioner:	Andrew Rivlin

Commissioners Absent: None

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

APPROVAL OF MINUTES

Motion: Upon motion by Commissioner Ostrowski, seconded by Commissioner Buchbinder, the Planning Commission minutes of the meeting of August 11, 2020, were approved as submitted. (7-0)

COMMUNICATIONS

None

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

ORAL REQUESTS

None

Chair Krey asked if there were any disclosures from members of the Commission.

There were none.

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

PUBLIC HEARINGS

1. **PLN-2020-70** Public Hearing to consider the application of Gary Kohlsaar for a Site and Architectural Review Permit (PLN-2020-70) to allow a façade improvement to an existing commercial building including installation of metal awnings, a new entry door and window, and replacement of decorative rock wall cladding with stucco, and associated parking lot restriping on property located at **1049 Dell Avenue**. Staff is recommending that this item be deemed Categorical Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: *Daniel Fama, Senior Planner*.

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

Chair Krey asked if there were questions for staff.

Commissioner Buchbinder:

- Questioned if there is a reason why this building was never approved under the City.
- Added that as a result, this item ended up having to come before the Commission rather than their project being handled administratively.
- Inquired how many buildings like this one might also have this same condition of no initial City-level approvals. Is this an oversight?

Planner Daniel Fama:

- Replied that it is not an oversight.

- Explained that in order for there to be a modification, there needs to have been a previous approval for which to modify. In this situation, there was no previous application processed under Campbell jurisdiction.

Director Paul Kermoyan reminded that the Cambrian Park Area was just annexed into Campbell in 2013.

Commissioner Buchbinder:

- Raised the consideration as to whether there could be some form of “en masse” issuance of local jurisdictional approvals.
- Added that it represents an extra burden to the property owners in this area if they want to come in to update their properties.

Director Paul Kermoyan:

- Agreed with Commissioner Buchbinder that expediting permit issuance is important to businesses.
- Said that it would be possible to relook at existing permit processes rather than performing some sort of inventory of such properties.

Commissioner Buchbinder asked if this matter could be agendaized for later discussion. What would be required?

Director Paul Kermoyan:

- Said that the updating of the General Plan comes first.
- Added that following that there will need to be a comprehensive update to the Zoning Ordinance. This should be done as one bundle and not piecemeal.

Planner Daniel Fama:

- Reported that this type of research takes time.
- Advised that staff found a 1999 file although there were no City approvals associated with it. Despite that, staff relied on that file that contained a site plan with designated parking spaces that are not currently marked in place on this property.
- Stated that older City and County records are challenging. The older the permits, the more challenging and/or unlikely they are to locate.
- Concluded that trying to do such “en masse” research for an extended area would be a time-consuming endeavor.

Commissioner Hines:

- Stated that the updated General Plan will set the base and establish groundwork.
- Added that needed changes would be captured in the General Plan Update. That is the general approach moving forward.

Director Paul Kermoyan:

- Replied that is correct.
- Advised the Commission that he has created a list of the areas of interest to the Planning Commission.

Commissioner Buchbinder agreed that is an option.

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

Gary Kohlsaas, Architect:

- Expressed his appreciation to the Commission and staff for their understanding that timing is everything.
- Added that he would like to see some process streamlining occur in the future while still maintaining appropriate oversight, which is also important.
- Said that this process cost this property between five and six-months of rental income.
- Advised that this proposal before the Commission tonight is very straightforward.
- Reported that they have put stucco onto the building and propose to add metal awnings that are clean-industrial looking as appropriate for the area.
- Stated that the site changes are responding to the use, zoning and area as a whole.
- Admitted that he would want to do more of these types of projects in updating these old buildings.
- Reported that he was unaware that there was no original approval of this site.
- Said that this is a good proposal and includes the restriping of the parking lot.
- Advised that there is an existing easement to the back of the property that is not relevant anymore. They are trying to get rid of that.
- Thanked the Commission for its time and said he was available for any questions.

Commissioner Hines expressed his appreciation to Mr. Kohlsaas for his work to beautify properties in Campbell. He asked if there is a tenant lined up for this building.

Gary Kohlsaas replied that he is not sure who's lined up. It might be a contractor.

Commissioner Hines reiterated that this is a nice and attractive building. Thanked them for doing this upgrade.

Commissioner Ostrowski agreed that this is a nice upgrade that may well motivate other nearby property owners to do such upgrading as well.

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

Motion: **Upon motion of Commissioner Ostrowski, seconded by Commissioner Hines, the Planning Commission adopted Resolution No. 4571 approving a Site and Architectural Review Permit (PLN-2020-70) to allow a façade improvement to an existing commercial building including installation of metal awnings, a new entry door and window, and replacement of decorative rock wall cladding with stucco, and associated parking lot restriping on property located at 1049 Dell Avenue, by the following roll call vote:**

AYES: **Buchbinder, Ching, Colvill, Hines. Krey, Ostrowski and Rivlin**

NOES: **None**

ABSENT: **None**

ABSTAIN: None

Chair Krey advised that the Planning Commission action is final unless appealed in writing to the City Clerk within ten calendar days.

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

2. **PLN-2020-82** Public Hearing to consider the application of David Wood for a Conditional Use Permit (PLN-2020-82) to allow a new medical service use (clinic) within an existing commercial tenant space on property located at **1760 S. Bascom Avenue, Suite 140**. Staff is recommending that this item be deemed Categorically Exempt under CEQA. Planning Commission action final unless appealed in writing to the City Clerk within 10 calendar days. Project Planner: Project Planner: *Stephen Rose, Senior Planner*.

Mr. Stephen Rose, Senior Planner, provided the staff report.

Chair Krey asked if there were questions for staff.

Commissioner Rivlin asked who created Attachment #5.

Planner Stephen Rose:

- Explained that he secured owner contact information for this property through Economic Development Analyst Michael Thomas.
- Advised that the owners provided details on the uses on site that helped develop this big-picture-view of this center.

Commissioner Hines clarified with staff that this proposed tenant space includes a portion of space once used by Ross and does not include any of the former Office Depot space.

Commissioner Buchbinder asked staff how many such medical uses there are in this area.

Planner Stephen Rose responded that there are a series of such medical uses further down Bascom Avenue closer to Valley Medical. The nearby CVS Pharmacy has a Minute Clinic. Other than that, there is nothing in the immediate area outside of those medical uses further down Bascom Avenue.

Chair Krey asked if this Use Permit will exist in perpetuity or just with this owner.

Planner Stephen Rose replied that the Use Permit runs with the land (location) for which it is approved. Other medical uses could assume this location using the approved hours of operation and maximum number of staff and employees allowed on site.

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

Scott Cheeseman, Carbon Health:

- Explained that Carbon Health provides both primary and urgent care services.
- Added that there has never been a more important time than now to provide such services.
- Reported that they offer a three to four hour wait time for an appointment. This is urgent care but not acute cases.
- Stated that the staff report was complete, and he has nothing further to add. Staff did a great job.

Chair Krey asked the Commission if they had any questions for this applicant.

Commissioner Hines asked how many other clinics they have.

Scott Cheeseman replied that they currently have 19 locations in operation in several states and there are an additional 15 in construction.

Commissioner Hines asked if they would do COVID testing.

Scott Cheeseman:

- Replied absolutely they would perform COVID testing.
- Advised that right now it takes 18 days on average for a patient to get in to see a doctor in the United States.
- Added that everyone is very busy dealing with COVID right now.

Commissioner Hines asked Mr. Cheeseman if they are just urgent care.

Scott Cheeseman said they provide both primary and urgent care.

Commissioner Hines asked whether there would be a doctor on site at all times.

Scott Cheeseman replied they have a doctor on site 7-days a week, 10-hours per day.

Commissioner Colvill asked Mr. Cheeseman when they might start offering COVID testing at this new Campbell location.

Scott Cheeseman replied that he believes it will be in First Quarter 2021. They are currently working with the Building Division on their tenant improvement plans and will open as soon as possible.

Chair Krey asked Mr. Cheeseman if his clients come to the clinic on foot or by vehicle.

Scott Cheeseman:

- Replied that how clients arrive depends upon the jurisdiction/location.
- Pointed out that their San Francisco location has no parking so that equates to clients walking in.
- Said that other locations with lots of parking tend to have lots of clients arriving by vehicles.

- Predicted that this location will likely have clients mostly arriving by vehicle. He mentioned that there are large employers nearby (right across the street) that could bring clients in by foot.

Commissioner Hines thanked Mr. Scott Cheeseman for bringing this Carbon Health clinic to Campbell.

Scott Cheeseman said he is glad to be here.

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

Commissioner Ching:

- Said he is fully in support of this use.
- Admitted that retail is changing and that has resulted in the loss of some retail stores in this center.

Commissioner Ostrowski:

- Stated her support.
- Reminded that there is currently a 30 percent vacancy rate at this center.
- Added that this clinic will provide a very positive impact on this community. Medical uses are important.

Commissioner Hine:

- Concurred with both Commissioners Ching and Ostrowski.
- Added that this particular side of the center is currently “dead”.
- Stated that there is a need for urgent care.
- Concluded that this is a perfect fit.

Commissioner Buchbinder:

- Concurred.
- Stated great job.
- Pointed out that this is a “first time” medical use in this center. It will be an excellent use.
- Concluded that he supports the staff recommendation to expand the hours. It is not a problem.

Motion: Upon motion of Commissioner Buchbinder, seconded by Commissioner Rivlin, the Planning Commission adopted Resolution No. 4572 approving a Conditional Use Permit (PLN-2020-82) to allow a new medical service use (clinic) within an existing commercial tenant space on property located at 1760 S. Bascom Avenue, Suite 140, with the following amendment:

- **Revise Condition 4(b) to expand operational/staff hours to 8 a.m. until 9 p.m. daily;**

by the following roll call vote:

AYES: Buchbinder, Ching, Colvill, Hines, Krey, Ostrowski and Rivlin

NOES: None
ABSENT: None
ABSTAIN: None

Chair Krey advised that the Planning Commission action is final unless appealed in writing to the City Clerk within ten calendar days.

MISCELLANEOUS ITEM(S)

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

3. Discussion on Commercial and Industrial Floor Area Ratios (FAR) standards. Presenter: Commissioner Nick Colvill

Commissioner Colvill:

- Discussed several mixed-use developments from other nearby communities (Santa Clara, San Jose, Mountain View) and showed some photographs.
- Described commercial areas as including: Commercial, Office, C-1 (Neighborhood Commercial), C-2 (General Commercial), General Office and Controlled Manufacturing and provided a table.
- Stated that he sees the benefit of changing (expanding) upon current FAR (Floor Area Ratios) restrictions.
- Compared some Controlled-Manufacturing projects in Los Gatos, Santa Clara, San Jose and Sunnyvale.
- Questioned how Los Gatos changed their zone and maximum building heights for the Netflix site.
- Pointed out that Planned Development Zoning (P-D) is the tool that Campbell uses to help facilitate a quicker approval of developers' proposals despite current zoning.
- Discussed the option of creating Area Specific Plan(s).
- Asked for feedback from the other Commissioners on these initial issues.

Chair Krey:

- Stated that Commissioner Colvill has clearly spent a lot of time and effort in developing this information. It's awesome.
- Asked what direction we should go in.

Commissioner Colvill:

- Stated his hope that his introduction would spark a fuller discussion.
- Admitted that his concern is that if not considered now, when the General Plan is adopted, we will be in the same position.
- Encouraged the consideration of how the City can develop a better environment for its property owners.
- Said this is just an open door. There is not expectation for specific action tonight but rather a discussion of ideas.

Commissioner Hines:

- Stated that Commissioner Colvill's presentation was right on. It was excellent.
- Pointed out that property managers are getting gun-shy about potential redevelopment of their older properties.
- Asked staff that FAR had been requested by the owners of the Shell Station Property at Hamilton.

Director Paul Kermoyan:

- Replied that Shell had requested a FAR higher than 1.5.
- Cautioned that the Commissioners are raising an issue that requires a policy direction.
- Added that right now the Commission is offering its respective opinions. Your wishes.
- Suggested the Commission take a step back to ask what the community wants. It has to start there with the General Plan.
- Said that until we are provided with the direction by Council that they want more growth, then changes will be made to implement that goal.
- Reiterated that it depends on where this community wants to be.
- Reminded that the draft General Plan is now on the website.
- Reported that an initial review of the Draft General Plan will come before the Planning Commission over several meetings until the Commission is ready to forward it onward to Council with its recommendation(s).
- Reminded that the General Plan is intended to reflect itself as a community vision document.

Chair Krey:

- Agreed that FAR can be a controversial issue.
- Said that more and more applications are coming in for residential, commercial or mixed-use development. All are asking for more density.
- Pointed out that we need more housing and to achieve that needed housing more density will have to be allowed.
- Added that Campbell doesn't have such large-scale sites as the examples provided by Commissioner Colvill from other local cities.

Commissioner Rivlin:

- Reminded that the City spent a fair amount of time developing the DAAP (Dell Avenue Area Plan) that was supposed to be a big-vision area plan. Ultimately the EIR was not certified and Council did not go forward with the DAAP.
- Reported he had joined this Commission following the conclusion of the DAAP effort.
- Agreed that a piecemeal plan is not the way to go to achieve holistic development.
- Said that the Director's input equates to more time to wait.
- Stated that this Commission can encourage the Council to look at this issue a little closer as it will be years before the Updated General Plan affects any zoning.

Director Paul Kermoyan:

- Reported that on September 2nd, there will be a joint session with GPAC and the City Council to discuss the General Plan draft.
- Said that Council wants to hear from each member of the GPAC as to whether their draft is one they are proud of and/or if it reflects where they wanted it to go.

- Added that following that joint session the Council will direct staff on what comes next.
- Agreed that there are existing problems with FAR standards.
- Said that mixed-uses are higher-density and intensity.
- Stated that some will agree with the need for higher FAR's while others will say it's the worse idea.
- Reported that Costco was interested in the Fry's site, which could result in sales tax revenue of between \$1 million to \$1.5 million.
- Concluded there is a lot of interest in that area.

Commissioner Colvill:

- Asked how to do we provide better opportunity for property owners to develop in a way that works.
- Added that his own opinion is not the most important one.

Commissioner Buchbinder:

- Said that is a broader question for our City and an important one. Are we permissive? Do we deny things?
- Pointed out that Director Kermoyan has experience working with both types of cities – quite permissive or very strict.

Commissioner Hines:

- Told Commissioner Colvill that it is real change that he is proposing.
- Agreed that it is important to get those ideas into the GPAC. They want a plan that they can build upon and that gives developers the opportunity to move forward.
- Reminded that the Trojan Storage facility was pushing its FAR request.
- Stated that the draft General Plan will soon come before the PC. Perhaps the PC will only accept it by including these concerns into the GPAC and GP being solid in our approach.
- Said that there has been a lot of direction from Council and GPAC and feedback from the public. Areas of Campbell have lots of vacant and/or deteriorating lots.

Commissioner Ching:

- Extended kudo's to Commissioner Colvill on his time and work spent on this research and presentation.
- Agreed with the sentiment that we must consider from both our own standpoints as well as from a community standpoint.
- Said he would encourage the Council to send the draft General Plan forward to us. The current GP is 20 years old.
- Stated his agreement with points made both by Commissioner Colvill and Director Paul Kermoyan.

Commissioner Buchbinder:

- Agreed with Commissioner Ching's opinion that the current General Plan is showing its age and we'd like to see it updated appropriately.
- Provided a "cautionary" example from San Francisco when discretionary processing for a new use takes such a long time the tenant is lost, and the space remains vacant.
- Stated that predictable and clear zoning standards are essential.

Commissioner Ostrowski:

- Stated that Commissioner Colvill's presentation was compelling including the mixed-use and commercial-oriented examples provided.
- Agreed with Director Paul Kermoyan that we must look at what the community sees as its vision.
- Added that a big part of that is to make sure a substantial part of the community is involved.
- Said that while some may support but others may not. Each side has to take the time to participate in helping achieve change.

Commissioner Colvill:

- Pointed out that the use of Zoom helps provide accessibility to the community. It is available to the community as a whole to witness the conversation.
- Said we must make sure we don't miss current property owners/landowners who must redevelop their property or die.
- Added that it is horrible to have vacant spaces/buildings. It's unfortunate.
- Stated his appreciation for the input provided tonight from his fellow Commissioners.

Director Paul Kermoyan:

- Said he is maintaining a list of the Commission's priorities and promises to continue to update it moving forward.
- Listed the current areas of interest to include:
 - Parking Standards
 - Floor Area Ratios (FAR)
 - Site and Architectural status for old buildings without an original Campbell permit and how that impacts seeking new entitlements.
 - Accessory Dwelling Unit (ADU) Amnesty Program

Chair Krey thanked Commissioner Colvill for bringing this discussion forward.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report but was available for any questions from the Commission.

Commissioner Rivlin asked for a status on the Dell Avenue project that was approved by Council in 2019.

Director Paul Kermoyan said that construction drawings are being reviewed by Building. They are very motivated to move forward. He added that the Cresleigh Development (Campbell Ave) waited until the end of the CEQA appeal period that is in late August.

Chair Krey suggested that his fellow Commissioners watch the Council meeting when they decided on the Dell Avenue Project. They consider the project to be the exception not the standard for Dell.

Commissioner Buchbinder asked about the status update provided to Council on the Downtown Campbell street closure.

Director Paul Kermoyan:

- Referenced his written report, Item I-c.
- Said that it represented an on-going conversation after the implementation of that street closure program.
- Added it is intended to make sure what was anticipated is what actually is happening.
- Admitted that for the most part there is disappointment that it is not as impactful as had been hoped.
- Said that on September 1st, recommended new changes to the program will be discussed by Council at its meeting.
- Said that there are differing opinions between retailers and restaurants.
- Added that one potential change would be the creation of park inlets and reopening the street itself.

ADJOURNMENT

The Planning Commission meeting adjourned 9:05 p.m. to the next Regular Planning Commission Meeting of **September 8, 2020**, which will be conducted on Zoom.

SUBMITTED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

RESOLUTION NO. 4571

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A SITE AND ARCHITECTURAL REVIEW PERMIT (PLN-2020-70) TO ALLOW A FAÇADE IMPROVEMENT TO AN EXISTING COMMERCIAL BUILDING INCLUDING INSTALLATION OF METAL AWNINGS, A NEW ENTRY DOOR AND WINDOW, AND REPLACEMENT OF DECORATIVE ROCK WALL CLADDING WITH STUCCO, AND ASSOCIATED PARKING LOT RESTRIPING ON PROPERTY LOCATED AT **1049 DELL AVENUE**.

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

The Planning Commission finds as follows with regard to File No. PLN-2020-70:

1. The Project Site is a 13,287 square-foot parcel improved with a 2,000 square-foot commercial building located towards the street and a 1,200 square-foot warehouse structure at the rear.
2. The Project Site is located along Dell Avenue, south of Sunnyoaks Avenue.
3. The project site is zoned M-1 (Light Industrial) as shown on the Campbell Zoning Map.
4. The Project Site is designated *Light Industrial* as shown on the Campbell General Plan Map.
5. The Proposed Project is an application for a Site and Architectural Review Permit (PLN-2020-70) to allow a façade improvement to an existing commercial building including installation of metal awnings, a new entry door and window, and replacement of decorative rock wall cladding with stucco, and associated parking lot restriping
6. On July 19, 1999, the City determined that there are no "previous site approvals" for the improvements found on the Project Site, such that the buildings are considered non-conforming and that no changes may be made without approval of a Site and Architectural Review Permit.
7. The July 19, 1999 determination is consistent with CMC Sec. 21.42.020.C.4 that allows the Community Development Director to approved "minor changes" that "will not substantially change the overall appearance, character, and scale of the proposed development," but only when a structure had "previously been approved by the planning commission."
8. The July 19, 1999 letter also approved a parking layout that will be implemented as part of this Site and Architectural Review Permit. This letter constitutes a Zoning

Clearance that will allow parking within the required front setback that otherwise would not be permitted by CMC Sec. 21.28.080.B.3.

9. CMC Sec. 21.26.030.A requires that existing properties improve landscaping to the "greatest extent feasible" "whenever an existing use or structure is expanded...". Since the proposal would not expand the structure nor any existing use on the property, provision of additional landscaping is not required.
10. The Proposed Project would be consistent with the following General Plan policy and strategies:

- | | |
|--------------------|---|
| Policy LUT-5.4: | <u>Industrial Neighborhoods</u> : Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial neighborhoods and encouraging compatible uses. |
| Policy LUT-5.5: | <u>Industrial Diversity</u> : Promote a variety of industrial use opportunities that maintain diversified services and a diversified economic base. |
| Policy LUT-5.7: | <u>Industrial Areas</u> : Industrial development should have functional and safe vehicular, bicycle and pedestrian circulation, good site and architectural design, be sensitive to surrounding uses, connect to public transit, and be energy efficient. New projects should contribute to the positive character of industrial areas and the overall image of the City. |
| Strategy LUT-5.7a: | <u>Industrial Design Guidelines</u> : Develop Industrial Design Guidelines with specific policies including, but not limited to the following: <ul style="list-style-type: none">➤ Require varied, high-quality, finished construction materials such as glass, stucco, plaster, or brick. No exposed concrete block or flat sheet metal. |

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

1. The project will be consistent with the general plan;
2. The project will aid in the harmonious development of the immediate area; and
3. The project is consistent with applicable adopted design guidelines.
4. The project Categorically Exempt under Section 15301 (Class 1) of the California Environmental Quality Act (CEQA) Guidelines, pertaining to alterations to existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Site and Architectural Review Permit (PLN-2020-70) to allow a façade improvement to an existing commercial building including installation of metal awnings, a new entry door and window, and replacement of decorative rock wall cladding with stucco, and associated parking lot restriping on property located at **1049 Dell Avenue**, subject to the attached recommended Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 25th day of August, 2020, by the following roll call vote:

- AYES: Commissioners: Buchbinder, Ching, Colvill, Hines, Krey, Ostrowski, and Rivlin
- NOES: Commissioners:
- ABSENT: Commissioners:
- ABSTAIN: Commissioners:

APPROVED: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Site and Architectural Review Permit (PLN-2020-70)

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

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

1. Approved Project: Approval is granted for a Site and Architectural Review Permit (PLN-2020-70) to allow a façade improvement to an existing commercial building including installation of metal awnings, a new entry door and window, and replacement of decorative rock wall cladding with stucco, and associated parking lot restriping on property located at **1049 Dell Avenue**. The project shall substantially conform to the revised project plans and revised color/material board, stamped as received by the Community Development Department on July 23, 2020, except as may be modified by the Conditions of Approval contained herein.
2. Building Permit Required: At the discretion of the Building Official, the applicant shall either submit revised plans for the already submitted building permit (BLD-2020-149) or submit a new building permit application, for the building and site improvements authorized by the Site and Architectural Review Permit.
3. Permit Expiration: The Site and Architectural Review Permit approval shall be valid for one (1) year from the date of final approval. Within this one-year period an application for a building permit must be submitted. Failure to meet this deadline or expiration of an issued building permit will result in the Site and Architectural Review Permit being rendered void.
4. Planning Final Required: Planning Division clearance is required prior to Building Permit final. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
5. Subsequent Building Improvements: Exterior improvements to other on-site buildings that are determined to be consistent with the architectural design provided in the approved project plans may be administratively reviewed and approved by the Community Development Director.
6. Property Maintenance: The property owner shall maintain the property free from graffiti, trash, and rubbish.

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

Building Division:

10. Permits Required: A building permit application shall be required for the building and site improvements.
11. Accessibility: 20% of the remodel cost must be assigned to accessibility upgrades. Cost of the door may meet that requirement but an estimate and hardship exemption will still be needed and made part of the plan set. Should any additional funds be available in the 20% accessible striping and parking and path of travel is also needed.

PUBLIC WORKS DEPARTMENT

12. Storm Drain Area Fee: Prior to issuance of any grading or building permits for the site, the applicant shall pay the required Storm Drain Area fee, currently set at \$2,620.00 per net acre, which is \$807.47 (commercial land use).

13. Stormwater Pollution Prevention Measures: Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

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

14. Site Plan: The site plan on the construction drawings submitted for a building permit shall include a revise plan sheet A-1 to address the following:

- a. Include a dimension between the existing face-of-curb and existing property line.
- b. Plan for Dell Avenue is to install 10’ wide City standard sidewalk. Show on plan the future right-of-way line which will be 10’ from the existing face-of-curb. The project should not install private improvements within this area (existing and future right-of- way).
- c. Remove the 10’ ROW easement.
- d. Show the closure of the driveway cut opposite parking stall 5 & 6.

15. Plans / Encroachment Permit / Fees / Deposits: *Prior to issuance of any grading or building permits for the site*, the applicant shall cause plans for public street improvements to be prepared by a registered civil engineer, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:

- a. Removal of existing southern driveway cut and replace with City standard curb and gutter.
- b. Construction of conforms to existing public and private improvements, as necessary.
- c. Submit final plans in a digital format acceptable to the City.

16. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the

applicant shall have the required *street improvements* installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.

17. Utility Encroachment Permit: Separate encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.

RESOLUTION NO. 4572

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A CONDITIONAL USE PERMIT (PLN-2020-82) ALLOWING THE ESTABLISHMENT OF A NEW MEDICAL SERVICE USE (CLINIC) WITHIN AN EXISTING COMMERCIAL TENANT SPACE ON PROPERTY LOCATED AT **1760 S. BASCOM AVENUE, SUITE 140.**

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

The Planning Commission finds as follows with regard to file number PLN-2020-82:

Environmental Finding(s)

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

Further Evidentiary Finding(s)

2. The project site is zoned C-2 (General Commercial) and designated *General Commercial* by the General Plan.
3. The proposed project, as conditioned, may be found consistent with the following General Plan goals, policies and/or strategies:

Policy LUT-5.1: Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values, while protecting the integrity of the city's neighborhoods.

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

Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community.

Strategy LUT-13.1c: Fiscal Effects of Land Use: Evaluate the fiscal effects of different land uses on City revenues and services.

4. The project site is the Hamilton Shopping Center located on the east side of Bascom Avenue, south of Hamilton Avenue.
5. The 11.5-acre property is developed with two commercial buildings and a large shared parking lot. The property is anchored by Wholefoods and shares reciprocal pedestrian,

vehicular access and parking rights with 1790 S. Bascom Avenue (smaller parcel to the southwest), which is under the same ownership.

6. Planning Commission Resolution No. 3881, approving the 8,000 sq. ft. commercial building at 1790 S. Bascom Avenue, required the recordation of a reciprocal pedestrian, vehicular access, and parking right easement. Review of the applicant's title report revealed that the reciprocal easement between properties was not recorded. A condition of approval has been incorporated into this resolution reiterating and reinforcing this outstanding requirement.
7. The subject tenant space has access to 712 parking shared parking spaces which are shared between the subject property and 1790 S. Bascom Avenue. A reciprocal
8. The subject tenant space is located on the ground floor of the larger building located along the rear (east) property line.
9. The subject tenant space, 1760 S. Bascom Avenue, Suite 140, measures 3,832 square feet in gross floor area.
10. The proposed project is an application to allow the establishment of a medical service use (clinic) which is allowed in the C-2 Zoning District with the approval of a Conditional use Permit.
11. The tenant space represents approximately 2.4% of the gross floor area of the shopping center (158,029 sq. ft.).
12. There is only one other medical service use present in the shopping center (d.b.a. CVS Minute Clinic) which is restricted to 205 square feet in gross floor area.
13. At the time of application submittal, almost 30% of the gross floor area in the shopping center was vacant.
14. The proposal does not involve physical expansion of the building.
15. The hours of operation would be limited to 9:00 AM to 7:00 PM daily.
16. The business/public hours would be limited to 9:00 AM to 7:00 PM daily.
17. A maximum of nine (9) employees and ten (10) customers would be allowed at any one time.
18. Medical clinics are required to provide at least one parking space per 200 square-feet of gross floor area.
19. The previous use of the existing commercial area/tenant space (retail department store) had the same parking demand per-code (one parking space per 200 sq. ft. of gross floor area) as the proposed medical clinic use.

20. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required conditions of approval, will have a significant adverse impact on the environment.

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

Conditional Use Permit Findings (CMC Sec. 21.46.040):

21. As conditioned, the proposed use is allowed within the applicable zoning district with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code;

22. As conditioned, the proposed use is consistent with the General Plan;

23. As conditioned, the proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area;

24. As conditioned, the proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate;

25. As conditioned, the design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property;

26. As conditioned, the establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and

Environmental Finding(s) (CMC Sec. 21.38.050):

27. The project is Categorically Exempt under Section 15301 of the California Environmental Quality Act (CEQA), pertaining to the operation and leasing, and minor alteration of an existing private structure.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Conditional Use Permit (PLN-2020-82) to allow the establishment of a new medical service use (clinic) within an existing commercial tenant space on property located at **1760 S. Bascom Avenue, Suite 140**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 25th day of August, 2020, by the following roll call vote:

AYES: Commissioners: Buchbinder, Ching, Colvill, Hines, Krey, Ostrowski, and Rivlin

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

APPROVED: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

**CONDITIONS OF APPROVAL
Conditional Use Permit (PLN-2020-82)**

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

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

1. Approved Project: Approval is granted for a Conditional Use Permit (PLN-2020-82) to allow a new medical service use (clinic) within an existing commercial tenant space on property located at **1760 S. Bascom Avenue, Suite 140**. The project shall substantially conform to the Project Plans stamped as received by the Planning Division on July 2, 2020 and Applicant's Written Statement stamped as received by the Planning Division on July 2, 2020 and on August 13, 2020, except as may be modified by the Conditions of Approval contained herein.
2. Permit Approval Expiration: The Conditional Use Permit approval shall be valid for one-year from the date of final approval (expiring September 4, 2021). Within this one-year period all conditions of approval shall be fulfilled, and the use established. Failure to meet this deadline will result in the Conditional Use Permit being void. Abandonment, discontinuation, or ceasing of operations for a continuous period of twelve months shall void the Conditional Use Permit approved herein.
3. Reciprocal Ingress/Egress Easement: Prior to building occupancy the easement shall be recorded memorializing the reciprocal pedestrian, vehicular access, and parking right easement required by Planning Commission Resolution No. 3881. If the easement is not recorded prior to occupancy the applicant shall enter into a Cash Deposit for Faithful Performance agreement with the City of Campbell at an amount determined by the Community Development Director. The applicant shall also pay to cover the cost of the preparation of the Cash Deposit for Faithful Performance Agreement as established by the City's adopted Fee Schedule.
4. Operational Standards: Consistent with the submitted Written Descriptions and City standards, any medical service use (clinic) operating pursuant to the Conditional Use Permit approved herein shall conform to the following operational standards. Significant deviations from these standards (as determined by the Community Development Director) shall require approval of a Modification to the Conditional Use Permit.
 - a. **Maximum Occupancy**: A maximum of nine (9) employees and ten (10) patients shall be permitted on the premises at any time, which is further subject to the maximum occupancy capacities of certain rooms as determined by the California

Building Code (CBC). It is the responsibility of the business owner to provide adequate entrance controls to ensure that occupancy is not exceeded.

- b. **Hours of Operation:** Hours of operation shall be as follows. By the end of 'Business Hours', all patients shall have exited the premises. By the end of the 'Operational Hours' all employees shall be off the premises.

Operational/Staff:	8:00 AM – 9:00 PM, Daily
Business/Public:	9:00 AM – 7:00 PM, Daily

- c. **Parking Management:** In the event that a verifiable complaint is received by the City regarding parking, the Community Development Director may reduce the permitted occupancy, limit the hours of operation, require appointments, require staggering of appointments, require additional parking management strategies and/or forward the project to the Planning Commission for review.
- d. **Smoking:** "No Smoking" signs shall be posted on the premises in compliance with CMC 6.11.060.
- e. **Loitering:** There shall be no loitering allowed outside the business. The business owner is responsible for monitoring the premises to prevent loitering.
- f. **Trash Disposal and Clean-Up:** All trash disposal, normal clean-up, carpet cleaning, window cleaning, sidewalk sweeping, etc. shall occur during the "operational hours."
- g. **Business License:** The business shall be required to obtain and maintain a City business license at all times.
5. **Storefront Windows & Doors:** At no time shall an obscure wall or barrier (i.e. drapery, window tinting, blinds, furniture, inventory, shelving units, storage of any kind or similar) be installed along, behind or attached to windows or doorways that blocks visual access to the tenant space or blocks natural light without first obtaining written approval by the Community Development Director.
6. **Landscape Maintenance:** All landscaped areas shall be continuously maintained in accordance with City Landscaping Requirements (CMC 21.26). Landscaped areas shall be watered on a regular basis so as to maintain healthy plants. Landscaped areas shall be kept free of weeds, trash, and litter. Dead or unhealthy plants shall be replaced with healthy plants of the same or similar type.
7. **Signage:** No signage is approved as part of the development application approved herein. New signage shall not be installed prior to approval of a sign permit.
8. **Location of Mechanical Equipment:** No roof-mounted mechanical equipment (i.e. air conditioning units, ventilation ducts or vents), shall be added to the existing building without providing screening of the mechanical equipment from public view and surrounding properties. The screening material and method shall be architecturally compatible with the building and requires review and approval by the Community Development Director and Building Division prior to installation of such screening.

- 9. Outdoor Storage: No outdoor storage is permitted on the subject property. No equipment, materials or business vehicles shall be parked and/or stored outside the building or within the parking lot.

- 10. Parking and Driveways: All parking and driveway areas shall be maintained in compliance with the standards in Chapter 21.28 (Parking & Loading) of the Campbell Municipal Code. Parking spaces shall be free of debris or other obstructions.

BUILDING DIVISION

- 11. Building Permit Review: Expect this application to require approval from the following:
 - Campbell Planning Department
 - Campbell Public Works Department
 - Campbell Civil Engineering Department
 - Campbell Building Department
 - West Valley Sanitation District
 - San Jose Water District (279-7900)
 - Outside structural and energy plan check
 - Outside structural and energy and complete code plan check
 - Santa Clara County Fire Department
 - HAZMAT
 - Santa Clara County Department of Environmental Health
 -

- 12. Development Review Committee Review: This Development Review Committee (DRC) preliminary review is from Campbell’s Building Department. The intent is to identify major elements of concerns or omissions and to identify an expected process for project approval and permit issue. It is not a substitute for plan check and may not identify elements that may be observed during plan check. Time needed for a plan review cannot be accurately estimated at this time. The type of project, the quantity of plan review departments and the quality of the project documents will all contribute to time needed for review and eventual approval.

- 13. Online Application: All our permit applications are now done online. From our website www.ci.campbell.ca.us get to → Community Development → Building Inspection Division and begin the online application. You may choose from about 80 different type permits that are grouped into 10 Application Categories. Read the Application Guide as it will list the required documents as well as the required naming of files and provide links to design elements. Upload your drawings and any calculations or documents that are listed on the guide and be sure to including a completed Acknowledgement Statement. When we receive the application, we will review it. If some of the documents are missing or not named correctly, we will return it for adjustment. After acceptance, we will assess plan check fees that may be paid online and then proceed with the routing process (Fire, Planning, PW, etc.).

14. Required Documents: This application will require these documents (available at www.ci.campbell.ca.us)

- Demolition permit
- Acknowledgement Statement (all online submittals)
- Intent to Occupy
- Owner Builder Acceptance of Liability for concurrent Planning and Building review
- West Valley Sanitation District approval letter
- Special Inspection checklist (signed by owner, eng'r, and plans examiner)
- Structural Calculations and Design
- Truss Design and Calculations
- Soil Evaluation Report
- Construction Tax Exemption
- Request for classification of new vs. remodel vs. new using portions of existing
- Title-24 Energy Report
- Clean Bay – Santa Clara Valley Non-point Pollution Control specification sheet
- California Accessibility Hardship Exemption
- Receipt of Park Fees paid to Campbell Public Works Department
- Receipt of school district payment for developer fees
 - Campbell Union School District (378-3405)
 - Campbell Union High School District (371-0960)
 - Campbell Union High School District (371-0960)
 - Moreland School District (874-2900)
 - Cambrian School District (377-2103)

15. Architect Required: Any commercial project will require the plans to be developed by an architect.

16. Developer Fees: Commercial projects are subject to \$0.198 per sq ft developer fees. This fee is subject to change and the fee in effect at the time of collection shall be the fee due. Contact the Building Division (408) 866-2130 to obtain fee payment forms and pay fees directly to the applicable school district(s).

17. Non-Point Pollution Control: Include the standard, Santa Clara Valley Non-point Source Pollution Control Program specification sheet in your plan submittal package. The specification sheet (size 24" X 36") is available at: <http://ca-campbell.civicplus.com/DocumentCenter/View/112>

FIRE DEPARTMENT

18. Limited Review: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

19. Fire Sprinklers Required: Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the CBC and shall be utilized as a means of area reduction for the purposes of circumventing automatic fire sprinkler system installation requirements. An approved automatic sprinkler system shall be provided throughout all new buildings and structures. Exceptions: a) Buildings and structures that do not exceed 1,000 SF of building area. b) Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions: i) Noncombustible construction ii) Maximum building area not to exceed 5,000 SF. iii) Structure is open on three (3) or more sides. iv) Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with CBC 706. NOTE: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CFC Sec. 903.2 as adopted and amended by CBLMC.
20. Fire Alarm System Modifications: Any modifications to the current system will require submittal of shop drawings (3 sets) and a permit application to the Fire Prevention Division for review and approval before installing the system. Call (408) 341-4420 for more information.
21. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. [CFC Sec. 505.1].
22. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this

office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

23. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. [CFC Chp. 33].

24. No Violation: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • September 8, 2020

PLN-2020-35
Robinson, K.

Public Hearing to consider the Appeal (PLN-2020-35) of the Community Development Director's denial of a Tree Removal Permit (PLN-2020-14) to remove four (4) redwood trees located near the northwest corner of property located at **825 S. San Tomas Aquino Rd** in the R-2 (Multiple-Family Residential) Zoning District.

STAFF RECOMMENDATION

The Planning Commission take the following action:

1. **Adopt a Resolution**, denying the Appeal (PLN-2020-35) and upholding the Community Development Director's denial of a Tree Removal Permit (PLN-2020-14) to remove four redwood trees and approving an Authorization to Remove a Dead/Dying Tree for two redwood trees (Trees B and C) from the subject property.

ENVIRONMENTAL DETERMINATION

Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15304, Class 4 of the California Environmental Quality Act (CEQA) pertaining to minor alterations in landscaping.

BACKGROUND

On January 29, 2020 the applicant submitted a Tree Removal Permit application (PLN-2020-14) requesting the removal of four (4) redwood trees due to their impact to water and sewer service lines. The trees are located near Building 3 at the northwest corner of the subject property (reference **Attachment 3** – Tree Removal Permit Application).



Pursuant to Campbell Municipal Code (CMC) Section 21.32.080, approval of a Tree Removal Permit may only be granted when the approval authority can make at least one of the following findings of the Campbell Tree Protection Ordinance: 1) Diseased or Danger of Falling, 2) Structure Damage, 3) Utility Interference, 4) Overplanting, 5) Economic Enjoyment and Hardship. The application includes the reasons for tree removal more specifically as their

declining health, damage to the water and sewer lines, and the cost to reroute the utilities around the trees pursuant to Findings No. 1 (Diseased or Danger of Falling), No. 3 (Utility Interference) and No. 5 (Economic Enjoyment and Hardship) which have the following codified language:

1. Diseased or danger of falling. The tree or trees are diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices such that the public health or safety requires its removal.
3. Utility Interference. The tree or trees have interfered with utility services where such interference cannot be controlled or remedied through reasonable modification/relocation of the utility services and/or reasonable modification of the tree's root or branch structure.
5. Economic Enjoyment and Hardship. The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree(s). A minor reduction of the potential number of residential units or building size due to the tree location does not represent a severe limit of the economic enjoyment of the property.

Based upon a review of the submitted materials and an inspection of the trees, the Community Development Director determined that the required findings had not been met. In enacting the Tree Protection Regulations, the city established tree protection standards due to the substantial aesthetic, environmental, and economic importance of its tree population. Because the utility lines require replacement/repair, the lines could be rerouted to preserve the trees. The staff planner who inspected the trees also did not observe any decline in the trees' health or structure. Had any of the trees been in the condition as they are now, the dead or dying trees would have certainly been approved for removal. Given the status of at least two of the trees, something happened to them in the last several months which led to their accelerated decline. On February 19, 2020 the Planning Division sent a notice informing the applicant that the Tree Removal Permit application had been denied for the redwood trees (reference **Attachment 4 – Tree Removal Permit Denial**).

DISCUSSION

On March 2, 2020 the applicant appealed the denial and is requesting approval to remove the redwood trees (reference **Attachment 5 – Appeal Application**) due to the condition of the trees, damage to the utility lines, and the cost to reroute the utility lines. Shortly after receipt of the appeal application, City services were suspended in response to Covid-19. Staff visited the site on June 24, 2020 to reinspect the trees for any



changes in their condition. The arborist report provided by the appellant numbers the trees inconsistently between the aerial view and ground-level photo included in the report, therefore this staff report will refer to the trees as A, B, C, and D from west to east as depicted in the photos on the previous page.

Condition/Health: The appellant procured an arborist report with general statements that the trees are in poor health due to heavy soil compaction, poor irrigation practices, and poor soil drainage. The report does not comment on whether the trees' conditions can be improved by aerating the soil, providing proper irrigation, and/or incorporating soil amendments, in addition to repairing the leaking pipe, but instead recommends removal to facilitate plumbing repairs (reference **Attachment 5** – Appeal Application).

Trees B and C appear to have experienced considerable decline, such that they now meet the definition of a dead or dying tree, as defined in CMC Section 21.32.020 as a tree in such an advanced state of decline where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life—that death is unavoidable. During staff's June site visit, no signs of irrigation were observed. In the photo to the right, very little green foliage is present on the trees and much of what appears to be live foliage on Tree C is actually Tree D located directly behind it. Therefore staff recommends approval of an Authorization to Remove a Dead/Dying Tree for Trees B and C; however allowing the trees to decline with no irrigation constitutes unauthorized removal which requires eight replacement trees (four to one ratio) pursuant to CMC Section 21.32.160 (Violations/penalties).



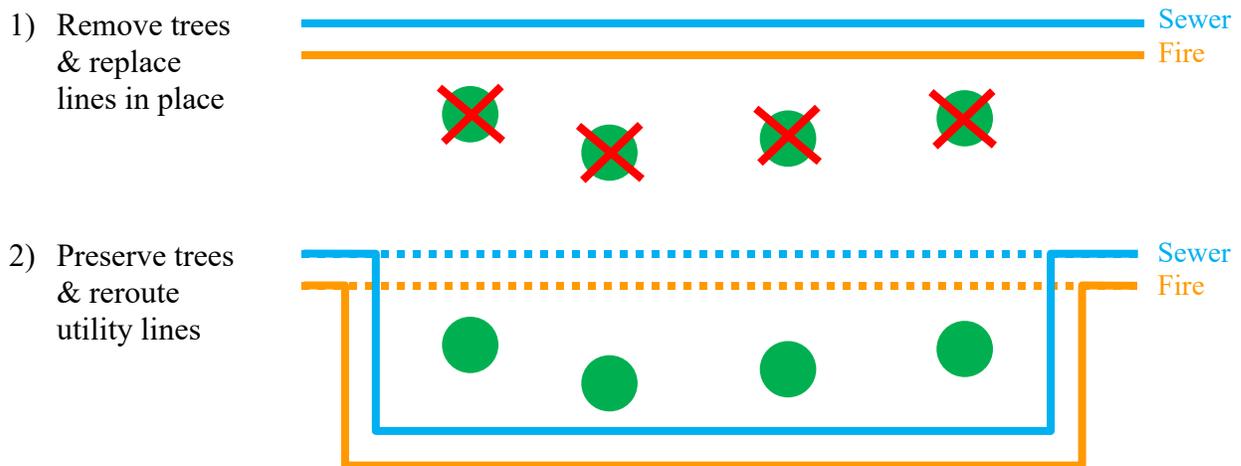
Trees A and D appear to be in reasonable health, in particular Tree A which appears to be benefiting from the leaking pipe as there appears to be no irrigation presently. The irrigation needs to be restored to maintain the health of the trees. The sparse areas on Trees A and D can be expected to fill in without the competition for light and space from Trees B and C after their removal. For these reasons Finding #1 (Diseased/Danger of Falling) cannot be made for Trees A and D.

Utility Interference: Finding #3 (Utility Interference) applies when a tree interferes with utilities to a degree that cannot be controlled or remedied through reasonable modification/relocation of the utilities or reasonable modification of the tree's root structure. In other words, the code requires reasonable modification/relocation of the utility lines to preserve existing trees.

The appellant submitted an estimate they received for rerouting and repairing the fire sprinkler supply line at a cost of \$150,000 but with no specific information on how that estimate was derived such as the length of new pipe and the proposed location to avoid the trees. For the sewer line, an estimate of \$85,000 was provided for replacement of the pipe in place assuming the trees would be removed (reference **Attachment 5** – Appeal Application).

Both estimates seem extremely high for a length of 80 feet or so. By way of comparison, construction costs for a new home are approximately \$200 per square foot. Extrapolating out the stated repair costs, that would equate to a 1,175 square foot single-family home, including foundation, sewer, etc. in the valuation.

That said, the requested removal of the trees does not resolve the utility line conflicts that have already occurred. The existing utility lines will still need replacement/repair at a considerable but unavoidable cost. Staff’s position is that the cost differential is minimal between 1) removing the trees and replacing the utility lines in place, versus 2) preserving the trees, rerouting new utility lines around the existing trees and connecting back into the existing lines (see illustrations below). The latter would include added cost for the additional pipe length but not the cost associated with removal of the trees.



Economic Enjoyment and Hardship: The Tree Protection Ordinance establishes a very high bar to satisfy Finding #5 (Economic Enjoyment and Hardship) by stating that a reduction in the number of units or a reduction in a building’s size does not constitute a severe limit to economic enjoyment. The examples provided, however, also indicate that the finding pertains to a property owner’s inability to develop a property, which, in turn, severely limits its use. This finding does not apply to the costs incurred by retaining existing trees on a developed property.

ALTERNATIVES

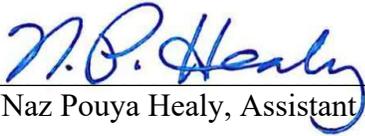
Due to the level of staff time required to bring this appeal forward, if the Planning Commission does not feel adequate information was provided by the appellant, staff recommends denying the appeal rather than continuing the item. The appellant may submit any new information as part of a new Tree Removal Permit for consideration by staff.

As an alternative to the provided recommendation for the two live trees (deny the appeal and uphold the Community Development Director's decision), the Planning Commission may instead take the following action:

1. Approve the appeal, allowing removal of the redwood trees subject to replacement pursuant to CMC Section 21.32.100. If the Commission selects this option, staff recommends continuing the item to the next meeting so that an approval resolution can be returned.

Attachments:

1. Draft Resolution
2. Location Map
3. Tree Removal Permit Application
4. Tree Removal Permit Denial
5. Appeal Application

Prepared by: 
Naz Pouya Healy, Assistant Planner

Approved by: 
Paul Kermoyan, Community Development Director

RESOLUTION NO. 45XX

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL DENYING AN APPEAL (PLN-2020-35) AND UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S DENIAL OF A TREE REMOVAL PERMIT (PLN-2020-14) TO REMOVE FOUR (4) REDWOOD TREES AND APPROVING AN AUTHORIZATION TO REMOVE A DEAD/DYING TREE FOR TWO REDWOOD TREES (TREES B AND C) ON PROPERTY LOCATED AT **825 S. SAN TOMAS AQUINO ROAD.**

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

The Planning Commission finds as follows with regard to file number PLN-2020-35:

1. The property is zoned R-2 (Multiple-Family Residential) and currently developed with an apartment community.
2. Four (4) redwood trees are located near Building 3 at the northwest corner of the property and require approval of a Tree Removal Permit to remove.
3. The applicant submitted a Tree Removal Permit application to remove four (4) redwood trees on January 29, 2020, which was denied on February 19, 2020.
4. The applicant submitted an Appeal application to request removal of the four (4) redwood trees on March 2, 2020 due to the health of the trees, damage to utility lines, and the cost to reroute the utility lines.
5. Pursuant to Campbell Municipal Code (CMC) Section 21.32.080, approval of a Tree Removal Permit may only be granted when at least one of the following findings can be made: 1) Diseased or Danger of Falling, 2) Structure Damage, 3) Utility Interference, 4) Overplanting, 5) Economic Enjoyment and Hardship.
6. Trees B and C, as identified in the September 8, 2020 Planning Commission staff report, meet the definition of dead/dying as defined in CMC Section 21.32.020.
7. Finding #1 (Diseased/Danger of Falling) cannot be made for Trees A and D which appear to be in reasonable health but the irrigation needs to be restored and the sparse areas can be expected to fill in.
8. Finding #3 (Utility Interference) cannot be made because whether the trees are retained or removed, the utility lines will still require replacement/repair at a considerable but unavoidable cost.
9. Finding #5 (Economic Enjoyment and Hardship) cannot be made because the finding applies to a property owner's inability to develop a property rather than costs incurred by retaining existing trees on a developed property.

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

1. The application does not demonstrate that the trees are diseased or in danger of falling.
2. The application does not demonstrate that the utility interference cannot be controlled or remedied through reasonable modification/relocation of the utilities.
3. The application does not demonstrate retention of the trees restricts the economic enjoyment of the property or creates an unusual hardship by severely limiting the use of the property.
4. The application does not demonstrate any of the other required findings.
5. Trees B and C are dead/dying.
6. The project qualifies as a Categorically Exempt project under Section 15304, Class 4 of the California Environmental Quality Act (CEQA) pertaining to minor alterations in landscaping.

THEREFORE, BE IT RESOLVED that the Planning Commission denies an Appeal (PLN-2020-35) and upholds the Community Development Director's denial of a Tree Removal Permit (PLN-2020-14) to remove four (4) redwood trees and approves an Authorization to Remove a Dead/Dying Tree for two redwood trees (Trees B and C) on property located at **825 S. San Tomas Aquino Road.**

PASSED AND ADOPTED this 8th day of September, 2020, by the following roll call vote:

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

APPROVED: _____
Michael Krey, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Authorization to Remove a Dead/Dying Tree – 825 S. San Tomas Aquino Road
(PLN-2020-35)

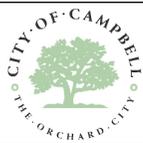
Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering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

COMMUNITY DEVELOPMENT DEPARTMENT

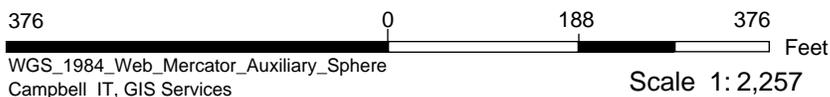
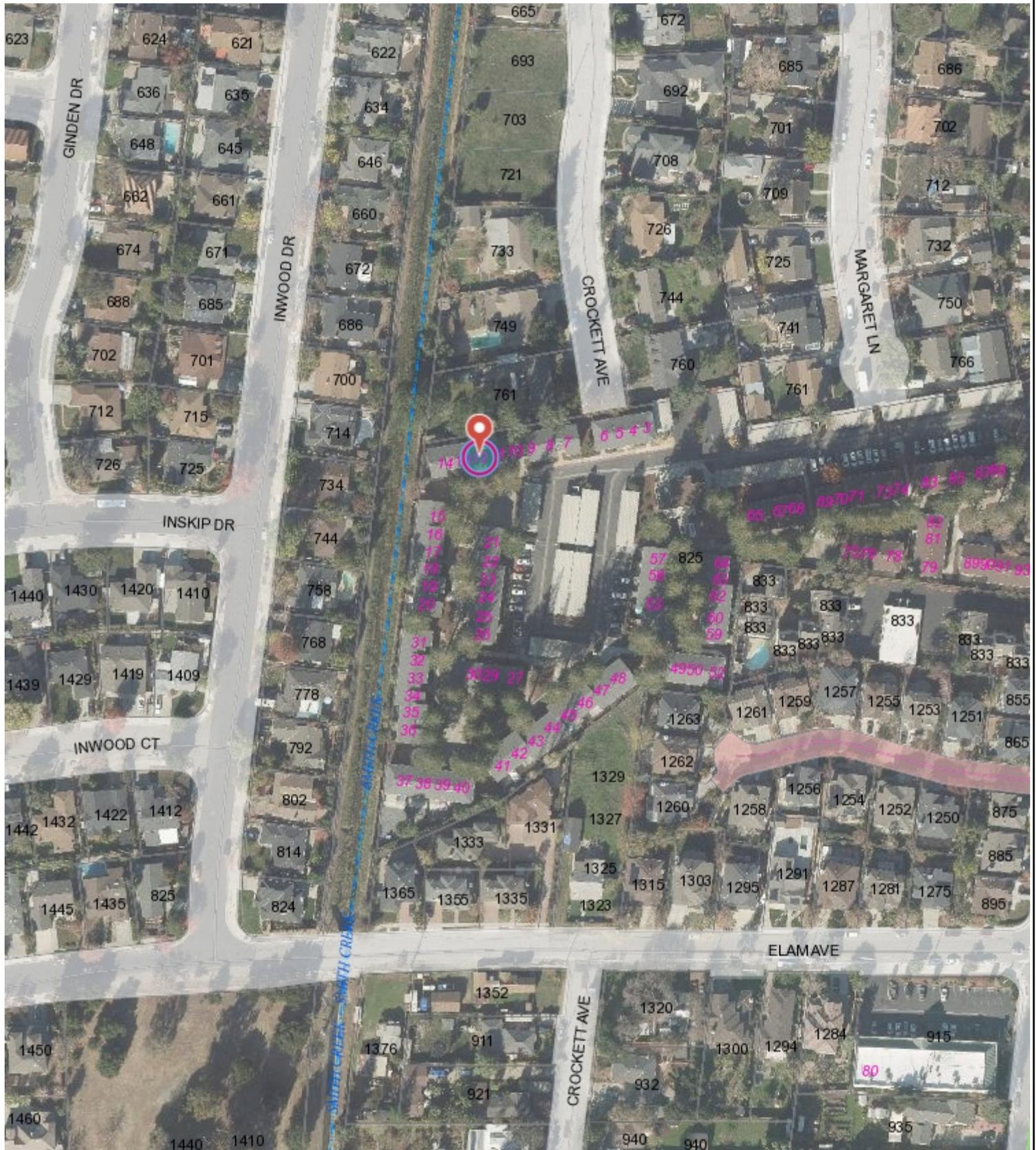
Planning Division:

1. Replacement Trees: The appellant shall plant four (4) 24-inch box trees and four (4) 36-inch box trees on private property located at 825 S. San Tomas Aquino Road within 30 days of the removal of the two redwood trees identified as Trees B and C in the September 8, 2020 Planning Commission staff report and the image below. Replacement species shall be an ash, cedar, oak, or redwood tree. The location of the replacement trees shall be subject to approval by the Community Development Director. The approval of the species and location is required prior to installation. The replacement trees shall be provided with permanent irrigation to the satisfaction of the Community Development Director. Should the replacement trees decline in health, replacement shall be required subject to the above conditions.





825 S. San Tomas Aquino Rd



This map is based on GIS Information and reflects the most current information at the time of this printing. The map is intended for reference purposes only and the City and its staff is not responsible for errors.

Written Statement Regarding San Tomas Gardens Coastal Redwoods

San Tomas Gardens located at 825 South San Tomas Aquino, has 4 private coastal redwood trees which are causing significant water service issues. I have attached the arborists report on the next page.

One of the tree's root systems is damaging a building's water supply and sewer lines, causing major damages and water service interruption for residents, requiring some temporary relocation. This has put a significant burden of cost on the property. Our plumber is recommending relocation of the sewer line, which is another significant cost to the property. I have attached some of the incurred costs as well as the proposal for sewer relocation.

To fix this, we will have to cut into the root system which will impact the tree's ability to withstand weather events. It will also impact the tree's health. We are requesting to remove the four trees in the line of our systems, both because of potential costs over time but also because of their degraded health. See attached Arborists Report from Commercial Tree Care.



Commercial Tree Care
A Rhino Enterprises Company
P.O Box 549 Santa Clara, CA. 95052
Office: (408) 985-TREE (8733) Fax: (408) 985-6536

Arborist Report

Luis Perez
Charities Housing
107 & 220/224 Los Gatos Boulevard
Los Gatos, CA 95030

January 23, 2020

Phone: (408) 374-8741
Email: LPerez@charitieshousing.org

San Tomas Gardens - Plumbing Repair Project 825 S. San Tomas Aquino Rd., Campbell

Dear Luis,

Thank you for providing Commercial Tree Care the opportunity to provide tree care recommendations at San Tomas Gardens. Below is a report of our findings and recommendations

Assignment:

Assess and report on the health of the four (4) *Sequoia sempervirens*, Coast Redwood trees that are located in the North West corner of the property. Address concerns that the trees are located directly on top of broken plumbing pipes. This report was generated and performed as a ground visual inspection only.

Observations:

All of the four (4) subject trees are in various stages of severe decline from what appears to be heavy soil compaction, poor irrigation practices and poor soil drainage.

All four (4) subject trees are located directly near and on top of underground plumbing such as Fire Suppression Supply Line and Sewer Main for the homes. The Fire Suppression Supply Line is leaking and the Sewer Main for the homes is now collapsed as seen within underground camera inspection. Please see the attached plumbers report.

Arborists are tree specialists who use their education, knowledge, training, and expertise to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structure failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below the ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time. Likewise, remedial treatments, like medicine, cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



Commercial Tree Care
A Rhino Enterprises Company
P.O Box 549 Santa Clara, CA. 95052
Office: (408) 985-TREE (8733) Fax: (408) 985-6536

Arborist Report

Tree #1: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 31.5"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Tree #2: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 28"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Tree #3: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 23"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Tree #4: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 29"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Recommendations: All four (4) trees must be removed to facilitate plumbing repairs. Replace trees as per city specifications.

Please feel free to contact me with any further questions or concerns.

Thank You,

Wendell Cox

Wendell Cox

I.S.A. Certified Arborist #WE-7976A

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Commercial Tree Care
A Rhino Enterprises Company
P.O Box 549 Santa Clara, CA. 95052
Office: (408) 985-TREE (8733) Fax: (408) 985-6536

Arborist Report



Arborists enhance the health and appearance of trees. We will be happy to provide you with a free estimate. Call today to schedule your appointment.

Arborists will be happy to provide you with a free estimate. Call today to schedule your appointment.

and measures to prevent damage to your property. We will be happy to provide you with a free estimate. Call today to schedule your appointment.

Arborists will be happy to provide you with a free estimate. Call today to schedule your appointment.



Commercial Tree Care
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P.O Box 549 Santa Clara, CA. 95052
Office: (408) 985-TREE (8733) Fax: (408) 985-6536

Arborist Report



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Commercial Tree Care

A Rhino Enterprises Company
P.O. Box 549 | Santa Clara, CA 95052
Office 408.985.8733 | Fax 408.985.6536

PROPOSAL # 74753

Charities Housing

Dated: 1/23/2020

1400 Parkmoor Avenue Ste 190
San Jose, California, 95126

Phone Number: (408) 205-3867

Fax Number:

Contact: Luis Perez

Email: lperez@charitieshousing.org

San Tomas Gardens

825 S San Tomas Aquino Rd, Campbell, California 95008

Dear Luis,

Commercial Tree Care thanks you for the opportunity to provide tree recommendations at San Tomas Gardens. Below is a summary of our recommendations and prices.

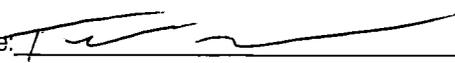
Item	Qty	Scope of Work to be Performed	Rate	Total Amount	APRVD
1	4	Coast Redwood -Remove to grade	\$2,200.00	\$8,800.00	<input checked="" type="checkbox"/>
2	4	Coast Redwood -Grind stump Grind stump and areas above underground fire suppression and sewer line to help enable repairs. Haul excess grinder tailing and debris. Leave dirt behind to fill trenched area where possible	\$400.00	\$1,600.00	<input checked="" type="checkbox"/>
3	4	Crape Myrtle -Procure and install 36" box tree Replacement trees as per city removal permit stipulations	\$1,100.00	\$4,400.00	<input checked="" type="checkbox"/>
				\$14,800.	

Thank You,

Wendell Cox

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The prices, specifications and conditions are satisfactory and are hereby accepted. Commercial Tree Care is authorized to perform the work as specified.

Authorized Signature:  Date: 1/27/2020 Amount: \$14,800

I.S.A. Certified Arborist # WE-7976A, QAL #99532



**Replacement
Tree Locations**

**Subject trees to
be removed**

825 South
Tomas Ac

S San Tomas Aquino Rd

Tomas Aquino Rd

Cobblestone Dr

Cobblestone Dr

S San Tomas Aquino Rd

Smith Creek



ESTIMATE

DATE	ESTIMATE #
12/3/2019	4266

NAME / ADDRESS

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell CA 95008

PROJECT

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell, CA 95008

P.O. No.	TERMS	ESTIMATE EXPIRES
MR	12/3/2019	

DESCRIPTION	QTY	UNIT OF ...	COST...	EXTENDED ...
<p>Provide Labor & Materials for the following location:</p> <p>Excavate 100' L x 5' to 8' D x 3' W, run new ABS sewer line, install couple clean outs, use proper transfer couplings, secure pipe, connect new sewer line to Existing sewer line, test lone, back fill with native soil, clean up area.</p> <p>LISTED IN THIS PROPOSAL. PERFORMED THE FOLLOWING WORK DURING NORMAL WORK HOURS:</p> <p>CUSTOMER PLEASE NOTE: Job will take multiple weeks from start to finish. Excludes permits. Excludes landscaping repairs. Excludes cocreate. in case of removal. Excludes Irrigation repairs, In case of bigger roots located on the area of excavation we will provide a change order for any extend of the work.</p>			54780.00	54,780.00

This Proposal excludes everything not mentioned above.
 1 Hour Drain will provide labor and materials required as per the scope of work for the above mentioned project. This work will be performed in a professional manner according to industry standards.

TOTAL

SIGNATURE



ESTIMATE

DATE	ESTIMATE #
12/3/2019	4266

NAME / ADDRESS

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell CA 95008

PROJECT

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell, CA 95008

P.O. No.	TERMS	ESTIMATE EXPIRES
MR	12/3/2019	

DESCRIPTION	QTY	UNIT OF ...	COST...	EXTENDED ...
<p>1-Hour-Drain warranties their installation for a period of two years for Workmanship and plumbing parts. During the course of this warranty, Customer is to immediately contact 1-Hour-Drain in the event of an emergency warranty repair. Unless reasonable evidence is established to show that 1-Hour-Drain did not react to the Customer's warranty service need. Repairs or work initiated by others will void this warranty. 1-Hour-Drain is a 24 Hour Service Company and is extremely responsive when contacted</p> <p>Other then what is described above; this proposal does not include the cost of any Permits or labor for standing inspection; floor or wall tile repairs; drywall repairs, landscape repairs or restorations, corrections to existing code violations, upgrades or bringing existing plumbing to code compliance or any other work not specified above. Customer will be</p>				

This Proposal excludes everything not mentioned above. 1 Hour Drain will provide labor and materials required as per the scope of work for the above mentioned project. This work will be performed in a professional manner according to industry standards.

TOTAL

SIGNATURE



ESTIMATE

DATE	ESTIMATE #
12/3/2019	4266

NAME / ADDRESS

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell CA 95008

PROJECT

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell, CA 95008

P.O. No.	TERMS	ESTIMATE EXPIRES
MR	12/3/2019	

DESCRIPTION	QTY	UNIT OF ...	COST...	EXTENDED ...
<p>immediately notified if any additional work is Necessary.</p> <p>PERMIT FEES WILL BE BILLED TO CUSTOMER REGARDLESS OF ANY AMOUNT</p>				

This Proposal excludes everything not mentioned above.
 1 Hour Drain will provide labor and materials required as per the scope of work for the above mentioned project. This work will be performed in a professional manner according to industry standards.

TOTAL

SIGNATURE



ESTIMATE

DATE	ESTIMATE #
12/3/2019	4266

NAME / ADDRESS

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell CA 95008

PROJECT

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell, CA 95008

P.O. No.	TERMS	ESTIMATE EXPIRES
MR	12/3/2019	

DESCRIPTION	QTY	UNIT OF ...	COST...	EXTENDED ...

This Proposal excludes everything not mentioned above.
 1 Hour Drain will provide labor and materials required as
 per the scope of work for the above mentioned project. This
 work will be performed in a professional manner according
 to industry standards.

TOTAL \$54,780.00

SIGNATURE _____



COSCO
Fire Protection

January 22, 2020

Sent via email

Luis Perez

Charities Housing
825 S. San Tomas Aquino Road
Campbell, CA 95008

Reference: Leak at Underground Fire Supply Line
825 S. San Tomas Aquino Road
Campbell, CA 95008

Subject: Underground fire line leak assessment and potential conflict with / damage to existing redwood tree

Dear Luis,

This letter is to confirm COSCO Fire Protection's (COSCO) immediate findings during today's, 1/22/20, assessment / investigation of the underground fire supply line leak.

Upon arrival to site it was noted that the plywood covering the apparent location of flowing water is at / near the base of a large redwood tree. The minimum bury depth of an underground fire supply line is at 3'-0" to the top of pipe and approximately 4'-0" to bottom of trench. There is grave concern about the amount of damage that would be caused to the redwood tree roots / root ball during the excavation process to expose / repair the underground fire supply line and the possibility of the redwood tree becoming unstable.

It is COSCO's recommendation that an arborist be consulted prior to COSCO beginning the underground excavation process to confirm concerns and / or provide recommendations for proceeding.

Thank you for your cooperation with this subject matter. Please contact me directly at (925) 525-1093 should you have any questions and / or comments regarding this document / letter.

Sincerely,

COSCO Fire Protection

John Daley

John Daley

Sales Representative



















CITY OF CAMPBELL
Community Development Department

February 19, 2020

Tony Rodriguez
825 S San Tomas Aquino Rd
Campbell, Ca, 95008

Re: File No: PLN-2020-14
Address: 825 S San Tomas Aquino Rd
Application: Tree Removal Permit
Status: Denied

Dear Applicant,

The Campbell Planning Division has completed review of your Tree Removal Permit application (PLN-2020-14) for removal of four (4) Redwood Trees each measuring 30” in diameter located at the back of the abovementioned property.

Pursuant to Campbell Municipal Code Sec. 21.32.080 (Campbell Tree Protection Ordinance), the Community Development Director may only approve a Tree Removal Permit after making at least one of the following findings:

1. Diseased or Danger of Falling - The tree or trees are diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices such that the public health or safety requires its removal.
2. Structure Damage - The tree or trees can have caused or may imminently cause significant damage to the existing main structure(s) that cannot be controlled or remedied through reasonable modification of the tree’s root or branch structure.
3. Utility Interference - The tree or trees have interfered with utility services where such interference cannot be controlled or remedied through reasonable modification/relocation of the utilities or reasonable modification of the tree’s root or branch structure.
4. Overplanting - The tree(s) is crowding other protected tree(s) to the extent that removal is necessary to ensure the long-term viability of adjacent tree(s).
5. Economic Enjoyment and Hardship - The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree(s). A minor reduction of the potential number of residential units or building size due to the tree location does not represent a severe limit of the economic enjoyment of the property.

The stated reason for removal is due to the root system damaging the gas, fire sprinkler and sewer lines.

Based upon a review of the application documents, the Community Development Director has determined that the required findings for approval have not been met and the application is denied.

Finding #3 applies to utility inference that cannot be controlled or remedied through reasonable modification/relocation of the utilities. Based on the areas staff was allowed to inspect, photos and other application materials, the Director determined that relocation of the utilities would preserve the trees and remedy the initial problem. He suggested to abandon the lines that are causing interference and run a new line away from the trees.

This decision is final in 10 calendar days of the Community Development Director's decision, unless an appeal is received in writing at the City of Campbell Community Development Department, 70 North First Street, Campbell, on or March 2, 2020. A written appeal must be accompanied by the required \$200 appeal filing fee.

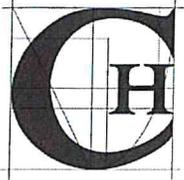
If you have any questions regarding this letter, please contact me by phone at (408) 866-2732 or by email at paular@cityofcampbell.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paula Ruffinelli". The signature is fluid and cursive, with a large initial "P" and "R".

Paula Ruffinelli
Planning Technician

cc: Paul Kermoyan, Community Development Director



CHARITIES HOUSING

March 3, 2020

Mr. Paul Kermoyan
Director of Community Development
City of Campbell
70. N. First Street
Campbell, CA 95008

RECEIVED

MAR 03 2020

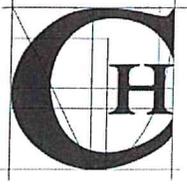
CITY OF CAMPBELL
PLANNING DEPT.

RE: File No: PLN-2020-14
Address: 825 S San Tomas Aquino Road
Denial of Request to Remove 4 Redwood Trees

Dear Mr. Kermoyan:

Charities Housing is the owner of San Tomas Gardens, located at 825 S. San Tomas Aquino Road in Campbell. This property is a 100 unit affordable, family housing development that was constructed approximately fifty (50) years ago. This apartment community was purchased by Charities Housing approximately 20+ years ago, in an effort to preserve this affordable housing for the Campbell community, when the previous owners were preparing to sell it and convert it to market rate. Charities Housing also manages San Tomas Gardens and provides services on site to the extremely low and very low-income residents living there.

Five (5) years ago, Charities Housing completed a \$7.7M dollar rehabilitation of San Tomas Gardens, to ensure that this development would remain an affordable housing resource for many years to come. At the time of the rehabilitation, Charities asked to remove a small number of the 100 redwood trees that exist on site, because they were too close to gas meters, and their roots were damaging underground utilities and building foundations. At that time, we were not permitted to remove any of the redwoods, but were allowed to remove two, smaller nuisance trees. Now, five years later, we continue to experience damage to the buildings and most significantly to the underground utilities as a result of root intrusion. The residents are repeatedly inconvenience as the systems are shut down for repairs and now their health and safety is being jeopardized because the fire suppression line is leaking and needs to be replaced/repaired.



CHARITIES HOUSING

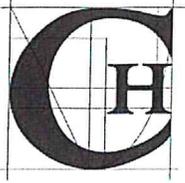
On February 6, Charities Housing applied to the City of Campbell to the remove 4 costal redwood trees that are responsible for the persistent damage to the underground systems. In the case of one tree, the underground systems are ***directly under the tree***. Additionally, an arborist report was submitted that documented that the ***trees were in Very Poor Health***. Charities also provided invoices for costs incurred for recent repairs and resident relocation that occurred between late November 2019 and late January 2020. These costs totaled over \$36,000. All of this was intended to demonstrate, that repeatedly repairing these systems, without dealing with the underlying reason the systems continue to be broken is not sustainable. Charities received the letter from the City, dated February 19, denying this request.

Charities feels that we have no recourse but to appeal the decision. The denial was based upon the decision that we did not meet the requirements to support the findings that *applies to utility interference that cannot be controlled or remedied through reasonable modification /relocation of the utilities, (City Finding #3)*. The suggestion was made to re-route the utilities around the tree. This is not a viable option for the following reasons:

- The cost to re-route the fire water line is \$150,000. This exorbitant cost is due to the necessity of hand digging to avoid damaging the rest of the utilities in the joint trench. This estimate has been provided here.
- The cost to re-route the Sanitary Sewer is \$85,000. The estimate has been provided here.
- All of the underground utilities, fire, domestic water, sanitary sewer, gas and electric conduit and AT&T/date all are in the same joint trench. Inevitably other systems will require repairs. Relocating all of these utilities would be cost prohibitive. Map provided.

Additionally, Charities contends that the inability to remove these trees and solve the underlying problem of roots repeatedly breaking the underground utility systems *restricts the economic enjoyment of the property and creates an unusual hardship for the property owner and the residents residing in the property, (City Finding #5)*, for the following reasons:

- Repeated disruption to utility services for residents. Elderly and disabled make up a significant portion of resident population. Repeated loss of water or other vital services is a health and safety concern.
- Significant costs incurred by a non-profit owner with limited replacement reserves/financial resources. As stated above over \$36,000 has been incurred over two months tome dealing with these issues
- Significant time spent by site staff responding to resident complaints regarding unreliability of basic services at the property. This limits staff time spent on delivering other vital services to the residents



CHARITIES HOUSING

Finally, the Arborist, Commercial Tree Care, stated in their Report dated January 23, 2020 and attached here, that "all of the four (4) subject trees are in various stages of **severe decline.....**" Per the City's Municipal Code, *the tree or trees are diseased or present a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices such that the public health or safety requires their removal* (City Finding #1). These 4 trees clearly present a health and safety risk to the property and vulnerable residents living at San Tomas Gardens.

Charities firmly believes that for the long-term health and well-being of its residents and the financial sustainability of the property, the removal of these 4 trees is a necessity. We understand and will willingly comply with City regulations requiring installing replacement trees on the property to compensate for the remove of these redwoods.

Thank you for your serious consideration of this appeal. If you have questions and/or need further information please feel free to contact me at krobinson@charitieshousing.org or Tony Rodriguez at trodriguez@charitieshousing.org or 408-550-8313 at any time.

Sincerely,

Kathy Robinson
Director of Development
Charities Housing



Commercial Tree Care
A Rhino Enterprises Company
P.O Box 549 Santa Clara, CA. 95052
Office: (408) 985-TREE (8733) Fax: (408) 985-6536

Arborist Report

Luis Perez
Charities Housing
107 & 220/224 Los Gatos Boulevard
Los Gatos, CA 95030

January 23, 2020

Phone: (408) 374-8741
Email: LPerez@charitieshousing.org

San Tomas Gardens - Plumbing Repair Project 825 S. San Tomas Aquino Rd., Campbell

Dear Luis,

Thank you for providing Commercial Tree Care the opportunity to provide tree care recommendations at San Tomas Gardens. Below is a report of our findings and recommendations

Assignment:

Assess and report on the health of the four (4) *Sequoia sempervirens*, Coast Redwood trees that are located in the North West corner of the property. Address concerns that the trees are located directly on top of broken plumbing pipes. This report was generated and performed as a ground visual inspection only.

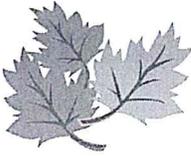
Observations:

All of the four (4) subject trees are in various stages of severe decline from what appears to be heavy soil compaction, poor irrigation practices and poor soil drainage.

All four (4) subject trees are located directly near and on top of underground plumbing such as Fire Suppression Supply Line and Sewer Main for the homes. The Fire Suppression Supply Line is leaking and the Sewer Main for the homes is now collapsed as seen within underground camera inspection. Please see the attached plumbers report.

Arborists are tree specialists who use their education, knowledge, training, and expertise to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structure failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below the ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time. Likewise, remedial treatments, like medicine, cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



Commercial Tree Care
A Rhino Enterprises Company
P.O Box 549 Santa Clara, CA. 95052
Office: (408) 985-TREE (8733) Fax: (408) 985-6536

Arborist Report

Tree #1: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 31.5"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Tree #2: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 28"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Tree #3: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 23"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Tree #4: *Sequoia sempervirens*, Coast Redwood

Diameter at Breast Height (DBH): 29"

Condition of tree: Very poor health. Located directly on top of leaking fire suppression line and within two (2) feet of the sewer line

Recommendations: All four (4) trees must be removed to facilitate plumbing repairs. Replace trees as per city specifications.

Please feel free to contact me with any further questions or concerns.

Thank You,

Wendell Cox

Wendell Cox

I.S.A. Certified Arborist #WE-7976A

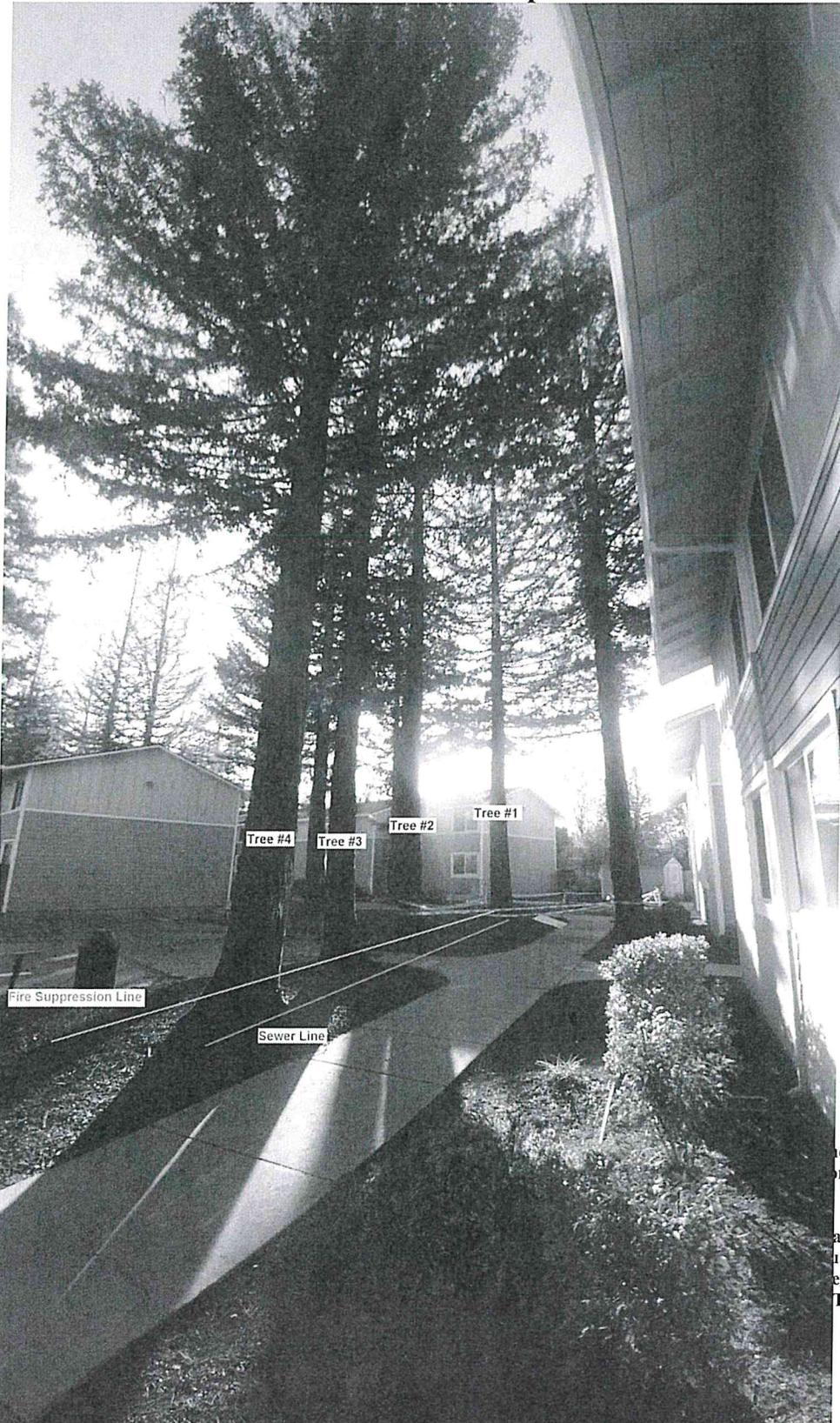
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Arborist Report

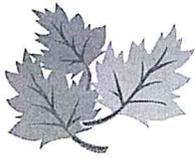


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COSCO Fire Protection

PROPOSAL AND CONTRACT

7455 Longard Road
Livermore, CA 94551
Ph. (925) 455-2751
Fx. (925) 455-2761
Lic. No. 577621 C-16 / C-10

February 13, 2020

Sent via e-mail

Luis Perez

Charities Housing
825 S. San Tomas Aquino Road
Campbell, CA 95008
408-205-3867

lperez@charitieshousing.org

REFERENCE: Charities Housing UG Repair
825 S. San Tomas Aquino Road
Campbell, CA 95008

SUBJECT: Time & Material Service Contract for Fire Protection System Services

Dear Luis:

By means of this correspondence, COSCO Fire Protection is providing a complete breakdown of the Time & Material rates (Rough Order of Magnitude of one hundred fifty thousand dollars - \$150,000.00, without prior notification) to repair underground leak / break by rerouting underground line around existing redwood tree at the above referenced location.

These time & material rates are as follows:

Title	Straight Time	Over Time Rate	Double Time Rate
Sprinkler Fitter Foreman (1 per job min.):	\$210.00 per hour	\$300.00 per hour	\$400.00 per hour
Sprinkler Fitter Journeyman:	\$190.00 per hou	\$270.00 per hour	\$360.00 per hour
A&D Technician:	\$160.00 per hour	\$240.00 per hour	\$320.00 per hour
A&D Technician (San Francisco):	\$240.00 per hour	\$360.00 per hour	\$480.00 per hour
Field Superintendent:	\$205.00 per hour	\$305.00 per hour	\$410.00 per hour
Design:	\$140.00 per hour	\$210.00 per hour	\$280.00 per hour
Shop / Fabrication / Delivery:	\$115.00 per hour	\$170.00 per hour	\$230.00 per hour
Material:	Cost plus 20/20		
Subcontracts, permits and Rentals:	Cost plus 20/20		
Truck / small tools fee:	\$70.00 per day		

* Regular working hours are any 8 hour shift between 5:00 am and 5:00 pm Monday through Friday, excluding holidays. The 9th and 10th hours Monday through Friday and 8 hours Saturdays are overtime. All other hours of work are at doubletime.

* *Sprinkler Fitter / A&D Technician minimum of 4-hours shall apply to all service calls. (A&D hours in San Francisco on Saturday Sunday & holidays are at the double time rate.*

* *Field Superintendent actual hours charged will be billed with a minimum of ½ hour per day shall apply.*

* *Rates apply to on site and off site work (Design, procurement, submittals, permits, fabrication, delivery, off-haul/disposal, etc.)*

COSCO Fire Protection qualifies the following:

- COSCO Fire Protection shall repair underground leak / break via reroute around existing redwood tree and return system to working order. Reroute fire supply line to accommodate existing redwood tree; there appears to be many utilities in this vicinity and underground conflicts are expected.
- Design drawings, permits and inspection of work, as required by the local authority having jurisdiction, are part of this agreement.
- All subcontracts and / or outside services required for this work shall be secured and performed under COSCO Fire Protection and shall be subject to the terms of this agreement.
- COSCO Fire Protection shall assume no responsibility for unforeseen conditions of any kind (e.g., within walls, floors, ceilings, underground, etc.).
- All areas of work shall be clear of obstructions (by others) prior to time of service (i.e., vehicles, stock, personal belongings, etc.); standby time shall be cost incurred / billable.
- Work is to be conducted per local AHJ requirements only.
- Cosco Fire protection is not responsible for protection / fire watch or replacement of stock, furniture, equipment, product, valuables, landscaping, hardscape, trees or shrubs unless specifically noted otherwise within this proposal and contract. Any / all tree removal and / or associated expenses shall be by others.
- The fire sprinkler system(s) may not be operational during this service, or portions thereof. **This being the case, your fire sprinkler system may not work in the event of a fire and you are solely responsible to arrange and pay for any/all required fire watch.**
- System shut down arrangements are to be made "by others" (Owner/ Property Manager/ General Contractor)
- COSCO is not responsible for any delays, notifications of system shut down and/or need for access to tenants, monitoring company or otherwise.
- The existing control/isolation valves are assumed to be in working condition. Cosco is not responsible for delays, additional fire watch, additional work, overtime costs or damages of any kind due to the discovery of faulty valves during the course of work.
- COSCO Fire Protection's "General Terms & Conditions (attached) are part of this proposal.



COSCO
Fire Protection

7455 Longard Rd.
Livermore, CA 94551
Ph. (925) 455-2751
Fx. (925) 455-2761
Lic. No. 577621 C-16 / C-10

February 13, 2020

REFERENCE: Charities Housing UG Repair

Sincerely,
COSCO Fire Protection

John Daley

John Daley
Sales Representative
(925) 525-1093
jdaley@coscofire.com

In signing this document I am acknowledging that I understand, am authorized to accept, and accept this Proposal/Contract in its entirety.

ACCEPTED BY: _____ Date: _____

Name / Title: _____

Company: _____

General Terms and Conditions

ENTIRE CONTRACT

For purposes of this Contract, the term "Seller" refers to **COSCO FIRE PROTECTION, INC** and the term "Purchaser" refers to the person or entity listed on the front of this Document and designated as Purchaser. The provisions herein constitute all of the terms and conditions of this Contract. No changes or additions hereto shall be binding upon Seller unless in writing and signed by an authorized representative of Seller. Any terms or conditions of Purchaser's order inconsistent herewith or in addition hereto shall be of no force and effect and are hereby expressly rejected and Purchaser's order shall be governed by only the terms and conditions appearing herein.

PROPOSALS AND CONTRACT

Seller's proposals, when accepted, and any resulting contract, are not subject to cancellation, suspension or reduction in amount, except with Seller's written consent and upon terms which reimburse Seller for work performed reasonable overhead and lost profit.

WHERE PURCHASER IS NOT THE OWNER OF THE STRUCTURE(S)

If Purchaser is not an owner of the structure where the system(s) is installed and is, for example, a general contractor, construction manager, owner's representative, or subcontractor, the following terms and conditions become a part of this Contract:

- (1) Any claimed "pay if paid" or "pay when paid" provision is void and unenforceable as to Seller and Purchaser will comply with the PAYMENT condition of this Contract;
- (2) Purchaser agrees to the terms and conditions of this Contract on behalf of the owner of the structure(s) where the system(s) is installed;
- (3) Purchaser acknowledges that Seller intends to present/deliver a Certificate of Ownership to the ultimate owner of the system(s) and Purchaser will reasonably cooperate with Seller in assuring that said Certificate of Ownership is presented or delivered to the owner;
- (4) If the system(s) is being installed in a residential structure subject to a particular State's Home Improvement Laws, Purchaser warrants and represents that it has complied with such Laws.

PAYMENT

Terms of payment have been set at net 10-days. Payment to Seller shall not be dependent or conditioned upon Purchaser first receiving any monetary funding from any lender, owner, general contractor or other third-party and Purchaser agrees and understands that payment to Seller is Purchaser's direct responsibility. A service charge will be charged and added to the prices on all payments past due and owed by the Purchaser under this Contract at a rate of 10% per annum, or if such rate is prohibited under applicable law, then at such maximum rate as is permitted under applicable law. Seller reserves the right to record preliminary notices and mechanic's liens to assure payment of this Contract. Purchaser shall pay all reasonable attorney's fees and costs incurred in the collection of past due accounts.

DELAYS

Seller shall not be liable for any damage or penalty for delays in work due to acts of God, acts or omissions of the Purchaser or Purchaser's agents or employees, acts of civil or military authorities, Government regulations or priorities, fires, floods, epidemics, quarantine restrictions, war, riots, strikes, differences with workers, accidents to machinery, vehicle shortages, inability to obtain necessary labor, materials or manufacturing facilities, delay in transportation, defaults of Seller's subcontractors, failure of or delay in furnishing correct or complete information by Purchaser with respect to location or other details of work to be performed hereunder, impossibility or impracticability of performance or any other cause beyond the control of Seller, whether or not similar to the foregoing. In the event of any delay caused as aforesaid, the completion shall be extended for a period equal to any such delay, and this Contract shall not be void or voidable as a result of any such delay. In case work is temporarily discontinued by reason of any of the foregoing, all unpaid installments of the contract price less an amount equal to the value of material and labor not furnished shall be due and payable upon receipt of the invoice by Purchaser.

EXCAVATION

In the event the work herein includes excavation, the Purchaser shall pay as an extra to the contract price the cost for any out-of-scope work performed by the Seller due to water, quicksand, rock or other unforeseen obstruction encountered or if shoring is required. Any such out-of-scope work shall be charged at Seller's standard rate for labor and list price for materials. The cost of this out-of-scope work shall be added to Seller's Invoice.

SITE FACILITIES

Purchaser shall furnish all necessary facilities for performance of its work by Seller, adequate space for storage and handling of material, light, water, heat, local telephone, watchman and crane and elevator service, if available, and necessary permits. Where wet pipe system is installed, Purchaser shall supply and maintain sufficient heat to prevent freezing of the system.

STRUCTURE AND SITE CONDITIONS

While employees of Seller will exercise reasonable care in this respect, Seller shall be under no responsibility for loss or damage due to the character, condition or use of foundations, walls, or other structures not erected by it or resulting from excavation in proximity thereto, nor for damage resulting from concealed piping, wiring, fixtures or other equipment or conditions or water pressure. All shoring or protection of foundations, walls, or other structures subject to being disturbed by any excavation required hereunder shall be the responsibility of the Purchaser unless otherwise specified. Purchaser warrants the sufficiency of the structure to support the fire alarm and/or fire sprinkler/suppression system and its related equipment. The Purchaser shall have all things in readiness for service including, but not limited to, other materials, floor or suitable working base, connections, and facilities at the time Seller is onsite. In the event the Purchaser fails to have all things in readiness for service at the jobsite, the Purchaser shall reimburse Seller for any and all expenses caused by such failure to have such things in readiness. Failure to make areas available to Seller during performance in accord with schedules, which are the basis of Seller's proposal, shall be considered a failure to have all things in readiness for erection in accord with the terms of this Contract and shall give Seller the right, at its sole option, to rescind this Contract.

INTERFERENCES

Purchaser shall be responsible to coordinate the work of other trades (ducting, piping, electrical, etc.) and Purchaser shall be responsible for additional costs incurred by Seller arising out of interferences to Seller's work caused by such other trades.

LIMITATIONS OF LIABILITY

NO PROMISE OR REPRESENTATION NOT CONTAINED HEREIN OR VERBAL STATEMENT OF FACT MADE BY ANY EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE SELLER SHALL CONSTITUTE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTY BY THE SELLER OR GIVE RISE TO ANY LIABILITY OR OBLIGATION. SELLER'S LIABILITY, IF ANY, TO PURCHASER FOR PERSONAL INJURY, BODILY INJURY, DEATH, OR PHYSICAL DAMAGE TO PROPERTY ALLEGEDLY CAUSED IN PART OR IN WHOLE BY SELLER AND OR ARISING FROM THE PERFORMANCE OF THIS CONTRACT SHALL BE LIMITED TO PURCHASER'S ACTUAL DAMAGES OR THE PRICE OF THIS CONTRACT, WHICHEVER IS LESS. PURCHASER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS SELLER FROM ANY AND ALL THIRD-PARTY CLAIMS OR ACTIONS FOR PERSONAL INJURY, BODILY INJURY, DEATH, OR PHYSICAL DAMAGE TO PROPERTY ARISING FROM PURCHASER'S FAILURE TO MAINTAIN THE SYSTEM(S) OR KEEP THE SYSTEM(S) IN GOOD AND WORKING CONDITION WHETHER SUCH CLAIM OR ACTION IS BASED UPON CONTRACT, WARRANTY, TORT, STRICT LIABILITY, OR OTHERWISE. IN NO EVENT SHALL SELLER BE LIABLE OR LEGALLY RESPONSIBLE FOR ANY SPECIAL, INDIRECT, INCIDENTAL, CONSEQUENTIAL, LIQUIDATED, PENAL, PUNITIVE OR EXEMPLARY, OR ECONOMIC LOSS OR DAMAGE OF ANY CHARACTER OR KIND INCLUDING BUT NOT LIMITED TO, LOSS OF USE OR ENJOYMENT OF PURCHASER'S REAL OR PERSONAL PROPERTY, LOST PROFITS, LOST REVENUES, OR LOST PRODUCTION WHETHER CLAIMED BY THE PURCHASER OR BY ANY THIRD-PARTY IRRESPECTIVE OF WHETHER SUCH CLAIM OR ACTION FOR DAMAGE, LOSS, OR HARM IS BASED UPON CONTRACT, WARRANTY, TORT, STRICT LIABILITY, OR OTHERWISE. UNDER NO CIRCUMSTANCES SHALL SELLER BE LIABLE OR LEGALLY RESPONSIBLE TO PURCHASER OR ANY THIRD-PARTY FOR ALLEGED INJURY, DAMAGE, LOSS, OR HARM CAUSED IN WHOLE OR IN PART BY CLAIMED EXPOSURE TO OR CONTAMINATION BY FUNGI, ANY TYPE OR FORM OF FUNGUS, MOLD, MILDEW, MYCOTOXINS, SPORES, SCENTS, SMELLS, ODORS, IMPURITIES, BIOLOGICAL AGENTS, CHEMICAL AGENTS, OR TOXIC AGENTS.

WARRANTY

Seller agrees that for a period of one (1) year after completion of this Contract it will, at its expense, repair or replace defective materials or workmanship supplied or performed during this service/repair by Seller. Upon completion of the work, the system(s) will be turned over to the Purchaser fully inspected, tested, and in operative condition. As it is thereafter the responsibility of the Purchaser to maintain it in operative condition, it is understood that the Seller does not guarantee the operation of the system. Seller further warrants the products of other manufacturers supplied hereunder to the extent of the warranty of the respective manufacturer but no longer than one-year. SELLER DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED INCLUDING, WITHOUT LIMITATION, A WARRANTY OF MERCHANTABILITY AND A WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE EXCEPT AS PROVIDED FOR IN THE PRECEDING SENTENCE.

MODIFICATIONS AND SUBSTITUTIONS

Seller reserves the right to modify material of Seller's design sold hereunder and/or the drawings and specifications relating thereto or to substitute material of later design to fulfill this Contract providing that the modifications or substitutions will not materially affect the performance of the material or lessen in any way the utility of the material to the Purchaser.

SEVERABILITY

Should any part, term, or provision of this Contract be found by the Courts to be unenforceable or in conflict with any law of the State where made, the validity of the remaining terms or provisions shall not be affected thereby and shall remain in full force and effect.

ASSIGNMENT

Any assignment of this Contract by Purchaser without the written consent of Seller shall be void. Seller may, at its sole option, assign all or part of this Contract to its qualified subsidiaries and affiliates without notice to or consent of Purchaser.

CHANGES, ALTERATIONS, ADDITIONS

Changes, alterations, and additions to the plans, specifications, or construction schedule for this Contract shall be invalid unless approved in writing by Seller. Changes approved by Seller, which increase or decrease the cost of work to Seller, shall constitute a corresponding increase or decrease in the contract price as herein provided. The value of additional work shall be agreed upon in writing prior to the performance of said work. However, if no agreement is reached prior to the performance of additional work approved in the manner herein described, and Seller elects to continue performance so as to avoid delays, then the estimate of Seller's Estimating Department or equivalent as to the value of the work shall be deemed accepted by the Purchaser.

PRICES

In addition to the prices specified herein, Purchaser shall pay for all extra work requested by Purchaser or made necessary because of incompleteness of or inaccuracy in plans or other information submitted by Purchaser with respect to location, type of occupancy, or other details of work to be performed hereunder. In the event the layout of Purchaser's facilities has been altered or is altered by Purchaser prior to completion of this Contract, Purchaser shall promptly advise Seller. Seller shall provide a written quotation to Purchaser for prices, delivery and completion dates which are changed by Seller as a result of extra work. Labor and materials shall be charged at Seller's standard rate. Purchaser will execute a written change order consenting to the extra work before such extra work commences.

LEGAL NOTICE

For the purposes of any notice permitted or required to be given hereunder, such notice or notices shall be delivered by facsimile, overnight mail or personal delivery between the hours of 8 a.m. and 4 p.m. local time to the address for Purchaser or Seller stated herein. Such notice or notices shall be deemed effective when received.

CLAIMS

Any claims against Seller arising from or relating to this Contract are waived and relinquished by Purchaser unless presented in writing to Seller with particulars and details within ten (10) days after Purchaser knows or should know that he/she/it has potential claim.

TERMS AND CONDITIONS/TECHNICAL SPECIFICATIONS

In the event that there is a material inconsistency or ambiguity between the Terms and Conditions specified herein and Seller's technical specifications, Seller's technical specifications shall control.

ARBITRATION

Any dispute, controversy, or claim arising out of or relating to this Contract, including a claimed breach thereof, shall be submitted to binding arbitration in accordance with the Construction Dispute Rules of the American Arbitration Association. The venue for such Arbitration Proceeding shall be in the city where the American Arbitration Association maintains an office that is closest to the physical location of this project. Both Seller and Purchaser knowingly and willingly waive, relinquish, and give up their right to a jury trial for such dispute, controversy, or claim. The Arbitrator(s) shall determine whether Discovery is permitted and, if so, the extent and scope thereof. Seller and Purchaser shall equally split the fees and costs of the American Arbitration Association attributable to the Arbitration. Seller and Purchaser shall each bear their own respective attorney(s) fees and expenses associated with the Arbitration proceeding except as provided for in the PAYMENT condition above. Judgment upon the Arbitration Award rendered by the Arbitrator(s) may be entered in any Court having jurisdiction thereof. Any appeal from or attack upon the Arbitration Award shall be in accordance with the statutes and rules of the State where the Arbitration proceeding occurs.

OVERTIME

Unless otherwise specified by Purchaser, all service work will be performed during regular working hours. If Purchaser shall require any overtime labor, Purchaser agrees to reimburse Seller for the overtime premium cost including all related payroll costs, plus Seller's overhead and profit, as calculated by Seller, one (1) month after such overtime expense was incurred.

PROPRIETARY DATA

All specifications, drawings, designs, descriptive matter, and other data furnished by Seller to Purchaser pertaining to the work proposed herein shall be deemed proprietary notwithstanding any trade secret or copyright law and shall be kept in confidence by Purchaser and shall not be disclosed to any third-party except as may be necessary in the performance of this Contract with the Seller. If Purchaser believes that it is necessary to disclose such confidential information to any third-party, Purchaser shall first notify Seller of Purchaser's intent to disclose such confidential information and give Seller at least three (3) business days to object before actual disclosure is made to the third-party. In the event Seller requests the return of any such proprietary material and/or any reproductions thereof, Purchaser shall promptly return the same to Seller.

DEFAULT

In case of any default by Purchaser, Seller shall be entitled to payment for all work performed, materials that have been installed, special or custom order materials whether installed or not, all termination costs incurred, and any other costs incurred by Seller including overhead and profit. All such remedies of Seller are cumulative and not exclusive. Default by Purchaser shall consist of: Failure to pay any installment of price when due with no demand being necessary; any act or omission on the part of Purchaser whereby Seller is prevented from completing said service; receivership, bankruptcy, assignment for the benefit of creditors or any other form of insolvency proceedings by or against Purchaser; or in case said premises or said system shall be attached, lien or seized by process of law and such attachment or lien is not vacated or seizure terminated within ten (10) days after its occurrence.

BACK CHARGES

No back charges shall be levied, assessed, or deducted from the contract price by the Purchaser against the Seller unless Purchaser first gives written notice to Seller of such intention. After receipt of such written notice, Seller shall have two consecutive business days to correct any alleged deficiencies or problems which Purchaser identifies as necessitating the claimed back charge and only if such deficiencies or problems are the direct fault of Seller. If Purchaser or anyone acting on behalf of Purchaser performs corrective action on any such alleged deficiencies or problems, Purchaser waives and relinquishes the right or opportunity to levy or assess a back charge.

OSHA

Purchaser shall defend, indemnify and hold harmless Seller from and against any claims, demands, damages, fines, penalties or charges resulting from the enforcement of the Federal Occupational Safety Health Act (Public Law 91-596) or equivalent State law, or any regulations or orders under any Federal or State OSHA law unless such claims, demands, damages, fines, penalties or charges are a direct result of causes within the exclusive control of Seller.

WAIVER OF SUBROGATION

Purchaser on behalf of himself/herself/itself and Purchaser's Insurer(s) waives any right of subrogation against Seller for any damages or loss allegedly caused by Seller that is covered by any policy of insurance insuring Purchaser.

INSPECTION BY AUTHORITY HAVING JURISDICTION

Purchaser understands and acknowledges that the work performed by Seller under this Contract will be inspected one or more Governmental authorities having jurisdiction over the project. Neither Purchaser nor anyone acting on behalf of Purchaser shall perform any act or omission which prevents or inhibits the Governmental authority having jurisdiction from performing preliminary or final inspections of Seller's work.

NOT A SERVICE CONTRACT

This Contract is not a service or maintenance contract. Seller has no legal or contractual obligation to service, maintain, or monitor the system(s) after the Governmental authority having jurisdiction has performed its final inspection of Seller's work. A separate service contract with Seller is required in order for Seller to have any responsibility to service, maintain, or monitor the system(s).

Authorized Representative of Seller

Authorized Representative of Purchaser



ESTIMATE

DATE

ESTIMATE #

2/13/2020

4468

NAME / ADDRESS

PROJECT

Charaties Housing
825 S San Tomas Aquino Rd
Campbell CA 95008

Charaties Housing
825 S San Tomas Aquino Rd
Campbell, CA 95008

P.O. No.

TERMS

ESTIMATE EXPIRES

MR

12/3/2019

DESCRIPTION

QTY

UNIT OF ...

COST...

EXTENDED ...

Provide Labor & Materials for the following location:

Excavate 80' L x 5' to 8' D x 3' W, under the Redwood Trees after removal, run new ABS sewer line, install couple clean outs, use proper transfer couplings, secure pipe, connect new sewer line to Existing sewer line, test lone, back fill with native soil, clean up area.

This estimatate will only valid of the Red Wood trees are been remove from the area, We can not do any work if those trees are standing.

*** This Excavation will take longer because the tree trunk will still exist underground***

*** property will need to provide the arbolist to for the removal of the Trees***

LISTED IN THIS PROPOSAL.

PERFORMED THE FOLLOWING WORK DURING NORMAL WORK HOURS:

CUSTOMER PLEASE NOTE:

85000.00

85,000.00

This Proposal excludes everything not mentioned above.
1 Hour Drain will provide labor and materials required as per the scope of work for the above mentioned project. This work will be performed in a professional manner according to industry standards.

TOTAL

SIGNATURE



ESTIMATE

DATE	ESTIMATE #
2/13/2020	4468

NAME / ADDRESS

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell CA 95008

PROJECT

Charaties Housing
 825 S San Tomas Aquino Rd
 Campbell, CA 95008

P.O. No.	TERMS	ESTIMATE EXPIRES
MR	12/3/2019	

DESCRIPTION

QTY UNIT OF ... COST... EXTENDED ...

<p>Job will take multiple weeks from start to finish. Excludes permits. Excludes landscaping repairs. Excludes cocreate. in case of removal. Excludes Irrigation repairs, In case of bigger roots located on the area of excavation we will provide a change order for any extend of the work.</p> <p>1-Hour-Drain warranties their installation for a period of two years for Workmanship and plumbing parts. During the course of this warranty, Customer is to immediately contact 1-Hour-Drain in the event of an emergency warranty repair. Unless reasonable evidence is established to show that</p> <p>1-Hour-Drain did not react to the Customer's warranty service need. Repairs or work initiated by others will void this warranty. 1-Hour-Drain is a 24 Hour Service Company and is extremely responsive when contacted</p>				
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This Proposal excludes everything not mentioned above.
 1 Hour Drain will provide labor and materials required as per the scope of work for the above mentioned project. This work will be performed in a professional manner according to industry standards.

TOTAL

SIGNATURE



ESTIMATE

DATE

ESTIMATE #

2/13/2020

4468

NAME / ADDRESS

Charaties Housing
825 S San Tomas Aquino Rd
Campbell CA 95008

PROJECT

Charaties Housing
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TERMS

ESTIMATE EXPIRES

MR

12/3/2019

DESCRIPTION

QTY

UNIT OF ...

COST...

EXTENDED ...

Other than what is described above; this proposal does not include the cost of any Permits or labor for standing inspection; floor or wall tile repairs; drywall repairs, landscape repairs or restorations, corrections to existing code violations, upgrades or bringing existing plumbing to code compliance or any other work not specified above. Customer will be immediately notified if any additional work is Necessary.

PERMIT FEES WILL BE BILLED TO CUSTOMER REGARDLESS OF ANY AMOUNT

TOTAL

SIGNATURE

This Proposal excludes everything not mentioned above. 1 Hour Drain will provide labor and materials required as per the scope of work for the above mentioned project. This work will be performed in a professional manner according to industry standards.

ADJ. RESIDENTIAL
DEVELOPMENT,
SEE AERIAL PHOTO, A0.0

Tree located here
directly above;
Sewer, fire
sprinkler, gas,
electrical and data
lines

Sewer, fire
sprinkler, electrical
and data lines

Gas line

WIRE
FENCE

BLDG. 4
3 BR

OPEN AIR PARKING
PARKING SPACES
\$198.81

COVERED PARKING
PARKING SPACES
\$172.32

OPEN AIR PARKING
PARKING SPACES
\$108.29

BLDG. II
2 BR

WHIRL

BASKET BALL

WIRE FENCE

REC CENTER

COVERED PARKING

SLIDE

CONC
BLOCK
WALL

COVERED
PARKING

WOOD
FENCE

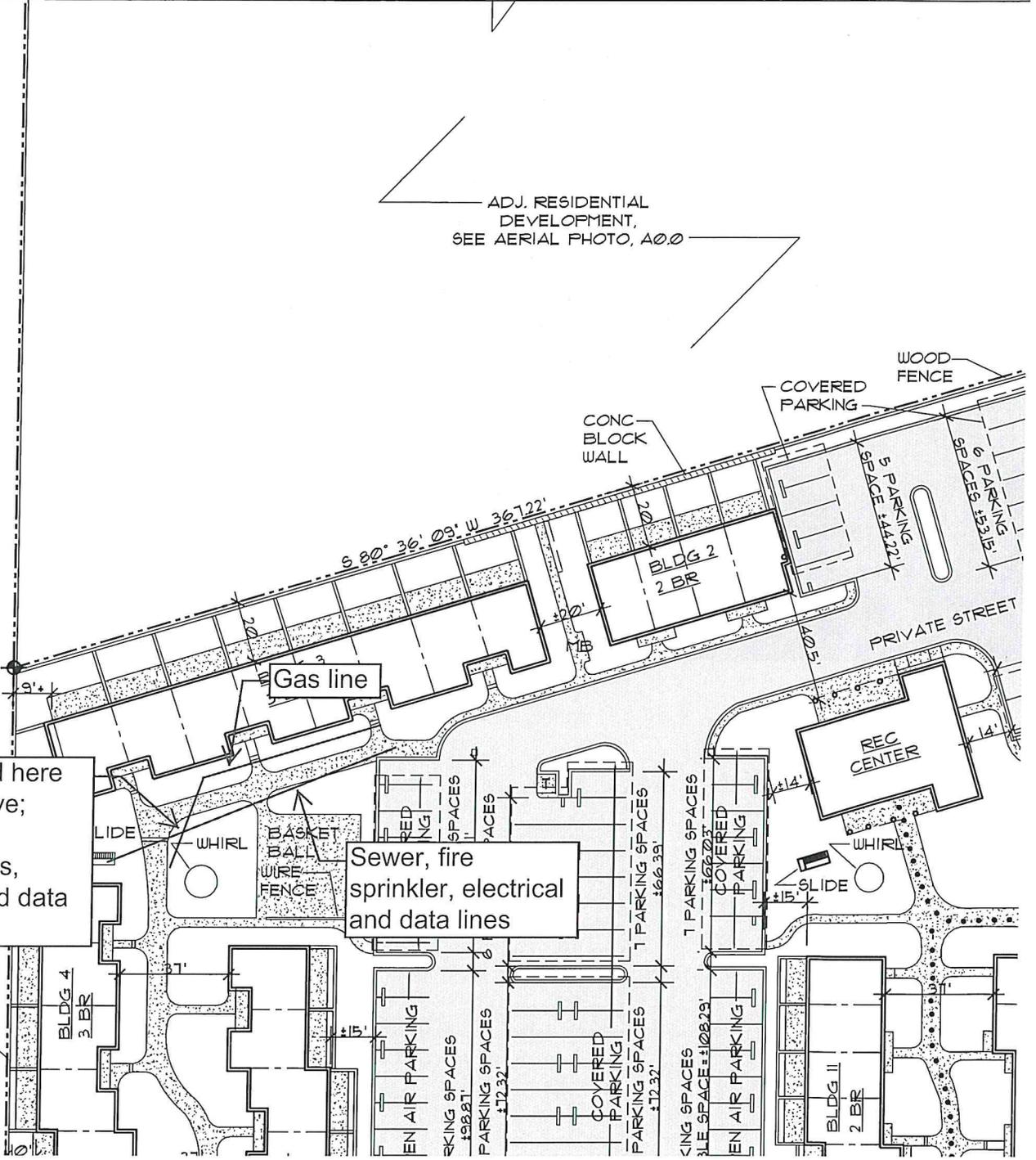
PRIVATE STREET

S. 80° 36' 09" W 367.22'

BLDG 2
2 BR

5 PARKING
SPACE \$44.22

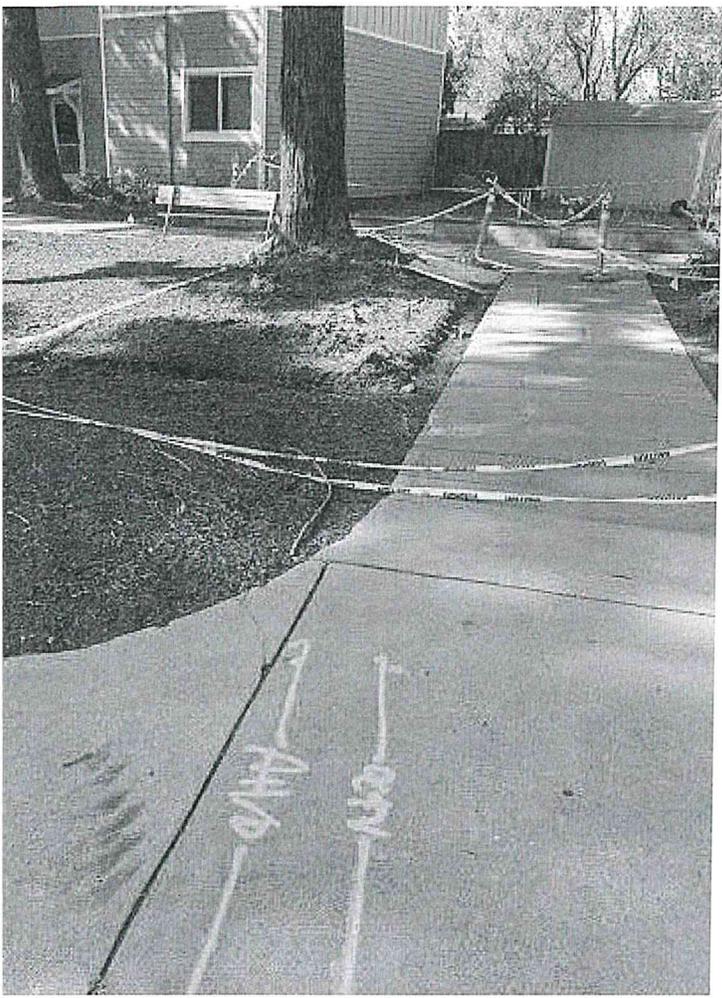
6 PARKING
SPACES \$53.15



















2. Modification (PLN-2020-48) to a previously approved Conditional Use Permit (UP 78-2) with Site and Architectural Review to allow site and building alterations to an existing gasoline service station including reconfiguration of the fuel station layout, a new fuel station canopy, new trash enclosure, restriping of parking stalls, installation of new landscaping, and accessibility improvements, for property located at **1533 W. Campbell Avenue**.
3. Planned Development Permit (PLN2019-206) to allow construction of a 7,002 square-foot single-story industrial building; a Parking Modification Permit to allow a reduction in the number of required parking stalls; and a Variance to allow retention of existing overhead utility lines, for property located at **1055 Florence Way**.

- C. **Use of Zoom for remote on-line PC Meetings until further notice:** This and all of your regular schedule of PC meetings will continue to be conducted via Zoom for the foreseeable future. This Planning Commission meeting will be conducted via telecommunication and is compliant with provisions of the Brown Act and Executive Order N-29-20 issued by the Governor. The following Commissioners of the Campbell Planning Commission are listed to permit them to appear electronically or telephonically at the Regular Planning Commission meeting on September 8, 2020: Chair Michael Krey, Vice-Chair Maggie Ostrowski, Commissioners Adam Buchbinder, Andrew Rivlin; Nick Colvill; Stuart Ching; and Terry Hines.

While members of the public will not be able to attend the meeting of the Campbell City Planning Commission physically, the meeting will be live-streamed on YouTube at (<https://www.youtube.com/user/CityofCampbell>). Interested persons may register to participate at https://us02web.zoom.us/webinar/register/WN_uavFQC2sT1m_-cJvrGV1oA

After registering, you will receive a confirmation email containing information about joining the webinar itself on September 8th at 7:30 p.m. Additionally, the complete agenda packet will be posted by Friday, September 4, 2020 on the website at <https://www.ci.campbell.ca.us/AgendaCenter/Planning-Commission-6>, and will include all materials for this meeting. Please be advised that if you challenge the nature of the above project in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City of Campbell Planning Commission at, or prior to, the Public Hearing by email to planning@campbellca.gov. Questions may be addressed to the Community Development Department at (408) 866-2140.