



CITY OF CAMPBELL
Community Development Department

March 11, 2016

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Campbell has set the time of 7:30 p.m., or shortly thereafter, on Tuesday, **March 22 2016**, in the City Hall Council Chambers, 70 North First Street, Campbell, California, for a Public Hearing to consider the City-initiated Zoning Text Amendment (PLN2016-32) to amend **Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities)** to exempt development of single-family residential properties located along local streets from the utility undergrounding requirements. Staff is recommending that this project be deemed exempt from CEQA under Section 15061.b.3.

Interested persons may appear and be heard at this hearing. 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. Questions may be addressed to the Community Development Department at (408) 866-2140.

Plans and architectural drawings may be viewed at the Planning Division office during normal business hours (8:00 a.m. – 5:00 p.m.) and on the City's 'Public Notices' web page (<http://www.cityofcampbell.com/501/Public-Notices>) under 'Planning Commission'.

Decisions of the Planning Commission may be appealed to the City Council. Appeals must be submitted to the City Clerk in writing within 10 calendar days of an action by the Commission.

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the Council Chambers. If you require accommodation, please contact the Community Development Department at (408) 866-2140, at least one week in advance of the meeting.

PLANNING COMMISSION
CITY OF CAMPBELL
PAUL KERMOYAN
SECRETARY

PLEASE NOTE: When calling about this Notice,
please refer to: **CMC 21.18.140 (Undergrounding of Utilities)**

Ordinance No. _____

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING CAMPBELL MUNICIPAL CODE SECTION 21.18.140 (UNDERGROUNDING OF UTILITIES) TO EXEMPT DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL PROPERTIES LOCATED ALONG LOCAL STREETS FROM THE UTILITY UNDERGROUNDING REQUIREMENTS.

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

After due consideration of all evidence presented, the City Council of the City of Campbell does ordain as follows:

SECTION 1: The City Council finds and determines that the adoption of the proposed Text Amendment qualifies as Exempt from the California Environmental Quality Act (CEQA) under Section 15061.b.3. which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review.

SECTION 2: Section 21.18.140 (Undergrounding of Utilities) of the Campbell Municipal Code is hereby amended as set forth in attached **Exhibit A**. Additions are indicated by underlined text and deletions are indicated by ~~strikethrough~~ text. Portions of Section 21.18.140 not shown in underlined text or strikethrough type are not changed.

SECTION 3: This Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, one time within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

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

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

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

21.18.140 - Undergrounding of utilities.

All development and remodels, shall provide for the undergrounding of existing and proposed utility facilities in compliance with this section, unless expressly exempted.

A. Definitions. As used in this section, the following terms shall have the meaning set forth below. All other terms shall have the same meaning as defined in Chapter 21.72, (Definitions).

1. Addition means construction that expands a structure's existing gross floor area or replaces existing floor area that was demolished.
2. Arterial street means a Class I Arterial or Class II Arterial, as identified by the City of Campbell Roadway Classifications Diagram.
3. Collector street means a commercial/industrial collector or residential collector, as identified by the City of Campbell Roadway Classifications Diagram.
4. Remodel means any rebuilding or structural alteration which changes the supporting members of a structure, such as bearing walls, columns, beams or girders. It shall not include interior tenant improvements or structural alterations solely to meet code.

B. Applicability. The following site improvements require the undergrounding of utility services as set forth below:

1. Service lines. New utilities, and all existing overhead utility lines, excluding utility poles, servicing property located along an arterial or collector street shall be installed underground with:
 - a. Construction of a single-family dwelling;
 - b. Construction of a residential development with two or more dwelling units;
 - c. Construction of a non-residential main structure;
 - d. An addition, remodel, or combination thereof, to an existing non-residential main structure that remodels or expands the structure's existing gross floor area by fifty percent or more in the aggregate over the preceding five-year period;
 - e. An addition to an existing single-family dwelling that within a five-year period adds and/or replaces fifty percent or more to the dwelling's gross floor area. Existing and/or new detached garages, secondary dwelling units, and other fully enclosed accessory structures shall be considered in this section; and
 - f. A residential or non-residential subdivision that is subject to the provisions of Title 20, (Subdivision and Land Development) of the Campbell Municipal Code.

A variance to the requirements of this subsection may be granted in compliance with Chapter 21.48, (Variances).
2. Frontage lines and poles. Existing utility poles and associated overhead utility lines located along an arterial or collector street abutting the frontage(s) of a development

site shall be removed and the utilities replaced underground in association with the site improvements set forth below:

- a. Construction of a non-residential main structure;
- b. Construction of a residential development with five or more dwelling units; and
- c. A residential or non-residential subdivision that is subject to the provisions of Title 20, (Subdivision and Land Development) of the Campbell Municipal Code resulting in five or more parcels, exclusive of parcels created solely to provide access into a development site.

A variance to the ~~number of poles to be removed and/or~~ linear feet of overhead utility lines to be replaced underground may be granted in compliance with Chapter 21.48, (Variances).

- C. Development requirements. All new and existing electric, telecommunications, and cable television lines to be installed on the site to serve a proposed development shall be installed underground at the time of development except for surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts and other similar equipment appurtenant to underground facilities. All utilities shall be taken from the nearest aboveground utility service, ~~and n~~No new poles or overhead lines shall be allowed, except as determined necessary by the city engineer to accomplish the removal of frontage lines and poles required by subsection B.2, above.
- D. Screening Requirements. Aboveground equipment (e.g., utility control boxes and similar cabinets) shall be screened from view and deterred from graffiti vandalism by using a combination of landscaping and screen walls.
- E. Exemptions. The requirements of this section do not apply to:
 1. Existing or proposed major electrical transmission lines;
 2. A service upgrade, modification, or relocation of an existing electrical panel that is unrelated to site improvements that would otherwise require undergrounding of utilities in compliance with this section, and which would not result in an increase in overhead utility line length;
 3. Underground installations that would require substantially crossing the rear yard of an adjacent single-family residential property; and
 4. Underground installations precluded by a topographical, soil, or other environmental condition.
 - 4.5. Single family dwellings on property located along a local street.

Applicability of an exemption shall be determined by the community development director, which may be appealed as an interpretation of this Code in compliance with section 21.02.030 (Procedures for interpretations).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2166, § 2(Exh. A), 5-7-2013)