

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING TITLE 21 AND TITLE 5 OF THE CAMPBELL MUNICIPAL CODE TO ESTABLISH A NEW LIST OF ALLOWABLE LAND USES FOR THE C-3 (CENTRAL COMMERCIAL DISTRICT) ZONING DISTRICT, INCLUDING RELATED TEXT CORRECTIONS AND REVISIONS.

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. To encourage a compatible mix of uses in the Downtown, to reinforce East Campbell Avenue as a pedestrian-oriented retail street, and to foster a balance of day and evening activity, the City Council finds it necessary and appropriate to reconsider the allowable land uses within the C-3 (Central Business District) Zoning District in furtherance of the Campbell General Plan and Downtown Development Plan.

SECTION 2. The City Council finds and determines that the adoption of the proposed Zoning Code Text Amendment qualifies as Exempt from the California Environmental Quality Act (CEQA) under Section 15061.b.3 which states that a project is exempt 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 3. Section 21.30.060 (C-3 (Central Business District) zoning district) of the Campbell Municipal Code is hereby amended as set forth. Additions are indicated by underlined text and deletions are indicated by strikethrough (~~strikethrough~~) text.

21.10.60 - C-3 (Central Business District) zoning district.

- A. Purpose of C-3 (Central Business District) zoning district. The C-3 zoning district is applied to the heart of the city including and surrounding parts of Campbell Avenue in downtown Campbell, and by reference to the Winchester Boulevard and East Campbell Avenue Master Plan areas and Sub-Area 1 (Railway Avenue) of the South of Campbell Avenue (SOCA) Plan. The building forms in this zoning district edge the street and include retail commercial uses (e.g., entertainment, shopping, and services) on the ground floor, with either office or residential uses on the upper floors. Residential uses may be allowed where compatible with the general mix of downtown uses. The C-3 zoning district is consistent with the central commercial land use designation of the General Plan. The C-3 zoning district is specifically created to promote the following objectives in the central business area of Campbell:

1. To retain and enhance the Downtown area as a unique and economically viable retail and business center serving local and area wide commercial needs;
2. To reinforce Campbell Avenue as a pedestrian-orientated retail street;
3. To promote ground floor retail use, upper floor commercial and residential uses where appropriate and a suitable mix of uses in the Downtown area.
4. To establish development intensities consistent with the scale of the central business area and the amount of parking which can be accommodated within and adjacent to it;
5. To maintain the pedestrian scale, character, and diversity of a small town business district;
6. To maintain adequate parking and to encourage the joint utilization of parking;
7. To improve pedestrian, visual, and vehicular connections between the Downtown and adjacent areas;
8. To preserve and enhance significant historic structures within the Downtown area; and
9. To ensure that new construction in the Downtown area is of a high architectural design quality while accommodating suitable architectural diversity.

B. Land uses in the C-3 (Central Business District) zoning district. The permissibility of land uses, whether on the ground floor, an upper floor, or on all floors, as applicable, shall be as specified by Table 2-11 (Land Use Table – C-3 Zoning District). Land uses that are listed as (P) are permitted and are approved by issuance of a zoning clearance in compliance with Chapter 21.40 (Zoning clearance). Land uses listed as (C) are conditional and may be allowed subject to approval of a conditional use permit in compliance with Chapter 21.46 (Conditional use permits). Land uses listed as (X) and those not otherwise listed are prohibited and shall not be allowed. Operational requirements for outdoor merchandise display, outdoor seating, alcohol sales for on-site consumption, and live entertainment are provided further in this chapter.

Table 2-11
Land Use Table – C-3 Zoning District

<u>LAND USES</u>	<u>GROUND FLOOR</u>	<u>UPPER FLOORS</u>
<u>Apartments¹</u>	<u>P</u>	<u>P</u>
<u>Automated teller machines</u>	<u>P</u>	<u>X</u>
<u>Banks and financial services</u>	<u>C</u>	<u>P</u>
<u>Banquet facilities</u>	<u>X</u>	<u>C</u>
<u>Bed and breakfast inn²</u>	<u>C</u>	<u>C</u>
<u>Cat and dog day care facilities</u>	<u>P</u>	<u>C</u>
<u>Cat and dog grooming facilities</u>	<u>P</u>	<u>C</u>

Table 2-11
Land Use Table – C-3 Zoning District

<u>LAND USES</u>	<u>GROUND FLOOR</u>	<u>UPPER FLOORS</u>
<u>Dancing and/or live entertainment establishments³</u>	<u>C</u>	<u>C</u>
<u>Hotels</u>	<u>C</u>	<u>C</u>
<u>Incompatible activities⁴</u>	<u>X</u>	<u>X</u>
<u>Late night activities</u>	<u>C</u>	<u>C</u>
<u>Liquor establishments⁵</u>	<u>C⁶</u>	<u>C</u>
<u>Liquor stores⁷</u>	<u>C</u>	<u>X</u>
<u>Medical services, clinics</u>	<u>X</u>	<u>C</u>
<u>Offices, professional</u>	<u>C</u>	<u>P</u>
<u>Outdoor retail sales and activities</u>	<u>C</u>	<u>X</u>
<u>Pedestrian-oriented activities⁸</u>	<u>P</u>	<u>P</u>
<u>Wireless Communication Facilities</u>	<u>May be allowed in compliance with Campbell Municipal Code Chapter 21.34 (Wireless Communications Facilities)</u>	

Notes:

- (1) The ground floor of an apartment building shall be limited to commercial tenant space, parking facilities, a leasing office and lobby. Residential units and recreation spaces shall be restricted to upper floors.
- (2) Restricted to structures listed on the Historic Resource Inventory and subject to Chapter 21.33 (Historic Preservation)
- (3) Except as specified by Section 21.10.060.F (Standards for live entertainment in the C-3 zoning district), which allows certain pedestrian-oriented activities to incorporate live entertainment without a conditional use permit.
- (4) "Incompatible Activities" means any land use not identified in Table 2-11A (Land Use Table) or that incorporates one or more of the following characteristics, as determined by the community development director in compliance with Section 21.02.020.F (Allowable uses of land).
 - Services offered by a "body art" practitioner as governed by California Health and Safety Code sections 119300-119324 (i.e., tattoo parlors and similar uses);
 - Services offered by a deferred deposit transaction "licensee" as governed by California Financial Code sections 23000-23106 (i.e., payday lenders and similar uses);
 - Services offered by a "check casher" as governed by California Civil Code sections 1789.30-1789.38 (i.e., check cashing and similar uses);
 - Services offered by a "pawnbroker" as governed by California Financial Code sections 21000-21307 (i.e., pawnshops and similar uses);
 - Services offered by a "secondhand dealer" or "coin dealer" as governed by California Business and Professions Code sections 21500-21672 (i.e., secondhand/thrift stores, consignment shops, gold buying, and similar uses);
 - Services offered by a practitioner of hypnotism requiring a permit pursuant to Chapter 5.08;

- Services, goods, or entertainment offered by a sexually oriented business pursuant to Chapter 5.55;
 - Storage of industrial vehicles;
 - Storage or warehousing of merchandise or products unrelated to on-site retail sales;
 - Outdoor storage of merchandise or products;
 - Assembly, compounding, manufacturing or industrial processing of merchandise or products;
 - Breeding, harboring, raising, or training of animals;
 - Repair, maintenance, or sale of motor vehicles;
 - Service to consumers within a motor vehicle (i.e., drive-through lane, drive-up window, or drive-in service);
 - Smoking or vaping of tobacco products (as defined by Chapter 6.11);
 - Cultivation, processing, sale or dispensing of Cannabis ("marijuana" as defined by Chapter 8.38 and 8.40); or
 - Emission of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbance which is obnoxious or offensive or creates a nuisance.
- (5) Liquor establishments are subject to the findings provided in Section 21.46.070 (Special findings for liquor establishments).
- (6) Except as specified by Section 21.10.060.E (Standards for alcohol sales for on-site consumption in the C-3 zoning district), which allows certain pedestrian-oriented activities to incorporate an ancillary liquor establishment without a conditional use permit.
- (7) Liquor stores are subject to the provisions provided in Section 21.36.110 (Liquor Stores).
- (8) "Pedestrian-Oriented Activities" means any land use or combination of land uses that incorporate all of the following characteristics as determined by the community development director in compliance with Section 21.02.020.F (Allowable uses of land). This definition specifically includes retail stores, grocery stores, personal services, spa services/health spa (excluding massage establishments), restaurants, indoor amusement centers, and studios as defined by Chapter 21.72 (Definitions).
- Provides or offers food, beverages, retail goods, services, instruction, and/or entertainment to the general public;
 - Is open to the general public on a regular basis;
 - Is conducted within the interior of a building, except for outdoor displays and outdoor dining areas as allowed by this Chapter;
 - Maintains a transparent storefront open to the interior of the business and/or onto a merchandise display (when on the ground floor); and
 - Is not otherwise classified as an incompatible activity as defined by this Chapter.
- C. Land uses in the Area/Master Plan areas: The permissibility of land uses in the Winchester Boulevard and East Campbell Avenue Master Plan areas and Sub-Area 1 (Railway Avenue) of the South of Campbell Avenue (SOCA) Plan shall be as specified by Table 2-11a (Land Use Table – Master Plan Areas). Land uses listed as (A) are allowable subject to approval of an administrative planned development permit in compliance with Section 21.12.030.H.1 (Administrative planned development permit required). Land uses listed as (C) are conditional and may be allowed subject to approval of a conditional use permit in compliance with Chapter

21.46 (Conditional use permits). Land uses listed as (X) and those not otherwise listed are prohibited and shall not be allowed. The boundaries of the Winchester Boulevard and East Campbell Avenue Master Plans and the SOCA Plan are shown on the City of Campbell Zoning Map, available at the community development department.

Table 2-11a
Land Use Table – Master Plan Areas

<u>LAND USES</u>	
<u>Apartments</u>	<u>A</u>
<u>Arcades</u>	<u>A</u>
<u>Banks and financial services</u>	<u>A</u>
<u>Convenience markets/stores</u>	<u>A</u>
<u>Dancing and/or live entertainment establishments</u>	<u>A</u>
<u>Government offices and facilities</u>	<u>A</u>
<u>Grocery stores</u>	<u>A</u>
<u>Incompatible activities¹</u>	<u>X</u>
<u>Late night activities²</u>	<u>A</u>
<u>Liquor establishments</u>	<u>A + C³</u>
<u>Liquor stores</u>	<u>A + C⁴</u>
<u>Medical services, clinics</u>	<u>A</u>
<u>Nightclubs</u>	<u>A + C⁵</u>
<u>Offices, professional</u>	<u>A</u>
<u>Outdoor merchandise display</u>	<u>A</u>
<u>Outdoor seating</u>	<u>A</u>
<u>Parking lots/structures, public</u>	<u>A</u>
<u>Personal services</u>	<u>A</u>
<u>Public assembly uses</u>	<u>A</u>
<u>Restaurants or cafes</u>	<u>A</u>
<u>Restaurants, fast food</u>	<u>A</u>
<u>Restaurants, standard</u>	<u>A</u>
<u>Retail stores, general merchandise</u>	<u>A</u>
<u>Secondhand/thrift stores</u>	<u>A</u>
<u>Spa Services/Health Spa</u>	<u>A</u>
<u>Studios, small and large</u>	<u>A</u>
<u>Theaters, movie or performing arts, and concert halls</u>	<u>A</u>
<u>Tutoring centers (small and large)</u>	<u>A</u>
<u>Wireless Communication Facilities</u>	<u>May be allowed in compliance with Campbell Municipal Code Chapter 21.34 (Wireless Communications Facilities)</u>

Notes:

- (1) See Table 2-11, Note #4 for the definition of "Incompatible activities," excepting "secondhand dealers" and "coin dealers" as to allow "Secondhand/thrift stores".
- (2) Late night uses in the P-D (Planned Development) zoning district are subject to the findings provided in Section 21.12.030.H.7 (Additional Approval Criteria for Late Night Activities).
- (3) In addition to an administrative planned development permit, liquor establishments also require a conditional use permit pursuant to Section 21.12.030.H.1.a and are subject to the findings provided in Section 21.46.070 (Special findings for liquor establishments).
- (4) In addition to an administrative planned development permit, liquor stores also require a conditional use permit pursuant to Section 21.12.030.H.1.a and are subject to the provisions provided in Section 21.36.110 (Liquor Stores).
- (5) In addition to an administrative planned development permit, a nightclub with a liquor establishment also requires a conditional use permit pursuant to Section 21.12.030.H.1.a and are subject to the findings provided in Section 21.46.070 (Special findings for liquor establishments).

~~B. Permitted uses in C-3 (Central Business District) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances):~~

- ~~1. Retail business, including but not limited to clothing stores, department stores, drugstores, furniture stores, toy stores, jewelry stores, shoe stores, florist shops and gift shops subject to standards for alcohol sales in compliance with paragraph (F) (Standards for alcohol sales in the C-3 zoning district), below. Does not include retail business uses specified in paragraph (C) (Uses permitted with a conditional use permit in the C-3 district).~~
- ~~2. Tutoring centers (small and large), studios (small and large), and professional offices, except on the ground floor of parcels abutting East Campbell Avenue east of Second Street unless the following standards can be met:~~
 - ~~a. The business is located in a separate tenant space that is a minimum of fifty feet from the East Campbell Avenue property line; and~~
 - ~~b. The separate tenant space does not have a door or entrance that takes access from East Campbell Avenue.~~
- ~~3. Service commercial establishments including but not limited to barber shops, beauty parlors, dry cleaning, photographic studio, shoe repair shops, and tailors, except on the ground floor of parcels abutting East Campbell Avenue east of Second Street unless the following standards can be met:~~
 - ~~a. The business is located in a separate tenant space that is a minimum of fifty feet from the East Campbell Avenue property line; and~~
 - ~~b. The separate tenant space does not have a door or entrance that takes access from East Campbell Avenue.~~
- ~~4. Outdoor seating and merchandise displays, subject to approval of an outdoor seating and merchandise display permit in compliance with paragraph (H)~~

~~(Standards and permit requirements for outdoor seating and merchandise display), below.~~

~~5. Restaurants, subject to the provisions of paragraph (F) (Standards for alcohol sales in the C-3 zoning district) and standards for live entertainment in compliance with paragraph (G) (Standards for live entertainment in the C-3 zoning district), below.~~

~~6. Wireless telecommunications facilities – stealth (requires approval of a site and architectural review permit).~~

~~7. Other uses similar to the above in compliance with Chapter 21.02 (Interpretation of Provisions).~~

~~C. Uses permitted with conditional use permit in C-3 district. The following uses are permitted subject to approval of a conditional use permit in compliance with Chapter 21.46 (Conditional Use Permits):~~

~~1. Arcade (containing amusement devices and games).~~

~~2. Banks and financial services.~~

~~3. Fast-food restaurants.~~

~~4. Government offices and facilities.~~

~~5. Grocery stores and convenience markets.~~

~~6. Health spa, except on the ground floor of parcels abutting East Campbell Avenue east of Second Street, unless the following standards can be met:~~

~~a. The business is located in a separate tenant space that is a minimum of fifty feet from the East Campbell Ave. property line; and~~

~~b. The separate tenant space does not have a door or entrance that takes access from East Campbell Ave.~~

~~7. Late night activities.~~

~~8. Liquor establishments, other than those establishments permitted to sell alcoholic beverages under subsection B of this section.~~

~~9. Liquor store.~~

~~10. Live entertainment (except as permitted under subsection B of this section).~~

~~11. Nightclub.~~

~~12. Public assembly uses.~~

~~13. Residential condominiums or apartments (upper floors only).~~

~~14. Parking lot or structure.~~

~~15. Secondhand/thrift store.~~

~~16. Theater.~~

~~17. Wireless telecommunications facilities – non-stealth.~~

~~18. Other uses similar to the above in compliance with Chapter 21.02 (Interpretation of Provisions).~~

~~D. Prohibited uses in C-3 (Central Business District) zoning district. The following uses are prohibited in the C-3 district:~~

- ~~1. Storage of industrial vehicles, except for the purpose of loading and unloading;~~
- ~~2. The storage or warehousing of merchandise or products in the building or on the premises for sale other than at retail on the premises;~~
- ~~3. The outdoor storage of merchandise or products, unless otherwise approved, in compliance with subsection H of this section;~~
- ~~4. The assembly, compounding, manufacturing or processing of merchandise or products, except such as are customarily incidental or essential to permitted retail commercial and service uses;~~
- ~~5. Any use which is obnoxious or offensive or creates a nuisance to the occupants or commercial visitors of adjacent buildings or premises by reason of the emission of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbance;~~
- ~~6. Auto repair;~~
- ~~7. Any business that includes smoking tobacco on site (e.g., smoking lounges, hookah lounges, etc.);~~
- ~~8. Payday lender;~~
- ~~9. Any use inconsistent with state or federal law.~~

ED. General development standards. New land uses and structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with the requirements in Table 2-11**b** (General Development Standards - C-3 Zoning District), in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

Table 2-11b****
General Development Standards - C-3 Zoning District

Development Feature	C-3
Maximum floor area ratio	Up to 1.25 The planning commission or City Council may approve an F.A.R. of up to 1.5 if it makes all of the following findings:
	a. The scale and intensity of the development does not create adverse traffic and parking impacts on the Downtown.
	b. The balance of land uses emphasizes retail and restaurant uses consistent with the goals and objectives of the Redevelopment Agency Implementation Plan.

	<u>be.</u> The design, scale, and context of the project are consistent with the goals and objectives established in the Downtown Development Plan.
	d. A finding of community benefit be established stating how the development furthers the goals and objectives of the Redevelopment Agency in the Downtown area that otherwise could not be achieved with a lesser F.A.R.
<u>Maximum allowable density</u>	<u>up to 27 d.u./gross acre</u>
Setbacks Required	
Front	None, except as may be required by the a Site and Architectural Review Permit <u>or the California Building Code</u> .
Side (each)	
Street side	
Rear	
Maximum Height Limit	45 ft.
Fences, Walls, Lattice and Screens	See Section 21.18.060 (Fences, Walls, Lattice and Screens)

~~FE.~~ Standards for alcohol sales for on-site consumption in the C-3 Zoning District. Beer and wine sales for on-site consumption, when clearly ancillary to a pedestrian-oriented activity, is permitted without a conditional use permit, subject to the following restrictions:

~~1. Alcohol sales by retail businesses.~~

- ~~a. Gift shops and florists may include products containing alcohol in gift baskets, flower arrangements or other similar uses as approved by the community development director upon finding that the sale of alcohol would be incidental to the primary activity on the site;~~
- ~~b. Retail businesses permitted to sell alcohol in compliance with this paragraph shall obtain the required licenses or permits from the State Alcoholic Beverage Control Department. Uses meeting the definition of liquor store as defined by Section 21.72.020 ("Liquor Stores") shall not be considered as a florist or gift shop;~~

~~2. Alcohol sales by restaurants.~~

- ~~a. Beer and wine sales for on-site consumption only are permitted in restaurants without a separate bar area.~~

~~b. A separate bar area is defined as a separate area, tables, or a room intended primarily for serving alcoholic beverages.~~

~~c. Restaurants that serve alcohol may be required to establish a designated driver program.~~

~~d. Restaurants shall obtain the required licenses or permits from the State Alcoholic Beverage Control Department.~~

~~3. Beer and wine festivals. See also Section 21.36.030 (Beer and Wine festivals).~~

~~1. Permitted only for a pedestrian-oriented activity operating as a "bona fide public eating place" as defined by Section 23038 of the California Business and Professions Code (i.e., restaurant or café).~~

~~2. The business must be located on a ground floor tenant space.~~

~~3. The business shall not incorporate a separate bar area, defined as a separate area, tables, or a room intended primarily for serving alcoholic beverages.~~

~~4. The business owner shall obtain and maintain in good standing a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license issued by the Department of Alcoholic Beverage Control.~~

GE. Standards for live entertainment in the C-3 zoning district. Live entertainment, when clearly ancillary to ~~the a pedestrian-oriented activity~~restaurant function, is permitted ~~in restaurants without a conditional use permit~~ subject to the following restrictions:

1. Permitted only ~~for pedestrian-oriented activities that are not already subject to a conditional use permit; in standard restaurants without a separate bar area. A separate bar area is defined as a separate area, tables, or a room intended primarily for serving alcoholic beverages;~~

2. Maximum of four performers;

3. Hours of nine a.m. to eleven p.m.;

4. Alcoholic beverage service shall be restricted to a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) ~~or 47 licenses only issued from by the State Department of~~ Alcoholic Beverage Control ~~Department~~, and at no time shall off-site sales be allowed. Full food service shall be available during entertainment;

5. Ambient noise levels shall allow normal conversation, and may not be audible more than 50 feet from the businesses tenant space. However, in no case may noise from the live entertainment disrupt neighboring businesses;

6. No cover charge may be imposed;

7. Areas for dancing and festival seating are not allowed;

8. If the police department or community development department find that a business is in noncompliance with any of the above conditions, live entertainment shall be prohibited at the site until a live entertainment permit is issued by the City Council subject to the requirements set forth by Section 5.24.010(a) et seq. (Live entertainment) of this Zoning Code;

HG. Standards and permit requirements for outdoor seating and merchandise display within the public right-of-way for a pedestrian-oriented activity. The following standards govern the provision of outdoor seating/dining areas and the outdoor display of merchandise within the public right-of-way (sidewalk) in the C-3 zoning district. These standards are minimum standards and additional requirements may be added through the discretionary review process.

1. Permit required. Outdoor seating and merchandise displays may be allowed subject to approval of an outdoor seating and display permit by the community development director. Approval is subject to the standards provided below and any other conditions as may be deemed necessary by the community development director in order to protect the health, safety, and welfare of the city.
2. Application. Application for an outdoor seating and display permit shall be filed with the community development department. The application shall be accompanied by a plan set, drawn to scale, depicting sidewalk dimensions, the location of seating, tables, umbrellas, and merchandise displays together with other information and exhibits as required by the community development director.
3. General standards.
 - a. A four-foot-wide pedestrian walkway shall be provided at all times along the public sidewalk. This walkway shall provide for pedestrian access to doorways, crosswalks, and along the public sidewalk. No part of the walkway shall be within two feet of the building face or within one foot of the face of curb, and the walkway shall not cross the path of outward-opening doors or windows.
 - b. All tables, seats, and displays shall be placed inside at the end of each business day.
 - c. Material placed on the sidewalk shall be secured so as not to be moved by the wind. However, tables, seats, or displays may not be bolted into the ground or secured to the streetlights, trees, or other street furniture.
 - d. The permit holder is responsible for picking up all litter associated with the outdoor seating or display and shall maintain the area in a clean condition at all times.
4. Outdoor seating.
 - a. Outdoor seating shall be located directly in front of the permit holder's tenant space as set forth in the approved application and accompanying plans.
 - b. Tables, seating, or displays shall not be placed within the area of any disabled ramps, driveways, or doorways.
 - c. Tables or seating shall not be placed in the street, or on the sidewalk within two feet of the face of curb.
 - d. The canopies of umbrellas associated with outdoor tables shall provide a minimum vertical clearance of seven feet, unless the umbrella does not extend beyond the outside edge of the table, and shall not extend past the curb.

- e. Tables, chairs, umbrellas, and other furniture associated with the outdoor seating shall be attractive, made of durable materials, and be maintained in good repair and in a manner to enhance the downtown area.
5. Outdoor Displays.
- a. Outdoor merchandise displays shall be placed against the building face abutting the permit holder's tenant space and shall be limited to fifty percent of the business frontage.
 - b. Tenants on corner lots are permitted displays along one frontage only.
 - c. Merchandise shall be attractively displayed on appropriate racks or other similar stands. Displays using card tables, cardboard cartons, plastic milk cases, or plywood boxes are not permitted. Merchandise too large to be placed on a display may be freestanding.
 - d. Displayed merchandise shall be the same type of merchandise sold in the existing business at the site.
 - e. Displays, including the merchandise placed on them, may not be more than four feet high. The community development director may approve displays greater than four feet if it can be found that the display will not block the visibility of windows of that business.
 - f. One sign, not to exceed one square foot, per display is permitted for pricing.
~~"A" framed signs and other types of signage shall not be considered displays.~~
6. Indemnification/insurance. The permit holder shall indemnify, defend and hold the city, its agents, officers, attorneys, employees, and officials harmless from any and all claims, causes of action, injuries, or damages arising out of any negligent acts on part of the permit holder, its agents, officers, employees, or anyone rendering services on their behalf. This indemnity shall include all reasonable costs and attorney's fees incurred in defending any action covered by this provision.
- a. The permit holder, during the continuance of this permit and at no cost to the city, shall maintain a comprehensive liability policy in the amount of one million dollars and if applicable a workers compensation liability policy each with a minimum coverage of one hundred thousand dollars.
 - b. The policy shall include the city as additional insured and shall apply as primary insurance and shall stipulate that no other insurance effected by the city will be called on to contribute to a loss.
 - c. Before the issuance of a permit, the permit holder shall furnish to the city a certificate of insurance, duly authenticated, evidencing maintenance of the insurance required under this permit.
 - d. If the insurance policy is canceled, terminated, suspended, or materially changed, the outdoor seating and display permit shall be suspended until the time that compliance with the requirements of this subparagraph has been fully satisfied.

H. Standards for parking in the C-3 (Central Business District) zoning district. In addition to other applicable parking requirements in Chapter 21.28 (Parking and Loading), the following requirements shall apply in the C-3 (Central Business District) Zoning District:

1. ~~Shared-Required~~ parking facilities. Required parking facilities for new buildings shall be provided, based on the gross square footage of the building(s), as specified by Table 2-11c, (Parking Requirements by Land Use), except where a parking modification permit has been granted by the City Council in compliance with Section 21.28.050, (Parking modification permit).~~All new parking spaces shall be provided in shared parking facilities, unless the City Council, upon recommendation of the planning commission, finds that another parking arrangement would better serve the public safety or welfare and would not be detrimental to the overall parking and circulation in the area.~~
2. Parking requirement computation. In computing the total parking requirement, credit shall be allowed for existing on-site parking or for existing shared off-site parking if an agreement, acceptable to the city, which provides for the use and maintenance of shared parking is in effect.
3. Change in use. Legally existing buildings shall be required to meet the current parking standards upon expansion of the building or when there is a change in use which requires more parking than is currently provided, except for ~~retail uses and standard restaurants~~pedestrian-oriented activities that are not required to provide additional parking unless the building is expanded in compliance with Section 21.28.040.D.2, (Expansion/remodeling of structure, or change in use).
- ~~4. Parking ratios. The required shared facility parking ratios, based on gross square footage of a building, unless otherwise indicated, shall be as follows: (parking spaces/square foot):~~
4. Uses not listed. Land uses not specifically listed by Table 2-11c shall provide parking as required by the community development director. The community development director shall use the requirements of Table 2-11c as a guide in determining the minimum number of parking spaces to be provided, based on the similarity of the unlisted use to the uses listed in the table.

<u>Table 2-11c</u> <u>Parking Requirements by Land Use</u>	
Retail	1:345 sq. ft. gross floor area
Office	1:425 sq. ft. gross floor area
Restaurant	1 space per 4 seats
<u>Pedestrian-oriented activities</u>	<u>1:345 sq. ft. gross floor area</u>
Banks	1:350 sq. ft. gross floor area
Residential	2 spaces per unit

¶. Development review regulations for projects in the C-3 (Central Business District) zoning district.

1. Purpose. Downtown Campbell possesses a wealth of small-scale commercial buildings that are architecturally exemplary of the variety of historic periods in which they were constructed. These design standards are intended to both promote the conservation and rehabilitation of buildings and to encourage new building and remodeling which is simultaneously in keeping with existing buildings and architecturally exemplary of contemporary design. In this way the architectural history and richness of downtown will be continued and expanded.

Each new building and remodeling project in the downtown shall adhere both in its large- and small-scale parts to the architectural parts or style adopted for the project. Architectural design shall be of high quality, measured against contemporary standards.

2. Intent. The guidelines below govern building mass; building form and composition; storefronts; materials, colors and finishes; and other elements. They are intended to encourage the relation of specific project aspects to the designated architectural parts or style.
3. Site and Architectural Review required. Buildings and structures in the C-3 (Central Business District) zoning district shall conform to the design standards in paragraphs 4—8 below and are subject to approval in compliance with the provisions of Chapter 21.42 (Site and Architectural Review):
4. Building mass.
 - a. Large building facades shall be divided into smaller elements to complement the intimate scale created by the existing small property divisions.
 - b. Second floor decks or terraces at the rear of buildings for use by adjacent offices or restaurants should be incorporated whenever practical to add a sense of vitality to the rear building facades.
 - c. Roof design shall be consistent with the building's architectural style. Mansard, shed or residential type roofs are prohibited unless it is demonstrated that such a roof style is structurally or architecturally suitable for the particular project or location.
 - d. The existing residential building types of historical significance should retain their character, including features such as landscaped setbacks.
5. Building form and composition.
 - a. Unique and historic building elements such as parapet details and belt courses shall be retained and restored.
 - b. Traditional commercial building forms should be incorporated whenever practical.

- c. Open air dining areas facing Campbell Avenue should be employed to the greatest extent practical. The buildings should not be set back from the street, but should contain the dining areas within their architectural framework.
 - d. Upper stories in multistory buildings are required to have solid surfaces with vertical rectangular windows, augmented with frames. Glass curtain walls should not be approved unless it is demonstrated that such walls are the only structurally or architecturally suitable form of wall for the particular project or location.
 - e. Architecturally exemplary design of high quality shall be employed. Buildings should not be made to look "old time" unless such design would be clearly more appropriate and harmonious with the purpose of this chapter.
 - f. Buildings shall incorporate base, cornice, and other elements appropriate to their architectural style.
6. Storefronts.
- a. First floor frontages shall have an integrated design including display windows, an entry, and signing.
 - b. The design of the building storefront shall be consistent with the building's architectural style.
 - c. Walls facing pedestrian ways should have elements of visual interest, such as fenestration, displays, signing, or landscaping, unless the effect of such elements would be clearly contrary to the purposes of this chapter. Large areas of blank walls should not be permitted unless it is demonstrated that such blank areas are clearly more appropriate and harmonious than would be the case if elements of visual interest were incorporated.
 - d. Buildings facing Campbell Avenue shall have their primary entries along that street.
 - e. Entries should be recessed, as they add depth to storefront, and act as transition areas between the street and shop interiors, unless the effects of such entries would be clearly contrary to the purposes of this paragraph.
 - f. Doors and windows shall be of clear glass. Unglazed wood doors, screen doors and doors or windows of heavily tinted or reflective glass should not be approved unless it is demonstrated that such doors and windows are the only structurally or architecturally suitable form for the particular project or location.
 - g. Storefront windows shall reflect the building's character. For instance, on 1940's and 50's "showcase" buildings, exposed aluminum frame windows are appropriate.
 - h. Ground floor offices facing Campbell Avenue are required to maintain the same storefront character as retail spaces.
 - i. Awnings on building facades should be employed when appropriate, as they add color, weather protection, and opportunities for signing. As in other architectural elements, the awnings should be designed to reflect the building's geometry.

7. Materials, colors, and finishes.

- a. Primary facade materials shall be limited to those that are characteristic of the building's architectural style.
- b. Exterior wall finishes shall be smooth and of finished quality, not deliberately rough in an attempt to look antiqued or used.
- c. Primary building colors shall be characteristic of the building's architectural style. Overly bright, garish, or otherwise offensive colors or color combinations are prohibited.
- d. Accent materials such as tile bases shall be carefully chosen to complement the building style and coordinate with adjacent buildings. The use of shingles, lava rock, sheet metal siding, or any other residential or industrial materials should not be approved unless it is demonstrated that such material would be the only structurally or architecturally suitable materials for the project or location.
- e. Painted trim shall coordinate with primary facade colors to add more depth and interest to the buildings.
- f. A coordinated color scheme that responds to the style of the structure shall be developed for each building. The colors of signing, awnings, planters, accent materials, and primary facade colors should all be considered. The number of colors should be limited.

8. Other elements.

- a. Trash collection and storage areas shall be carefully screened.
- b. Mechanical equipment shall be screened from view. Exhaust louvers shall not be located in the storefront areas.
- c. Colorfully landscaped planters are allowed. These are especially appropriate below second floor windows.
- d. All building maintenance shall be done conscientiously.

KJ. Sign regulations for C-3 (Central Business District) zoning district. The following provisions shall apply to the C-3 (Central Business District) zoning district only and shall supersede those listed by Section 21.30.080 (Permanent signs) under Chapter 21.30 (Signs):

1. Intent. The intent of these regulations is to stimulate creative, good quality signing which will complement the intimate scale and architectural character of the area, and which will complement the architectural style of the building to which the signing is fixed.
2. Allowable signs. Each business shall be allowed one square foot of sign area for each one linear foot of business frontage. A minimum of twenty square feet is allowed and a maximum of forty square feet is allowed for each business.
3. Sign materials. Appropriate sign materials include enameled metal, painted wood, cast metal, painted fabric, and similar materials. Plastic signs ~~should shall~~ not be approved. ~~unless it is demonstrated that the use of the plastic signs at the~~

~~proposed location would be more harmonious with the purpose of this paragraph than the foregoing enumerated materials.~~

4. Wall signs. Each business may have one wall sign, except corner businesses, which may have two. This sign shall be located below the top of parapet on single story buildings and below the second floor sill on multistoried buildings. It may be painted directly on a wall, a sign panel attached to a parapet wall, or of individually formed letters attached to a wall.
5. Awnings. Awnings may be used in lieu of wall signs. An insignia or name may be painted, silk screened or appliquéd onto the awning. Awnings may project five feet into the public right-of-way on Campbell Avenue and shall maintain a minimum clearance of eight feet from the ground. All other streets shall be limited to a two-foot projection and have a minimum clearance of eight feet. Awnings shall be securely attached to buildings and well maintained. No supports or poles may be located in the public right-of-way. Awning forms shall be carefully chosen to complement the architectural style of the building to which they are fixed.



**Figure 2-1
Awning**

6. Projecting signs.
 - a. In addition to a wall sign or awning sign, a business is allowed one, non-illuminated, double-sided projecting sign. The projecting sign may be a maximum of six square feet and may serve to identify more than one tenant in the building.
 - b. Signs may project a maximum of four feet over the public right-of-way with a minimum eight-foot clearance from the ground. Signs shall not project above any roofline or facade of the building.
 - c. Projecting signs shaped as symbols depicting the goods or services being sold by the business are encouraged.
 - d. Wood signs, that are carved, painted, stained, or feature raised letters and symbols are specifically encouraged.
 - e. Sign colors should relate to material or paint scheme of the building. Fluorescent colors are not allowed.

- f. Internally or externally illuminated signs are not allowed, nor are can signs, metal signs, neon signs, or flashing signs.
- g. Projecting signs shall be mounted perpendicular to the street and may be hung from coverings over sidewalks or affixed to the building wall.
 - (1) Signs shall be structurally attached to the building with wood, metal brackets, chain, or other similar materials in a manner compatible with the architectural style of the building.
 - (2) Fabric signs shall be anchored to the building from both the top and bottom of the sign.

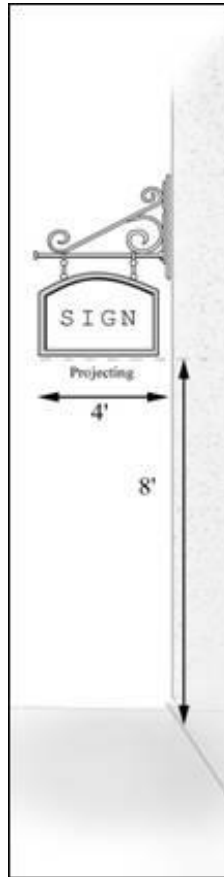


Figure 2-2
Projecting Sign

- 7. Lighting. Only external illumination of signs is allowed except for backlit individual letter signs.

LK. Nonconforming uses and structures in the C-3 (Central Business District) zoning district. Nonconforming uses and structures shall be governed by the standards set forth in Chapter 21.58 (Nonconforming Uses and Structures), except that whenever a nonconforming use has been abandoned or discontinued for a continuous period of six months, the nonconforming use shall not be reestablished; and the use of the structure and the site shall comply with the regulations for the C-

3 zoning district. Notwithstanding the foregoing provision, an existing use with a conditional use permit that was issued before September 1, 2020 shall be considered a conforming use for purposes of this section.

SECTION 4. Section 21.46.070 (Special findings for liquor establishments) of the Campbell Municipal Code is hereby amended as set forth. Additions are indicated by underlined text and deletions are indicated by ~~strikethrough~~ text.

21.46.070 - Special findings for liquor establishments.

Whenever a Conditional Use Permit is required for a liquor establishment by this Zoning Code, the planning commission shall first find all the following conditions in addition those findings identified in Section 21.46.040, are satisfied in order to approve the Conditional Use Permit application:

- A. Over concentration of uses. The establishment will not result in an over concentration of these uses in the surrounding area;
- B. Not create a nuisance. The establishment will not create a nuisance due to litter, noise, traffic, vandalism, or other factors;
- C. Not disturb the neighborhood. The establishment will not significantly disturb the peace and enjoyment of the nearby residential neighborhood; and
- D. Not increase demand on services. The establishment will not significantly increase the demand on city services.

E. Downtown Alcohol Beverage Policy. The establishment would be consistent with the Downtown Alcohol Beverage Policy, when applicable.

SECTION 5. Section 5.24.010(c)(2) of the Campbell Municipal Code is hereby amended as set forth. Additions are indicated by underlined text and deletions are indicated by ~~strikethrough~~ text.

Live entertainment conducted in a pedestrian-oriented activity ~~standard restaurant (as defined in Section 21.02.335 in a C3-S (central business) the C-3 (Central Business District) zoning district, provided that such entertainment satisfies the requirements stated in Section 21.10.060.F (Standards for live entertainment in the C-3 zoning district).26.020-~~

SECTION 6. Section 21.72.020.D of the Campbell Municipal Code is hereby amended as set forth. Additions are indicated by underlined text and deletions are indicated by ~~strikethrough~~ text.

"Dancing and/or live entertainment establishment" means a commercial facility that offers a venue intended to allow ~~where patrons come to dance and/or listen to live entertainment recorded music or simply enjoy entertainment, as defined by Section 5.24.010(b) performed by live entertainers.~~ Does not include ~~karaoke or juke box non-commercial expressive activity protected by the United States or California constitutions or the listening of recorded music without a dancing venue.~~

SECTION 7: 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 1st day of September, 2020 by the following roll call vote:

AYES: Councilmembers: Waterman, Bybee, Resnikoff, Gibbons, Landry
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED:

Susan M. Landry, Mayor

ATTEST:

Andrea Sanders, Acting City Clerk