



CITY OF CAMPBELL
Community Development Department

July 28, 2017

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, **August 8, 2017**, in the City Hall Council Chambers, 70 North First Street, Campbell, California, for a Public Hearing to consider an appeal of the Community Development Director's denial of a requested Modification (PLN2017-111), of a previously approved Administrative Planned Development Permit (PLN2015-284), to amend Condition of Approval #4.c. to allow the maximum number of staff at any one time to be increased from five to ten within an existing professional office building on property owned by Liane & Steve Burton, located at **35 Dillon Avenue**, in the P-D (Planned Development) Zoning District. Staff is recommending that this item be deemed Categorical Exempt under CEQA.

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'.

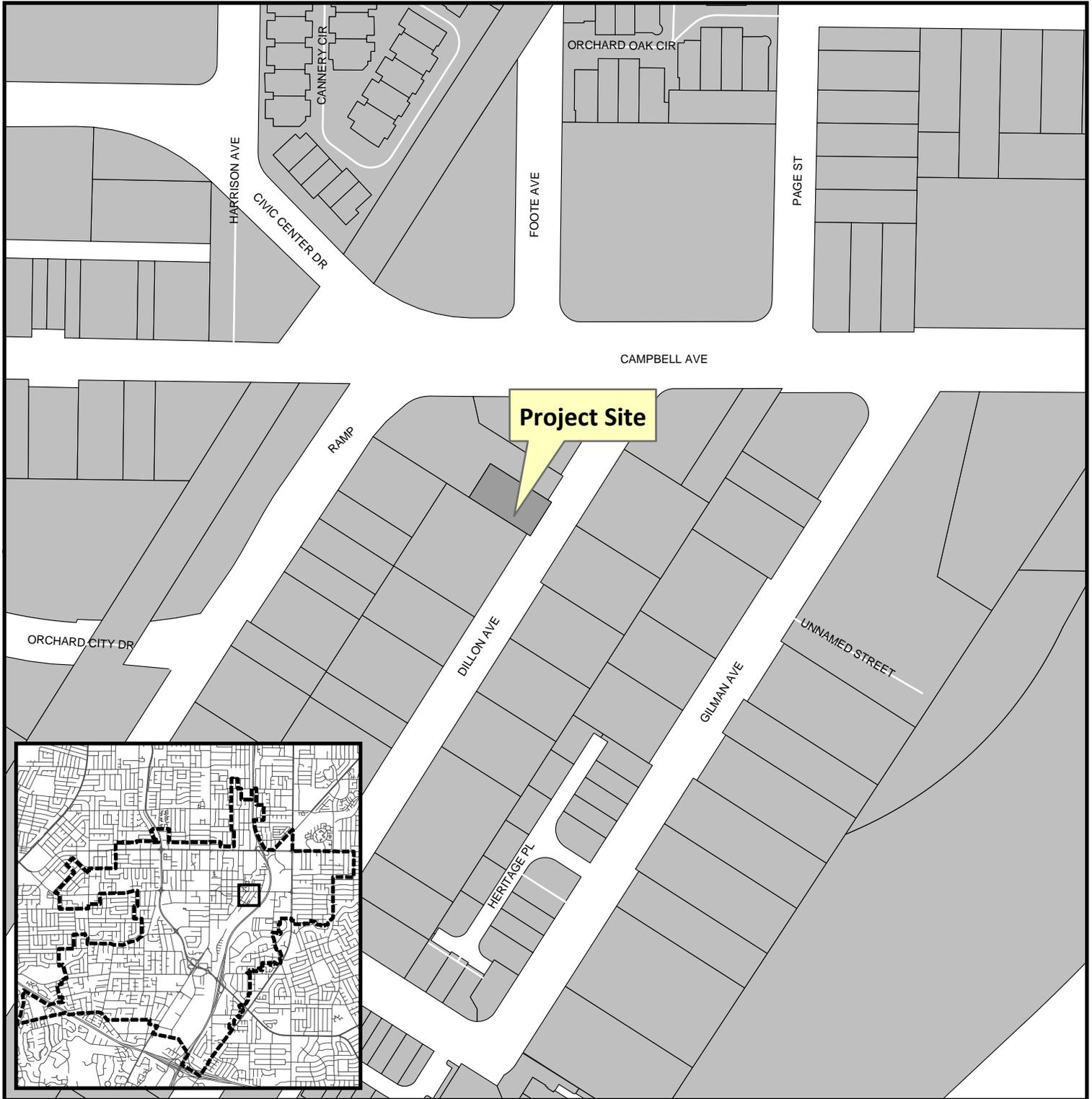
Decisions of the Planning Commission may be appealed to the City Council. Appeals must be submitted to the City Clerk in writing within 10 calendar days of an action by the Commission.

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: **35 Dillon Avenue**

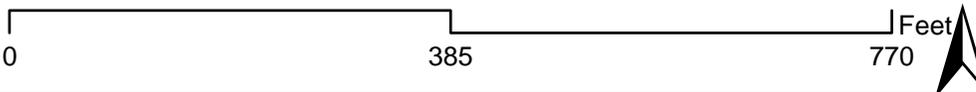
Project Location Map



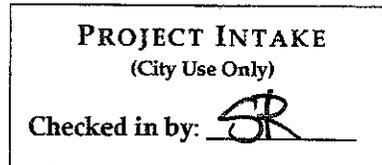
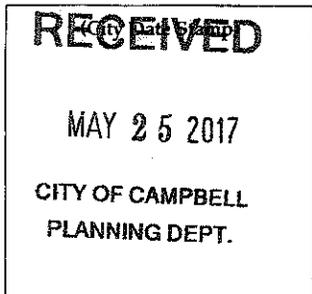
Project Location: 35 Dillon Avenue

Application Type: Appeal

Planning File No.: PLN2017-111



Community Development Department
Planning Division



CITY OF CAMPBELL
Community Development Department

APPEAL APPLICATION

This application form is intended to provide guidance on filing an appeal to a decision of the Community Development Director, or the Planning Commission. Please note that appeals must be submitted in writing and filed with the Community Development Department or City Clerk within 10 calendar days after the date of the decision. Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed.

For more information on filing an appeal, please refer to Chapter 21.62 of the Campbell Municipal Code.

REQUIRED STATEMENT AND EVIDENCE

In accordance with Section 21.62.40.C. - Required statement and evidence, of the Campbell Municipal Code please provide the following information with your appeal on a separate letter:

1. Applications for appeals shall include a statement specifying the basis for the appeal and the specific aspect of the decision being appealed.
2. Appeals shall be based upon an error in fact, dispute of findings, or inadequacy of conditions to mitigate potential project impacts.
3. Appeals shall be accompanied by supporting evidence substantiating the basis for the appeal.

APPEAL INFORMATION

Property address: 35 Dillon Avenue (if applicable)
 Brief Description: Staff increase to 10 (e.g. Tree Removal Permit)
 File Number(s): PLN2017-111 (please provide all that apply; e.g. PLN2017-123/124/125)

APPELLANT INFORMATION

The following information will be used to contact you regarding the status of your appeal (e.g. hearing dates).

Name: Steve Burton Email: steve@copperburton.com
 Address: 35 Dillon Avenue City: Campbell State/Zip: CALIF/95124
 Phone: 408)371-0550 Mobile: 408)489-4325 Other: () -

FILING FEE

\$200.00 (Fiscal Year 2017) Non-Refundable

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Mr. Paul Kermoyan
Community Development Director
70 North First Street
Campbell, CA 95008

MAY 25 2017

CITY OF CAMPBELL
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May 25, 2017

Dear Director Kermoyan,

We (my wife Liane and I) are writing you today to appeal your decision denying our request for a staff increase from 5 to 10 people for our building at 35 Dillon Avenue. We are including a check in the amount of \$200.00 along with the Appeal Application form.

First, I want to say that working with Stephen Rose before and during the construction phase of the 35 Dillon Avenue building was seamless and productive. Stephen did a fine job.

The basis for our appeal is as follows:

At the time of our initial permit application (PLN2015-284) to change the building from a manufacturing/laboratory building to a professional office use building in late 2015, I voiced my concern to Stephen Rose that the permit cited a maximum of 5 employees. I voiced this concern to Stephen Rose at the very time that this permit was being reviewed, and Stephen Rose responded to me verbally by stating the following: **"Adding a few employees on your own without changing the permit would not be a problem"**. Knowing what we know now, we would have instructed Stephen Rose to update the permit to allow for additional employees. Because he works for the City of Campbell, we took his word that adding a few employees would not be problematic.

For your information, we would not have purchased the 35 Dillon Avenue building without Stephen Rose's assurances. We spent \$500,000 upgrading this building. We purchased a building that was in utter disrepair; a building infested with cockroaches and an illegal, not to code, unvented stove used for making dentures, and turned it into the beautiful, ADA compliant office building that the City of Campbell, CA should be proud to call its own.

Regarding the City of Campbell's assertion that there were 3 tandem-parking slots, we dispute this number. At most, you could have squeezed 2 cars into that parking strip and still have employee access to the building. Tandem parking is not optimal, as you know.

Regarding appendix 6, which I believe alludes to the letters from our neighbors Ms. Graven, Ms. Kilkenny, and Ms. Young. Based upon their letters to Stephen Rose, I believe they think we are impacting their patients. I disagree. I, as the building owner

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and an employee of the business at 35 Dillon, care so much to make my neighbors happy and content.

1. Our contractors were on site for 3 short months. They were gone December 2016. We did our best to instruct our contractor and their sub-contractors not to use the parking lot owned by the Women's Center and the Dental Office.
2. Employees of 35 Dillon **DO NOT USE** Ms. Graven's, Ms. Kilkenny's, and/or Ms. Young's parking lot. We use the city streets. Again, their parking lot issues are issues not affected by employees at 35 Dillon Avenue.
3. We have not had issues parking on the street. Once the Sam Cava and Railroad construction sites are complete, it will be even easier to park on the street.
4. Ms. Craven states that additional employees would, as she states, "They will be in our lot every day". We are never in her parking lot. Any additional employees of 35 Dillon will also follow my rules not to park in their parking lot. It is not rocket science. She must not know that I am an upstanding citizen, a person who follows the law and rules, and treats others with respect. Ms. Young states that she has trouble parking in her parking lot after coming back from lunch. This has nothing to do with my employees. We do not park in their parking lot, ever.
5. Our neighbors are more affected by others, not the employees at 35 Dillon. From my point of view, their parking lot does not alert visitors to the City of Campbell as to who can actually park in their parking lot. Stephen Rose even mentioned this as an issue.
6. I believe they blame 35 Dillon Avenue for parking issues when many other factors are impacting them. The contractors working on the site at Sam Cava Lane is a burden they do not site. This will eventually ease.
7. Another issue: Why is Roadsport, located at 116 Railway Avenue, allowed to park their automobile "inventory" on Dillon Avenue? Does the City of Campbell know this is happening? This should be reviewed immediately and I am going to investigate this as well. At 3:23 pm today, 5/25, I walked out onto Dillon Avenue. I located three Roadsport cars (inventory I would assume) parked for long periods of time. I see their cars on Dillon every day! Why should they impact Dillon Avenue? See pictures attached.

I believe our neighbors were frustrated by the previous owner of 35 Dillon Avenue, since the owner had up to 20 employees at one time and did not seem to care about his neighbors relating to parking, garbage, and other conditions. Ms. Graven mentioned 10 years of issues. However, we have only occupied the space since 12/2016.

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I care to do the right thing. Our neighbors can depend on me to treat them with respect and to follow the rules.

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My wife and I feel as though we are being discriminated against due to the previous owner's bad behavior.

My company at 35 Dillon Avenue is an outside sales organization. Therefore, our sales staff is rarely in the office and we never have customers visit our building. We always go to their site. In actuality, we have minimal impact on the parking in the Dillon area. Our growth would be based upon additional outside salespeople. Again, the impact would be negligible.

The 35 Dillon Avenue building was a non-conforming building. There needs to be some flexibility from the city. In order to make the building ADA compliant and up to current code, our only option for an ADA compliant entrance was at the middle of the building. Therefore, eliminating the tandem-parking strip. You mentioned that we chose not to place the entrance at the front of the building. However, current code would not allow it due to the height of the doorway.

Regarding attachment 5, this was the City of Campbell's requested proposal of a layout to illustrate to the city that up to 20 people could work in a building of this size per our architect, Steve Krong. However, as requested in our current permit application, we do not want more than 10 people in the entire building.

In summary, the 35 Dillon Avenue is not as valuable a property if limited to only 5 people. Stephen Rose should not have verbally instructed me to add employees if I wanted to even though the permit was being written for 5 employees maximum.

I also believe that your decision is based upon historical issues with the previous owner of 35 Dillon Avenue. Since 12/2016, there has been no impact to our neighbor's parking lot due to employees of 35 Dillon Avenue. My wife and I love Campbell, CA. That is why we purchased this building. Now, we are being punished just because we want the headcount to be increased to no more than 10, of which 4 would be outside salespeople rarely present at the 35 Dillon building. Please, work with us. Do not let past relationships of our neighbors with the previous owner diminish our opportunity for success. We need to work this out some way.

Thank you for your time and consideration and we look forward to hearing from you at your earliest convenience.

Sincerely,

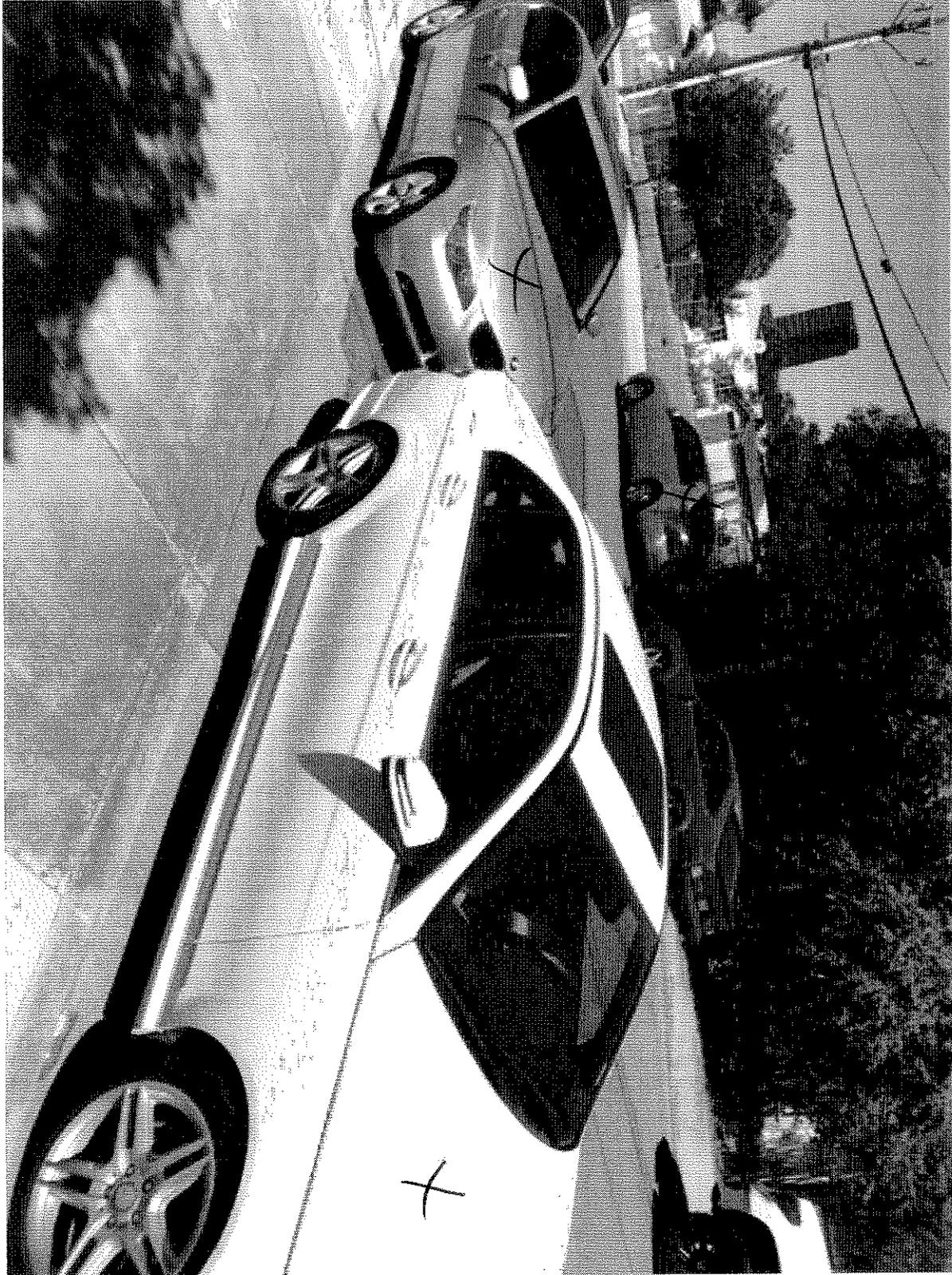
Steve and Liane Burton



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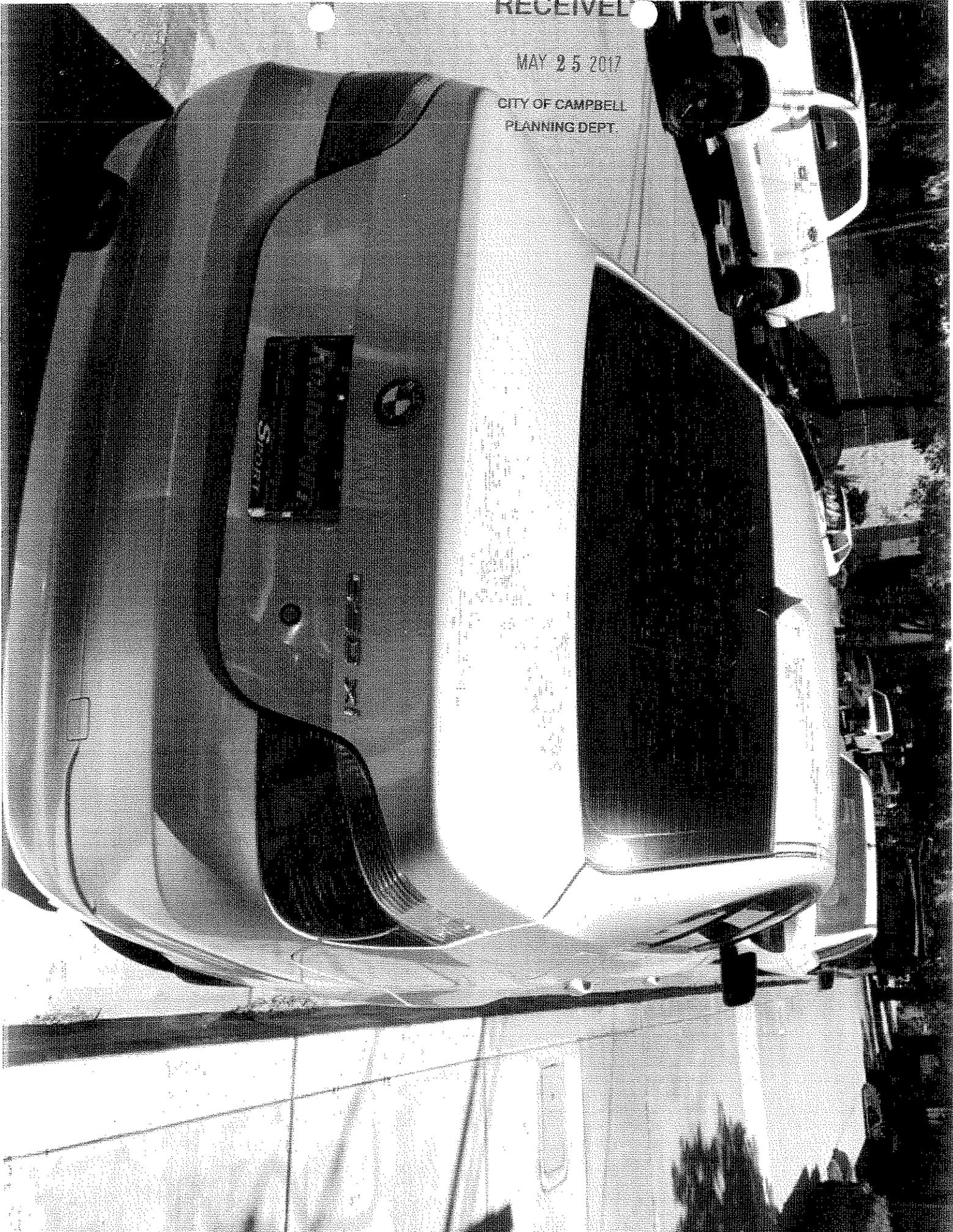
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