

ORDINANCE NO. 2306

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS), TITLE 10 (VEHICLES AND TRAFFIC), AND TITLE 21 (ZONING) OF THE CAMPBELL MUNICIPAL CODE. FILE NO. PLN-2022-175.

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

WHEREAS, the subject Ordinance will amend Title 5 (Business Licenses and Regulations), Title 10 (Vehicles and Traffic), and Title 21 (Zoning) of the Campbell Municipal Code as set forth herein.

WHEREAS, the proposed amendments would be consistent with the following policies and actions from the 2040 General Plan:

Policies:

- ED-2.1 – Identify the needs, barriers, and concerns of existing businesses and ensure that they are addressed.
- ED-2.2 – Implement predictable and streamlined development review processes and practices that include clear, zoning regulations; ensuring permitting information is readily available and easily accessible to the general public and business community.
- ED-2.3 – Ensure that the city's development process and zoning regulations facilitate expeditious review of commercial, office, and light industrial development proposals that meet Campbell's goals and provide high-quality jobs and that create a multiplier effect for the local economy.
- ED-2.7 – Ensure that the City provides a business-friendly service oriented, and solutions-based approach to permitting through efficient processing of applications and permits.

Actions:

- ED-2.a – Review, and update as necessary, zoning and other development regulations and application review and permitting process in order to ensure consistency with land use policies in this General Plan aimed at spurring job growth and economic development. Revisions may include increased flexibility regarding use types, business operations, site development standards, reduced parking standards near transit stations, or other changes intended to reduce impediments to development consistent with the goals of this General Plan.
- ED-3.b – Ensure that zoning and other development regulations do not include internal conflicts or other unintended development impediments that would limit full and complete utilization of sites zoned for commercial and light industrial activities, consistent with the maximum densities and development intensities allowed by the zoning code.

WHEREAS, the legislature of the State of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

WHEREAS, review and adoption of the proposed amendments is done in compliance with California Government Code Sections 65853 through 65857, which require a duly noticed

public hearing of the Planning Commission whereby the Planning Commission shall provide its written recommendation to the City Council for its consideration.

WHEREAS, adoption of the proposed Ordinance is considered a "project" under Section 15378(a)(1) of the California Environmental Quality Act (CEQA).

WHEREAS, the proposed Ordinance may be found exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that there is no possibility that the proposed changes to the City's Municipal Code, which broadly serve to change permit processing procedures and clarify distinctions between land uses, may have a significant effect on the environment.

WHEREAS, the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.

WHEREAS, the proposed amendments are internally consistent with other applicable provisions of the Campbell Municipal Code and Zoning Code.

WHEREAS, in consideration of the adoption of the subject Ordinance, the City Council provided due consideration of all evidence presented and provided in the entire administrative record.

THEREFORE, the City Council of the City of Campbell does ordain as follows:

Section 1. Title 5 (Business Licenses and Regulations), Title 10 (Vehicles and Traffic), and Title 21 (Zoning) of the Campbell Municipal Code are amended as set forth herein below.

Section 2. Campbell Municipal Code Section 5.04.010 (Designated) is hereby amended to read as follows with strikeouts (~~strikeouts~~) indicating deleted text.

5.04.010 - Designated.

Every person conducting businesses, professions and activities in the city, the primary nature of which is indicated in the following schedule, shall annually pay the license tax set opposite the same, based upon the average number of employees in such business, according to the following schedules, unless such business is otherwise specifically taxed by other provisions of this chapter:

| | | |
|-------------------------------|--------------------|----------|
| Commercial: | | |
| (Schedule I) | 1 to 5 employees | \$126.00 |
| | 6 to 15 employees | 202.00 |
| | 16 to 50 employees | 291.00 |
| | 51+ employees | 583.00 |
| Industrial and manufacturing: | | |
| (Schedule II) | 1 to 5 employees | \$126.00 |
| | 6 to 50 employees | 202.00 |
| | 51+ employees | 349.00 |
| Professional: | | |
| (Schedule III) | 1 to 3 employees | \$126.00 |
| | 4 to 10 employees | 233.00 |

| | | |
|---|---|----------|
| | 11 to 50 employees | 408.00 |
| | 51+ employees | 583.00 |
| Hotels: | \$174.00 per year plus \$3.00/room | |
| Live commercial entertainment: | \$349.00 | |
| Marijuana Businesses: | 7% of gross receipts per Chapter 5.12 | |
| Massage Establishment: | 1 to 3 employees | \$126.00 |
| | 4 or more employees | \$233.00 |
| Massage Therapist: | \$126.00 | |
| Mobile home parks and trailer courts: | \$233.00 per year plus \$2/unit | |
| Occult science, including astrology, palmistry, phrenology, life reading, fortunetelling, cartomancy, clairvoyance, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy, when the person who conducts same demands or receives a fee for the exercise or exhibition of his art therein either directly or indirectly or as a gift or donation, or charges admission: | \$349.00 | |
| Out-of-town business: | \$101.00 | |
| Rental or income producing residences located on single or contiguous parcels of land: | \$68.00 per year for the first unit plus \$3.00 for each additional unit. | |
| (Owners occupying one unit of a 3 or more unit building are entitled to a \$3.00 exemption if said owner files an affidavit with the City claiming the exemption.) | | |
| Taxicab or limousine service: | \$126.00 per year plus \$21.00 per vehicle | |
| Theaters: | \$466.00 | |
| Tow Services: | \$58.00 | |
| Solicitors: | \$349.00 per year | |

Section 3. Campbell Municipal Code Section 5.08.010 (Activities designated—Fees.) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text.

5.08.010 Activities designated—Fees.

No person shall conduct any of the following businesses and activities in the City without first securing a permit therefor from the City Council, or chief of police where otherwise specified by this Chapter, on written application filed therefor with the City Clerk, approved by the Chief of Police, the Chief of the Fire Department, and the Community Development Director. The application shall comply with the requirements of Section 5.08.020. The following are the activities regulated by this chapter and the license fee therefor:

- (1) Fire and/or bankruptcy and/or wreck sale, first day \$51.00
Each additional day, per day\$25.00
- (2) Grinding and/or sharpening knives, scissors, cutlery, lawn mowers, etc., when the person conducting such business travels from place to place by vehicle or on foot, per year\$25.00
- ~~(3) —Hypnotism, per year.....\$466.00~~
- (34) Itinerant medicine vendor, street vendor, temporary vendor and/or peddler, per day.....\$30.00

- (45) Pawnbroker, per year.....\$349
- (6) ~~Used motor vehicle dealer—Same as Commercial per Municipal Code Section 5.04.010.~~
- (7) ~~Billiard and/or pool room, per year.....\$233.00~~
- (58) Dancehall, public dances, per year.....\$102.00
- (9) ~~Mechanical amusement device and contraptions and vending machines—See Section 5.08.080.~~

Section 4. Campbell Municipal Code Chapter 5.08.020 (Contents of applications.) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

5.08.020 Contents of applications.

The written application provided for in Section 5.08.010 for any activities, businesses and trades enumerated in Sections 5.08.010 ~~and 5.28.010~~ shall set forth the following:

- (1) The name and address of the applicant;
- (2) The name and address of the person by whom employed, if any;
- (3) The nature of the business for which a permit is requested and the number of persons to be employed, both male and female;
- (4) Where applicable, a brief description of the nature and amount of equipment to be used in such business;
- (5) The place where such business is to be conducted;
- (6) The personal description of the applicant;
- (7) The applicant shall also be required to furnish evidence of his identity, of such character as the City ~~Council~~ may require, and shall also be required to furnish his fingerprints and thumbprints;
- (8) All applications must be accompanied by any and all license fees prescribed by this Title, as well as any and all applicable regulatory fees as set by City Council resolution to defer the cost of any applicable regulatory program to which the activity, business or trade is subject, and shall be filed with the City Clerk. Such applications shall be reviewed by the Chief of Police, Chief of the Fire Department and the Building and Zoning Enforcement Officers, who shall submit their findings to the City Council ~~-, or chief of police where otherwise specified by this Chapter,~~ to assist ~~the council~~ in determining whether or not the application shall be granted or denied.

The ~~decision-making body~~ City Council, on granting a permit, may impose such conditions as it finds reasonable. The ~~decision-making body~~ City Council may deny a permit if it finds that the activity applied for or the location thereof will create a public nuisance.

Section 5. Campbell Municipal Code Section 5.08.080 (Amusement Devices) is hereby deleted in its entirety and noted as Reserved.

Section 6. Campbell Municipal Code Section 5.10.090 (Receiving goods, etc., from intoxicated persons) is hereby deleted and replaced as follows with underlining (underlining) indicating new text:

5.10.090 Hours in which business shall be carried on.

No person shall engage in, conduct, manage, or carry on the business of a pawnshop or a secondhand dealer between the hours of nine p.m. and eight a.m. of the following day.

Section 7. Campbell Municipal Code Section 5.10.110 (Hours in which business shall be carried on.) is hereby deleted and replaced as follows with underlining (underlining) indicating new text:

5.10.110 Receiving goods, etc., from intoxicated persons.

No person licensed pursuant to this chapter, or his manager, or his employee shall take or receive any goods, articles, or thing for any person who is in an intoxicated condition.

Section 8. Campbell Municipal Code Section 5.10.130 (Issuance of license) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

5.10.130 Issuance of license.

An individual, partnership or corporation may be granted by the chief of police, or duly authorized agent or designee of the chief of police, city council a license to be both a pawnbroker and a secondhand dealer, ~~but the~~ The chief of police, or duly authorized agent or designee of the chief of police, city council may revoke, suspend or deny an individual to be licensed as a pawnbroker, but continue as a secondhand dealer, or revoke, suspend or deny both types of licenses.

Section 9. Campbell Municipal Code Chapter 5.24.010 (Regulating and licensing in public places.) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

5.24.010 Regulating and licensing in public places.

- (a) Live entertainment in bars, taverns, cocktail lounges, restaurants, recreational parks, theaters, cafes, cabarets, banquet facilities, rental halls or other public places not employing nude or seminude persons therefor may be permitted by the chief of police, city council upon written application pursuant to the provisions of Section 5.24.030. The City Council shall by resolution establish the regulatory fee to be paid upon application for this permit.

The permit shall be non-transferable.

- (b) For the purpose of this section, live entertainment is defined as entertainment provided by bands, instrumentalists, disk jockeys, dancers, raconteurs, pantomimists, prestidigitators, magicians, vaudevillians, acrobats, actors and theatrical performers, pageants, or contests involving audience participation, including acts in which animals, exotic or otherwise, are used. The use of animals, exotic or otherwise, shall be subject to the provisions of Title 7 of this code.
- (c) The following uses are specifically exempted from this section:
- (1) Shows and entertainments, theatrical, musical and vocal presentations, and other live performances conducted by schools, colleges, churches, lodges and private clubs themselves on their own premises, and those conducted and sponsored by civic groups in supervised municipal parks;
 - (2) Live entertainment conducted in a pedestrian-oriented activity in the CB-MU (Central Business Mixed-Use) C-3 (Central Business District) zoning district, provided that such entertainment satisfies the requirements stated in Section 21.11.060.E (Standards for live entertainment in the Central Business Mixed-Use zoning district) ~~Section 21.10.060.F (Standards for live entertainment in the C-3 zoning district)~~.
 - (3) Live entertainment conducted in conjunction with an approved temporary use permit in compliance with Chapter 21.45 (Temporary use permits).
 - (4) Live entertainment approved through a zoning clearance for Special Events on sites subject to a master use permit authorized by Section 21.14.030.C (Master use permit).

Section 10. Campbell Municipal Code Chapter 5.24.030 (Application for permit.) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

5.24.030 Application for permit.

- (a) Contents. All applications shall include the following information:
- (1) If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that they ~~he or she~~ is at least eighteen years of age;
 - (2) If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any;
 - (3) If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process;
 - (4) If the applicant is an individual, they ~~he or she~~ shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten percent or greater interest in the business entity shall sign the application;
 - (5) If the applicant intends to operate under a name other than that of the applicant, the applicant shall file the fictitious name and show proof of registration of the fictitious name;
 - (6) A description of the type of live entertainment for which the permit is requested and the proposed address where the live entertainment will be offered, plus the names and addresses of the owners and lessors of the site of the live entertainment;
 - (7) The address to which notice of action on the application is to be mailed.
- (b) Submission of the Application. The application shall be submitted to the chief of police or ~~his~~ designee for review. If the police chief or their ~~his~~ designee determines that the applicant has completed the application improperly, or otherwise deems the application to be incomplete, the police chief shall, within ten days of receipt of the original application, notify the applicant of such fact and, on request of the applicant, grant the applicant ten days or less to submit a complete application. In addition, the applicant may request an extension, not to exceed ten days, of the time for the police chief or their ~~his~~ designee to determine the completeness of the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.
- (c) Investigation by Chief of Police. Upon receipt of a completed application and payment of all application and permit fees, the police chief or their ~~his~~ designee shall immediately stamp the application as received and promptly investigate the information contained in the application. Within thirty days from the receipt of a completed application, the chief of police or their ~~his~~ designee shall complete a report ~~schedule a hearing for the next regularly scheduled meeting of the city council, and forward a report to the council~~ summarizing the results of the investigation.
- (d) Action by the Chief of Police ~~City Council~~. ~~At the hearing on the application, the city council~~ The chief of police shall grant the application unless it makes one or more of the following findings:
- (1) An applicant is under eighteen years of age;
 - (2) The required application fee has not been paid;
 - (3) The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application;
 - (4) The proposed use would constitute a violation of a provision of this code, or other applicable law;
 - (5) An applicant has been convicted of a felony or crime of moral turpitude;
 - (6) The proposed operation would result in a public nuisance as defined in this code, or Section 370 of the California Penal Code.
- (e) Conditions of Approval. If the chief of police ~~city council~~ grants the application, it may place such conditions on the exercise of the permit as the chief of police ~~council~~ determines to be reasonably necessary to ensure that the operation will conform to the requirements of this code and all other applicable laws.

- ~~(f) Continuance of Hearing. The applicant may stipulate to allow the city council to continue the hearing to another meeting.~~
- ~~(f)(g)~~ Written Findings. The ~~chief of police~~city council shall ~~prepare~~adopt written findings in support of its decision.
- ~~(g) Decision. The chief of police, or their designee, shall notify the applicant by mail within five days of its decision.~~
- ~~(h) Referral to the City Council. If the chief of police finds that granting the application may have a substantial effect on the surrounding area or is of sufficient size to warrant the consideration of the city council, the chief of police may refer the application to the city council for a decision.~~

Section 11. Campbell Municipal Code Chapter 5.24.035 (Appeal.) is hereby added as follows with underlining (underlining) indicating new text:

5.24.035 Appeal.

Any person whose application is disapproved by the chief of police shall have the right to appeal from such disapproval to the city council. Such appeal shall be taken by filing with the city council a notice of such appeal no later than ten days after the mailing of the notice of disapproval by the chief of police. Said appeal shall be heard by the city council within fifteen days from and after the filing of the notice of appeal. After the council has heard the appeal it may either overrule or affirm the action taken by the chief of police. If it overrules the chief of police, he shall thereupon issue the permit to the applicant.

Section 12. Campbell Municipal Code Chapter 5.28 (Pool and Billiard Halls) is hereby deleted in its entirety and noted as Reserved.

Section 13. Campbell Municipal Code Chapter 5.29 (Bingo) is hereby deleted in its entirety and noted as Reserved.

Section 14. Campbell Municipal Code Chapter 5.30 (Arcades and Mechanical Amusement Devices) is hereby deleted in its entirety and noted as Reserved.

Section 15. Campbell Municipal Code Chapter 5.40 (Taxicabs) is hereby deleted and replaced as follows with underlining (underlining) indicating new text:

Chapter 5.40

TAXICABS

5.40.010 Purpose.

The purpose of this chapter is to protect the public health, safety and welfare by adopting appropriate regulations in regard to taxicab transportation service as required by Government Code Section 53075.5.

5.40.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings set forth below:

(1) "Driver" means any person in charge of or driving any taxicab, either as owner, independent contractor, lessee, agent, employee, or otherwise under the direction of the owner.

(2) “Owner” means the person who, or the firm, association or corporation, which is registered with the Department of Motor Vehicles of the state of California as the owner of a vehicle or vehicles used in the transportation of persons for compensation, or who has a legal right to possession of such vehicle pursuant to a lease or rental agreement, or who contracts with the driver of such vehicle who is the registered owner or has legal right to possession of the vehicle. The act or omission of any owner’s officer, agent, employee or independent contractor, or of any driver whose services are engaged by any of the above, is for all purposes the act or omission of the owner operating the taxicab business regulated by this chapter.

(3) “Permit officer” means a duly authorized agent or designee of the police chief of the City of Campbell.

(4) “Taxicab” means any public passenger motor vehicle engaged in the business of transportation of passengers for hire over the public streets of the City of Campbell and not over a definite route, upon a fixed schedule, or for a fixed rate, regardless of distance traveled. “Taxicab” shall not include a drive-yourself vehicle, hearse, ambulance, or bus operated over a fixed route.

(5) “Taxicab business, operation or service” means any business, operation, or service pursuant to which taxicabs are made available for hire or receiving passengers in a taxicab. It does not include transportation services owned and operated by a public agency.

(6) “Taximeter” means an instrument or device attached to a taxicab by which the fare authorized for the hire of such taxicab is accurately, mechanically or electronically calculated on the basis of initial charge, distance traveled and/or waiting time, or any combination thereof, which fare shall be indicated upon the taximeter by means of legible figures in dollars and cents.

5.40.030 Owner’s permit required.

A. It is unlawful for any person to engage in the taxicab business, operation or service that will receive passengers from trips originating within the city, unless the owner of the taxicab applies for and obtains an owner’s permit, as provided in this chapter. An owner of a vehicle for hire in the city shall also be required to apply to obtain a driver’s permit if the owner is also a taxicab driver as provided in this chapter.

B. The police department shall administer the application process for a taxicab owner’s permit.

C. Each application for a taxicab owner’s permit shall be in writing, duly certified under oath, and it, together with a copy thereof, shall be filed with the permit officer.

D. Fees. All applications for a taxicab owner’s permit shall be filed with the permit officer and shall be accompanied by a nonrefundable fee in an amount established by city council resolution. Renewal applications for a taxicab owner’s permit shall also be filed with the permit officer. The fees provided for in this chapter are in addition to, and not in lieu of, the business license taxes assessed pursuant to Chapter 5.04.

5.40.040 Owner’s Permit Application – Annual Permit Renewal.

A. An application for a taxicab owner’s permit under this chapter shall be made upon such forms as may be prescribed by the permit officer, and shall contain at a minimum:

1. The name(s), residence and business addresses of the applicant, including all members of any firm or partnership, or all officers and directors of any corporation, applying;

2. The trade or other fictitious business name, if any, under which the applicant does business or operates, and/or proposes to do business or operate;

3. The training and experience of each applicant in the business, operation and service of transportation of passengers;

4. A description of each taxicab which will be operated as part of the owner's taxicab business, operation or service, including the make, model, year of manufacture, vehicle identification number, current state license number, length of time the taxicab has been in use, and the color scheme, insignia, name, taxicab number, and monogram or other emblem to be used to designate each taxicab;

5. Proof of insurance meeting the requirements of Section 5.40.080 of this chapter;

6. A certificate indicating that each taxicab has been inspected by a facility authorized by the state of California and confirming that each taxicab has operational brakes, safety restraints, interior lighting, exterior lighting, doors and windows, and that the vehicle is in a safe mechanical condition;

7. Evidence that the owner or driver is the registered owner of each taxicab to be operated under the owner's permit, or that the owner or driver has a legal right to possession of such vehicle pursuant to a lease or rental agreement;

8. A list of all other jurisdictions in which the owner is currently permitted or licensed to operate each taxicab or where the owner currently has a permit or license application pending to operate each taxicab;

9. Whether or not any owner's permit held by the applicant(s) has or have been revoked by the city or any other jurisdiction, and if so, the circumstances of such revocation(s);

10. The past criminal record of the applicant;

11. A list of all drivers operating the owner's taxicabs;

12. A certificate of accuracy from the Santa Clara County Department of Weights and Measures for all taximeters in taxicabs to be operated by the owner or his or her agent, lessee, or employee, obtained within one year of the application;

13. A written customer complaint policy setting forth the procedure that the owner will employ to receive, investigate and resolve customer complaints concerning taxicab service. The policy shall be in a form that will be made available to members of the public;

14. Mandatory controlled substance certification from an authorized testing facility or provider as required by Section 5.40.130 of this chapter; and

15. Any other information, which the permit officer may deem necessary in support of the public health, safety and welfare.

B. Completed applications for a taxicab owner's permit shall be filed with the permit officer who shall conduct a background investigation of each owner and make a written determination whether to grant or deny the owner's permit within ninety days after the filing of the application, or as soon thereafter as is reasonably possible.

C. Unless earlier suspended or terminated as provided in this chapter, each permit shall be in effect for one year and shall be renewed only upon the filing by the permit holder, and approval by the permit officer, of a permit renewal application, which shall contain the same information and be reviewed on the same bases as an original application.

D. The sale or transfer of a company will require the new owner to apply for a new permit in accordance with this chapter.

E. If the taxi service for which a permit is granted under this chapter is discontinued for a period of forty-five days, any permit granted under this chapter shall be automatically cancelled and shall be reissued only by a new application in accordance with the provisions of this chapter.

5.40.050 Denial of Owner's Permit Applications.

A. The permit officer may deny any owner's permit application on any of the following grounds:

1. There is a reasonable cause rendering the proposed operation undesirable or inadequate for the city;

2. The application fails to satisfy any of the requirements set forth in Section 5.40.040.

3. The vehicle proposed to be operated is inadequate or unsafe, or it appears that the applicant lacks the financial ability to provide the proposed service in a safe and continuous manner;

4. The applicant has been convicted of a felony or the violation of a narcotic law or any penal law involving moral turpitude; or has been found to have violated the provisions of this chapter; or has been convicted of committing or attempting to commit any type of consumer fraud or unfair practices; or has had a similar permit revoked in any city, county or state for cause; or has been found to have violated this code.

5. The proposed name of the company, color scheme or characteristic insignia will tend to confuse the identification of the vehicles proposed to be operated with those of another owner operating in the city; or

6. The owner has failed to provide required information, omitted relevant information, or provided false information on the written application or otherwise during the application process.

7. The applicant has failed to pay when due all applicable fees and taxes imposed by the city.

5.40.060 Additions and substitutions.

A. Any owner holding a permit to operate one or more taxicabs, as provided in this chapter, who desires to add to the number of such vehicles shall do so only upon obtaining permission from the permit officer, which shall be granted only upon application made in the same manner and under the same proceedings as are required in this chapter for obtaining a new permit.

B. Any owner holding a permit to operate one or more taxicabs, as provided in this chapter, who desires to substitute a different vehicle for a vehicle operated under such permit, shall do so only upon obtaining permission from the permit officer, which shall be granted only upon written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this chapter.

C. The permit officer shall have the same authority in granting or denying such application for permission to add or substitute a vehicle as is prescribed in this chapter for granting or denying an owner's permit application.

5.40.070 Liability Insurance Policy.

A. It is unlawful for any owner to drive or operate, or cause or permit to be driven or operated, any vehicle for hire in the city unless such owner has filed with the Campbell police department applicable written insurance certificate(s) and endorsements, as specified in this chapter and by the permit officer, evidencing that any and all vehicles for hire which may be driven or operated under any permit granted to such owner, and all liability for bodily injury and property damage relating to the taxicab business, operation or service are covered under liability policy(ies) which satisfy the requirements in this chapter.

B. Insurance policies shall be submitted to the permit officer for approval prior to issuance of a taxicab owner's permit. The liability policies shall be issued by responsible and solvent corporations authorized to issue insurance policies under the laws of the State of California. The certificates and endorsements shall confirm that the policies are in full force and effect at all times for any occurrences during the permit period.

C. Any cancellation of the policy by the insurance company or the owner of the company without immediate replacement by the owner may result in a suspension or revocation of the taxicab owner's permit. The Campbell police department shall be listed on the insurance document as the certificate holder. The falsification of any insurance certificate by or on behalf of any taxicab owner or the failure to maintain the required liability insurance coverage in full force and effect at all times shall be grounds for revocation of the taxicab owner's permit.

5.40.080 Insurance Requirements.

A. The holder of a taxicab owner's permit, at taxicab owner's sole cost and expense, shall obtain and maintain throughout the term of the taxicab owner permit, or any renewal thereof, the insurance requirements as may be required by city and any laws of the State of California.

B. The insurance requirements shall be referred to in and made a part of the application for a taxicab owner's permit. The permit officer shall notify in writing all applicants or holders of taxicab owner's permit of any modifications of the insurance requirements.

C. All policies and coverages required by this section are subject to approval by the risk manager as to content and form. No permit newly issued or renewed shall be valid until such approval is issued in writing by the risk manager.

D. A true, certified and correct copy of the entire policy, including copies of all endorsement made a part thereof, shall be mailed to the Risk Manager, City of Campbell, 70 N. First Street, Campbell, California 95008, directly from the authorized agent, broker or insuring company for each policy required under this chapter. All policies shall be on file and effective at the time the taxicab owner's permit is issued or renewed.

E. If at any time the entire insurance policy or any portion thereof expires without immediate proof of renewal, the taxicab owner's permit shall be immediately suspended. The permit officer is hereby authorized to enforce such suspension upon receiving written notice from the risk manager that no proof of renewal or reinstatement has been submitted by the holder of a taxicab owner permit.

F. If at any time in the judgment of the risk manager and/or the permit officer, said policies or coverages are not sufficient for any cause or reason, the risk manager and/or the permit officer may require the holder of a taxicab owner permit to replace said policies or coverages within ten business days with other policies or coverages acceptable in accordance with this section. If the holder of a taxicab owner permit fails to do so, the taxicab owner permit shall be automatically suspended at the expiration of the ten-day period until such time as said policies or coverages are properly replaced.

G. The taxicab owner's permit issued under this chapter shall be automatically revoked upon the cancellation of the insurance policies or coverages required under this section. The reinstatement of insurance policies or coverages

after a third cancellation within a twelve-month period shall not obligate the city to renew the taxicab owner permit upon request to do so.

H. Prior to the issuance of a taxicab license, and at the annual renewal thereof, the applicant or holder of a taxicab license shall submit to the risk manager a signed agreement to indemnify, hold harmless and defend the City of Campbell, its officers, employees and agents, in a form approved by the city attorney.

5.40.090 Driver's permit.

A. It is unlawful for any driver to operate any vehicle for hire in the city without a valid permit to do so as provided in this chapter.

B. The police department shall administer the application process for taxicab drivers' permits.

C. Each application for a driver's permit shall be in writing, duly certified under oath, and it, together with a copy thereof shall be filed with the permit officer.

D. All applications for a driver's permit shall be accompanied by a nonrefundable fee in an amount established by city council resolution. Renewal applications for a driver's permit shall also be filed with the permit officer. The fees provided for in this chapter are in addition to, and not in lieu of, the business license taxes assessed pursuant to Chapter 5, if applicant is to be engaged under contract by the taxicab owner as an independent contractor and is not an employee.

5.40.100 Driver's Permit Application – Annual Permit Renewal.

A. An application for a taxicab driver's permit under this chapter shall be made upon forms prescribed by the permit officer, and shall contain at a minimum:

1. The name, current address and telephone number of the applicant;
2. Two passport-size photographs taken within the past three months of the applicant depicting front and side views;
3. Current copies of any and all driver's licenses issued to the applicant;
4. Submit fingerprint and file such record in the Police Department Bureau of Identification and with city police department;
5. The training and experience of the applicant;
6. The name and address of each of the driver's employers during the preceding three years;
7. A list of all other jurisdictions in which the applicant is currently permitted or licensed to operate a taxicab or where the driver currently has a permit or license application pending to operate a taxicab;
8. Whether or not a vehicle for hire driver's permit issued to the driver by the city or any other jurisdiction has ever been revoked and, if so, the circumstances of such revocation;

9. The name and address of the owner by whom the driver is to be employed or engaged under contract as a taxicab driver;

10. The endorsement by the owner, by whom the applicant is to be employed or engaged under contract as a taxicab driver, on the application stating that the applicant has acquired proficient knowledge of the traffic laws of the State of California and the City of Campbell, and of the streets of the City, and to safely operate a public transportation vehicle in the City;

11. Proof of employment, an offer of employment, an independent contractor agreement, or an application to lease as a taxicab driver within the City of Campbell;

12. Proof of insurance, as required by Section 5.40.080.

13. Mandatory controlled substance certification as required by Section 5.40.130 of this chapter of a current negative test for alcohol and for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations from the driver's employer. Self-employed independent drivers shall have test results reported directly to the permit officer from an authorized testing facility or provider.

14. Any other information, which the permit officer may deem necessary in support of the public health, safety and welfare.

B. An application shall be deemed incomplete and an application will not be considered by the permit officer until all the information required by subsection A of this section is contained in the applicant's driver's permit application.

C. An applicant may meet the requirements of this section by filing with the permit officer, a copy of any application filed with any other California jurisdiction requiring substantially the same information as required by this section, filed within 30 days of the date of the application with the City of Campbell.

D. A valid taxi driver permit issued by the County of Santa Clara, or any of the other cities within Santa Clara County within 30 days of driver's application to the City of Campbell may be accepted by the permit officer as evidence of compliance with this section.

E. Unless earlier suspended or terminated as provided in this chapter, each permit shall be in effect for one year and shall be renewed only upon the filing by the permit holder, and approval by the permit officer of a permit renewal application, which shall contain the same information and be reviewed on the same bases as an original application.

5.40.110 Denial of Driver's permit application.

A. The permit officer may deny any driver's permit application if it is determined that:

1. There are physical, mental or moral deficiencies of the applicant, or a criminal record, which, in the sound discretion of the chief of police or his or her designee, would render such applicant not competent to operate a vehicle for hire;

2. The permit officer, within the permit officer's sound discretion, determines that the driver is a negligent or incompetent operator of a motor vehicle;

3. The driver's license of the applicant has been suspended or revoked or the driver is not in compliance with the provisions of this chapter and/or state or federal regulations governing the operation of a motor vehicle;
4. The driver has received a positive result in any random test for controlled substances or alcohol within the prior twelve calendar months;
5. The granting of such permit would be in violation of any law or would endanger the public health, safety or welfare;
6. The driver is under the age of eighteen; or
7. The driver failed to provide required information, omitted relevant information, or provided false information on the written application or otherwise during the application process.

5.40.120 Termination of driver.

Upon termination of employment or termination of the independent contractor relationship of a taxicab driver:

- A. The taxicab driver's permit shall become immediately void;
- B. The taxicab driver shall return the driver's permit to the city within three calendar days of the termination; and
- C. The taxicab owner shall notify the city that the driver's employment has terminated within three calendar days of the termination.

5.40.130 Alcohol and controlled substance testing.

- A. No owner's permit shall be issued or renewed unless the holder at the time of permit issuance or renewal files with the permit officer a certification that the holder maintains a mandatory controlled substance and alcohol testing certification program conforming to Parts 40 and 382 of Title 49 of the Code of Federal Regulations and California Government Code Section 53075.5 for all drivers of vehicles operated under the certificate.
- B. No driver's permit shall be issued or renewed unless the holder at the time of the permit issuance or renewal files with the permit officer certification that the driver of a taxicab operated under the permit has tested negatively for controlled substances and alcohol under a mandatory controlled substance and alcohol testing certification program conforming to Parts 40 and 382 of Title 49 of the Code of Federal Regulations and California Government Code Section 53075.5. Driver permit applicants who test positively pursuant to the certification program referenced in this section shall be ineligible to apply again for a driver's permit during the five-year period following the positive test. Driver permit renewal applicants who have tested positively pursuant to random alcohol/controlled substance testing shall not be eligible to apply for their driver's permit renewal until they have successfully completed an accredited substance abuse program in accordance with Government Code Section 53075.5.
- C. Costs. The taxicab owner shall pay the costs of taking an alcohol/controlled substance test of an employee. The taxicab driver shall pay the costs of taking an alcohol/controlled substance test of a self-employed and independent taxicab driver.
- D. Reporting. The written results of the alcohol/controlled substance test of an employee driver or of a self-employed independent driver who has executed a release in favor of the taxicab company shall be delivered to the

taxicab owner/company. The taxicab owner/company shall immediately forward copies of the written results to the permit officer.

E. Tests from Another Jurisdiction. A test taken to obtain a driver's permit in another jurisdiction shall be accepted as though conducted as part of the permit renewal process for the City of Campbell for up to one year from the date the test was taken. The prior test shall apply only for purposes of renewing a driver's permit, so long as the driver has not tested positive thereafter. However, a negative result from a test taken for another jurisdiction shall not satisfy the pre-employment testing requirements to receive an initial permit as imposed by this chapter.

5.40.140 Permit renewal.

Renewal of any permit issued pursuant to this chapter shall require the conformance with all of the requirements of this chapter for original permit applications, except that an owner's permit may be renewed without a new finding of public convenience and necessity or as otherwise noted. The taxicab owner's permit and taxicab driver's permit shall be renewed annually.

5.40.150 Appeals.

Any interested party, including the applicant, may appeal the decision of the permit officer to issue or deny a driver's permit. The appeal shall be made in writing to the city clerk within 15 business days of the permit officer's decision; and shall be heard by the city council. The decision of the city council shall be final, subject only to judicial review pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

5.40.160 Permit Suspensions or Revocations.

A. The permit officer shall have the power to suspend or revoke any taxicab owner's permit or taxicab driver's permit issued under this chapter for any of the reasons for which an application for such a permit may be denied.

B. If, pursuant to a random drug or alcohol screening test, the holder of an owner's permit or driver's permit should test positive, the permit officer, in accordance with Section 5.40.170, shall suspend the permit holder's permit on an emergency basis. The suspension shall remain in effect until the permit holder has satisfactorily complied with all requirements imposed by the permit holder's substance abuse professional (SAP). If the same permit holder should subsequently test positive pursuant to a subsequent drug or alcohol screening test, the permit holder's permit shall be revoked and the permit holder shall be ineligible to again apply for a permit for at least five years following the positive test.

C. Notice. The permit officer may suspend or revoke a taxicab owner's permit or taxicab driver's permit only after providing notice to the permit holder and providing reasonable time for compliance; however, the permit officer may summarily revoke a taxicab driver's permit upon notification from the Department of Motor Vehicles that such driver's California driver's license has expired or has been suspended or revoked, or that the driver has been convicted of a crime affecting public health, safety or welfare. If a permit is suspended or revoked, the permit officer shall prepare written findings regarding the reason(s) for the suspension or revocation.

D. Appeals. Any interested party, including the permit holder, may appeal the decision of the permit officer to suspend or revoke an owner's or driver's permit. The appeal shall be made in writing to the city clerk within 15 business days of the permit officer's decision; and shall be heard by the city council. The decision of the city council shall be final, subject only to judicial review pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6. Except for permits revoked pursuant to Section 5.40.160. B, the permit, which is the subject of an appeal, shall remain in effect pending appeal.

E. Upon service by mail or in person of a final administrative decision ordering suspension or revocation of a taxicab owner's permit, such owner's taxicab business, operation and service in the City of Campbell shall cease

immediately. Upon service by mail or in person of a final administrative decision ordering suspension or revocation of a taxicab driver's permit, that driver shall immediately cease to drive a taxicab in the City of Campbell and surrender the permit to the permit officer.

F. Nothing herein shall preclude the permit officer's immediate suspension of a taxicab owner's permit or a taxicab driver's permit upon determination by the permit officer that the public health or safety so requires.

G. The permit officer shall determine the length of any suspension or revocation and, in making this determination shall base his or her decision on all extenuating and mitigating factors deemed appropriate including, but not limited to, the nature and gravity of the offense.

5.40.170 Emergency suspension.

A. The permit officer may issue an order suspending a taxicab owner's permit or a taxicab driver's permit for a period not exceeding ten days without having conducted a hearing therefore, if the permit officer determines that the continued use of the permit will cause immediate hazard to the public safety, health or welfare.

B. Within ten days of the effective date of the emergency suspension order, the permit officer shall hold a hearing for the owner or driver to show cause why the permit should not be suspended or revoked.

C. The order issued by the permit officer under subsection A of this section shall also contain a notice of the hearing setting forth the date, time and place of the hearing.

D. Emergency suspensions made pursuant to Section 5.402.160.B which are upheld at the show cause hearing shall remain in effect until the permit holder has satisfactorily complied with all requirements imposed by the permit holder's substance abuse professional (SAP).

5.40.180 Transfer of permits.

Neither a taxicab owner's permit nor a taxicab driver's permit issued pursuant to this chapter shall be transferable or assignable in any manner whatsoever.

5.40.190 Rates and Fares.

A. The city council may, but is not required to establish or, once established, amend maximum taxicab rates and fares by resolution adopted after a duly noticed public hearing.

B. Before any action by the city council is taken to establish or amend maximum rates and fares, each person holding a taxicab owner's permit issued by the City of Campbell, shall be given 30 days mailed written notice thereof and an opportunity to be heard by the city council.

C. The maximum rate and fare schedule adopted or amended by the city council may include a discount rate and fare schedule for senior citizens.

D. Prior to considering any adjustment to the maximum rate and fare schedule, the city council may require each taxicab owner possessing an owner's permit to submit for city review an audited financial statement for the prior year's business operations reflective of income earned and expenses incurred by the taxicab owner which are specifically attributable to the taxicab owner's taxicab operations as distinguished from other business operations in which the taxicab owner may be engaged. Should a taxicab owner initiate a rate/fare adjustment request, the request shall be in writing, state the basis for the request, and be accompanied by an audited financial statement of the type described in this chapter.

5.40.200 Accurate taximeter and rate schedule required.

A. Regardless of whether the city council establishes maximum rates or fares, all owners or operators of taxicabs shall register its rates and fares in a schedule filed with the police department. No owner or operator shall charge or receive any other or different fare for the use of such taxicabs than that specified in such fare schedule.

B. The taxicab business, operation or service shall disclose fares, fees, or rates to the customer. A permitted taxicab business, operation or service may satisfy this requirement by disclosing fares, fees, or rates on its Internet Web site, mobile telephone application, or telephone orders upon request by the customer.

C. The taxicab company shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walkup rides and street hails. The rate may be provided on the exterior of the vehicle, within an application of a mobile telephone, device, or other Internet-connected device, or be clearly visible in either print or electronic form inside the taxicab.

D. No taxicab owner shall drive or operate or allow another to drive or operate any of his or her taxicabs unless the taxicab is equipped with an operative and accurate taximeter as determined by the Santa Clara County Department of Agriculture/Weights and Measures.

E. The taximeter shall display the rate charged and the running total of each fare in full view of the passenger compartment.

D. Taximeters shall show compliance with Section 5.40.040.A.12.

5.40.210 Rules of operation and service.

A. Receipt. Every driver shall, upon request, give a correct written receipt upon payment of the fare.

B. Individuals with Disabilities. No driver shall discriminate against individuals with disabilities by actions including, but not limited to, refusing to provide service to individuals with disabilities who can use taxi vehicles, refusing to assist with the stowing of mobility devices, or charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons.

C. Boarding and Discharge of Passengers. No passenger shall be received or discharged in the roadway, but shall be received or discharged as nearly as possible to the right-hand curb or right-hand side of the roadway where there is no curb, except on one-way streets, where passengers may be discharged at either the right-hand or left-hand curb or right-hand or left-hand side of the roadway where there is no curb.

D. Direct Route. Each driver employed to carry a passenger(s) to a definite point shall take the most expeditious route possible to the passenger's destination and by which the passenger will be transported safely, considering all factors affecting time and distance.

E. Obstructing Street Traffic. It is unlawful for any driver operating a taxicab to obstruct a street or otherwise impair traffic in the course of receiving or discharging passengers.

F. Identification of Company. The following identification shall be required for each taxicab and taxicab driver permitted to operate under this chapter:

1. The name of the taxicab company shall be affixed on both the driver's and the passenger's side of the taxicab in clear lettering of not less than three inches in height and no more than six inches in height;

2. An individual number for each taxi of the taxicab company shall be affixed on both the driver's and the passenger's side, and rear-facing panel of the taxicab in clear lettering of not less than three inches in height and no more than six inches in height;

3. An operating light shall be affixed to the top of the roof, which shall be clearly visible from all sides of the taxicab, and which shall identify the vehicle as a taxicab; and

4. Taxicab drivers shall be in possession of, and have on their person in plain view a photo identification card identifying the taxicab driver by name and taxicab company at all times while on duty. The card shall contain a recent photograph of the driver and shall otherwise be in a form approved by the chief of police.

G. Notification of Drivers. No less often than annually, the owner shall notify all drivers in writing of the rules of operation and service described in this section, and shall obtain a written acknowledgement of receipt of the rules of operation and service.

5.40.220 Violations.

A. It is unlawful and a violation of this chapter to own a taxicab business, or otherwise conduct a taxicab business, operation or service, without a valid taxicab owner's permit issued by the City of Campbell.

B. It is unlawful and a violation of this chapter to operate a taxicab within the City of Campbell without a valid taxicab driver's permit issued by the City of Campbell.

Section 16. Campbell Municipal Code Section 5.50.135 (Temporary Uses) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

Approval of a special event permit may also include related activity occurring on private property without being subject to the permit requirements or standards of Chapter 21.45 (Temporary Uses)~~pursuant to Chapter 21.54, (Temporary Use Permits).~~

Section 17. Campbell Municipal Code Section 10.08.100 (Sound truck permits.) is hereby deleted in its entirety and noted as Reserved.

Section 18. Campbell Municipal Code Section 21.10.030 (Commercial, Office, and Industrial Uses) is amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

21.10.030 Commercial, Office, and Industrial land uses.

The permissibility of land uses in Commercial, Office, and Industrial~~residential~~ districts shall be as specified by Table 2-5 (Land Use Table – Commercial, Office, and Industrial Zoning Districts) subject to the operational and locational standards contained in Article 3. Land uses that are listed as (P) are permitted and approved by issuance of a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances). Land uses listed as (AC) may be allowed subject to the approval of an Administrative Conditional Use Permit and land uses listed as (C) may be allowed subject to the approval of a Conditional Use Permit, in compliance with Chapter 21.46 (Conditional use permits). ~~Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified.~~ Land uses listed as (X) and those not otherwise listed are prohibited and shall not be allowed. The list of land uses is organized by headers which themselves do not convey an intended land use.

Table 2-5
Land Use Table — Commercial, Office, and Industrial Zoning Districts

| | | Zoning District Map Symbol | | | | | |
|----|--|----------------------------|----|----|----|----|--------------------------|
| # | Land Use | NC | GC | PO | RD | LI | Special Use Requirements |
| | Manufacturing, Processing, and Storage | | | | | | |
| 1 | Artisan products, small-scale assembly | X | P | X | P | P | |
| 2 | Building material stores/yards | X | X | X | X | C | |
| 3 | Chemical products | X | X | X | X | C | |
| 4 | Clothing products manufacturing | X | X | X | P | P | |
| 5 | Contractor's equipment yards | X | X | X | X | C | |
| 6 | Electronics and equipment manufacturing | X | X | X | P | P | |
| 7 | Food and beverage product manufacturing | X | X | X | P | P | |
| 8 | Furniture/cabinet shops | X | X | X | P | P | |
| 9 | Glass products manufacturing; | X | X | X | P | P | |
| 10 | Handicraft industries, small scale assembly | X | P | X | P | P | |
| 11 | Laboratories | X | X | X | X | P | |
| 12 | Laundries/dry cleaning plants | X | X | X | P | P | |
| 13 | Lumber and wood products, including incidental mill work | X | X | X | X | P | |
| 14 | Machinery manufacturing | X | X | X | P | P | |
| 15 | Metal products fabrication | X | X | X | P | P | |
| 16 | Outdoor storage | X | X | X | X | C | |
| 17 | Paper products manufacturing | X | X | X | P | P | |
| 18 | Pharmaceutical manufacturing | X | X | X | P | P | |
| 19 | Plastics and rubber products | X | X | X | P | P | |
| 20 | Printing and publishing | X | X | X | P | P | |
| 21 | Recycling facilities - processing facility | X | X | X | X | C | |
| 22 | Research and development | X | X | X | P | P | |
| 23 | Rug and upholstery cleaning | X | X | X | X | P | |
| 24 | Sign manufacturing | X | X | X | P | P | |
| 25 | Storage facilities (one facility per every five thousand people of the population) | X | X | X | X | C | |
| 26 | Textile products manufacturing | X | X | X | P | P | |
| 27 | Warehousing, wholesaling and distribution facility, incidental. | X | X | X | X | P | |
| 28 | Warehousing, wholesaling and distribution facility, primary. | X | X | X | X | P | |
| | Recreation, Education, Public Assembly | | | | | | |
| 29 | Commercial <u>child</u> day care centers | C | C | C | X | X | Section 21.36.080 |
| 30 | Commercial schools | C | C | X | X | X | |
| 31 | Community/cultural/recreational center | C | C | C | X | X | |
| 32 | Golf courses and golf driving ranges | X | C | X | X | X | |
| 33 | Libraries, public | P | P | C | X | X | |
| 34 | Membership organization facilities | X | X | C | X | X | |
| 35 | Miniature golf courses | X | C | X | X | X | |
| 36 | Museums, public | C | C | X | X | X | |
| 37 | Public assembly uses | C | C | C | X | C | |
| 38 | Studios, large | Ⓒ | Ⓒ | ✗ | Ⓒ | Ⓒ | |

| # | Land Use | Zoning District Map Symbol | | | | | <u>Special Use Requirements</u> |
|----------|---|----------------------------|-----------|----------|----------|----------|---------------------------------|
| | | NC | GC | PO | RD | LI | |
| | <u>a. When studio uses occupy 10% or less of the gross non-residential floor area of a property or shopping center.¹</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>C</u> | <u>C</u> | |
| | <u>b. When studio uses occupy 20% or less of the gross non-residential floor area of a property or shopping center.¹</u> | <u>AC</u> | <u>AC</u> | <u>X</u> | <u>C</u> | <u>C</u> | |
| | <u>c. All others.</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>C</u> | <u>C</u> | |
| 39 | Studios, small | <u>E</u> | <u>E</u> | <u>X</u> | <u>E</u> | <u>E</u> | |
| | <u>a. When studio uses occupy 10% or less of the gross non-residential floor area of a property or shopping center.¹</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>C</u> | <u>C</u> | |
| | <u>b. When studio uses occupy 20% or less of the gross non-residential floor area of a property or shopping center.¹</u> | <u>AC</u> | <u>AC</u> | <u>X</u> | <u>C</u> | <u>C</u> | |
| | <u>c. All others.</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>C</u> | <u>C</u> | |
| 40 | Schools—K-12, private | C | C | C | X | X | |
| 41 | Schools—K-12, public | P | P | P | X | X | |
| 42 | Tutoring centers, large, subject to Section 21.36.243 | <u>E</u> | <u>E</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>Section 21.36.243</u> |
| | <u>a. When tutoring uses occupy 20% or less of the gross non-residential floor area of a property or shopping center.</u> | <u>AC</u> | <u>AC</u> | <u>P</u> | <u>X</u> | <u>X</u> | |
| | <u>b. All others.</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>X</u> | <u>X</u> | |
| 43 | Tutoring centers, small, subject to Section 21.36.243 | <u>E</u> | <u>E</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>Section 21.36.243</u> |
| | <u>a. When tutoring uses occupy 20% or less of the gross non-residential floor area of a property or shopping center.</u> | <u>AC</u> | <u>AC</u> | <u>P</u> | <u>X</u> | <u>X</u> | |
| | <u>b. All others.</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>X</u> | <u>X</u> | |
| 44 | Universities/colleges, private | C | C | C | X | X | |
| 45 | Universities/colleges, public | P | P | X | X | X | |
| | Retail | | | | | | |
| 46 | <u>Alcohol sales, offsite</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>Section 21.36.142</u> |
| 47 | <u>Alcohol sales, onsite</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>Section 21.36.144</u> |
| 48 | <u>Alcohol sales, ancillary onsite</u> | | | | | | <u>Section 21.36.145</u> |
| | <u>a. In conjunction with full service restaurants.</u> | <u>AC</u> | <u>AC</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| | <u>b. In conjunction with quick service restaurants or cafes.</u> | <u>C</u> | <u>AC</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| | <u>c. All others.</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| 46 | Ancillary retail operations associated with a lawfully established use which occupy no more than twenty-five percent of the use's existing floor area. | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>E</u> | |
| 49 47 | Ancillary retail uses serving industrial uses | X | X | X | C | C | |
| 48 | Convenience markets/stores; | <u>E</u> | <u>E</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| 49 | Department stores | <u>X</u> | <u>E</u> | <u>X</u> | <u>X</u> | <u>X</u> | |

| # | Land Use | Zoning District Map Symbol | | | | | <u>Special Use Requirements</u> |
|--------------------------------|---|----------------------------|----------------|--------------|--------------|--------------|---------------------------------|
| | | NC | GC | PO | RD | LI | |
| 50 | Furniture, furnishings, and equipment stores (greater than ten thousand square-foot) | G | P | X | X | X | |
| 51 | Furniture, furnishings, and equipment stores (under ten thousand square foot) | G | P | X | X | X | |
| 50 52 | Garden centers/plant nurseries | C | P | X | X | X | |
| 51 53 | Gasoline stations | C | C | X | X | X | |
| 52 54 | Grocery stores (greater than ten thousand square foot) | G | G | X | X | X | |
| | <u>a. When the tenant space is less than 20,000 gross square-foot in area.</u> | <u>AC</u> | <u>AC</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| | <u>b. All others.</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| 55 | Grocery stores (under ten thousand-square foot) | P | P | X | X | X | |
| 56 | Hardware stores (greater than ten-thousand square foot) | G | G | X | X | X | |
| 57 | Hardware stores (under ten thousand-square foot) | P | P | X | X | X | |
| 58 | Liquor establishments | G | N/A | X | X | X | |
| 59 | Liquor establishments (on-site-consumption only); | N/A | G | X | X | X | |
| 60 | Liquor stores | G | N/A | X | X | X | |
| 61 | Liquor stores (off-site consumption only); | X | G | X | X | X | |
| 62 | Meat markets | P | X | X | X | X | |
| 63 | Music (recordings) stores | G | G | X | X | X | |
| 53 64 | Outdoor retail sales and activities | X | C | X | X | X | |
| 54 65 | Pet stores | C | C | X | X | X | |
| 66 | Pharmacies/drug stores | P | P | X | X | X | |
| 67 | Pharmacies/drug stores, with drive-up-service; | X | G | X | X | X | |
| 55 68 | Retail stores, general merchandise; | P | P | X | X | X | |
| | <u>a. When the tenant space is less than 10,000 gross square-foot in area.</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| | <u>b. When the tenant space is less than 20,000 gross square-foot in area.</u> | <u>AC</u> | <u>AC</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| | <u>c. All others.</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| 56 69 | Second hand/thrift stores <u>with onsite acquisition</u> | X | C | X | X | X | |
| 57 70 | Shopping centers (greater than ten thousand square foot) | C | C | X | X | X | |
| 58 71 | Shopping centers (under ten thousand square foot) | P | P | X | X | X | |
| 59 | Vending machines | P | P | X | X | X | |

| # | Land Use | Zoning District Map Symbol | | | | | <u>Special Use Requirements</u> |
|--------------------------------|--|----------------------------|--------------|--------------|--------------|--------------|---------------------------------|
| | | NC | GC | PO | RD | LI | |
| 72 | | | | | | | |
| 73 | Warehouse retail stores | G | G | X | X | X | |
| | Entertainment | | | | | | |
| 60 74 | Arcades | C | C | X | X | X | <u>Section 21.36.030</u> |
| 61 75 | Dancing and live entertainment | C | C | X | X | X | |
| 62 76 | Drive-in theaters | X | C | X | X | X | |
| 63 77 | Indoor amusement /entertainment/recreation centers | X | G | X | X | X | |
| | <u>a. When the use occupies 10% or less of the gross non-residential floor area of a property or shopping center.^{1,2}</u> | <u>C</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| | <u>b. When the use occupies 20% or less of the gross non-residential floor area of a property or shopping center.¹</u> | <u>C</u> | <u>AC</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| | <u>c. All others.</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| 64 78 | Nightclubs with or without food service | X | C | X | X | X | |
| 65 79 | Outdoor amusement/entertainment/recreation centers | X | C | X | X | X | |
| 66 80 | Theaters, movie or performing arts | X | C | X | X | X | |
| | General Services | | | | | | |
| 67 81 | Adult day care facilities | X | C | X | X | X | |
| 68 82 | Automated teller machines (ATM's) | P | P | X | X | X | |
| 69 83 | Banks and financial services | P | P | X | X | X | |
| 70 84 | Bed and breakfast inns (only in historic structures) | X | C | X | X | X | |
| 85 | Blueprinting shops | X | P | X | P | P | |
| 71 86 | Business support service | X | X | X | P | P | |
| 72 87 | Cat and dog day care facilities | X | C | X | X | C | |
| 73 88 | Cat and dog grooming facilities | X | G | X | X | G | |
| | <u>a. When cat and/or dog care, boarding, or grooming facilities cumulatively occupy 10% or less of the gross non-residential floor area of a property or shopping center.^{1,2}</u> | <u>C</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>C</u> | |
| | <u>b. When cat and/or dog care, boarding, or grooming facilities cumulatively occupy 20% or less of the gross non-residential floor area of a property or shopping</u> | <u>C</u> | <u>AC</u> | <u>X</u> | <u>X</u> | <u>C</u> | |

| # | Land Use | Zoning District Map Symbol | | | | | Special Use Requirements |
|---|--|----------------------------|--------------------|-------------------|-------------------|-------------------|--|
| | | NC | GC | PO | RD | LI | |
| | center.¹ | | | | | | |
| | c. All others. | C | C | X | X | C | |
| 74 89 | Cat Boarding facilities | X | C | X | X | C | |
| 75 90 | Catering business | X | X | X | X | C | |
| 76 94 | Catering business, only when ancillary to a restaurant | P | P | X | X | X | |
| 77 92 | Check cashing | X | C | X | X | X | |
| 78 93 | Construction equipment rentals | X | X | X | X | C | |
| 79 94 | Dog Boarding facilities | X | X | X | X | C | |
| 80 95 | Dry cleaning | P | P | X | X | X | |
| 81 96 | Equipment rental establishments | X | C | X | X | X | |
| 82 97 | Health/fitness centers | C | C | C | C | C | Section 21.36.095 |
| | a. When the tenant space is less than 10,000 gross square-feet in area. | AC | AC | C | C | C | |
| 83 98 | Hotel | C | P | X | X | X | |
| 84 99 | Laundromats, self-service | P | P | X | X | X | |
| 85 100 | Massage establishments | X | C | C | X | X | Section 21.36.270 |
| 86 101 | Motel | C | P | X | X | X | |
| 87 102 | Payday lender | X | C | X | X | X | |
| 88 103 | Personal services, general | P | P | X | X | X | |
| 89 104 | Personal services, limited | X | C | X | X | X | |
| 90 105 | Photocopying | P | P | X | X | X | |
| 91 106 | Photography studio/supply shop | P | P | X | X | X | |
| 92 107 | Recycling facilities—Reverse vending machines, other than such machines with a permit issued pursuant to Section 21.36.245 | C | C | X | X | X | |
| 93 108 | Recycling facilities --- large collection facility, other than such facilities with a permit issued pursuant to Section 21.36.245. | X | X | X | X | C | |
| 94 109 | Recycling facilities—small collection facility, other than such facilities with a | C | C | X | X | X | |

| # | Land Use | Zoning District Map Symbol | | | | | Special Use Requirements |
|-----------------------|---|----------------------------|-------------------|--------------|--------------|----------------|-----------------------------------|
| | | NC | GC | PO | RD | LI | |
| | permit issued pursuant to Section 21.36.245 | | | | | | |
| 95 110 | Repair and maintenance, consumer products | P | P | X | X | P | |
| 96 111 | Sign shops | X | C | X | X | P | |
| 112 | Spa services | C | C | X | X | X | |
| 97 113 | Tanning studios | C | C | X | X | X | |
| 98 114 | Veterinary clinics and animal hospitals | C | C | X | X | C | Section 21.36.250 |
| 99 115 | Video rental stores | C | C | X | X | X | |
| | Motor Vehicles, Trailers, and Watercraft | | | | | | |
| 100 116 | Marine sales (new and used), with/without service facilities | X | X | X | X | C | |
| 101 117 | Motor vehicle—cleaning, washing, and detailing | X | C | X | X | C | |
| 102 118 | Motor vehicle—dismantling | X | X | X | X | C | |
| 103 119 | Motor vehicle—leasing | X | C X | X | X | C | |
| 104 120 | Motor vehicle—oil change facilities | X | C | X | X | C | |
| 105 121 | Motor vehicle—painting | X | X | X | X | C | |
| 106 122 | Motor vehicle—parts and supplies (very limited maintenance/installation) | X | C | X | X | X | |
| 107 123 | Motor vehicle—renting | X | C X | X | X | C | |
| 124 | Motor vehicle—renting and leasing | X | C | X | X | N/A | |
| 108 125 | Motor vehicle—repair and maintenance (minor and major/only within an enclosed structure) | X | X | X | X | C | Section 21.36.140 |
| | a. When the tenant space is less than 10,000 gross square-feet in area.² | X | X | X | X | AC | |
| | b. All others. | X | X | X | X | C | |
| 126 | Motor vehicle—repair and maintenance (minor/only within an enclosed structure). | X | X | X | X | C | |
| 109 127 | Motor vehicle—sales (new and/or used) | X | C | X | X | C | |
| 110 128 | Motor vehicle—tune-up | X | X | X | X | C | |
| 111 129 | Motor vehicle—tune-up—light duty only | X | X | X | X | C | |
| 112 130 | Motor vehicle—window tinting | X | X | X | X | C | |
| 113 131 | Trailer sales (with or without service facilities) | X | X | X | X | C | |
| | Food Services | | | | | | |

| # | Land Use | Zoning District Map Symbol | | | | | <u>Special Use Requirements</u> |
|--|---|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|---------------------------------|
| | | NC | GC | PO | RD | LI | |
| 114 132 | Banquet facilities | X | C | X | X | X | |
| 115 | <u>Drive-in/drive-in service</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| 116 133 | <u>Restaurants or cafes, quick service fast-food (with or without drive-in service);</u> | C | <u>AC</u> <u>C</u> | X | X | X | |
| 117 134 | <u>Restaurants, full service or cafes- (excluding fast food or drive-ins)</u> | P | P | X | C | C | |
| 135 | <u>Restaurants with late night activities or banquet facilities</u> | <u>C</u> | <u>C</u> | <u>X</u> | <u>X</u> | <u>X</u> | |
| Medical Services | | | | | | | |
| 118 136 | Ambulance service | X | P | X | X | P | |
| 119 137 | Convalescent/rest homes | C | C | X | X | X | |
| 120 138 | Hospitals | X | C | X | X | X | |
| 121 139 | Medical services, clinics | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>X</u> | |
| | <u>a. When the use occupies 10% or less of the gross non-residential floor area of a property or shopping center.¹</u> | <u>AC</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>X</u> | |
| | <u>b. When the use occupies 20% or less of the gross non-residential floor area of a property or shopping center.¹</u> | <u>AC</u> | <u>AC</u> | <u>P</u> | <u>C</u> | <u>X</u> | |
| | <u>c. All others.</u> | <u>C</u> | <u>C</u> | <u>P</u> | <u>C</u> | <u>X</u> | |
| 122 140 | Medical services, extended care | C | C | X | C | X | |
| 123 141 | Medical services, laboratories | X | <u>C</u> <u>P</u> | C | C | <u>C</u> <u>X</u> | |
| Offices | | | | | | | |
| 124 142 | Offices, professional; | P | P | P | AC | AC | |
| 125 143 | Travel agencies | P | P | X | X | X | |
| Transportation, Parking, and Communications | | | | | | | |
| 126 144 | Alternative fuels and recharging facilities | <u>AC</u> <u>C</u> | <u>AC</u> <u>C</u> | <u>AC</u> <u>X</u> | <u>AC</u> <u>X</u> | <u>AC</u> <u>C</u> | |
| 127 145 | Broadcast and recording studios | C | C | C | C | C | |
| 146 | <u>Light rail lines</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>P</u> | |
| 147 | <u>Light rail passenger terminals</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>P</u> | <u>P</u> | |
| 128 148 | Parking lots/structures, public | P | P | C | C | C | |
| 129 149 | Radio or television transmitters | C | C | C | C | C | |
| 130 150 | Radio stations | X | C | X | C | C | |
| 131 151 | Satellite television or personal internet broadband dishes/antenna (less than 3 feet in diameter) | P | P | P | P | P | |

| | | Zoning District Map Symbol | | | | | |
|----------------------------------|--|--|----------------|--------------|-------------------|--------------|--|
| # | Land Use | NC | GC | PO | RD | LI | Special Use Requirements |
| 132 152 | Towing services | X | X | X | X | C | Section 21.36.240 |
| 133 153 | Trucking/freight terminal | X | X | X | X | P | |
| 134 154 | Wireless telecommunications facilities | May be allowed in compliance with CMC Chapter 21.34 (Wireless Communications Facilities) | | | | | Chapter 21.34 |
| | Other Uses | | | | | | |
| 135 155 | Caretaker/employee housing | X | C | X | C | C | Section 21.36.040 |
| 136 156 | Emergency shelters; within parcels depicted by Figure II-63 (Parcels Allowing Emergency Shelters) of the City of Campbell Housing Element | P | P | P | P | P | Section 21.36.085 |
| 137 157 | Emergency shelters; outside parcels depicted by Figure II-63 (Parcels Allowing Emergency Shelters) of the City of Campbell Housing Element | C | C | X | C | C | Section 21.36.085 |
| 138 158 | Collection containers, small, subject to obtaining a permit pursuant to Section 21.36.245 | P | P | X | P X | P | Section 21.36.245 |
| 139 | Collection containers, large | X | P | X | P | P | Section 21.36.245 |
| 140 | Conversion, commercial converted from residence | C | C | C | X | X | |
| 141 | Conversion, industrial converted from residence | X | X | X | X | C | |
| 140 142 | Government offices and facilities (local, State or federal) | C | C | C | C | C | |
| 141 143 | Late night activities | C | C | C | C | C | |
| 142 144 | Drive-through/drive-up service/drive-up window Outdoor active activities (e.g., drive-up windows) | X | C | X | X | X | |
| 143 145 | Outdoor seating, when more than twelve total seats | A C | A C | X | X | X | |
| 144 146 | Outdoor seating, when twelve total seats or less | P | P | X | X | X | |
| 145 147 | Philanthropic collection trailers | C | C | X | X | X | |
| 146 148 | Public utility service yards | X | X | X | C | X | |
| 147 149 | Public utility structures and service facilities | C | C | X | C | C | |
| 148 170 | Public works maintenance facilities and storage yards | X | C | X | C | C | |
| 149 171 | Sexually oriented business in compliance with Chapter 5.55 and section 21.35.205 of this Code. | X | X | X | X | P | Chapter 5.55 and Section 21.35.205 |

| # | Land Use | Zoning District Map Symbol | | | | | Special Use Requirements Chapter 21.45 |
|----------------------------------|---|--|---------------------|---------------------|--------------|--------------|---|
| | | NC | GC | PO | RD | LI | |
| 150 172 | Temporary uses | May be allowed in compliance with CMC Chapter 21.45 (Temporary Uses) | | | | | |
| 173 | The use of any building that was constructed as a residential structure for a commercial or office use | C | C | C | X | X | |
| 151 174 | Transitional housing | C | C | X | X | C | |
| 152 175 | Warehousing, wholesaling and distribution facility, incidental (less than fifty percent of floor area); | X | X | X | P | X | |
| Expressly Prohibited Uses | | | | | | | |
| 153 176 | Any business that includes smoking tobacco on site (e.g., smoking lounges, hookah lounges, etc.) | X N/A | X N/A | X N/A | X | X | |
| 154 177 | Any use inconsistent with state or federal law | X | X | X | X | X | |
| 155 178 | 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 emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances | X | X | X | X | X | |
| 156 179 | All incineration | X N/A | X N/A | X N/A | X | X | |
| 180 | Storage of commercial and industrial vehicles, except for the purpose of loading and unloading | X | N/A | X | X | X | |
| 181 | Storage of industrial vehicles, except for the purpose of loading and unloading. | N/A | X | N/A | X | X | |
| 182 | The storage or warehousing of merchandise or products in the building or on the premises, unless otherwise approved | X | X | X | X | X | |
| 183 | The outdoor storage of merchandise or products | X | X | X | X | X | |
| 184 | The outdoor storage of merchandise or products, unless otherwise approved. | N/A | X | N/A | X | X | |
| 185 | The storage of raw, in-process, or finished material and supplies, and of waste materials outside of an enclosed building; | N/A | N/A | N/A | X | X | |
| 186 | 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 | X | X | X | X | X | |

| # | Land Use | Zoning District Map Symbol | | | | | <u>Special Use Requirements</u> |
|-----|--|----------------------------|-----|-----|----|----|---------------------------------|
| | | NC | GC | PO | RD | LI | |
| 187 | The use of any building that was constructed as a residential structure. Such building is considered nonconforming and subject to the provisions of Chapter 21.58 (Nonconforming Uses and Structures) | N/A | N/A | N/A | X | X | |

- (1) When located more than 50-feet from a public right-of-way, as measured from the back of a public sidewalk (or the back of the public curb/pavement of the public right-of-way where a public sidewalk is not present), on a ground-floor where a Tier 1 or Tier 2 requirement is indicated on the Form-Based Zone Map.
- (2) When located more than 500-feet, as measured between the nearest property lines, from properties with a residential and/or mixed-use land use designation excepting properties with a “General Commercial/Light Industrial” land use designation.

Section 19. Campbell Municipal Code Section 21.11.060.A (Land uses in the Central Business Mixed-Use zoning district) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

- A. Land uses in the Central Business Mixed-Use 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 — Central Business Mixed-Use Zoning District), except for land uses in the Winchester Boulevard and East Campbell Avenue Master Plan areas shall be as specified by Table 2-11a (Land Use Table — Master Plan Areas). 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 (AC) may be allowed subject to the approval of an Administrative Conditional Use Permit and land uses listed as (C) may be allowed subject to the approval of a Conditional Use Permit, in compliance with Chapter 21.46 (Conditional use permits). ~~Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified. 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 — Central Business Mixed-Use Zoning District

| # | Land Use | Ground Floor | Upper Floors | <u>Special Use Requirements</u> |
|-----------|---|----------------------|--------------|---------------------------------|
| <u>1</u> | <u>Alcohol sales, offsite</u> | <u>C⁵</u> | <u>X</u> | <u>Section 21.36.142</u> |
| <u>2</u> | <u>Alcohol sales, onsite</u> | <u>C⁵</u> | <u>C</u> | <u>Section 21.36.144</u> |
| <u>3</u> | <u>Alcohol sales, ancillary onsite</u> | | | <u>Section 21.36.145</u> |
| | <u>a. In conjunction with full service restaurants.</u> | <u>P⁵</u> | <u>C</u> | |
| | <u>b. In conjunction with quick service restaurants or cafes.</u> | <u>C⁵</u> | <u>C</u> | |
| | <u>c. All others.</u> | <u>C</u> | <u>C</u> | |
| <u>44</u> | Apartment ¹ | P | P | |
| <u>52</u> | Automated teller machines | P | X | |
| <u>63</u> | Banks and financial services | C | P | |
| <u>74</u> | Banquet facilities | X | C | |
| <u>85</u> | Bed and breakfast inn ² | C | C | |
| <u>96</u> | Cat and dog day care facilities | P | C | |

| # | Land Use | Ground Floor | Upper Floors | Special Use Requirements |
|---------------------|---|--|--------------|--|
| 10 7 | Cat and dog grooming facilities | P | C | |
| 11 8 | Dancing and/or live entertainment establishments ³ | C | C | |
| 12 9 | Hotels | C | C | |
| 13 10 | Incompatible activities ⁴ | X | X | |
| 14 11 | Late night activities | C | C | |
| 12 | Liquor establishments⁵ | C⁶ | C | |
| 13 | Liquor stores⁷ | C | X | |
| 15 14 | Medical services, clinics | X | C | |
| 16 15 | Offices, professional | C | P | |
| 17 16 | Outdoor retail sales and activities | C | X | |
| 18 | Outdoor seating on private property⁶ | P | C | |
| 19 | Outdoor seating and merchandise display within the public right-of-way⁷ | P | X | |
| 20 17 | Pedestrian-oriented activities ⁸ | P | P | |
| 21 18 | Temporary uses, subject to Chapter 21.45 | P | P | Chapter 21.45 |
| 22 19 | Wireless Communication Facilities | May be allowed in compliance with Campbell Municipal Code Chapter 21.34 (Wireless Communications Facilities) | | Chapter 21.34 |

- (1) The ground floor of an apartment building shall be limited to commercial tenant space, parking facilities, and a lobby. Residential units, leasing offices, 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 21.1~~10~~.060.~~EF~~ (Standards for live entertainment in the Central Business Mixed-Use ~~Z~~oning ~~D~~istrict), 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 2-11~~A~~ (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).

- [Any use inconsistent with state or federal law;](#)

- 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, 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~~
 - All incineration; 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 21.36.115 (Liquor establishments).~~
- (56) ~~When clearly ancillary to a pedestrian-oriented activity and meeting the requirements of CMC 21.36.145 B .1.) Except as specified by Section 21.10.060.E (Standards for alcohol sales for on-site consumption in the Central Business Mixed Use 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).~~
- (6) ~~Outdoor seating on private property is subject to the provisions provided in Section 21.36.150 (Outdoor seating)~~
- (7) ~~Outdoor seating and merchandise display within the public right-of-way are permitted as specified by Section 21.11.060.F.~~
- (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), full service~~ 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.

Section 20. Campbell Municipal Code Section 21.11.060.B (Land uses in the Central Business Mixed-Use zoning district) is hereby amended to read as follows with underlining

(underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

- B. Land uses in the Area/Master Plan areas: The permissibility of land uses in the Winchester Boulevard and East Campbell Avenue Master Plan areas on properties with a General Plan land use designation of Central Business Mixed-Use shall be as specified by Table 2-11a (Land Use Table ~~2-11a~~ Master Plan Areas). 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 (AC) may be allowed subject to the approval of an Administrative Conditional Use Permit and land uses listed as (C) may be allowed subject to the approval of a Conditional Use Permit, in compliance with Chapter 21.46 (Conditional use permits). ~~Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified.~~ 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 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 Use</u> LAND USES | <u>Permissibility</u> Permissibility | <u>Special Use</u> <u>Requirements</u> |
|-----------|---|--|---|
| <u>1</u> | <u>Alcohol sales, offsite</u> | C | <u>Section 21.36.142</u> |
| <u>2</u> | <u>Alcohol sales, onsite</u> | <u>C</u> | <u>Section 21.36.144</u> |
| <u>3</u> | <u>Alcohol sales, ancillary onsite</u> | | <u>Section 21.36.145</u> |
| | <u>a. In conjunction with full service restaurants.</u> | <u>AC</u> | |
| | <u>b. In conjunction with quick service restaurants or cafes except in areas with a Neighborhood Commercial or Neighborhood Commercial Mixed-Use land use designation or subject to the Downtown Alcohol Beverage Policy.</u> | <u>AC</u> | |
| | <u>c. All others.</u> | <u>C</u> | |
| <u>4</u> | Apartments | P | |
| <u>5</u> | Arcades | C | |
| <u>6</u> | Banks and financial services | C | |
| <u>7</u> | Convenience markets/stores | C | |
| <u>8</u> | Dancing and/or live entertainment establishments | C | |
| <u>9</u> | Government offices and facilities | C | |
| <u>10</u> | Grocery stores | C | |
| <u>11</u> | Incompatible activities | X ¹ | |
| <u>12</u> | Late night activities | C | |
| | Liquor establishments | C² | |
| | Liquor stores | C³ | |
| <u>13</u> | Medical services, clinics | C | |
| <u>14</u> | Nightclubs | C² | |
| <u>15</u> | Offices, professional | P | |
| <u>16</u> | Outdoor seating <u>on private property, when twelve seats or fewer</u> | P | <u>Section 21.36.150</u> |
| <u>17</u> | <u>Outdoor seating on private property, when more than twelve seats</u> | <u>AC</u> | <u>Section 21.36.150</u> |
| <u>18</u> | <u>Outdoor seating within the public right-of-way</u> | <u>X</u> | |
| <u>19</u> | Parking lots/structures, public | C | |
| <u>20</u> | Personal services | P | |
| <u>21</u> | Public assembly uses | C | |
| <u>22</u> | Restaurants, <u>full service</u> or cafes | P | |
| <u>23</u> | Restaurants <u>or cafes, quick service</u> fast food | C | |
| | Restaurants, standard | C | |

| # | Land Use LAND USES | Permissibility Permissibility | Special Use Requirements |
|-----------|---|--|--|
| <u>24</u> | Retail stores, general merchandise | P | |
| <u>25</u> | Secondhand/thrift stores <u>with onsite acquisition</u> | C | |
| | <u>Spa Services/Health Spa</u> | <u>C</u> | |
| <u>26</u> | Studios, small and large | C | |
| <u>27</u> | Temporary uses, subject to Chapter 21.45 | P | <u>Chapter 21.45</u> |
| <u>28</u> | Theaters, movie or performing arts, and concert halls | C | |
| <u>29</u> | Tutoring centers (small and large) | C | |
| <u>30</u> | Wireless Communication Facilities | May be allowed in compliance with Campbell Municipal Code Chapter 21.34 (Wireless Communications Facilities) | <u>Chapter 21.34</u> |

- (1) See Table 2-11, Note #4 of this Chapter for the definition of "Incompatible activities," excepting as "secondhand dealers" and "coin dealers" as to allow "Secondhand/thrift stores" to reference any "land use not identified" in Table 2-11a of this Chapter rather than Table 2-11 of this Chapter.
- (2) Liquor establishments are subject to the findings provided in Section 21.36.115 (Liquor establishments).
- (3) Liquor stores are subject to the provisions provided in Section 21.36.110 (Liquor stores).

Section 21. Campbell Municipal Code Section 21.11.060.D. (Standards for alcohol sales for on-site consumption in the Central Business Mixed-Use Zoning District) is hereby deleted in its entirety and noted as (Reserved).

Section 22. Campbell Municipal Code Section 21.36.030 (Reserved) is hereby deleted in its entirety.

Section 23. Campbell Municipal Code Section 21.36.030 (Arcades) is hereby added as follows with underlining (underlining) indicating new text:

21.36.030 Arcades.

- A. Purpose. This section provides provisions for the establishment and operation of arcades where they are allowed in compliance with Article 2 (Zoning Districts).
- B. Number of arcades permitted. There shall be authorized to be three arcades for every fifty thousand persons residing within the city limits. If the population exceeds fifty thousand persons, there shall be authorized one additional arcade.
- C. Operational Standards.
1. Locking or barricading doors. No person shall keep any door or entrance to an area with an arcade locked, barred or barricaded in such manner as to make it difficult of access or ingress to police officers while two or more persons are present in such room, and no person shall visit or resort to any such locked, barred or barricaded room or place protected in any such manner to make it difficult of access or ingress to police when two or more persons are present.
 2. Card tables. No card tables shall be kept, or any card games played or allowed in any facility with an arcade.
 3. Duties of proprietor. It shall be the duty of the proprietor or manager of each arcade or semiarcade to ensure that an adult employee (eighteen years or older) be in charge of the arcade or semiarcade at all times that it is open to the public.
 4. Admittance.

- a. Any establishment which contains an arcade and which has a primary business of the sale of prepared food products and has a secondary or supplemental business of sale for consumption on the premises of alcoholic beverages shall prohibit the playing of any amusement device after ten p.m. by any person under the age of eighteen years.
 - b. Arcades located in premises not licensed for the sale of alcoholic beverages shall be closed to the public between the hours of twelve midnight and nine a.m.
 - c. Any establishment which contains an arcade and which has a primary business of the sale of alcohol shall prohibit the entry of any person under the age of twenty-one years.
 - d. Minors under the age of eighteen years shall not be allowed to remain in or gain entry to a facility with an arcade after ten p.m. unless accompanied by a parent or guardian.
- D. Impounding. Any mechanical amusement device operated or maintained in violation of any law of the state, of any provision of this code, of any conditions upon which a permit or license may be granted, or of any lawful order of the chief of police or such other person who may hereafter be designated is a public nuisance and shall be impounded by the chief of police, and, if any court of competent jurisdiction determines that the device or the use or operation thereof violates or has violated any such laws or ordinances, conditions or orders, the mechanical amusement device shall be confiscated by the chief of police. Likewise, if any such device is placed, operated or maintained to be operated without a current license, the chief of police may immediately cause the same to be impounded and may not release the mechanical amusement device until a new permit has been obtained in the manner provided for in this chapter for obtaining an original permit. Mechanical amusement devices impounded under the provisions of this section shall be held for a period of thirty days, and if not redeemed within such period may be destroyed or otherwise disposed of by the chief of police. Any proceeds obtained from the disposal thereof, together with all moneys thereon, shall be deemed forfeited to the city to compensate it for the impounding of such device.
- E. Gambling, card tables, and games.
 - 1. Games for value. No person shall permit gambling of any kind or description or playing any amusement device or games whatsoever for money or anything of value within any arcade. Gambling and/or gaming in any business establishment where amusement devices are located will subject the owners of the business establishment, their servants, agents, and employees to prosecution for a misdemeanor, and upon conviction they shall be subject to such fine and imprisonment as provided in this code.

Section 24. Campbell Municipal Code Section 21.36.035 (Bingo) is hereby added as follows with underlining (underlining) indicating new text:

21.36.035 Bingo.

- A. Authority. Pursuant to the authority provided in Section 19(c) of Article IV of the State Constitution and Section 326.5 of the Penal Code, the city establishes the following requirements for the conduct of bingo games by nonprofit charitable organizations within the incorporated area of the city.
- B. Purpose. This section provides provisions for the establishment and operation of bingo activities where they are allowed in compliance with Article 2 (Zoning Districts) and Chapter 21.45 (Temporary Uses).
- C. Operational Standards.
 - 1. Organizations permitted to conduct bingo games. No person, organization or other legal entity shall be permitted to conduct bingo games in the incorporated area of the city unless such persons, organizations or other legal entities are classified as a mobile home park association, senior citizens' organization, or possess a valid certificate or letter from the franchise tax board and the Internal Revenue Service, stating that they are exempted from the payment of the bank and corporation tax by a section of the Revenue and Taxation Code as follows:
 - 23701-a and are described as labor, agricultural, or horticultural organizations;

- 23701-b and are described as fraternal, beneficiary societies, orders, or organizations;
 - 23701-d and are described as religious, charitable, scientific, literary, education and humanitarian corporations;
 - 23701-e and are described as business leagues, chambers of commerce, real estate boards, and boards of trade;
 - 23701-f and are described as civic leagues, social welfare and employees' organizations;
 - 23701-g and are described as nonprofit pleasure and recreation clubs;
 - 23701-i and are described as voluntary government employees' beneficiary organizations;
2. Minors. No minors shall be allowed to participate in any bingo game.
 3. Open to the public. All bingo games shall be open to the public, not just to the members of the organization.
 4. Staffing and operation. A bingo game shall be operated and staffed by members of the organization which organized it. Only an organization authorized to conduct a bingo game pursuant to this Section shall operate such game, or engage in the promotion, supervision, or any other phase of such game.
 5. No profit, wage, or salary. No person or agent of such person shall receive a profit, wage, salary, or other income from any bingo game authorized by this section, except as a bona fide prize(s) received as a participant in such bingo game.
 6. Equipment. All equipment used in the operation of bingo games shall be owned by the organization authorized to conduct such bingo games.
 7. Financial interest. No individual, corporation, partnership, or other legal entity, except the organization authorized by permit and license to conduct a bingo game, shall hold a financial interest in the conduct of such bingo game.
 8. Separate fund. All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account.
 9. Records. Each organization conducting a bingo game shall maintain detailed records of all profits, expenditures, prizes, and other expenses associated with the operation of bingo games. Said records shall be retained for such period of time as required by state and federal law and for a period of three years for purposes of this section.
 10. Total value of prizes. The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred and fifty dollars in cash or kind, based or both for each separate game which is held. The total value of prizes may be increased to account for inflation based on the relative increase in the Consumer Price Index (CPI), as published by the United States Bureau of Labor Statistics, using a base month and year of December 1977.
 11. Physical presence at bingo game required. No person shall be allowed to participate in a bingo game unless such person is physically present at the time and place at which the bingo game is being conducted.
 12. Frequency and Duration. An organization shall not conduct a bingo game for a period exceeding six hours per day, or with a frequency of more than twelve times per year.
 13. Filing of annual report. At the end of each year, each organization conducting bingo games shall file a report made under penalty of perjury with the city clerk indicating the total amount of money received from the operation of the bingo games in the previous year and the total amount paid out in prizes.
- D. Location. An organization authorized to conduct bingo games shall conduct such games only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this section shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization. No bingo game shall be conducted by any organization or other legal entity on any property owned or controlled by any organization or other legal entity on any property owned or controlled by the city, unless the City Manager or designee has specifically approved the use of city property.

- E. Investigation. The chief of police shall have the authority to obtain criminal history information for each person operating or assisting in the operation of a bingo game.
- F. Compliance with State Law. The provisions of this Section are not intended to conflict with, but shall supplement, all laws of the state relating to lotteries, gaming, and/or gambling.

Section 25. Campbell Municipal Code Section 21.36.142 (Offsite alcohol sales) is hereby added as follows with underlining (underlining) indicating new text:

21.36.142 Offsite alcohol sales.

This section provides provisions for the establishment and operation of facilities with offsite alcohol sales, where they are allowed in compliance with Article 2 (Zoning Districts), except for property located within an overlay/combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit) and activities authorized by Chapter 21.45 (Temporary Uses):

- A. Location. All facilities with offsite alcohol sales shall meet the following location requirements:
 - 1. Proximity to sensitive receptors. All facilities with offsite alcohol sales, except grocery stores, shall be separated from a park, playground, or school a minimum distance of 300 feet as measured between the nearest property lines.
 - 2. Proximity to other establishments. All facilities with offsite alcohol sales, except grocery stores, shall be a minimum of 500 feet from another such use, either within or outside the city.
 - 3. Proximity to payday lenders. All facilities with offsite alcohol sales, except grocery stores, shall be a minimum of five hundred feet from any payday lender, either within or outside the city.
- B. Required findings. The decision-making body shall make the following findings, in addition to any other findings required, prior to the establishment of a facility with onsite alcohol sales:
 - 1. The establishment will not significantly increase the demand on city services; and
 - 2. The establishment will be consistent with the Downtown Alcohol Beverage Policy, when applicable.

Section 26. Campbell Municipal Code Section 21.36.144 (Onsite alcohol sales) is hereby added as follows with underlining (underlining) indicating new text:

21.36.144 Onsite alcohol sales.

This section provides provisions for the establishment and operation of facilities with onsite alcohol sales, where they are allowed in compliance with Article 2 (Zoning Districts), except for property located within an overlay/combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit) and activities authorized by Chapter 21.45 (Temporary Uses):

- A. Required findings. The decision-making body shall make the following findings, in addition to any other findings required, prior to the establishment of a facility with onsite alcohol sales:
 - 1. The establishment will not result in an over concentration of another such use in the surrounding area;
 - 2. The establishment will not significantly increase the demand on city services; and
 - 3. The establishment will be consistent with the Downtown Alcohol Beverage Policy, when applicable.

Section 27. Campbell Municipal Code Section 21.36.145 (Onsite alcohol sales, ancillary) is hereby added as follows with underlining (underlining) indicating new text:

21.36.145 Onsite alcohol sales, ancillary.

This section provides provisions for the establishment and operation of facilities with ancillary onsite alcohol sales, where they are allowed in compliance with Article 2 (Zoning Districts), except for property located within an

overlay/combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit) and activities authorized by Chapter 21.45 (Temporary Uses):

- A. Required findings. The decision-making body shall make the following findings, in addition to any other findings required, prior to the establishment of a facility with ancillary onsite alcohol sales when a permit, other than a zoning clearance, is required by Title 21 (Zoning):
 - 1. The establishment will not significantly increase the demand on city services; and
 - 2. The establishment would be consistent with the Downtown Alcohol Beverage Policy, when applicable.
- B. Facility types.
 - 1. “Full service restaurants” or “Quick service restaurants or cafes”, in compliance with Chapter 21.72 (Definitions), when all of the following requirements are satisfied:
 - a. The business does not sell alcohol, other than beer and wine, for onsite consumption.
 - b. The business does not sell alcohol, of any kind, for offsite consumption.
 - c. The business has obtained, and shall maintain in good standing, a Type 41 (On-Sale Beer & Wine – Eating Place) license issued by the California Department of Alcoholic Beverage Control.
 - d. The business does not incorporate a separate bar area, defined as a separate area, tables, or a room intended primarily for serving alcoholic beverages.
 - e. A full-service menu is available during all hours, and at all locations within the business, where alcohol is served.

Section 28. Campbell Municipal Code Section 21.36.110 (Liquor stores) is hereby deleted in its entirety and noted as Reserved.

Section 29. Campbell Municipal Code Section 21.36.115 (Liquor establishments) is hereby deleted in its entirety and noted as Reserved.

Section 30. Campbell Municipal Code Section 21.36.140 (Motor vehicle repair facilities) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text.

21.36.140 Motor vehicle repair facilities.

This section provides locational and operational standards for the establishment of motor vehicle repair facilities, in compliance with Article 2, (Zoning Districts), which shall be subject to the following criteria and standards.

- A. The motor vehicle repair facility shall provide adequate vehicular circulation to ensure free ingress and egress, and safe and unimpeded on-site circulation.
- B. All work shall be performed within a fully enclosed structure.
- C. Structures shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to the surrounding properties.
- D. Artificial light shall be designed to reflect away from adjoining properties.
- E. Screening and buffering.
 - 1. A six-foot high solid masonry wall shall be maintained along the exterior boundaries of the motor vehicle repair facility, excluding the front yard setback area, those locations approved for ingress and egress, and areas adjoining a street, other than an alley.
 - 2. All damaged or wrecked motor vehicles awaiting repair shall be effectively screened from view from any public street or highway, or adjoining properties, by a six-foot high decorative masonry wall or other opaque material approved by the community development director.
- F. Motor vehicles associated with the subject use shall not be parked or stored on a public street or alley.
- G. Motor vehicles shall not be stored at the site for purposes of sale (unless the use is also a vehicle sales lot).

- H. Noise from bells, loudspeakers, public address systems, or tools shall not be audible from residentially zoned or occupied parcels between the hours of seven p.m. and seven a.m. on weekdays and Saturdays, and before ten a.m. and after seven p.m. on Sundays and nationally recognized holidays.
- I. Service bay doors shall not directly face or be viewable from adjoining public rights-of-way or a residential development or zoning district.
- J. Residential uses shall not be allowed on a site containing a motor vehicle repair facility.
- K. Vehicle Identification. Motor vehicle repair facilities established on, or after, the effective date of this Section 21.36.140.K., shall be required to identify vehicles awaiting or undergoing repair with a label on the dash of every vehicle. The size of the label shall be a half letter size (5.5 inches by 8.5 inches) or greater.
- L. Vehicle Ledger. Motor vehicle repair facilities established on, or after the effective date of this Section 21.36.140.L., shall be required to keep a ledger of all vehicles under their care, and make the list available to City staff on request. The list shall be used to confirm if vehicles under the care of the operator are parked in the street and/or not appropriately identified on the premises.

Section 31. Campbell Municipal Code Section 21.36.243 (Tutoring centers) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

21.36.243 Tutoring centers.

This section provides ~~provisions for the operation of locational and operational standards for~~ 'tutoring centers, large' and 'tutoring centers, small' (hereinafter collectively referred to as 'tutoring centers') where they are allowed in compliance with Article 2, (Zoning Districts):

- ~~A. Location. Tutoring centers shall satisfy all of the following standards:~~
 - ~~1. The tenant space is located in a professional office and/or medical service building (e.g. the space does not have storefront windows, clear span interiors, or service areas typically associated with a retail store);~~
 - ~~2. The tenant space has not been occupied by a retail store in the past twelve months; and~~
 - ~~3. The tenant space is located in an area without high pedestrian/vehicle visibility and access.~~
- A.B. Operation. Tutoring centers established on or after April 19, 2019 (the effective date of City Council Ordinance No. 2240)~~the effective date of this ordinance~~, regardless of zoning district, shall abide by the following standards:
 - 1. Appointment only. Instruction shall be provided by appointment only and scheduled at least one-day in advance of the instruction;
 - 2. Outdoor activities. All instructional activity shall occur within the interior of the tenant space; and
 - 3. Noise. Sound generated within the tenant space, regardless of decibel level, shall not create unreasonable noise which obstructs the free use of neighboring businesses or residences. Further, doors shall be kept closed at all times instruction is provided.

Section 32. Campbell Municipal Code Section 21.45.030 (Exemptions) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

21.45.030 Exemptions

This Chapter shall not apply to the following:

- 1. Special events approved by the City Council pursuant to Chapter 5.50, (Special Events Permit);
- 2. Property located within an overlay combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit);
- 3. Private events not open to the general public occurring entirely within the interior of a commercial establishment, conducted in compliance with an existing City land use permit;
- 4. Fundraising and commercial activities conducted by minor children (e.g., cookie sales, lemonade stands, etc.);

5. Non-Commercial speech activity protected by the United States or California constitutions (e.g., the distribution of political or religious materials, initiative/petition signings, voter registration drives, etc.); and
6. Entertainment performances conducted on ~~public~~private property (e.g., busking, "First Friday" musical performances, etc.), provided that such performances do not constitute a public nuisance as defined by Section 6.10.020 (Nuisance conditions).

Section 33. Campbell Municipal Code Section 21.45.040.A. (Allowed uses) is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

- A. Allowed uses. The following temporary uses are permitted by right without the need to obtain a temporary use permit and without cost, when located on a non- residentially zoned private property, in compliance with Article 2, (Zoning Districts), subject to the specified general standards.
1. Activity occurring on private property in association with a special event permit approved pursuant to Chapter 5.50, (Special Events Permit);
 2. Beer and wine festivals/walks occurring within the CB-MU Zoning District, held by a chamber of commerce or incorporated business association, and subject to issuance of a Daily (Special One-day Event Permit) from the California Department of Alcoholic Beverage Control;
 3. Bingo in compliance with CMC 21.36.035 (Bingo);
 - ~~4.3.~~ Blood drives;
 - ~~5.4.~~ Grand opening and ribbon cutting events sponsored by a chamber of commerce;
 - ~~6.5.~~ Halloween pumpkin sales lots occurring from September 1st to October 31st;
 - ~~7.6.~~ Holiday tree sales lots occurring from November 1st to December 25th;
 - ~~8.7.~~ Parking lot/sidewalk sales conducted by an on-site retail business, provided that no more than five parking stalls are utilized for a period of no more than six hours;
 - ~~9.8.~~ Placement of on-site construction trailers on a property subject to an active building permit;
 - ~~10.9.~~ Placement of up to two cargo containers on a property subject to an active building permit;
 - ~~11.10.~~ Sales offices located on a property subject to an active building permit; and
 - ~~12.11.~~ Social and/or fundraising events conducted on the property of a public assembly use (as defined by section 21.72.020.p) for a period not exceeding six hours, provided that such events do not occur more than twelve times per year.

Section 34. Campbell Municipal Code Section 21.72.020.A (Definitions, "A.") is hereby amended to add the definition of "Alcohol sales, offsite", after the definition of "Adult day care facilities", with underlining (underlining) indicating new text as follows:

"Alcohol sales, offsite" or "Offsite alcohol sales" means a retail activity that involves the selling of alcoholic beverages for consumption off the premises. Retail activities that involve offsite alcohol sales shall comply with the provisions of Section 21.36.142 (Offsite alcohol sales) and may include, but are not limited to, the following land use types:

1. Breweries;
2. Convenience markets/stores;
3. Distilleries;
4. Grocery stores;
5. Liquor stores; and
6. Wineries.

Section 35. Campbell Municipal Code Section 21.72.020.A (Definitions, "A.") is hereby amended to add the definition of "Alcohol sales, onsite", after the definition of "Alcohol sales, offsite", with underlining (underlining) indicating new text as follows:

"Alcohol sales, onsite" or "Onsite alcohol sales" means a retail activity that involves the selling of alcoholic beverages for consumption on the premises. Retail activities that involve onsite alcohol consumption shall comply with the provisions of Section 21.36.144 (Onsite alcohol sales) and may include, but are not limited to, the following land use types:

1. Arcades;
2. Banquet facilities;
3. Bars;
4. Breweries;
5. Community/cultural/recreational center;
6. Distilleries;
7. Golf courses and golf driving ranges;
8. Indoor amusement/entertainment/recreation centers;
9. Hotels;
10. Motels;
11. Nightclubs;
12. Outdoor amusement/entertainment/recreation centers;
13. Public assembly uses;
14. Restaurants, full service;
15. Theaters, movie or performing arts; and
16. Wineries.

Retail activity meeting the definition of "Alcohol sales, ancillary onsite" are excluded from this definition.

Section 36. Campbell Municipal Code Section 21.72.020.A (Definitions, "A.") is hereby amended to add the definition of "Alcohol sales, ancillary onsite" or "Ancillary onsite alcohol sales", after the definition of "Alcohol, offsite sales", with underlining (underlining) indicating new text as follows:

"Alcohol sales, ancillary onsite" or "Ancillary onsite alcohol sales" means a retail activity that involves the selling of alcoholic beverages for consumption on the premises meeting the requirements of one of the facility types identified by Section 21.36.145.B. (Facility types). Retail activities meeting this definition are excluded from the definition of "Alcohol sales, onsite."

Section 37. Campbell Municipal Code Section 21.72.020.A (Definitions, "A.") is hereby amended to add the definition of "Amusement device", after the definition of "Ambulance service", with underlining (underlining) indicating new text as follows:

"Amusement device" means a piece of equipment or a mechanism designed for the purpose of entertaining or creating a game for a person or persons to play. Examples of amusement devices include, but are not limited to, arcade video games, electro-mechanical games, air hockey tables, photo booths, and pinball machines. Merchandiser games (i.e., claw machines) and similar devices where an award is given in exchange for money are not included in this definition.

Section 38. Campbell Municipal Code Section 21.72.020.A (Definitions, "A.") is hereby amended to add the definition of "Ancillary onsite alcohol sales", after the definition of "Amusement device", with underlining (underlining) indicating new text as follows:

"Ancillary onsite alcohol sales." See "Alcohol sales, ancillary onsite."

Section 39. The definition of “Ancillary retail uses serving industrial uses” in Campbell Municipal Code Section 21.72.020.A (Definitions, “A.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

“Ancillary retail uses serving industrial uses” means the retail sales of various products within an industrial area for the purpose of serving the employees and businesses and/or ancillary retail operations associated with an industrial use which occupy no more than twenty-five percent of the uses existing floor area.

Section 40. The definition of “Arcades” in Campbell Municipal Code Section 21.72.020.A (Definitions, “A.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

“Arcades” means establishments providing three or more ~~amusement devices~~arcade machines within an indoor amusement and entertainment facility. Two or less ~~amusement devices~~arcade machines are not considered a land use separate from the primary use of the site. ~~This land use does not include arcade games or other activities located within private entertainment facilities.~~

Section 41. Campbell Municipal Code Section 21.72.020.B (Definitions, “B.”) is hereby amended to add the definition of “Bingo”, after the definition of “Beer and wine festivals/walks”, with underlining (underlining) indicating new text as follows:

“Bingo” means a game of chance in which prizes are awarded on the basis of designated letters, numbers, or symbols on a card which conform to letters, numbers, or symbols selected at random. Bingo activities are subject to the requirements of Section 21.36.035 (Bingo.)

Section 42. The definition of “Blueprinting shop” in Campbell Municipal Code Section 21.72.020.B (Definitions, “B.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

“Blueprinting shop” means an establishment primarily engaged in reproducing text, technical drawings, architectural plans, maps, or other images by blueprinting, photocopying, or other methods of duplication. This use is included in the definition of “Printing and publishing”. ~~Does not include printing and publishing services (“printing and publishing”) or other business support services (“business support services”).~~

Section 43. The definition of “Convenience markets/stores” in Campbell Municipal Code Section 21.72.020.C (Definitions, “C.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

“Convenience markets/stores” means an establishment that includes the retail sale of shelf stable food, beverages, and small personal convenience items; ~~primarily for off-premises consumption and typically found in establishments with long or late hours of operation and in a relatively small building; but excluding delicatessens and other specialty food shops and also excluding establishments which have a sizeable assortment of fresh fruits and vegetables and fresh cut meat. A minor portion of the food sold onsite may be perishable (e.g., coffee, hotdogs, slushies, snacks,) when prepared for immediate consumption (i.e., the sale of raw meat is prohibited).~~ These stores are included in the definition of “Retail stores, general merchandise” and excluded from the definition of “Grocery stores”. ~~can be part of a gasoline station or an independent facility.~~

Section 44. The definition of “Liquor establishments” in Campbell Municipal Code Section 21.72.020.L (Definitions, “L.”) is hereby deleted in its entirety.

Section 45. The definition of “Liquor stores” in Campbell Municipal Code Section 21.72.020.L (Definitions, “L.”) is hereby amended with strikeouts (~~strikeouts~~) indicating deleted text as follows.

“Liquor stores” means a retail activity that is primarily devoted to the selling of alcoholic beverages, including beer and wine, for consumption off the premises. ~~Liquor stores shall comply with the provisions of Section 21.36.110.~~

Section 46. The definition of “Grocery stores” in Campbell Municipal Code Section 21.72.020.G (Definitions, “G.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

“Grocery stores” means an establishment which sells perishable~~staple~~ food items (e.g., meat, eggs, dairy products, fruits, vegetables~~coffee, sugar, flour~~, etc.). Grocery stores may also sell and usually meats and other foods (e.g., fruits, vegetables, dairy products, etc.) and household staples and supplies (e.g., soap, matches, paper napkins, etc.); a minor portion of the food sold may be processed on site (e.g., deli or bakery services). ~~Food stores specializing in a single type of these items (e.g., candy stores, produce only shops, coffee and tea shops, etc.) are not classified as grocery stores. Grocery stores include delicatessens and meat markets, but do not include uses meeting the definition of “Convenience markets/stores”.~~

Section 47. The definition of “Outdoor “active” activities” in Campbell Municipal Code Section 21.72.020.O (Definitions, “O.”) is hereby deleted in its entirety.

Section 48. The definition of “Printing and publishing” in Campbell Municipal Code Section 21.72.020.P (Definitions, “P.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

“Printing and publishing” means establishments engaged in printing by gravure, letterpress, lithography, offset, screen, or other common process, including electrostatic (xerographic) copying and other “quick printing” services; and establishments serving the printing trade including bookbinding, electrotyping, engraving, photoengraving, silk screening, and typesetting. This use also includes establishments that publish books, newspapers, and periodicals; and establishments manufacturing business forms and binding devices. Printing and publishing establishments also include “Blueprinting shops”.

Section 49. The definition of “Restaurants” in Campbell Municipal Code Section 21.72.020.R (Definitions, “R.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

Restaurants.

1. Restaurants, drive-through. (See “drive-through/drive-up service/drive-up window”).
2. Restaurants, drive-in. (See “Drive-in/drive-in service”).
3. “Restaurants or cafes, quick service~~fast food~~” or “restaurants, fast casual” or “fast casual restaurants” or “quick service restaurants or cafes” means establishments whose primary business is the sale of food and beverages to customers for consumption on-site or off-site. This type of restaurant provides onsite seating and typically includes the following operational characteristics:
 - High turnover rates for eat-in customers (typically less than 40 minutes);
 - High percentage of carry-out clientele and/or presence of a dedicated food/beverage pickup area;

- Very limited or no table service;
- Does not accept dining reservations;
- Drink dispensers, condiment bars, and/or trash disposal areas are provided in locations accessible to customers to accommodate self-service;
- Customers typically order from a menu board or electronic system and pay before receiving food and beverages; and
- Food and beverages are served with disposal tableware.

~~Customarily less than fifty percent of the total gross floor area is used for customer seating. Interior furnishings include standardized floor plans, stationary seats, and tables. Food is primarily pre-packaged rather than made to order. Plates and cutlery are disposable. Condiment bars and trash disposal are self-service.~~

4. "Restaurants, ~~full service or cafes~~" or "Full service restaurants" means establishments whose primary business is the sale of food and beverages to customers for their consumption within the restaurant or restaurant patio area. This type of restaurant provides onsite seating and typically includes the following operational characteristics:

- Low turnover rates for eat-in customers (typically more than 40 minutes);
- Low percentage of carry-out clientele and/or lack of a dedicated food/beverage pickup area;
- Provides table service;
- Accepts dining reservations;
- Drink dispensers, condiment bars, and/or trash disposal areas are not accessible to customers;
- Customers typically order from a menu where they are seated and pay after receiving food and beverages; and
- Food and beverages are served with non-disposal tableware.

~~Customarily at least fifty percent of the total gross floor area is used for the seating of customers. The restaurant may be open for breakfast, lunch, and/or dinner. Alcoholic beverages and carryout food service are allowed if they are incidental to the primary purpose of consumption of food and beverages in the restaurant.~~

- ~~5. "Restaurants, standard" means any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:~~
- ~~a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages on tableware by a restaurant employee at the same table or counter at which said items are consumed.~~
- ~~b. A cafeteria type operation where foods, desserts, or beverages generally are consumed within the restaurant building.~~

Section 50. The definition of "Retail stores, general merchandise" in Campbell Municipal Code Section 21.72.020.R (Definitions, "R.") is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

"Retail stores, general merchandise" means retail trade establishments selling many lines of merchandise. These stores and lines of merchandise include:

1. Antiques; Art stores/ galleries;
2. Antiques; Art stores/ galleries;
3. Artists' supplies;
4. Bakeries ~~(retail only)~~;
5. Boat supplies;
6. Beauty supply;
7. Bicycles;
8. Cameras and photographic supplies;
9. Candy stores;

- 10. Clothing and accessories;
- 11. Collectibles;
- 12. Convenience markets/stores;
- 13. Department stores;
- ~~14.12.~~ Drug and discount stores;
- ~~15.13.~~ Fabrics and sewing supplies;
- 16. Furniture, furnishings, and equipment stores;
- ~~17.14.~~ Florists and houseplant stores (indoor sales only—outdoor sales are "garden centers/plant nurseries");
- ~~18.15.~~ Gifts, novelties and souvenirs;
- ~~16. Delicatessens;~~
- ~~19.17.~~ Handcrafted items (stores may include crafting preparations subordinate to retail sales);
- 20. Hardware stores;
- ~~21.18.~~ Hobby materials;
- ~~22.19.~~ Jewelry;
- ~~23.20.~~ Luggage and leather goods;
- 24. Medical stores;
- 25. Music (recordings) stores
- ~~21. Meat market;~~
- ~~26.22.~~ Newsstands;
- ~~23. Orthopedic supplies;~~
- 27. Pharmacies/drug stores;
- ~~28.24.~~ Photography studio/supply shops;
- 29. Secondhand/thrift stores without onsite acquisition
- ~~30.25.~~ Shoes;
- ~~31.26.~~ Small wares;
- ~~32.27.~~ Specialty shops;
- ~~33.28.~~ Sporting goods and equipment;
- ~~34.29.~~ Stationery;
- ~~35.30.~~ Toys and games; and
- ~~36.31.~~ Variety stores.

Retail stores included in this definition may provide limited indoor seating for customer convenience, provided that no more than 12 seats are provided when the tenant space is less than 10,000 gross square-feet in area.

Section 51. Campbell Municipal Code Section 21.72.020.M (Definitions, "M.") is hereby amended to add the definition of "Medical stores", after the definition of "Massage therapy", with underlining (underlining) indicating new text as follows:

"Medical stores" means a retail store specializing in the sale of medical equipment and devices that also includes related medical services in an ancillary capacity, such as an eyewear store with an on-site optometrist. This type of retail store is included in the definition of "Retail stores, general merchandise" and excluded from the definition of "medical services, clinics".

Section 52. Campbell Municipal Code Section 21.72.020.O (Definitions, "O.") is hereby amended to add the definition of "Offsite alcohol sales", after the definition of "Offices, professional", with underlining (underlining) indicating new text as follows:

"Offsite alcohol sales." See "Alcohol sales, offsite."

Section 53. Campbell Municipal Code Section 21.72.020.O (Definitions, “O.”) is hereby amended to add the definition of “Onsite alcohol sales”, after the definition of “Offsite alcohol sales”, with underlining (underlining) indicating new text as follows:

“Onsite alcohol sales.” See “Alcohol sales, onsite.”

Section 54. The definition of “Secondhand/thrift stores” in Campbell Municipal Code Section 21.72.020.S (Definitions, “S.”) is hereby amended with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text as follows:

“Secondhand/thrift stores with onsite acquisition” means indoor retail establishments that acquire and sell used products onsite~~buy and sell used products~~, including books, clothing, furniture, and household goods. Used products may be purchased, received in donation, or placed in care of the store for consignment. The sale of cars and other used vehicles is included under “Motor Vehicle Sales.”

Section 55. Campbell Municipal Code Section 21.72.020.S (Definitions, “S.”) is hereby amended to add the definition of “Secondhand/thrift stores without onsite acquisition”, after the definition of “Secondhand/thrift stores with onsite acquisition”, with underlining (underlining) indicating new text as follows:

“Secondhand/thrift stores without onsite acquisition” means indoor retail establishments that sell used products, including books, clothing, furniture, and household goods onsite. This type of retail store does not accept products for sale onsite and is included in the definition of “Retail stores, general merchandise” and excluded from the definition of “Secondhand/thrift stores, with onsite acquisition”. The sale of cars and other used vehicles is included under “Motor Vehicle Sales.”

Section 56. The definition of “Spa Services/Health Spa” in Campbell Municipal Code Section 21.72.020.S (Definitions, “S.”) is hereby deleted in its entirety.

Section 57. If any section, sentence, clause, phrase, word, or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance, shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 58. The proposed Ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) as there is no possibility that the proposed changes to the City’s Municipal Code may have a significant effect on the environment.

Section 59. The City Council further finds and determines that the proposed Ordinance is consistent with the goals, policies, and actions of the 2040 General Plan.

Section 60. That this Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, or summary thereof, one time within fifteen (15) days upon passage and adoption in the Metro Silicon Valley, a newspaper of general circulation for the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this 16th day of April, 2024, by the following roll call vote:

AYES: Councilmembers: Bybee, Furtado, Scozzola, Lopez, Landry
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None

APPROVED: _____
Susan M. Landry, Mayor

ATTEST: _____
Andrea Sanders, City Clerk