

ORDINANCE 2286

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL ADDING NEW CHAPTER 21.25 (TWO-UNIT HOUSING DEVELOPMENTS) AND CHAPTER 20.14 (URBAN LOT SPLITS) TO THE CAMPBELL MUNICIPAL CODE TO IMPLEMENT SENATE BILL NO. 9 (SB-9) AND AMENDING VARIOUS OTHER SECTIONS OF THE MUNICIPAL CODE PERTAINING TO THE REGULATION OF ACCESSORY DWELLING UNITS (ADUS). FILE NO.: PLN-2021-187

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

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

SECTION 1. The City Council adopts this ordinance in furtherance of Senate Bill No. 9 (2021), which requires ministerial approval of a housing development of no more than two units in a single-family zone (proposed housing development), the subdivision of a parcel zoned for residential use into two parcels (urban lot split), or both, and pursuant to Section 65852.21(j) and Section 66411.7(n) of the Government Code, and to amend related provisions governing the creation of accessory dwelling units in order to remove existing constraints and barriers.

SECTION 2. The City Council finds and determines that the proposed ordinance is consistent with the goals, policies, and actions of the General Plan, including Housing Element Policies H-5.3 (Secondary Dwelling Units) and H-5.4 (Ordinance Updates); would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and is internally consistent with other applicable provisions of the Campbell Municipal Code.

SECTION 3. The City Council further finds and determines that the adoption of this ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to California Government Code Section 65852.21(j) and Section 66411.7(n) relating to implementation of Senate Bill No. 9, as well as pursuant to Public Resource Code Section 21080.17 which exempts the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code relating to the construction of accessory dwelling units.

SECTION 4. Termination of Interim Ordinance. That (Interim) Ordinance No. 2277, as extended by Ordinance No. 2278, is superseded by, and shall be of no further force and effect upon the effective date of this ordinance.

SECTION 5. Adopting a SB-9 Housing Developments Chapter. New Chapter 21.25 (Two-Unit Housing Developments) is hereby added to Article 3 (Development and Operational Standards) of Title 21 (Zoning Code) of the Campbell Municipal Code to read as follows:

CHAPTER 21.25 (TWO-UNIT HOUSING DEVELOPMENTS)

21.25.010 – Purpose

This Chapter establishes exceptions from the Zoning Code and provides permit procedures for proposed housing developments allowed by Senate Bill No. 9 (2021), as codified in Government Code Section 65852.21. The provisions of this Chapter shall supersede any other provision to the contrary in the Zoning Code; all other provisions unaffected by this Chapter shall remain in effect. Urban lot splits permitted by Government Code Section 66411.7 are processed pursuant to Chapter 20.14 (Urban Lot Splits).

It is further established that nothing in this Chapter shall be construed as to require the physical construction of two dwelling units that comprise a proposed housing development. However, to ensure that no proposed housing development or urban split would result in a specific, adverse impact upon the public health and safety or the physical environment that cannot be satisfactorily mitigated by feasible methods or measures, all applications submitted under this Chapter shall demonstrate construction, creation, and/or retention of two dwelling units on each parcel in compliance with the objective design, site development, and subdivision standards adopted herein.

21.25.020 – Applicability

This Chapter is applicable only to voluntary applications for proposed housing developments. Owners of real property or their representatives may continue to exercise rights for property development in conformance with the Zoning Code. Development applications that do not satisfy the definitions for a proposed housing development shall not be subject to this Chapter. It is not the intent of this Chapter to override any lawful use restrictions as may be set forth in Conditions, Covenants, and Restrictions (CC&Rs) of a common interest development.

21.25.030 – Definitions

In addition to the terms defined by Section 21.72.020 (Definitions of specialized terms and phrases) and Section 21.23.120 (Definitions), the following terms shall have the following meanings as used in this Chapter. Where a conflict may exist, the definitions provided in this section shall prevail over any other definition.

"Acting in concert" means persons, as defined by Section 82047 of the Government Code as that section existed as of January 1, 2022, acting jointly to pursue development of real property whether or not pursuant to a written agreement and irrespective of individual financial interest.

"Addition" means any construction which increases the size of a building in terms of site coverage, height, length, width, or gross floor area.

"Alteration" means any construction or physical change in the arrangement of rooms or the supporting members of a building or change in the relative position of buildings on a site, or substantial change in appearances of any building.

"Building" means any structure having a roof supported by columns or walls and intended for any shelter, housing or enclosure of any individual, animal, process, equipment, goods, use, occupancy, or materials. When any portion of a structure is completely separated

from every other portion of the structure by a masonry division or firewall without any window, door or other opening and the masonry division or firewall extends from the ground to the upper surface of the roof at every point, such portion shall be deemed to be a separate building.

"Construction of a new primary dwelling unit" means (1) the erection or assembly of a new primary dwelling unit; (2) creation of a new primary dwelling unit from the floor area of an existing accessory structure or primary dwelling unit; and (3) the conversion of an existing accessory dwelling unit or junior accessory dwelling unit to a primary dwelling unit.

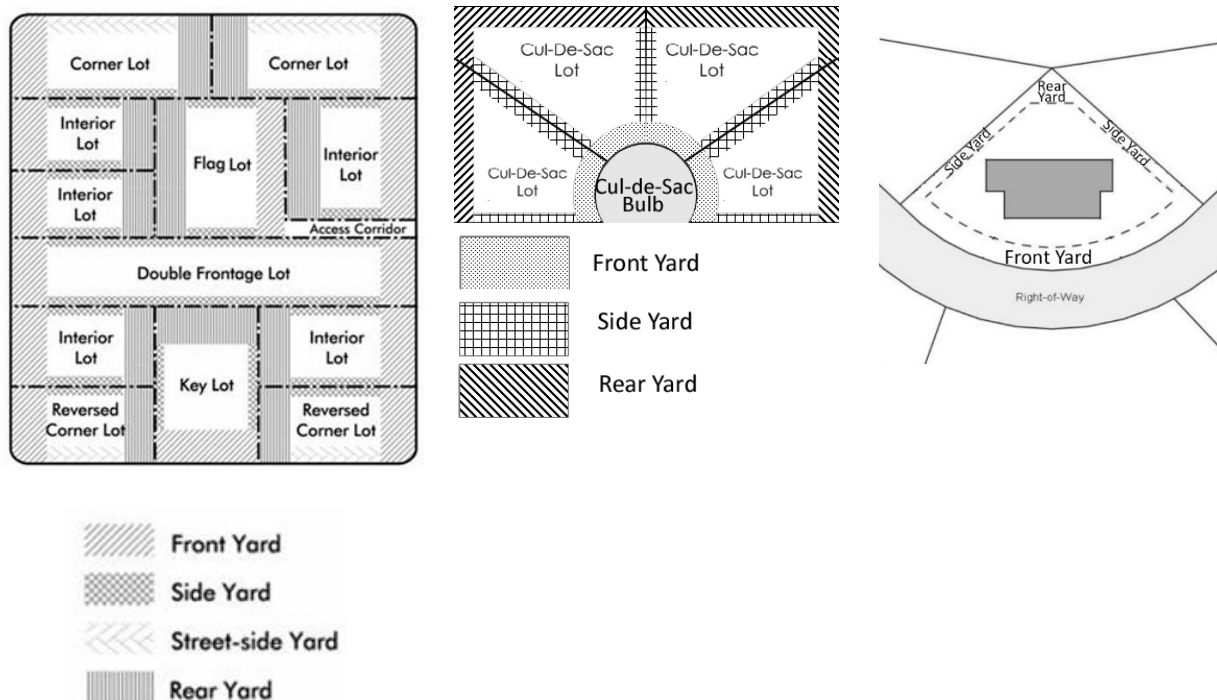
"Elevation," including "front elevation," "side elevation," "street-side elevation", and "rear elevation," means the wall(s) of a building that are oriented towards the front, side, street-side, and rear yards, respectively, formed by the required building setbacks, as illustrated by Figure 1-1, Figure 1-2, and Figure 1-3.

"Entry feature" means a structural element, which leads to a front door.

"Existing non-livable space(s)" and "portions of existing multifamily dwelling structures that are not used as livable space" as referenced in Section 21.23.050 (Special Provisions for Multi-family Residential Properties) and Section 65852.2(e)(1)(C) of the Government Code, respectively, refers to storage rooms, boiler rooms, passageways, attics, basements, garages, carports, and similar spaces that are located within or a part of existing multifamily dwelling structures that received a certificate of occupancy prior to January 1, 2022.

"Existing structure" means a lawfully constructed building that received final building permit clearance prior to January 1, 2022 and which has not been expanded on or after January 1, 2022.

"Lot types" means "corner lot," "interior lot," flag lot," "double frontage lot," "reversed corner lot," and "key lot" as depicted in Figure 1-1 (Lot Types and Yards), below. Also includes a "cul-de-sac lot" that is located along the curved terminus formed by the bulb of a cul-de-sac street, as depicted by Figure 1-2 (Cul-de-Sac Lots) and a "pie-shaped lot" where the side lot lines are approximately radial to the curve of the street upon which it fronts, as depicted in Figure 1-3 (Pie-Shaped Lot). Any other lot type not defined herein shall be considered an "irregular lot".



"Parcel" and "legal parcel" mean a single unit of land created by a partition or subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

"Natural grade" means the average existing elevation of datum points located at each corner of a proposed primary dwelling unit, measured in feet above mean sea level (AMSL).

"Neighborhood plan" means both the San Tomas Area Neighborhood Plan and the Campbell Village Neighborhood Plan, as applicable.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards, and subject to Chapter 21.58 (Nonconforming Uses and Structures).

"Proposed housing development" means an application proposing no more than two primary dwelling units on a single parcel located within a single-family residential zone as authorized by Section 65852.21 of the Government Code. This Chapter recognizes the following types of proposed housing developments. Any proposal not satisfying this definition shall not be considered a proposed housing development under this Chapter.

1. Construction of two (2) new primary dwelling units on either an existing parcel or a new parcel created from an urban lot split.
2. Construction of one (1) new primary dwelling unit and retention of one (1) existing primary dwelling unit on either an existing parcel or a new parcel created from an urban lot split.

3. Retention of two (2) lawful nonconforming primary dwelling units where one or both units are subject to a proposed addition or alteration on an existing parcel.
4. Retention of two (2) existing lawful nonconforming primary dwelling units on a new parcel created from an urban lot split.
5. Construction of one (1) new primary dwelling unit and one (1) accessory dwelling unit (or junior accessory dwelling unit) on a new parcel created from an urban lot split.
6. Retention of one (1) existing primary dwelling unit and construction of one (1) accessory dwelling unit (or junior accessory dwelling unit) on a new parcel created from an urban lot split.

"Public transportation" means a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

"Single-family residential zone" means an R-1 (Single-family) zoning district as specified by Chapter 21.08 (Residential zoning districts).

"Subdivision ordinance" means Title 20 of the Campbell Municipal Code.

"Urban lot split" means a ministerial application for a parcel map to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code.

"Yards" means the open space formed by the required building setbacks, as illustrated by Figure 1-1, Figure 1-2, and Figure 1-3.

"Zoning code" means Title 21 of the Campbell Municipal Code.

21.25.040 – General Eligibility

A proposed housing development may only be created on parcels satisfying all of the following general requirements:

- A. Zoning District.** A parcel that is located within a single-family residential zone.
- B. Historic Property.** A parcel that is not listed on the City of Campbell Historic Resource Inventory, as defined by Chapter 21.33 (Historic Preservation).
- C. Legal Parcel.** A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Subdivision Ordinance, as applicable at the time the parcel was created. The city engineer may require a certificate of compliance to verify conformance with this requirement.
- D. Hazardous Waste Site.** A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated

by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.

- E. Flood Zone.** A parcel that is not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) on the official maps published by the Federal Emergency Management Agency unless a Letter of Map Revision prepared by the Federal Emergency Management Agency has been issued or if the proposed primary dwelling unit(s) is constructed in compliance with the provisions of Chapter 21.22 (Flood Damage Prevention) as determined by the floodplain administrator.
- F. Earthquake Fault Zone.** A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the proposed housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- G. Natural Habitat.** A parcel that is not recognized by the City as a habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

21.25.050 – Zoning Standards

The following objective zoning standards supersede any other standards to the contrary that may be provided in the Zoning Code or a neighborhood plan, as they pertain to a proposed housing development under Government Code Section 65852.21. Proposed housing developments shall be constructed only in accordance with the following objective zoning standards, except as provided by Section 21.25.100 (Exceptions).

- A. Building Height/Number of Stories.** The maximum building height and maximum number of stories shall be as specified by the applicable zoning district and/or a neighborhood plan. Building height shall be measured from finished grade except for properties subject to a neighborhood plan where maximum building height is measured from natural grade.
- B. Floor Area Ratio and Lot Coverage.** The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning district and/or a neighborhood plan.

C. Grading. A change in elevation (AMSL) from natural grade shall be limited to the minimum extent necessary to ensure adequate drainage as demonstrated by a grading and drainage plan prepared by a registered civil engineer.

D. Minimum Living Area. The minimum living area of a primary dwelling unit shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1.

E. Parking. One (1) parking stall per primary dwelling unit shall be required, except for proposed housing developments located on parcels within one-half mile walking distance of either a public transportation stop or one block of a car share vehicle operating in accordance with California Vehicle Code section 22507.1.

Parking stalls may either be uncovered or covered (garage or carport) in compliance with the development standards of the applicable zoning district and/or a neighborhood plan and Chapter 21.28 (Parking and Loading), except that uncovered parking spaces may encroach into a required front or side yard fronting on a public street within an existing or proposed driveway that satisfies the minimum stall dimensions for residential parking spaces (9-feet wide by 20-feet deep).

F. Private Open Space. Each parcel shall maintain a minimum of 750 square feet of private open space per primary dwelling unit, satisfying the requirements of Section 21.08.030, Table 2-3 (General Development Standards – R-1 Zoning District).

G. Setbacks. Proposed housing developments shall be subject to the setback and building separation requirements specified by Table 1-1 (Setback Requirements), below:

Table 1-1 – Setback Requirements

Setback (1)		Requirement (2)
Property Line Setbacks	Front	Per the applicable zoning district and/or neighborhood plan
	Garage Entry	25 feet
	Interior Sides (3)	4 feet
	Rear	
	Street Side	12 feet
Separation Between Primary Dwelling Units (4)	For units located in front of or behind each other	10 feet
	For units located to the side of each other	5 feet
Separation from Accessory Structure(s)	If located in front of the accessory structure	10 feet
	If located behind the accessory structure	
	If located to the side of the accessory structure	5 feet

Exceptions:

- (1) Cornices, eaves, sills, canopies, bay windows, or other similar architectural features may extend into required setbacks and building separation distances as specified Section 21.18.040.B.1.
- (2) No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
- (3) No interior side setback shall be required for proposed housing development units constructed as attached townhomes, provided that the structures meet building code safety standards and are sufficient to allow conveyance as a separate fee parcel.
- (4) Except for primary dwellings constructed as a duplex or townhomes.

21.25.060 – Site Development Standards

The following site development standards augment those standards provided in Chapter 21.18 (Site Development Standards), Chapter 21.28 (Parking and Loading), and Chapter 21.26 (Landscaping). Proposed housing developments shall be constructed only in accordance with the following site development standards, except as provided by Section 21.25.100 (Exceptions).

- A. Air Conditioning Units.** Air conditioning units and similar equipment such as generators, heating, and ventilation equipment shall be ground-mounted, screened from public view, and separated from property lines as required by Section 21.18.020 (Air conditioning units).
- B. Driveways.** Driveways shall comply with the requirements of Section 21.28.090 (Driveways and site access), except that the following standards shall apply:
1. Each driveway shall have a minimum width of eight feet up to a maximum width of eighteen feet;
 2. Each driveway shall be entirely paved with either concrete or pavers. All other surfacing materials, including but not limited to gravel, decomposed granite, and asphalt, are prohibited; and
 3. Only a single driveway curb-cut shall be permitted per parcel designed in accordance with the City's Standard Specifications and Details for Public Works Construction.
- C. Fencing.** All new fencing shall comply with the requirements of Section 21.18.060 (Fences, walls, lattice and screens), except that fences shall be permitted up to seven feet in height, with or without lattice, where a six-foot tall fence would otherwise be permitted.
- D. Front Yard Paving.** No more than fifty percent of the front-yard setback area shall be paved as specified by Section 21.18.070 (Front yard paving), except to allow a driveway with a width dimension not exceeding eight feet.
- E. Landscaping Requirement.** Front and street-side yards shall be irrigated and landscaped with a combination of plantings, including natural turf, ornamental grasses, groundcovers, shrubs, and trees, consistent with Section 21.26.030 (General

landscaping requirements for all zoning districts) and the California Model Water Efficient Landscape Ordinance (MWELO), pursuant to Section 21.26.030.F (Water efficient). Properties subject to the San Tomas Area Neighborhood Plan (STANP) shall provide one tree per 1,500 square feet of net lot area.

- F. Lighting.** New exterior lighting fixtures shall be down-shielded and oriented away from adjacent properties consistent with Section 21.18.090 (Lighting design standards) and shall not emit more than one half foot candle of illumination at interior-side or rear property lines.
- G. Stormwater Management.** Stormwater runoff from impervious surfaces shall be directed to vegetated areas on the parcel and shall not drain onto adjacent parcels as specified by the Building Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer.
- H. Water Meter(s) and Sewer Cleanout(s):** New water meters and sewer cleanouts shall be installed on the parcel containing the units they serve. Existing meters and cleanouts located within the public right-of-way shall be relocated onto the parcel upon construction of a new primary dwelling unit.

21.25.070 – Design Review Standards

The following objective design review standards apply to construction of new primary dwelling units and to any addition and/or alteration to existing primary dwelling units as part of a proposed housing development, except as provided by Section 21.25.100 (Exceptions). Existing features inconsistent with these standards may remain provided they are not altered or removed.

- A. Balconies/Decks.** Rooftop terraces and decks are prohibited. Balconies shall only be permitted on the front elevation of a primary dwelling unit(s).
- B. Building Colors.** Each new primary dwelling unit shall incorporate at least two (2) colors (inclusive of trim) but not more than four colors. Paints shall be uniformly applied to wall surfaces and no more than one paint color may be applied per wall (not including the trim color). Additions to existing primary dwelling units shall incorporate the same building colors as the existing structure or otherwise comply with the requirements of this provision.
- C. Columns and Pillars.** Exterior columns and/or pillars shall not exceed a height of 14-feet or the plate height of the first-story, whichever is less.
- D. Finished Floor.** The finished floor of the first-story shall not exceed 18-inches in height as measured from finished grade.
- E. Front Entryway.** An entry feature framing a front door shall not exceed 14-feet in height as measured from finished grade.

- F. Front Doors.** Front door openings shall not exceed a width of 6-feet or a height of 9-feet. Front entry doors for duplex units in a side-by-side configuration shall be separated by a distance equal to half the linear length of the structure's front elevation.
- G. Front Porch.** Porches shall have a minimum depth of 5-feet and a minimum width equal to thirty-three percent (33%) of the linear width of the front-facing wall.
- H. Front Step-back.** Second-story wall(s) that front a public street shall be recessed by 5-feet from the first-story exterior walls, as measured wall to wall.
- I. Garages:** Garages placed on the front elevation of a primary dwelling unit shall not exceed 50% of the linear extent of the front elevation.
- J. Garage Conversions.** The creation of a primary dwelling unit from the existing space of an attached garage shall include removal of garage doors which shall be replaced with architectural features the same as those of the existing primary dwelling unit, including the same wall cladding, building color(s), and window frames that remove any appearance that the structure was originally a garage.
- K. Plate Height.** The plate height of each story for a new primary dwelling unit shall be limited to 12-feet as measured from finished floor. The plate height of an addition to an existing primary dwelling unit shall match the plate height of the existing structure.
- L. Roof Forms.** For new primary dwelling units, roofs shall be limited to cross-hipped or hipped and valley forms with a minimum slope of 4:12 and a maximum slope of 8:12. Gabled and dormer elements are allowed, but all other roof forms are prohibited. Additions to existing primary dwelling units shall match the predominant roof form and roof pitch of the existing structure.
- M. Roof Materials.** For new primary dwelling units, no more than two (2) roofing materials shall be used, limited to asphalt composite shingles, photovoltaic shingles, standing seam metal, clay tile, concrete tile, and slate shingles. All other roofing materials are prohibited. Additions to existing primary dwelling units shall incorporate the same roofing material as the existing structure or otherwise comply with the requirements of this provision.
- N. Stairways.** A dwelling unit located entirely on a second story shall require a separate interior or exterior stairway. Enclosed stairways shall be included in the allowable floor area of the dwelling unit that it serves.
- O. Wall Materials.** For new primary dwelling units, no more than two exterior wall materials shall be used, limited to stucco, horizontal or vertical fiber cement siding (in any profile), horizontal or vertical wood siding (in any profile), and horizontal or vertical engineered (composite) wood siding (in any profile). Stacked stone or brick veneer may be used as an accent material, limited to the lower half of the first story. Additions to existing primary dwelling units shall incorporate the same combination materials as the existing structure or otherwise comply with the requirements of this provision.

P. Windows. All second-story windows less than eight feet from rear and interior-side property lines shall be clerestory with the bottom of the glass at least six feet above the finished floor. All other second-story windows shall be limited to the minimum number and minimum size as necessary for egress purposes as required by the Building Code.

Q. Utilities. Gas and electric meters and connections to gas and electric meters (i.e. connections to rooftop solar panels) shall be located on side walls adjacent to interior-side property lines.

21.25.080 – General Requirements and Restrictions

The following requirements and restrictions apply to all proposed housing developments, inclusive of existing and new primary dwelling units, as applicable:

A. Accessory Dwelling Units. In addition to the two primary dwelling units comprising a proposed housing development, accessory dwelling units may be allowed as follows, consistent with Chapter 21.23 (Accessory Dwelling Units), except for proposed housing developments located on a new parcel created by an urban lot split which shall be limited to a total of two units as defined by Section 66411.7(j)(2) of the Government Code:

1. Parcels with two (2) single-family dwellings shall be permitted one (1) accessory dwelling unit and one (1) junior accessory dwelling unit;
2. Parcels with a duplex structure shall be permitted two (2) detached accessory dwelling units. The accessory dwelling units may be connected to each other in a side-by-side or front-to-back configuration or stacked with one unit located atop of the other unit forming a two-story structure not exceeding the maximum building height specified by Section 21.25.050.A (Building height/number of stories);
3. Creation of an interior accessory dwelling unit from an existing non-livable space shall only be permitted within an existing multifamily dwelling structure, as herein defined.

B. Building and Fire Codes. Title 18 and Title 17 of the Campbell Municipal Code, incorporating the Building Code and Fire Code, respectively, apply to all proposed housing developments.

C. Dwelling Unit Type. The primary dwelling unit(s) comprising a proposed housing development may take the form of detached single-family dwellings, attached townhomes, and/or duplexes. A duplex may consist of two dwelling units in a side-by-side or front-to-back configuration or stacked with one unit located atop of the other unit forming a two-story structure not exceeding the maximum building height specified by Section 21.25.050.A (Building height/number of stories).

D. Encroachment Permits. Separate encroachment permits for the installation of utilities to serve a proposed housing development shall be required. Applicants shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.

E. Park Impact Fee. A fee in-lieu of parkland dedication shall be paid in association with the creation of any new dwelling units in compliance with Chapter 13.08 (Park Impact Fees and Park Land Dedication Developments).

F. Restrictions on Demolition. The proposed housing development shall not require demolition or alteration involving removal of more than 25 percent of the existing exterior structural walls, of any of the following types of housing structures:

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
3. Housing that has been occupied by a tenant in the last three years. This shall be evidenced by claiming of the Homeowners' Exemption on the Santa Clara County assessment roll.

G. Short-Term Rentals. Leases for durations of less than 30 days, including short-term rentals are prohibited. The community development director shall require recordation of a deed restriction documenting this requirement prior to issuance of a building permit.

H. Subdivision and Sales. Except for the allowance for an urban lot split provided in Chapter 20.14 (Urban Lot Splits), no subdivision of land or air rights shall be allowed in association with a proposed housing development, including creation of a stock cooperative or similar common interest ownership arrangement. In no instance shall a single primary dwelling unit be sold or otherwise conveyed separate from the other primary dwelling unit.

21.25.090 – Application Process

Applications for proposed housing developments shall be submitted and processed in compliance with the following requirements:

A. Application Type. Proposed housing developments shall be reviewed ministerially by the community development director through consideration of a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances). The permitting provisions of Chapter 21.42 (Site and Architectural Review) and by reference any neighborhood plan, shall not be applied.

- B. Application Filing.** A zoning clearance application for a proposed housing development, including the required application materials and fees, shall be filed with the community development department in compliance with Chapter 21.38 (Application Filing, Processing and Fees). A zoning clearance application may only be found complete if it satisfies the requirements of this Chapter.
- C. Building Permits.** Issuance of a zoning clearance shall be required prior to issuance of building permit(s) for the new and/or modified dwelling units comprising the proposed housing development, consistent with Section 21.56.050 (Issuance of building permits).
- D. Approval Expiration.** Approval of a Zoning Clearance shall expire twelve months of after issuance, as specified by Section 21.56.030 (Permit time limits and extensions), except when a proposed housing development is comprised of two dwelling units. Approval of a zoning clearance for creation and/or alteration of two dwelling units shall incorporate two pre-approved phases pursuant to Section 21.56.030.A.3.b (Pre-approved phases), where each phase provides twelve months for the applicant to secure issuance of a building permit for each approved dwelling unit. Failure to secure issuance of a building permit for Phase 1 (first dwelling unit) shall result in the expiration of the zoning clearance. Failure to obtain a building permit for Phase 2 (second dwelling unit) within the successive twelve-month period shall result in the expiration of approval for Phase 2 without effect to Phase 1. Such partial expiration of the zoning clearance shall not preclude application for a new zoning clearance for the second dwelling unit nor result in a violation of this Title. An applicant may request an extension of the permit expiration date to any of the twelve-month approval periods pursuant to Section 21.56.030.C (Extensions of time).
- E. Denial.** The community development director may deny a proposed housing development project only if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Expiration of a zoning clearance application following a determination that the application is incomplete pursuant to Section 21.38.040.C (Expiration of application) shall not constitute a denial.
- F. Appeals.** As specified by Chapter 21.62 (Appeals), zoning clearances are ministerial and are not subject to an appeal.

21.25.100 – Exceptions

If any of the zoning, site development, or design review standards provided in this Chapter would have the effect of physically precluding construction of up to two primary dwelling units or physically preclude either of the two primary dwelling units from being at least eight hundred square feet in floor area, the community development director shall grant an exception to the applicable standard(s) to the minimum extent necessary as specified by

this section. An exception request shall be explicitly made on the application for a zoning clearance for a proposed housing development.

A. Determination. Exceptions shall be granted by the community development director according to the following order of priority (ordered from the most preferred to the least preferred) until the physical constraint to a proposed housing development is resolved, provided that if an exception does not remove a physical constraint, the exception shall not be granted.

1. Elimination of the rear setback (for parcels with a rear property line abutting a non-residentially zoned property or roadway);
2. Elimination of the interior-side setback (for parcels with a side property line abutting a non-residentially zoned property or street);
3. Reduction of the street-side setback to 5-feet;
4. Reduction of the garage entry setback/minimum driveway depth to 20-feet;
5. Increase to the maximum floor area ratio (FAR);
6. Increase to the maximum lot coverage;
7. Reduction to the minimum required private open space;
8. Reduction of the front/rear building separation between structures to 5-feet;
9. Reduction or elimination of any other standard not otherwise identified.

B. Remedy. Where a disagreement with the community development director's application of this section occurs, the procedures for an Interpretation provided in Section 21.020.030 (Procedures for interpretations) shall be followed, including the provisions for an appeal.

SECTION 6. Adopting an Urban Lot Splits Chapter. New Chapter 20.14 (Urban Lot Splits) is hereby added to Title 20 (Subdivision and Land Development) of the Campbell Municipal Code to read as follows:

CHAPTER 20.14 (URBAN LOT SPLITS)

20.14.010 – Purpose

This Chapter establishes exceptions to the Zoning Code and Subdivision Ordinance and provides permit procedures to allow urban lot splits allowed by Senate Bill No. 9 (2021), as codified in Government Code Section Sections 66452.6 and 66411.7. The provisions of this Chapter shall supersede any other provision to the contrary in the Subdivision Ordinance or the Zoning Code. Subdivision standards provided for in the Subdivision Ordinance that are not affected by this Chapter shall remain in effect.

20.14.020 – Applicability

This Chapter is applicable only to voluntary applications for urban lot splits. Owners of real property or their representatives may continue to exercise rights for property development in conformance with this Title. Applications that do not satisfy the definitions for an urban lot split provided in Section 21.25.030 (Definitions) of the Zoning Code shall not be subject to this Chapter. It is not the intent of this Chapter to override any lawful use restrictions as may be set forth in Conditions, Covenants, and Restrictions (CC&Rs) of a common interest development.

20.14.030 – Definitions

The meaning of terms used in the Chapter shall be as defined by Section 21.72.020 (Definitions of specialized terms and phrases), Section 21.23.120 (Definitions), and Section 21.25.030 (Definitions) of the Zoning Code. Where a conflict may exist between these sections, the definitions provided in Sections 21.25.030 (Definitions) shall prevail.

20.14.040 – Subdivision Standards

The following objective subdivision standards supersede any other standards to the contrary that may be provided in the Subdivision Ordinance, Zoning Code, or applicable neighborhood plan as they pertain to creation of an urban lot split under Section 66411.7 of the Government Code.

- A. Allowable Lot Types.** Any newly created parcel satisfying the criteria provided by Section 21.25.040 (General Eligibility) of the Zoning Code may be approved for an urban lot split, irrespective of its current configuration. However, the allowed creation of specific lot types resulting from an urban lot split is limited to those specified in Table 1-1 (Allowed Lot Types), below. Lot types identified with an **(A)** are allowable. Lot types identified with a **(P)** are prohibited and shall not be created.

Table 1-1 – Allowed Lot Types

Lot Type (1)	Allowability
Interior Lot	A
Corner Lot	A
Reverse Corner Lot	A
Flag Lot	A
Key Lot	A
Cul-de-Sac Lot	A
Pie-Shaped Lot	A
Double Frontage Lot	P
Irregular Lot	P
(1) Lot types are defined and illustrated in Section 21.25.030, Figure 1-1 (Lot Types and Yards), Figure 1-2 (Cul-de-Sac Lots), and Figure 1-3 (Pie-Shaped Lot) of the Zoning Code.	

- B. Flag Lots.** The access corridor of a flag lot parcel (as illustrated in Section 21.25.030, Figure 1-1 of the Zoning Code) shall be in fee as part of the parcel and not as an easement and shall be of a minimum width of 12-feet and a maximum width of 15-feet

and be entirely paved with either concrete or pavers, consistent with the Fire Code as determined by the fire chief.

- C. Lot Lines.** The side lines of all parcels, so far as possible, shall be at right angles to streets or radial or approximately radial to curved streets and to center points of cul-de-sac turning circles.
- D. Minimum Lot Size.** Each new parcel shall be approximately equal in lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall a new parcel be less than 1,200 square feet in lot area. The minimum lot area for a flag lot shall be exclusive of the access corridor as illustrated in Section 21.25.030, Figure 1-1 of the Zoning Code
- E. Minimum lot width.** Each new parcel shall maintain a minimum lot width of 25-feet. The calculation of lot width for a flag lot shall exclude the access corridor as illustrated in Section 21.25.030, Figure 1-1 of the Zoning Code.
- F. Minimum Public Frontage.** Each new parcel shall have frontage upon a street dedicated in fee as a public street with a minimum frontage dimension of 25-feet, except for flag-lots which shall have a minimum frontage dimension of 12-feet.
- G. Number of Lots.** The parcel map to subdivide an existing parcel shall create no more than two new parcels.

20.14.050 – General Requirements and Restrictions

The following requirements and restrictions apply to all proposed urban lot splits allowed by this Chapter:

- A. Adjacent Parcels.** Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this Chapter.
- B. Dedication and Easements:** The city engineer shall not require dedications of rights-of-way nor the construction of offsite improvements, however, may require recording of easements necessary for the provision of public services and facilities.
- C. Existing Structures.** Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split, unless the structure is converted to an attached townhome unit as provided for in Section 21.25.050, Table 1-1 (Setback Requirements, Exception No. 4) of the Zoning Code. All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map.

D. Grading. A change in elevation (AMSL) from natural grade shall be limited to the minimum extent necessary to ensure adequate drainage as demonstrated by a grading and drainage plan prepared by a registered civil engineer.

E. Intent to Occupy. The applicant shall sign an affidavit provided by the community development director attesting that the applicant intends to occupy one of the newly created parcels as their principal residence for a minimum of three years from the date of the approval of the urban lot split (or issuance of a certificate of occupancy for a new dwelling in the case of a vacant lot). The affidavit shall be recorded on the title of the parcel concurrently with recordation of the parcel map.

This requirement shall not apply to an applicant that is "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

F. Non-Conforming Conditions. The City shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions may result from the urban lot split other than as specified by Section 21.25.050, Table 1-1 (Setback Requirements) of the Zoning Code.

G. Number of Remaining Units. No parcel created through an urban lot split shall be allowed to include more than two existing dwelling units as defined by Government Code section 66411.7(j)(2). Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map.

H. Park Impact Fee. A fee in-lieu of parkland dedication pursuant to Chapter 20.24 (Park Impact Fees and Park Land Dedication Subdivisions) shall be paid prior to recordation of the parcel map.

I. Prior Subdivision. A parcel created through a prior urban lot split may not be further subdivided under the provisions of this Chapter. The subdivider shall sign a covenant provided by the community development director documenting this restriction. The covenant shall be recorded on the title of each parcel concurrent with recordation of the parcel map.

J. Restrictions on Demolition. The proposed urban lot split shall not require the demolition or alteration involving removal of more than 25 percent of the existing exterior structural walls of any of the following types of housing:

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

3. Housing that has been occupied by a tenant in the last three years.

K. Storm Drain Area Fee. Prior to recordation of a parcel map, the applicant shall pay the required Storm Drain Area fee, as set by the City's Schedule of Fees and Charges.

L. Stormwater Management. The subdivision shall comply with the requirements of the City's National Pollution Discharge Elimination System (NPDES) Permit as implemented by Chapter 14.02 (Stormwater Pollution Control), and as demonstrated by a grading and drainage plan prepared by a registered civil engineer.

M. Utilities. Utilities serving new parcels created through an urban lot split shall not cross property lines. The requirements of the utility providers shall be satisfied prior to recordation of a parcel map.

20.14.060 – Application Process

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

A. Application Type. An urban lot split shall be reviewed by the city engineer as a ministerial application for a parcel map. A tentative parcel map shall not be required.

B. Concurrent Submittal. A parcel map for an urban lot split may not be approved except in conjunction with a concurrently submitted application for a zoning clearance pursuant to Section 21.25.090 (Application process) of the Zoning Code. Development of the new parcels is limited to the proposed housing development approved by the zoning clearance unless an application for a new zoning clearance is issued for a different proposed housing development.

C. Application Filing. An application for a parcel map for an urban lot split, including the required application materials and filing fee, shall be filed with the public works department in compliance with Chapter 20.16 (Parcel Map Procedures).

D. Referral. The city engineer shall refer the parcel map application to the community development director, fire chief, and utility agencies for review prior to recordation.

E. Denial. The city engineer may deny an urban lot split only if the building official makes a written finding, based upon a preponderance of the evidence, that a proposed housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

F. Appeals. A decision of the city engineer on a parcel map for an urban lot split is a ministerial action and not appealable.

SECTION 7. Clarification to Architectural Features Encroachment Exception. Campbell Municipal Code Section 21.18.040.B.1 (Architectural features) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

1. Architectural features. Cornices, eaves, sills, canopies, bay windows ~~totaling~~ not more than 10 feet in width, or other similar architectural features may extend or project into a required side yard or rear yard, or required building separation distance, not more than 24 inches and may extend or project into a required front yard or street-side yard not more than 30 inches. Chimneys may project into a required front, side, street-side, or rear yard not more than 24 inches. No architectural feature may extend closer than three feet to any property line.

SECTION 8. Revisions Pertaining to JADU Provisions. Campbell Municipal Code Section 21.23.040 (Junior Accessory Dwelling Unit Development Standards) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

21.23.040 - Junior Accessory Dwelling Unit Development Standards

A junior accessory dwelling unit shall be constructed only on a parcel developed with no more than one single-family dwelling and ~~only~~ in accordance with the following development standards:

- A. Maximum floor area.** The junior accessory dwelling unit shall not exceed 500 square feet in area. The occupied floor area shall be within the allowable floor area of a primary dwelling unit or detached accessory dwelling unit, as specified by Section 21.23.030.D (Floor area ratio and lot coverage).
- B. Associated Dwelling.** The junior accessory dwelling unit shall be contained entirely within an existing or proposed primary dwelling unit (including within an existing attached garage) or a detached accessory dwelling unit utilizing one of the allowable ~~two~~ three bedrooms.
- C. Kitchen.** The junior accessory dwelling unit shall contain a kitchen or an efficiency kitchen. ~~satisfying the following the criteria:~~
 - ~~1. A sink with a maximum waste line diameter of one and one-half inches.~~
 - ~~2. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~
 - ~~3. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.~~
- D. Bathroom.** Bathroom facilities may be separate from or shared with the primary dwelling unit or detached accessory dwelling unit.
- E. Entrance.** The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the primary dwelling unit or detached accessory

dwelling unit, with an interior entry into the main living area. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

F. Parking. No parking shall be required for a junior accessory dwelling unit.

G. Owner occupancy required. A property with a junior accessory dwelling unit shall be occupied by the property owner, who shall reside in either the junior accessory dwelling unit or the primary dwelling unit. The community development director shall require recordation of a deed restriction documenting this restriction prior to issuance of a building permit.

SECTION 9: Kitchen Definition: The definition of "Kitchen facilities" in Campbell Municipal Code Section 21.72.020(k) is amended to read as follows, with underlining indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

~~"Kitchen facilities" means any room or area designed, intended, or used for the cooking and preparation of food with appliance(s) for cooking or heating food or beverages, such as a stove, oven, microwave, toaster, or hot plate, installed (either temporarily or permanently).~~

"Kitchen facilities" and "kitchen" means a room or area designed for the cooking, preparation, and storage of food. When found in a dwelling unit, a kitchen shall include a free-standing cooking range or built-in cooktop, oven, ventilation, sink, refrigerator, food preparation countertop, and food storage cabinetry.

SECTION 10: Efficiency Kitchen Definition: The following definition is added to Campbell Municipal Code Section 21.23.120 between the definitions of "Driveway" and "Existing space of an accessory structure" to read as follows, with underlining indicating new text:

"Efficiency kitchen" means a cooking facility for a junior accessory dwelling unit which contains a sink, food preparation counter, food storage cabinet, and electrical circuitry suitable for common kitchen appliances.

SECTION 11: JADU Definition: The definition of "Junior accessory dwelling unit" in Campbell Municipal Code Section 21.23.120 is amended to read as follows, with underlining indicating new text and strikeouts (~~strikeouts~~) indicating deleted text:

"Junior accessory dwelling unit" means a dwelling unit that is no more than five hundred square feet in size and contained entirely within an existing or proposed single-family dwelling or detached accessory dwelling unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

SECTION 12. Exception to FAR/Lot Coverage. Campbell Municipal Code Section 21.23.030.D (Floor area ratio and lot coverage) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

D. Floor area ratio and lot coverage. Creation of an accessory dwelling unit shall comply with the maximum floor area ratio and maximum lot coverage as specified by the applicable zoning district and/or area or neighborhood plan, ~~except to the extent~~

~~necessary to allow an accessory dwelling unit no larger than eight hundred square feet.~~ In the case of a parcel within the P-D (Planned Development) zoning district the maximum floor area ratio and maximum lot coverage shall be equal to the standards provided by the zoning district that directly corresponds to the parcel's General Plan land use designation as specified by Section 21.04.020, Table 2-1.

Exception: Up to eight hundred square feet of gross floor area of an accessory dwelling unit shall be exempt from the applicable maximum floor area ratio and maximum lot coverage requirements. This exception does not apply to junior accessory dwelling units.

SECTION 13. JADU Parking Clarification. Campbell Municipal Code Section 21.23.030.J.1, Table – 3-1(d) (Parking Standards) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

Table 3-1(d) – Parking Standards

Standard	Detached ADUs	Interior and Attached ADUs
Required Parking	1 space per unit or per bedroom, whichever is less	Not Required
Replacement Parking	Existing parking spaces that are removed (<u>in whole or in part</u>) in conjunction to allow for with the creation of an accessory dwelling unit <u>or junior accessory dwelling unit</u> (e.g., by demolition or conversion of a garage) are not required to be replaced.	
Exception: No "required parking", as specified by this table, shall be required for a detached accessory dwelling unit that is contained within the existing space of an accessory structure. Further, no "required parking" shall be required for an accessory dwelling unit that is located on a parcel that is within (1) a walking distance of one-half mile of public transit, (2) a designated historic district, (3) one block of a City-licensed car share vehicle, or (4) the boundaries of a permanent residential parking permit program, where the City does not offer parking permits to occupants of an accessory dwelling unit.		

SECTION 14. ADU Setback Exception. Campbell Municipal Code Section 21.23.030.E., Table – 3-1(b) (Setback Standards) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

Table 3-1(b) – Setback Standards

Setback (1)		Requirement (2)	
		Detached ADUs	Interior and Attached ADUs
Property Line Setbacks	Front	The same standard as for the primary dwelling unit	The same standard as for the primary dwelling unit
	Interior Sides	4 feet	

	Rear		
	Street Side	12 feet	
Separation from Primary Dwelling Unit (3)	If located in front of the primary dwelling unit	10 feet	Not applicable
	If located behind the primary dwelling unit		
	If located to the side of the primary dwelling unit	5 feet	
Separation from Accessory Structure(s) (3)	If located in front of the accessory structure	10 feet	As specified by Section 21.36.020 (Accessory structures)
	If located behind the accessory structure		
	If located to the side of the accessory structure	5 feet	
Exceptions:			
(1) <u>Cornices, eaves, sills, canopies, bay windows, or other similar architectural features may extend into required setbacks and building separation distances as specified Section 21.18.040.B.1</u>			
(2) No setback shall be required for an existing accessory structure that is converted (in whole or in part) to an accessory dwelling unit, nor for an accessory dwelling unit created within the existing space of a primary dwelling unit provided that the existing side and rear setbacks are sufficient for fire safety.			
(3) <u>Except for accessory dwelling units that are no larger than eight hundred square feet and no taller than 16-feet, which shall be separated from other structures only to the extent that may be required by the building or fire code.</u>			
A detached accessory dwelling unit created through this exception shall not be expanded in any manner, including expansion of the living area or attachment of a garage or other uninhabitable space (except to allow an entry area for ingress and egress no greater than 150 square feet), and shall not be permitted to exercise the setback exception for non-conforming structures provided for in Section 21.58.050.F (Exceptions).			

SECTION 15. Non-Conforming Limitations: Campbell Municipal Code Section 21.58.050.F (Exceptions) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

F. Exceptions. The following exceptions apply to all lawfully constructed structures, ~~except for detached~~ including accessory dwelling units:

SECTION 16. Special Provisions for Multi-family Residential Properties: Campbell Municipal Code Section 21.23.050 (Special Provisions for Multi-family Residential Properties) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

21.23.050 – Special Provisions for Multi-family Residential Properties

The following requirements and restrictions apply to creation of accessory dwelling units on multi-family residential properties and shall supersede any provision to the contrary within this Chapter.

- A. **Defined.** For the purposes of this section, the term “multifamily dwelling structure” shall have the same meaning as “Duplex,” “Triplex,” “Fourplex,” and “apartment” as defined by Chapter 21.72 (Definitions).
- B. **Conversion of non-living areas.** A minimum of one (1) accessory dwelling unit and up to one (1) accessory dwelling unit for every four (4) dwelling units within a multifamily dwelling structure may be created within existing non-livable space(s), including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, carports, or garages, provided that the dwellings comply with the California Building Code. Accessory dwelling units created through this provision shall not be expanded in any manner, except to allow an entry area for ingress and egress no greater than one hundred fifty square feet. Creation of additional living area within the existing building envelope (i.e., mezzanine) shall not be considered an expansion provided that the accessory dwelling unit does not exceed eight hundred square feet.
- C. **Detached accessory dwelling units.** In addition to the accessory dwelling units allowed by subsection B, not more than two (2) detached accessory dwelling units may be allowed subject to the standards, requirements, and restrictions of this Chapter. The accessory dwellings units may be detached from each other or may be connected in a side-by-side or front-to-back configuration or stacked with one unit located atop of the other unit forming a two-story structure not exceeding the maximum building height specified by Section 21.23.030.I (Maximum height and stories).

SECTION 17. Approval Process: Campbell Municipal Code Section 21.23.080 (Approval Process) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

21.23.080 – Approval Process

The City shall issue a ministerial building permit for an accessory dwelling unit or junior accessory dwelling unit that is consistent with the provisions of this Chapter, as determined by issuance of a Zoning Clearance in compliance with Chapter 21.40 (Zoning clearances), within sixty (60) days of submittal of a complete building permit application. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing.

Notwithstanding the foregoing ~~However~~, physical expansion of an existing primary dwelling unit (i.e., addition) or construction of a new primary dwelling unit located on a parcel that is subject to design review pursuant to Chapter 21.42 (Site and architectural review), Chapter 21.33 (Historic preservation), or Chapter 21.12.030 (P-D (Planned development))

zoning district) shall first receive approval of the appropriate land use permit prior to a submittal of a ministerial building permit application for an accessory dwelling unit. The 60-day period for processing the application for the accessory dwelling unit or junior accessory dwelling shall be tolled during any delay requested by the applicant.

SECTION 18. Deletion of Utility Meter Provisions: Campbell Municipal Code Section 18.20.030 (Utility meters) is hereby deleted.

SECTION 19. Deletion of ADU Master Plan provisions: Campbell Municipal Code Section 21.23.100 (Master Development Plan) is hereby deleted.

SECTION 20. Public Improvements: Campbell Municipal Code Section 11.24.180.D is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- D. Additions, alterations or repairs to any existing residential structure, ~~including~~ excluding construction of an accessory dwelling unit or junior accessory dwelling unit, within a five-year period that add less than fifty percent of the size, measured in square feet, to the existing structural coverage shall be exempt from the requirement of this chapter to install street improvements unless the contemplated additions and use of the property in question will result in an immediate danger to the public safety, as determined by the city engineer.

SECTION 21. Existing Dwelling Units: Campbell Municipal Code Section 21.23.020.B is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- B. Dwelling unit. A parcel that is presently developed with at least one lawfully constructed primary dwelling unit or that will be developed with a primary dwelling unit in conjunction with the creation of an accessory dwelling unit. For the purposes of this Chapter, a primary dwelling unit shall only include a proposed or existing detached single-family dwelling, except for accessory dwelling units constructed on multi-family residential properties pursuant to Section 21.23.050 (Special Provisions for Multi-family Residential Properties).

SECTION 22. ADU Design Requirements: Campbell Municipal Code Section 21.23.030.K.1 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- 1. Detached accessory dwelling units. Detached accessory dwelling units larger than eight hundred square feet and taller than sixteen feet, if not entirely located behind the primary dwelling unit, shall maintain the appearance of the primary dwelling unit, by using the same wall cladding, trim detail, roofing material, building color(s), window frames/trim, and the predominant roof form and roof pitch.

SECTION 23. Special Provisions for Historic Properties: Campbell Municipal Code Section 21.23.060 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

21.23.060 Special Provisions for Historic Properties.

The following requirements and restrictions apply to creation of accessory dwelling units on properties listed on the historic resource inventory, and shall supersede any provision to the contrary within this Chapter.

- A. Type. Only detached and interior accessory dwelling units shall be permitted.
- B. Placement. A detached accessory dwelling unit shall be placed behind the primary dwelling unit and be located on the rear half of the lot.
- C. Height. A detached accessory dwelling unit shall be a maximum of sixteen feet in height and not exceed one story.
- D. Design. The design of the detached accessory dwelling unit shall maintain the appearance of the primary dwelling unit, by using similar wall cladding, trim detail, roofing material, building color(s), window frames/trim and divisions, and the predominant roof form and roof pitch.
- E. Exception: Detached accessory dwelling units that are eight hundred square feet or smaller and no taller than sixteen feet are not subject to the design or placement requirements of this section. ~~Variations from these provisions may be granted in compliance with Section 21.33.150.B.2 (Zoning exception), upon finding by the Planning Commission, with recommendation by the Historic Preservation Board, that the variation would not adversely impact the historic resource.~~

SECTION 24. Maximum Size: Campbell Municipal Code Section 21.23.030.G is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- G. Maximum Size. The maximum floor area for a detached accessory dwelling unit shall be one thousand two hundred square feet, except for a unit contained within the existing space of an accessory structure, which is limited to the size of the accessory structure. The maximum living area for an attached or interior accessory dwelling unit shall not exceed fifty percent of the living area of the primary dwelling unit, except that a minimum allowable living area of eight hundred and fifty square feet shall be permitted.

SECTION 25. Allowable Rooms: Campbell Municipal Code Section 21.23.030.H is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

- H. Allowable rooms. An accessory dwelling unit shall be limited to a maximum of ~~two~~ three bathrooms and ~~two~~ three bedrooms (defined as a habitable room with an area not less than seventy square feet as described by California Building Code section 1208.3). An accessory dwelling unit shall also contain no more than one kitchen facility and no more than one living room (defined as a habitable room with an area not less than 120 square feet as described by California Building Code section 1208.1). No other rooms or closets larger than one hundred twenty square feet shall be permitted unless they

are fully interior within the accessory dwelling unit without any exterior walls from which windows could be created.

SECTION 26. Exception to Open Space. Campbell Municipal Code Section 21.23.030.C (Private open space) is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

C. ~~Private~~ Open space. Creation of an accessory dwelling unit shall not reduce the required ~~private~~ open space to less than that ~~required~~ specified by the applicable zoning district and/or area or neighborhood plan, ~~except to the extent necessary to allow an accessory dwelling unit no larger than eight hundred square feet.~~ In the case of a parcel within the P-D (Planned Development) Zoning District the required private open space shall be equal to the standard provided by the zoning district that directly corresponds to the parcel's General Plan land use designation as specified by Section 21.04.020, Table 2-1.

Exception: Accessory dwelling units that are eight hundred square feet or smaller and no taller than sixteen feet may encroach into the required open space area of a parcel.

SECTION 27. Floor Area Calculation. Campbell Municipal Code Section 21.02.020 (Rules of interpretation) is amended to add a new subsection 'H,' as follows with underlining indicating new text:

H. Gross floor area. When this Zoning Code specifies the maximum allowable floor area of a structure or a portion of a structure, the floor area shall be calculated on a "gross" basis, consistent with the definition of "Floor area, gross" provided in Chapter 21.72 (Definitions), unless otherwise specified.

SECTION 28. Parking Stall Configuration: Campbell Municipal Code Section 21.23.030.J.2 (Parking configuration) is amended to add a new sub-paragraph 'e,' as follows with underlining indicating new text:

e. Required parking stalls may be designed to allow vehicles to back out onto an abutting public street provided that the street is classified as "local street" by the General Plan roadway classification diagram.

SECTION 29 (SEVERABILITY): If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

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

PASSED AND ADOPTED this 16th day of August, 2022 by the following roll call vote:

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

APPROVED:

Paul Resnikoff, Mayor

ATTEST:

Andrea Sanders, City Clerk