

Ordinance No. 2252

**BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING TITLES 18, 20, AND 21 OF THE CAMPBELL MUNICIPAL CODE RELATING TO THE PERMITTING, CONSTRUCTION, AFFORDABILITY, AND USAGE OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS.**

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

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

**SECTION 1.** The City Council finds and determines that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) 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 2.** The City Council further 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).

**SECTION 3.** The City Council further finds and determines that an incentive to encourage property owners to offer accessory dwelling units at an affordable rent is necessary to fulfill the City's Regional Housing Needs Allocation (RHNA) housing production obligations and is in furtherance of the findings established by the State of California, as provided in Government Code 65852.150, specifically that accessory dwelling units offer lower cost housing.

**SECTION 4.** The City Council further finds and determines that the proposed ordinance 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 5.** The City Council further finds and determines that adoption of this ordinance is consistent with applicable legislation adopted by the State of California while maintaining locally appropriate standards for the construction and occupancy of accessory dwelling units.

**SECTION 6.** The City Council further finds and determines that the purpose of permitting accessory dwelling units and junior accessory dwelling units is to allow more efficient use of the City's existing housing stock and to provide the opportunity for the development of small rental housing units designed to meet the special long-term housing needs of individuals and families, while preserving the integrity of residential neighborhoods.

**SECTION 7:** Replacing the Accessory Dwelling Unit Chapter: Existing Chapter 21.23 (Accessory Dwelling Units) of the Campbell Municipal Code is hereby deleted in its entirety and replaced as follows:

## **CHAPTER 21.23 (ACCESSORY DWELLING UNITS)**

### **21.23.010 - Purpose**

This Chapter provides for the establishment of accessory dwelling units and junior accessory dwelling units, in compliance with Article 2 (Zoning Districts), the California Government Code, and the California Building Code (CBC). The purpose of permitting accessory dwelling units and junior accessory dwelling units is to allow more efficient use of the City's existing housing stock and to provide the opportunity for the development of small rental housing units designed to meet the housing needs of individuals and families, while preserving the integrity of residential neighborhoods. 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).

### **21.23.020 - Minimum Standards for Eligibility**

One accessory dwelling unit and one junior accessory dwelling unit may be constructed on parcels satisfying all of the following minimum standards:

- A. Zoning district.** A parcel located within a residential zoning district as specified by Chapter 21.08 (Residential zoning districts) or in the P-D (Planned Development) Zoning District on a parcel with a General Plan land use designation that directly corresponds to a residential zoning or mixed-use district as specified by Section 21.04.020, Table 2-1.
- B. Dwelling unit.** A parcel that is presently developed with 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).
- C. Minimum lot area.** No minimum lot area is required for creation of an accessory dwelling unit or junior accessory dwelling unit.
- D. Legal parcel.** A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Title 20 of the Municipal Code (Subdivision and Land Development), as applicable at the time the parcel was created. The City Engineer may require a certificate of compliance to verify conformance to this requirement.

### **21.23.030 - Accessory Dwelling Unit Development Standards**

An accessory dwelling unit shall be constructed only in accordance with the following development standards.

- A. General requirements.** Creation of an accessory dwelling unit shall comply with all applicable land use permit, general performance, site development, landscaping,

flood damage prevention, and tree protection standards specified by this Title. The requirements for accessory structures found in Section 21.36.020 (Accessory structures) do not apply to accessory dwelling units.

- B. Placement.** Detached accessory dwelling units may be located in front of, to the side of, or behind the primary dwelling unit.
- C. Private open space.** Creation of an accessory dwelling unit shall not reduce the required private open space to less than that required 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 800 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.
- 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 800 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.
- E. Setbacks.** An accessory dwelling unit shall conform to the setback standards specified by Table 3-1(b), below:

**Table 3-1(b) – Setback Standards**

Setback		Detached ADUs	Interior and Attached ADUs
<b>Property Line Setbacks</b>	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	
<b>Separation from Primary Dwelling Unit</b>	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	
<b>Separation from Accessory Structure(s)</b>	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	

**Exception:** 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.

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).

- F. Minimum living area.** The minimum living area for all accessory dwelling units shall be 150 square feet, subject to the restrictions specified by Health and Safety Code Section 17958.1.
- G. Maximum size.** The maximum floor area for a detached accessory dwelling unit shall be 1,200 square feet. The maximum living area for an attached or interior accessory dwelling unit shall not exceed fifty percent (50%) of the living area of the primary dwelling unit.
- H. Allowable rooms.** An accessory dwelling unit shall be limited to a maximum of two bathrooms and two bedrooms (defined as a habitable room with an area not less than 70 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 120 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.
- I. Maximum height and stories.** An accessory dwelling unit shall conform with the following height maximums:
1. Detached accessory dwelling units. Detached accessory dwelling units shall be permitted up to two stories if the primary dwelling is also two stories. Whether one story or two stories, the building height of the detached accessory dwelling unit shall not exceed the building height of the primary dwelling unit, except that a minimum allowable height of 16 feet shall be permitted. A two-story detached accessory dwelling may consist of two levels of living area or one level of living area above a detached garage (with or without ground floor living area).
  2. Attached accessory dwelling units. Attached accessory dwelling units may be constructed on the first floor of, or as a second floor to, the lawfully constructed primary dwelling unit, except that it shall not be constructed above any portion of an attached garage.
  3. Interior accessory dwelling units. Interior accessory dwelling units may be created from the existing space of the lawfully constructed primary dwelling

unit, including within its garage, basement, first story, or second story, irrespective of existing building height.

**J. Parking.** Parking for accessory dwelling shall be provided in compliance with this section.

1. Number of spaces. Required and replacement parking shall be provided as specified by Table 3-1(d), below:

**Table 3-1(d) – Parking Standards**

Standard	Detached ADUs	Interior and Attached ADUs
<b>Required Parking</b>	1 space per unit or per bedroom, whichever is less	Not Required
<b>Replacement Parking</b>	Existing parking spaces that are removed in conjunction with the creation of an accessory dwelling unit (e.g., by demolition or conversion of a garage) are not required to be replaced.	
<b>Exception:</b> 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.		

2. Parking configuration. New parking spaces shall satisfy the standards provided by Chapter 21.28 (Parking and loading), except that such spaces may be created in any configuration on the parcel, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts, subject to the following standards:
  - a. Covered parking spaces provided within a new garage or carport shall satisfy all applicable setback, height, placement, and dimension standards.
  - b. Uncovered parking spaces may encroach into a required front yard or street-side yard setback within an existing or proposed driveway that satisfies both the surfacing and minimum stall dimensions for a parking space(s), unless such a configuration is determined not to be feasible based upon fire and/or life safety conditions present on the parcel.
  - c. Tandem parking shall be limited to two parking spaces.
  - d. Mechanical automobile parking lifts shall only be installed within a fully enclosed garage.

**K. Design.** The design of accessory dwelling units shall conform with the following standards:

1. **Detached accessory dwelling units.** Detached accessory dwelling units, 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.
2. **Attached accessory dwelling units.** Attached accessory dwelling units 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.
3. **Interior accessory dwelling units.** Interior accessory dwelling units contained within 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 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.

**L. 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.

**M. Balconies/Decks.** Balconies, second-story decks, and rooftop terraces are prohibited for all accessory dwelling units.

**N. Entrances.** All accessory dwelling units shall include exterior access that is independent from the primary dwelling unit. For an accessory dwelling unit located entirely on a second story, this shall require a separate interior or exterior stairway. A passageway from the accessory dwelling unit to a public street may be created, but shall not be required by the City.

**O. Interior Connection.** Attached and interior accessory dwelling units may, but shall not be required, to contain an interior doorway connection between the primary and accessory dwelling units.

#### **21.23.040 - Junior Accessory Dwelling Unit Development Standards**

A junior accessory dwelling unit shall be constructed 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.

**B. Associated Dwelling.** The junior accessory dwelling unit shall be contained entirely within a primary dwelling unit or a detached accessory dwelling unit utilizing one of the allowable two bedrooms.

**C. Kitchen.** The junior accessory dwelling unit shall contain 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.

#### **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, or garages, provided that the dwellings comply with the California Building Code.

**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 allowed subject to the standards, requirements, and restrictions of this Chapter.

#### **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:** 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.

#### **21.23.070 – General Requirements and Restrictions**

The following requirements and restrictions apply to all existing and new accessory dwelling units and junior accessory dwelling units, as applicable:

- A. 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 restriction.
- B. Non-Conforming zoning conditions:** The City shall not require the correction of nonconforming zoning conditions to allow creation of an accessory dwelling unit or a junior accessory dwelling unit.
- C. Subdivision and sales.** Except as provided as for by Government Code Section 65852.26, no subdivision of land or air rights shall be allowed, including creation of a stock cooperative or similar common interest ownership arrangement. In no instance shall an accessory dwelling unit or junior accessory dwelling unit be sold or otherwise conveyed separate from the primary dwelling unit. The community development director shall require recordation of a deed restriction documenting these restrictions prior to issuance of a building permit.
- D. Park impact fee.** A fee in-lieu of parkland dedication land for an accessory dwelling unit shall be paid in compliance with Chapter 13.08 (Park Impact Fees).
- E. Building code.** Accessory dwelling units and junior accessory dwelling units shall comply with all applicable Building and Fire Codes as appropriate, except that the Building Official shall not require installation of fire sprinklers for an accessory dwelling unit if they would otherwise not be required for the primary dwelling unit. If the creation of an interior or attached accessory dwelling unit would result in the

primary dwelling unit becoming a "new dwelling using portions of the original structure" pursuant to Chapter 18.32 (Determination of scope of work), then fire sprinklers shall be required to the same extent as for construction of any other new dwelling unit.

- F. Certificates of Occupancy.** A certificate of occupancy for an accessory dwelling unit shall not be issued before a certificate of occupancy is issued for the primary dwelling unit.

### **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. 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 tolled during any delay requested by the applicant.

### **21.23.090 – Development Policy**

A single-family residential subdivision resulting in five or more parcels, exclusive of commonly-held parcels, shall be subject to the following requirement.

- A. Requirement:** Twenty percent (20%) of the parcels shall be developed with a primary dwelling unit that is designed to allow for future creation of an interior accessory dwelling unit. This shall be accomplished through a floor plan configuration that allows for logical segmentation of an accessory dwelling unit from the existing living area and pre-installation of electrical, natural gas, domestic water, and sanitation utilities necessary to accommodate a future bathroom and kitchen to serve an accessory dwelling unit.
- B. Alternative:** In-lieu of the aforementioned requirement, twenty percent (20%) of the parcels may be developed with an accessory dwelling unit, to be constructed concurrently with the primary dwelling units.
- C. Implementation.** Conditions to carry out the requirement of this section shall be imposed on approval of the tentative map if a land use permit(s) for the creation primary dwelling units is not required. If a land use permit(s) for the creation of primary dwelling units is required in association with a tentative map, the applicant shall demonstrate compliance prior to the application being accepted as complete pursuant to Section 21.38.040.

### **21.23.100 – Master Development Plan**

Less restrictive development standards than imposed by this Chapter may be applied to a particular development proposal within the P-D (Planned Development) Zoning District and may be approved if the proposed development standards are depicted on a master plan of development as specified by Section 21.12.030.H.4.e. To grant such modification(s), the City Council shall render its decision on a planned development permit application by ordinance.

### **21.23.110 – Incentives and Promotion**

Within the time period that may be prescribed by the Department of Housing and Community Development, the City Council, by resolution, shall develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households.

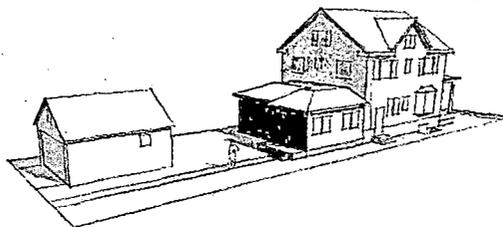
### **21.23.120 – Definitions**

In addition to the terms defined by Article 6 (Definitions), the following terms shall have the following meanings as used in this Chapter:

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot as defined in Section 21.72.020.A.

"Accessory dwelling unit" (ADU) means a dwelling unit ancillary to a primary dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling unit or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code. This Chapter recognizes three types of accessory dwelling units as defined below. Where a proposed accessory dwelling unit does not clearly fall into one of the defined types, the community development director shall make a determination pursuant to Section 21.02.030 (Procedures for interpretations).

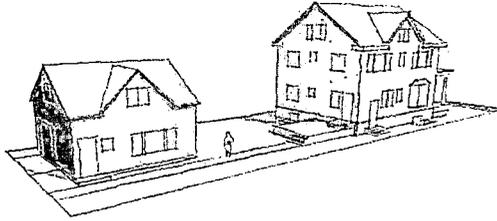
1. "Attached accessory dwelling unit" means an accessory dwelling unit that is constructed as a physical expansion (i.e., addition) of an existing primary dwelling unit, including construction of a new basement underneath a primary dwelling unit to accommodate an accessory dwelling unit.



**Figure 3.6(a)**

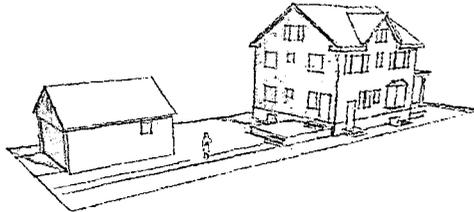
### **Attached accessory dwelling unit**

2. "Detached accessory dwelling unit" means an accessory dwelling unit that is (1) constructed as a separate structure from the primary dwelling unit; or (2) contained within the existing space of an accessory structure (as defined herein).



**Figure 3.6(b)**  
**Detached accessory dwelling unit**

3. "Interior accessory dwelling unit" means an accessory dwelling unit that is (1) contained within the existing space of a primary dwelling unit, including within its living area, basement, or attached garage; (2) constructed as part of a proposed primary dwelling unit; or (3) created from non-livable space of a multifamily dwelling.



**Figure 3.6(c)**  
**Interior accessory dwelling unit**

"Car share vehicle" means a motor vehicle as defined by Vehicle Code Section 22507.1(d).

"Complete building permit application" means an application for a building permit, comprising all required drawings, details, and calculations, including those necessary to determine the appropriate scope of work pursuant to Chapter 18.32 (Determination of scope of work), and a boundary survey if required to verify parcel size, which has been cleared for issuance by all reviewing departments and which the Building Official has determined may be issued to an appropriate individual upon payment of the necessary fees.

"Contained within the existing space" means conversion of a lawfully constructed structure's existing floor area to create an accessory dwelling unit.

"Conversion" or "convert(ed)" means to remodel a legally constructed structure to an accessory dwelling unit or to construct a new accessory dwelling unit in the same location and to the same dimensions as an existing accessory structure.

"Driveway" means a paved access way as defined in Section 21.72.020.D, including a paved area reserved or created for the purpose of satisfying a parking requirement of this Chapter.

"Existing space of an accessory structure" means the gross floor area of an accessory structure that has received final building permit clearance prior to January 1, 2017 and which has not been expanded on or after January 1, 2017.

"Junior accessory dwelling unit" means a dwelling unit that is no more than 500 square feet in size and contained entirely within a 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.

"Living area" means the interior habitable floor area of a dwelling unit, including conditioned basements and attics, but not garages or other uninhabitable space, as measured to the outside surface of exterior walls.

"Floor area" means the total horizontal floor area in square feet of a detached accessory dwelling unit as measured to the outside surface of exterior walls of the structure, including the living area, unconditioned basements, and any other unconditioned rooms, excluding attached garages.

"Passageway" means a pathway that is unobstructed to the sky and extends from a street to the entrance of an accessory dwelling unit.

"Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

"Setback" means the required separation as defined in Section 21.72.020.S, including the required distance between structures.

"Short term rental" means use of a residential property for lodging purposes as defined by Government Code Section 19822.4(1).

"Story" means the portion of a building as defined in Section 21.72.020.S, including a "half-story," a mezzanine, or a loft.

"Tandem parking" means a parking configuration where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

**SECTION 8. R-1 Zoning District Permitted Uses:** Campbell Municipal Code Section 21.08.030.B (Permitted uses in R-1 (Single-family) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeouts~~ indicating deleted text:

B. Permitted uses in R-1 (Single-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):

1. Accessory structures;
2. Accessory dwelling units;
3. Family child day care homes, small;
4. Garage/yard sales, private;
5. Groundwater recharge facilities;
6. Hobby car restoration;
7. Home occupations;
8. Junior accessory dwelling units;
- 8-9. Manufactured housing (subject to architectural requirements within the parameters of State Law);
- 9-10. Parks, public;
- 10-11. Residential care homes, small;
- 11-12. Residential service facilities, small;
- 12-13. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- 13-14. Schools - K-12, public;
- 14-15. Single-family dwellings;
- 15-16. Supportive housing;
- 16-17. Transitional housing.

**SECTION 9. R-D Zoning District Permitted Uses:** Campbell Municipal Code Section 21.08.040.B (Permitted uses in R-D (Two-family) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. Permitted uses in R-D (Two-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):

1. Accessory structures;
2. Accessory dwelling units;
- 2-3. Duplexes;
- 3-4. Family child day care homes, small;
- 4-5. Garage/yard sales, private;
- 5-6. Groundwater recharge facilities;
- 6-7. Hobby car restoration;
- 7-8. Home occupations;
9. Junior accessory dwelling units;
- 8-10. Parks, public;
- 9-11. Residential care homes, small;
- 10-12. Residential service facilities, small;
- 11-13. Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- 12-14. Schools - K-12, public;
- 13-15. Single-family dwellings;
- 14-16. Supportive housing;
- 15-17. Transitional housing.

**SECTION 10. R-M Zoning District Permitted Uses:** Campbell Municipal Code Section 21.08.050.B (Permitted uses in R-M (Multiple-family) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. Permitted uses in R-M (Multiple-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):

1. Accessory structures;
2. Accessory dwelling units;
- ~~2-3.~~ Apartments;
- ~~3-4.~~ Duplexes;
- 4-5. Family child day care homes, small;
- ~~5-6.~~ Garage/yard sales, private;
- ~~6-7.~~ Groundwater recharge facilities;
- ~~7-8.~~ Home occupations;
9. Junior accessory dwelling units;
- ~~8-10.~~ Parks, public;
- ~~9-11.~~ Residential care homes, small;
- ~~10-12.~~ Residential service facilities, small;
- ~~11-13.~~ Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- ~~12-14.~~ Schools - K-12, public;
- ~~13-15.~~ Single-family dwellings;
- ~~14-16.~~ Supportive housing;
- ~~15-17.~~ Transitional housing.

**SECTION 11. R-2 Zoning District Permitted Uses:** Campbell Municipal Code Section 21.08.060.B (Permitted uses in R-2 (Multiple-family) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. Permitted uses in R-2 (Multiple-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):

1. Accessory structures;
2. Accessory dwelling units;
- ~~2-3.~~ Apartments;
- ~~3-4.~~ Duplexes;
- 4-5. Family child day care homes, small;
- ~~5-6.~~ Garage/yard sales, private;
- ~~6-7.~~ Groundwater recharge facilities;
- ~~7-8.~~ Home occupations;
9. Junior accessory dwelling units;
- ~~8-10.~~ Parks, public;
- ~~9-11.~~ Residential care homes, small;
- ~~10-12.~~ Residential service facilities, small;

- ~~11-13.~~ Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- ~~12-14.~~ Schools - K-12, public;
- ~~13-15.~~ Single-family dwellings;
- ~~14-16.~~ Supportive housing;
- ~~15-17.~~ Transitional housing.

**SECTION 12. R-3 Zoning District Permitted Uses:** Campbell Municipal Code Section 21.08.070.B (Permitted uses in R-3 (Multiple-family) zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

B. Permitted uses in R-3 (Multiple-family) zoning district. The following uses are permitted with a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances):

- 1. Accessory structures;
- 2. Accessory dwelling units
- ~~2-3.~~ Apartments;
- ~~3-4.~~ Duplexes;
- ~~4-5.~~ Family child day care homes, small;
- ~~5-6.~~ Garage/yard sales, private;
- ~~6-7.~~ Groundwater recharge facilities;
- ~~7-8.~~ Home occupations;
- 9. Junior accessory dwelling units;
- ~~8-10.~~ Libraries, public;
- ~~9-11.~~ Parks, public;
- ~~10-12.~~ Residential care homes, small;
- ~~11-13.~~ Residential service facilities, small;
- ~~12-14.~~ Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter);
- ~~13-15.~~ Schools - K-12, Public;
- ~~14-16.~~ Single-family dwellings;
- ~~15-17.~~ Supportive housing;
- ~~16-18.~~ Transitional housing.

**SECTION 13. P-D Zoning District Allowable Uses:** Campbell Municipal Code Section 21.12.030.D (Allowable uses in the P-D zoning district) is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

Allowable uses in the P-D zoning district. Any use or development that is determined to be consistent with the General Plan of the city may be approved in the planned development zoning district, subject to the criteria established in subsection (G)(6) of this section. Development plans shall be approved either through an administrative planned development permit, in compliance with subsection (G)(1) of this section, or by City Council resolution or ordinance, in compliance with subsection (G)(9) of this section, except for construction of an accessory dwelling unit unrelated to a proposed or approved planned development permit which shall be approved ministerially pursuant to Chapter 21.23 (Accessory Dwelling Units). In order to aid the City Council in adoption of a resolution or ordinance, the planning commission shall also hold a public hearing and shall transmit its

findings and recommendations by resolution to the City Council. Establishment of a liquor establishments or a liquor store shall require approval of a conditional use permit pursuant to the requirements of Chapter 21.46, (Conditional Use Permits).

**SECTION 14. Scope of Work:** Campbell Municipal Code Section 18.32.010 (Definition of "Scope of Work.") is amended to read as follows with underlining indicating new text and ~~strikeouts~~ indicating deleted text:

18.32.010 - Definition of "Scope of Work."

A project submitted as a "Remodel" or "Remodel and Addition," or a "Remodel of an accessory structure to create an accessory dwelling unit" (or similar scope of work) shall instead be considered and defined as a "New Dwelling using portions of the original structure" when at least three of the following criteria are satisfied:

1. The valuation of the proposed work exceeds one hundred eighty-five thousand dollars (valuation calculated using established Valuation Tables published by the International Code Council (ICC) and modified by the Building Division);
2. Seventy-five percent or more of the existing roof framing (Area) is proposed to be removed. Existing roof covered by a new roof shall be considered as removed for the purposes of this calculation;
3. Seventy-five percent or more of the existing exterior walls (Lineal Footage of Wall Length) are removed, altered, filled in, or rebuilt. In no event shall new exterior walls exceed more than seventy-five percent of the length of the existing exterior walls as determined by the building official. Nonconforming exterior walls shall not be included in the twenty-five percent remaining calculation (this subsection shall not apply to a proposed conversion of an accessory structure to an accessory dwelling unit);
4. Seventy-five percent or more of the existing interior walls (Lineal Footage of Wall Length) are removed, altered, filled in, or rebuilt. In no event shall new interior walls exceed more than seventy-five percent of the length of the existing interior walls as determined by the building official.

**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~~ indicating deleted text:

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

1. Failure to meet setbacks. A structure that fails to meet the setback requirements for the zoning districts in which it is located may be added to or enlarged in compliance with the following criteria:
  - a. The structure was lawfully constructed;
  - b. The addition or enlargement is limited to the first floor;
  - c. The addition or enlargement does not decrease the existing setbacks;

- d. Any upper story additions comply with the current setback requirements; and
  - e. When required by Chapter 21.42 (Site and architectural review), ~~The~~ decision-making body approving the site and architectural review permit for the addition or enlargement finds that the addition or enlargement will not be detrimental to the public health, safety, or general welfare of persons residing in the neighborhood.
2. Policy "E" of the San Tomas neighborhood plan.
- a. Additions to legally existing structures in the San Tomas area may be added to or enlarged as allowed under policy "E" of the San Tomas neighborhood plan.
  - b. Policy "E" is incorporated herein by reference.
  - c. The map outlining the boundaries of the San Tomas area is maintained at the community development department.
  - d. In the case of conflict between the San Tomas neighborhood plan policy "E" and the requirements contained in this chapter, policy "E" of the plan shall prevail.

3.G. Repairs or alterations otherwise required by law shall be allowed. Reconstruction required to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed without the cost limitations identified in subsection E of this section; provided the retrofitting and code compliance are limited exclusively to compliance with earthquake safety standards and other applicable building code requirements, including the applicable provisions of state law (e.g., Title 24, California Code of Regulations, etc.).

**SECTION 16. Allowable Density:** Table 2-1 of Section 21.040.020, is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

**TABLE 2-1  
Zoning Districts and General Plan Designations**

Zone Map Symbol	Zoning District Name	General Plan Land Use Designation Dwelling Units/Acre Implemented by Zoning District
<b>Residential Zoning Districts (1)</b>		
R-1-10, 16	Single-Family, 10,000 or 16,000 square foot minimum lot size	Low Density Residential, Less than 3.5 d.u./gross acre
R-1-8, 9	Single-Family, 8,000 or 9,000 square foot minimum lot size	Low Density Residential, Less than 4.5 d.u./gross acre
R-1-6	Single-Family, 6,000 square foot minimum lot size	Low Density Residential, Less than 6 d.u./gross acre

R-D	Two-Family District	Low-Medium Density Residential, 6-13 d.u./gross acre
R-M	Multiple-Family	Low-Medium Density Residential, 6-13 d.u./gross acre
R-2	Multiple-Family	Medium Density Residential, 14-20 d.u./gross acre
R-3	Multiple-Family	High Density Residential, 21-27 d.u./gross acre
<b>Commercial Zoning Districts</b>		
P-O	Professional Office	Professional Office
C-1	Neighborhood Commercial	Neighborhood Commercial
C-2	General Commercial	General Commercial
C-3	Central Business District	Central Commercial
<b>Industrial Zoning Districts</b>		
C-M	Controlled Manufacturing	Research and Development
M-1	Light Industrial	Light Industrial
<b>Special Purpose Zoning Districts</b>		
C-PD	Condominium Planned Development	<u>See Section 21.12.020 (C-PD (Condominium Planned Development) zoning district)</u>
P-D	Planned Development	<u>See Section 21.12.030 (P-D (Planned Development) zoning district)</u>
P-F	Public Facilities	Institutional
P-F/O-S	Public Facilities/Open Space	Open Space
<b>Overlay/Combining Districts</b>		
H	Historic Preservation	
O	Overlay District	

**Notes:**

(1) Accessory dwelling units and junior accessory dwelling units are a residential use that are consistent with all residential general plan and zoning designations, and therefore, do not exceed the allowable density for the lot upon which they are located.

**SECTION 17: Definitions of Driveway:** The following definition is added to subsection D of Campbell Municipal Code section 21.72.020 between the definitions of "Drive-through /drive-up service/drive-up window" and "Dry cleaning" to read as follows, with underlining indicating new text:

"Driveway" means a paved access way leading from a public right-of-way, or from the edge of an easement or property line forming a private street, to a parking lot, drive aisle, parking circulation area, garage, off-street parking space, or loading space.

**SECTION 18: Definitions of Building Height:** The following definition is added to subsection B of Campbell Municipal Code section 21.72.020 between the definitions of "Bookstore" and "Building wall height" to read as follows, with underlining indicating new text:

"Building Height" means the vertical distance from the lowest finished grade adjacent to the building to the building's highest roof surface.

**SECTION 19: Park Impact Fee Definition:** The definition of "secondary living units" in Campbell Municipal Code section 20.24.020(o) is amended to read as follows, with underlining indicating new text and ~~strikeouts~~ indicating deleted text:

20.24.020 - Definitions.

- (o) "Secondary living units" means any accessory dwelling units and caretaker or employee housing units as so defined in Title 21 of this code ~~or any residential unit of less than six hundred forty square feet which is clearly secondary to the main use of the property. Examples of units that are secondary include caretakers quarters of less than six hundred forty square feet on a commercial parcel or a pastor's residence of less than six hundred forty square feet on a church site.~~

**SECTION 20: Residential Project Definition:** The definition of "residential project" in Campbell Municipal Code section 21.24.030 is amended to read as follows, with underlining indicating new text and ~~strikeouts~~ indicating deleted text:

"Residential project" means any parcel map, subdivision map, conditional use permit, site and architectural review permit, building permit, or other city approval, which authorizes ten or more living units or residential lots, or living units and residential lots with ten or more in combination, exclusive of any proposed accessory dwelling units. In order to prevent evasion of the provisions of this chapter, contemporaneous construction of ten or more living units on a lot, or on contiguous lots for which there is evidence of common ownership or control, even though not covered by the same city land use approval, shall also be considered a residential project. Construction shall be considered contemporaneous for all units which do not have completed final inspections for occupancy and which have outstanding, at any one time, any one or more of the following: parcel map, subdivision map, or other discretionary city land use approvals, or building permits, or applications for such an approval or permits. A pending project shall not be considered a residential project under this chapter.

**SECTION 21. Accessory structures:** Campbell Municipal Code Section 21.36.020 (Accessory structures) is amended to read as follows with underlining indicating new text and ~~strikeouts~~ (~~strikeout~~) indicating deleted text:

21.36.020 - Accessory structures.

This section provides standards for accessory structures that are physically detached from, and subordinate to, the main structure on the site. The standards contained in this section pertain to all properties except when otherwise provided for by a development agreement, overlay district, area plan, neighborhood plan, or specific plan.

- A. Living quarters prohibited. An accessory structure shall not include sleeping quarters or a kitchen facilities. The number of allowed plumbing fixtures shall be limited to two fixtures and may only include a toilet, sink, hot water heater or washing machine connection. ~~Enclosed workshops with separate entrances are not allowed. Workshops with partial bathrooms must be open to the rest of the structure by at least a six-foot opening.~~ The community development director ~~may~~ shall require the recordation of a deed restriction stating that the structure will not be used as a dwelling unit. An accessory dwelling unit may be approved in compliance with Chapter 21.23 (Accessory Dwelling Units).
- B. Allowed accessory structures. Accessory structures, including ~~and detached private garages and carports,~~ may be allowed in compliance with the following standards:
1. Accessory structures shall not exceed one story or 14 feet in height;
  2. Accessory structures shall be located on the rear half of the lot;
  3. Accessory structures shall be located to the rear or side of the main structure. If located to the rear of the main structure, a minimum separation of 10 feet shall be required. If located to the side of the main structure, a minimum separation of five feet shall be required. The separation requirements between an accessory dwelling unit and an accessory structure are provided in Chapter 21.23 (Accessory dwelling units);
  4. Accessory structures shall meet all setback requirements for main structures of the applicable zoning district in which they are located;
  5. No accessory structure shall exceed 1,000 square feet. If there is more than one accessory structure on a lot, one accessory structure shall be allowed up to 1,000 square feet and every one subsequent to that shall not exceed 200 square feet;
  6. When there is more than one accessory structure on a lot, there shall be a minimum separation of 10 feet between each accessory structure;
  7. An accessory structure ~~or private garage~~ shall be considered detached if they do not share a common interior wall with the main structure.
- C. Design criteria. Accessory structures that exceed 120 square feet in area must be architecturally compatible with the main structure in terms of design, color and materials, as determined by the community development director.

**SECTION 22. Delayed Enforcement:** New Chapter 18.30 (Delayed Enforcement) is hereby added to Title 18 (Building Codes and Regulations) of the Campbell Municipal Code to read as follows:

**18.30.10 – Adoption**

(a) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, the Building Official, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard for five years, subject to compliance with Section 17980.12 of the Health and Safety Code if:

- (1) The accessory dwelling unit was built before January 1, 2020.
- (2) The accessory dwelling unit was built on or after January 1, 2020, if the City of Campbell, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance (as determined by the Department of Housing and Community Development), but the ordinance is compliant at the time the request is made.

(b) The Building Official shall deny the application for delay if the Building Official determines that correcting the violation is necessary to protect health and safety.

**18.30.20 – Notice**

If a property owner exercises the delay in enforcement provided for by this Chapter, the Building Official shall record a “Notice of Delayed Enforcement” on the title of the subject property with the County Clerk-Recorder that shall identify the deficiencies of the accessory dwelling unit and the termination date of the enforcement delay.

**18.30.30 – Termination**

The Building Official shall not approve any applications pursuant to this Chapter on or after January 1, 2030. However, any delay that was approved by the Building Official before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application.

**SECTION 23:** This Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, one time within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

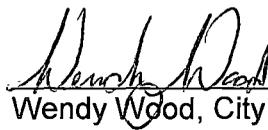
**PASSED AND ADOPTED** this 19th day of November, 2019 by the following roll call vote:

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

APPROVED:

  
Richard M. Waterman, Mayor

ATTEST:

  
Wendy Wood, City Clerk