CITY OF CAMPBELL
Community Development Department

OFFICIAL DIRECTOR INTERPRETATION
No. 7

Municipal Code Section – 21.58.050 (Restrictions on nonconforming structures)

Purpose of Interpretation – This Interpretation is intended to clarify whether lawfully constructed walls with non-conforming setbacks of a residence can be retained or shall be removed as part of an application to expand or modify the residence, where the City has determined that the scope of work is classified as a "New Dwelling using portions of the original structure" pursuant to Section 18.32 (Definition of "Scope of Work").

Interpretation – New dwellings are typically required to conform to all applicable development standards specified within the Campbell Municipal Code, including zoning setbacks. Lawfully constructed but non-conforming structures, however, can be retained, added to, and enlarged due to the vested rights obtained through their legal establishment pursuant to Section 21.58.050 (Restrictions on nonconforming structures). This section also allows lawfully constructed walls failing to meet setbacks to be expanded or enlarged given that the expansion does not decrease any existing setbacks.

The current intent of the Campbell Municipal Code is to provide for the orderly elimination of nonconformities, without infringing upon these established property rights. In addition, provisions within U.S. land use law identify the need for a "nexus" and "rough proportionality" between the scope of a development project and exactions or requirements applied to the project by the land use authority. For this reason, the Community Development Director maintains that lawfully constructed walls that fail to meet existing setbacks may be retained and expanded upon construction of a "New Dwelling using portions of the original structure" pursuant to Section 18.32 (Definition of "Scope of Work"), provided that the existing walls to be retained are not structurally altered, as depicted in Figure 1. "Structurally altered" shall here mean modification, removal, or addition of wall studs, plates, headers, joists, sills, bracing, or similar structural elements, as determined by the Building Official, subject to appeal to the Building Board of Appeal.

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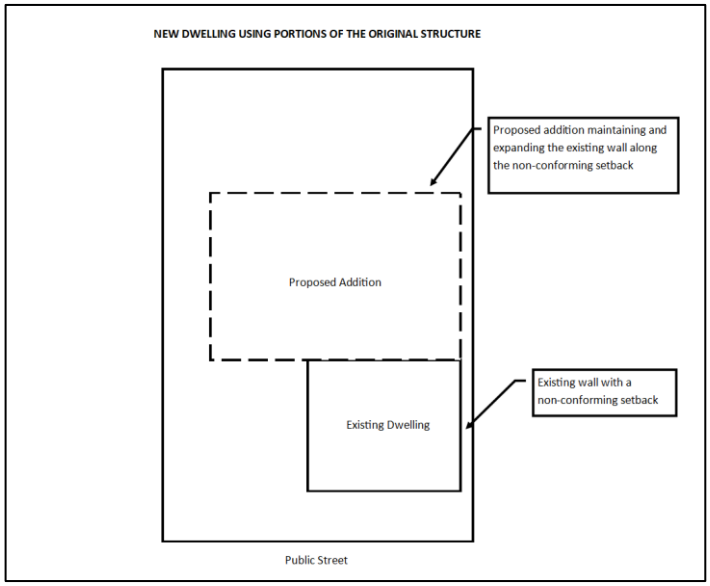


Figure 1: Retention and expansion of a non-conforming wall

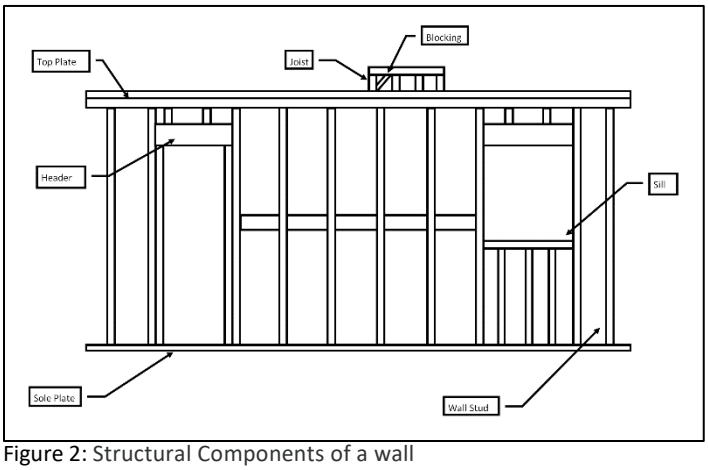


Figure 2: Structural Components of a wall

This Interpretation is issued pursuant to Campbell Municipal Code Section 21.58.050 and shall be effective on the date identified below.

Rob Eastwood

Rob Eastwood
Community Development Director

10/2/22

Date