

Ordinance No. 2321

**BEING AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL ADOPTING URGENCY MEASURES IMPLEMENTING SENATE BILL NO. 450 BY REMOVING SPECIAL REQUIREMENTS AND PROCEDURES AND INCORPORATING UNIFORM OBJECTIVE ZONING, SUBDIVISION, AND DESIGN STANDARDS FOR THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT.
(FILE NO. PLN-2024-185)**

WHEREAS, on September 16, 2021, the Governor of the State of California signed into law Senate Bill No. 9, "An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the California Government Code, relating to land use," 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.

WHEREAS, on September 19, 2024, the Governor of the State of California signed into law Senate Bill No. 450, "An act to amend Sections 65852.21 and 66411.7 of the California Government Code, relating to land use," which prohibits the imposition of non-uniform objective zoning, design, and subdivision standards on proposed housing developments and urban lot splits in single-family residential zones, establishes a 60-day timeline for local agency review and action, and updates requirements for demolition and environmental findings.

WHEREAS, Senate Bill No. 450 further specifies that objective zoning, design, and subdivision standards must relate to parcel design and improvements and allows local agencies to impose more permissive standards than the underlying zoning.

WHEREAS, Senate Bill No. 450 deems urban lot split and two-unit housing development applications approved if not acted upon within the 60-day period and requires agencies to provide detailed feedback for any denied applications to ensure applicants can address deficiencies.

WHEREAS, certain zoning and subdivision standards of the City of Campbell Zoning and Subdivision Codes, respectively, and their permitting procedures are inconsistent Sections 65852.21 and 66411.7 of the California Government Code, as amended by Senate Bill No. 450.

WHEREAS, the provisions of Senate Bill No. 450 shall be in effect on January 1, 2025, and without locally codified objective design standards and implementation procedures, the law presents a current and immediate threat to the public peace, health, safety, and welfare, in that certain existing zoning and subdivision standards are in conflict with Senate Bill No. 450 and could create uncertainty for applicants, potential legal conflicts, and delays in implementing state-mandated housing solutions.

WHEREAS, pursuant to Section 65852.21(j) and Section 66411.7(n) of the California Government Code, a local agency may adopt an ordinance to the law.

WHEREAS, pursuant to Section 65858 of the California Government Code and Section 21.60.090 of the Campbell Municipal Code, the City Council may take appropriate action to adopt urgency measures as an interim ordinance

WHEREAS, this interim ordinance establishes urgency measures to eliminate the imposition of non-uniform objective zoning, design, and subdivision standards, establish a 60-day timeline for local agency action, and modify requirements for demolition and environmental findings.

WHEREAS, it is not the intent of this interim ordinance to deny approvals needed for the development of projects with a significant component of multifamily housing.

WHEREAS, in light of the foregoing findings, the City Council further finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is in conflict with this ordinance would result in that threat to public health, safety, or welfare.

WHEREAS, adoption of this interim ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to California Government Code Section 65852.21(k), as it pertains to the implementation of Senate Bill No. 450.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAMPBELL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1 (PURPOSE): This interim ordinance establishes temporary provisions to Title 21 (Zoning) and Title 20 (Subdivision and Land Development) of the Campbell Municipal Code to facilitate the construction of up to two residential units and the creation of urban lot splits, as specified by California Government Code Sections 66452.6, 65852.21, and 66411.7. These provisions ensure compliance with state law by prohibiting the imposition of non-uniform objective zoning, design, and subdivision standards. The provisions of this interim ordinance shall supersede any conflicting provisions within Title 21 (Zoning) and Title 20 (Subdivision and Land Development). Zoning and design review standards in the Zoning Code that are not affected by this interim ordinance shall remain in full force and effect.

SECTION 2 (APPLICABILITY): This interim ordinance applies to the construction, alteration, and expansion of all structures, as well as to voluntary applications for urban lot splits, on properties located within the R-1 (Single-Family Residential) Zoning District. Property owners or their authorized representatives may continue to exercise subdivision rights for conforming subdivisions in compliance with Title 20 (Subdivision and Land Development) of the Campbell Municipal Code and the California Subdivision Map Act.

SECTION 3 (GENERAL SUBDIVISION STANDARDS): This interim ordinance adopts by reference the addition of Chapter 20.13 (Subdivision Standards), the revisions to Section 20.16.030 (Action on tentative parcel maps), and the deletion of Section 20.16.035 (Exception to access requirements), as established by Interim Ordinance No. 2313 and extended by Interim Ordinance No. 2317. These changes shall remain in effect under the provisions of this interim ordinance, notwithstanding the expiration of Interim Ordinance No. 2317.

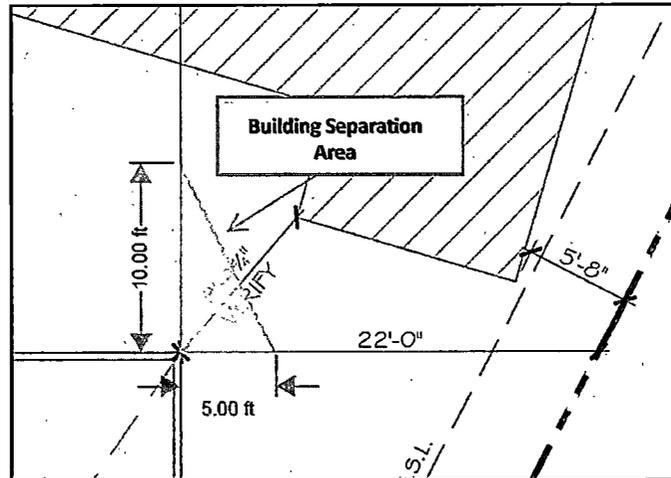
SECTION 4 (DEFINITIONS): The following terms shall have the meanings assigned to them in this interim ordinance and shall supersede or supplant the definitions provided in Chapter 21.72 (Definitions) of the Campbell Municipal Code.

An "attic" means that part of the interior of a building immediately below a roof, above the ceiling of a story, and within the roof framing, which is unheated and unfinished as to remain uninhabitable, and which is not accessible by a stairway or door (access may only be provided via a floor hatch with a drop-down latter to the story below). A space not satisfying this definition shall instead be defined as a "story" or "half-story".

"Completed application" means an application for a development project, including an application for a tentative parcel map or subdivision map, or a ministerial application for a Zoning Clearance, that has been deemed complete by the Community Development Director pursuant to Government Code Section 65943.

"Building separation distance" means the minimum distance two building or structures on the same lot must be separated from each other as required by Title 21 (Zoning), including separations between accessory structures, separations between primary structures, separations between primary structures and accessory structures, and separations between accessory dwelling units and other structures. Where two buildings are diagonally situated from each other, the applicable building separation distances shall extend from the side and rear of the buildings to form a triangular "building separation area", as illustrated, below, which shall also be clear of any building or structure, except as for provided in Section 21.18.040.B (Exceptions).

Figure 1 – Building Separation Area



"Demolition" means any act or process that may cause partial or total razing, removal, destruction or dismantling of a structure, whether or not permitted by the City. Also includes construction of a new structure using portions of an existing structure pursuant to Section 18.32.010 (Definition of "New Structure Using Portions of the Original Structure").

"Frontage" means the portion of a lot that fronts on one side of a street, measured along the lot line between intersecting or intercepting streets, or between a street and a right-of-way, waterway, dead-end street, or city boundary. For lot types with multiple street frontages, frontage is measured along each applicable front or street-side lot line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

"Lot types" means "corner lot," "double corner lot," "flag lot," "interior lot", "key lot," "reverse corner lot," and "through lot," as depicted in Figure 2-1 and further defined, below. This also includes "cul-de-sac lot," and "pie-shaped lot" as depicted in Figures 1-2 and 1-3, respectively, and further defined, below, as well as a "landlocked lot" which is any lot that does not have direct access to a street. Any other lot type not defined herein shall be considered an "irregular lot".

1. "Corner Lot" means a lot located at the intersection of two streets, or upon two parts of the same street, forming an interior angle of less than 175 degrees at the corner, defined by side and rear lot lines that intersect at right angles and two lot lines that include a curved street frontage along the intersecting streets. A corner lot includes a front yard facing the street frontage with the shortest cumulative length, a street-side yard along the intersecting street, a rear yard opposite the front yard, and a side yard along the adjacent property line, as shown in Figure 2-1.
2. "Cul-de-Sac Lot" means a lot located along the curved terminus, or bulb, of a cul-de-sac street, with side property lines that extend radially from the center of the bulb, widening away from the street. A cul-de-sac lot includes a front yard facing the bulb of the cul-de-sac, side yards along each radial property line, and may include a rear yard opposite the front yard, as shown in Figure 2-2.
3. "Double Corner Lot" means a lot located along two parallel streets intersected by a third street, defined by street-side lot lines that intersect with the rear lot line at right angles and three street frontages. A double corner lot includes two front yards, each oriented along the ends of the lot that abut the intersecting streets, a street-side yard along the third street frontage between the front yards, and an interior side yard along the remaining property line opposite the street-side yard, as shown in Figure 2-1.
4. "Flag Lot" means a flag-shaped lot located behind another lot, with access provided by a rectangular-shaped corridor with parallel lot lines that is part of the flag lot and connects the lot to the street, defined by opposite sides that are parallel and intersecting the rear property line at right angles. A flag lot includes a front yard that is oriented along the lot line facing the access corridor, excluding the corridor itself, side yards along each parallel property line, and a rear yard opposite the front yard, as shown in Figure 2-1.
5. "Interior Lot" means a lot with a rectangular shape, defined by opposite sides that are parallel and intersecting the rear property line at right angles, with only one side abutting a street. The remaining sides share property lines with adjacent lots, with no additional street frontage. An interior lot includes a front yard facing the street, side yards along each adjacent property line, and a rear yard opposite the front yard, as shown in Figure 2-1.
6. "Key Lot" means a lot with a rectangular shape located directly behind a reversed corner lot, defined by opposite sides that are parallel and intersecting the rear property line at right angles, with only one side abutting a street and its rear property line abutting the side yard of the adjacent reversed corner lot. A key lot includes a front yard facing the street it abuts, side yards along each adjacent property line, and a rear yard opposite the front yard, as shown in Figure 2-1.
7. "Pie-Shaped Lot" means a lot fronting a curved street where the side lot lines are radial to the curve of the street, narrowing away from the street, resulting in a wedge or "pie" shape appearance. A pie-shaped lot includes a front yard along the curved street

frontage, side yards along each radial property line, and a rear yard opposite the front yard, as shown in Figure 2-3.

8. "Reverse Corner Lot" means a corner lot where the rear property line abuts the side property line of an adjacent key lot. A reversed corner lot includes a front yard facing the street frontage with the shortest cumulative length, a street-side yard along the intersecting street, a rear yard opposite the front yard and abutting the adjacent key lot, and a side yard along the remaining property line, as shown in Figure 2-1.
9. "Through Lot" means any lot abutting two parallel or nearly parallel streets, with no contiguous sides abutting intersecting streets and no rear yard. A through lot includes a front yard along each street it abuts and side yards along the remaining property lines, as shown in Figure 2-1.

Figure 2-1 – Lot Types and Yards

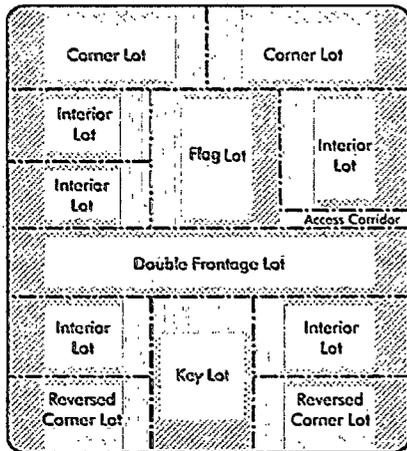


Figure 2-2 – Cul-de-Sac Lots

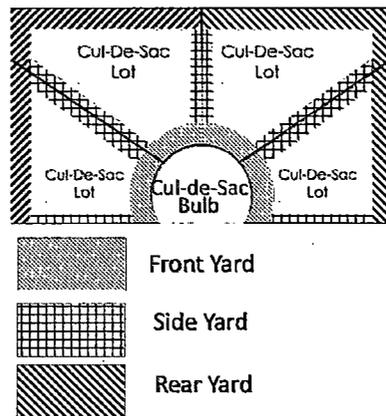
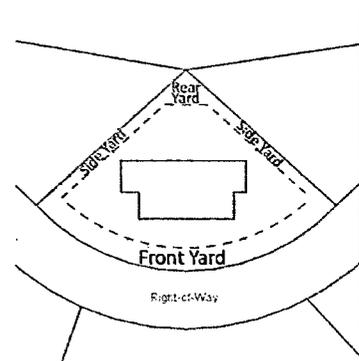


Figure 2-3 – Pie-Shaped Lot



- Front Yard
- Side Yard
- Street-side Yard
- Rear Yard

"Lot line" means the boundary that defines the limits of a lot, as classified by the applicable lot type, herein defined. Lot lines are categorized as front, side, rear, or street-side lot lines based on the configuration of the lot and its orientation to streets or adjacent lots, as defined for each lot type. Lot lines determine the application of setbacks, which in turn define the front yard, side yard, and rear yard, as illustrated by Figure 2-1, Figure 2-2, and Figure 2-3.

1. "Front lot line" means the lot line that abuts a street and defines the front yard. For lot types with multiple street frontages or unique layouts, the front lot line is identified according to the following criteria:

- **Corner Lots:** The front lot line is the lot line with the shorter street frontage of the two intersecting streets or of two parts of the same street that form the corner.
 - **Flag Lots:** The front lot line is the lot line that is parallel to the street and includes an imaginary line drawn at the interior terminus of the access corridor, extending from the edge of the access corridor to the adjacent side lot line.
 - **Through Lots:** The front lot lines are the lot lines with street frontage.
 - **Double Corner Lots:** The front lot lines are the lot lines with the shorter street frontages located at each end of the lot where it abuts intersecting streets. The lot line with the longer street frontage along the side of the lot is designated as the street-side lot line.
 - **Landlocked Lot:** The front lot line is the lot line abutting the access easement or other access way that provides access to a street.
 - **Irregular Lot:** The front lot line is the shortest lot line that directly abuts a street. If the lot does not directly abut a street, the front lot line is the lot line closest to an access easement or other access way that provides access to a street.
2. "Side lot line" means any lot line or combination of lot lines that is not otherwise defined as a front, rear, or street-side lot line.
 3. "Street-side lot line" means any lot line or combination of lot lines abutting the same side of a street that is not designated as a front lot line.
 4. "Rear lot line" means the lot line or combination of lot lines that opposite the front lot line. For irregularly shaped lots, the rear lot line is the lot line most distant and generally opposite the front lot line. If the lot has no clearly opposite line, the rear lot line is designated based on the line most parallel to the front lot line or, if no line is parallel, the line that provides the greatest setback area opposite the front lot line.

Exception: On a lot where the side lot lines converge to a single point at the rear of the lot, a line 10 feet long within the lot, most parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the rear yard.

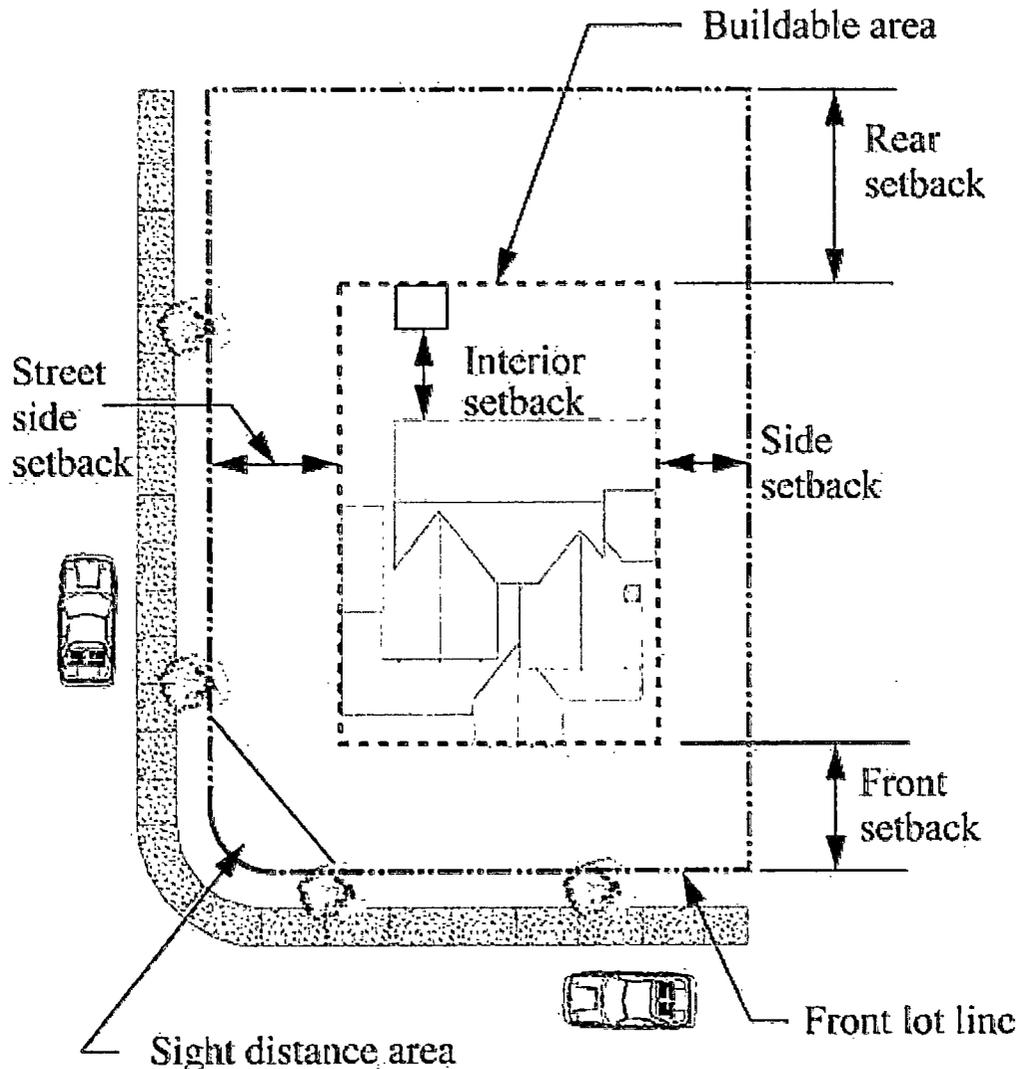
"Open space, usable" means an area with minimum length and width dimensions of 10-feet, excluding the required front setback between the structure and the street property line, and any required landscaping area. The open space area may be occupied by recreation facilities (e.g., deck, patio, playground equipment, porch, swimming pool, etc.) provided it is open on at least two sides and not covered by a roof or canopy. When serving multiple-family dwelling units, a private open space area may be provided for each dwelling unit, or all the required space may be combined in one common area.

"Public right-of-way" means areas of land acquired by the City or other public entity by easement or fee title reserved exclusively for public use, including, but not limited to streets, street-parking, sidewalks, alleys, drainage works, landscaping, and stormwater management. Public right-of-way shall not include areas of land encumbered by non-exclusive public easements nor by any private easements.

"Porch" means any covered entry landing where the covering extends further from the building than an allowable eave projection, as specified by Section 21.18.040.B.1 (Architectural features).

"Setback" means the minimum distance by which a structure, parking area, or other development feature must be separated from a lot line, determined by the applicable lot type and yard orientation (e.g., front, side, street-side, or rear). Setbacks from private streets are measured from the edge of the easement. Refer to "Yard" for additional details. Figure 3 (Setbacks) illustrates the location of front, side, street-side, rear, and interior setbacks.

Figure 3 – Setbacks



"Street, public" means a vehicular roadway identified as a "local," "collector," or "arterial" street as depicted on the General Plan Roadway Classifications Diagram (Figure T-1) and defined by this Zoning Code, which is located within the public right-of-way. Does not include the "freeway" or "expressway" roadway classifications, public pedestrian/bicycle trails, or public alleyways.

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

SECTION 5 (URBAN LOT SPLITS): Chapter 20.14 (Urban Lot Splits) is hereby amended in its entirety to read as set forth in the following revised Chapter 20.14 (Urban Lot Splits).

Chapter 20.14 URBAN LOT SPLITS

20.14.010 Purpose.

This Chapter implements the subdivision procedures of the California Housing Opportunity and More Efficiency (HOME) Act, originally enacted by Senate Bill No. 9 (2021) and amended by Senate Bill No. 450 (2024). These laws aim to streamline the subdivision processes, facilitate the creation of smaller residential lots, and encourage a diverse range of housing types, thereby expanding opportunities for affordable and efficient housing solutions.

20.14.020 Applicability.

This Chapter applies exclusively to voluntary applications for tentative parcel maps to facilitate urban lot splits in accordance with Government Code Sections 66452.6 and 66411.7.

20.14.030 Definitions.

In addition to the terms defined by Section 4 (Definitions) of this interim ordinance and Chapter 21.72 (Definitions) of the Campbell Municipal Code, 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 California 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.

"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.

"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.

"Urban lot split" means a ministerial application for a tentative parcel map to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Government Code Sections 66452 and 66411.7.

"Nonconforming zoning condition" means a lawful physical improvement or use of land on a property that does not conform with current zoning standards as defined by Section 21.58.030 (Definitions). Also means unlawful physical improvements or use of land that may be subject to Chapter 21.70 (Enforcement).

21.25.035 Site eligibility.

A tentative parcel map for an urban lot split may only be created on parcels satisfying all of the following general requirements. Applications for parcels not satisfying these requirements shall not be accepted by the community development director pursuant to Section 21.38.040.E (Community Development Director's determination):

- A. Zoning district. A parcel that is located within the R-1 (Single-Family Residential) Zoning District, as described in Section 21.08.020.A (Single-family residential zoning district).

- 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 this Title and the Subdivision Map Act (Government Code Section 66410 et seq.), as applicable at the time the parcel(s) was created. The City Engineer may require a certificate of compliance to verify conformance with this requirement.
- D. Prior subdivision. A parcel that was not created by a parcel map approved pursuant to Government Code Sections 66411.7 or by a parcel map or subdivision map pursuant to Government Code Section 66499.41.
- E. 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 Health and Safety Code Section 25356.

Exception: This restriction shall not apply where the parcel has been cleared for residential use or mixed-use development by the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control.

- F. Flood zone. A parcel that is not located within a special flood hazard area subject to inundation by the one percent annual chance flood (one hundred-year flood), as shown on official maps published by the Federal Emergency Management Agency (FEMA)

Exception: This restriction shall not apply if FEMA has issued a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) for the parcel(s), or where a condition of tentative map approval can ensure that future dwellings constructed upon the new parcels may be made to comply with Chapter 21.22 (Flood Damage Prevention), as determined by the Floodplain Administrator.

- G. Earthquake fault zone. A parcel that is not located within a delineated earthquake fault zone, as identified in official maps published by the State Geologist.

Exception: This restriction shall not apply where a condition of tentative map approval can ensure that future dwelling units constructed upon the new parcels resulting from the urban lot split will comply with the applicable seismic protection building code standards, including those 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 Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code, as determined by the Building Official.

- H. 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. Section 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).

- I. For a parcel where a prior dwelling unit(s) was demolished within the last three years, the demolished unit(s) must not have been occupied by a tenant at any time during the three years preceding the date of the tentative parcel map application for an urban lot

split. The date of demolition shall be either the date a demolition permit was issued or the date the City documented that an unlawful demolition was performed without a permit.

Exception: This restriction shall not apply to housing was destroyed by earthquake, fire, flood, wind, or other calamity or act of God or the public enemy, clearly beyond the control of the property owner.

20.14.040 Objective subdivision standards.

The new lots proposed by a tentative parcel map for an urban lot split shall comply with the allowable lot type, minimum parcel size, minimum lot width, and minimum public frontage requirements specified by Section 6 (Objective Subdivision Standards) of the interim ordinance amending this Chapter.

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 community development director 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, as specified by Section 21.18.040.A.5. This restriction shall not preclude the creation of adjacent or connected structures across a property line provided that the structures meet building code safety standards sufficient to allow separate conveyance as individual dwelling units.
- D. Intent to occupy. Prior to recordation of a parcel map, 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). For applications submitted by legal entities, including but not limited to LLCs or corporations, the applicant shall designate a natural person who is a principal, member, or officer of the entity to sign the affidavit attesting that they will occupy one of the newly created parcels as their principal residence for a minimum of three years from the same date.

Exception: 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.

- E. Nonconforming conditions. The City shall not require, as a condition of approval of the tentative parcel map application, the correction of nonconforming zoning conditions. However, no new nonconformities may result from the urban lot split. This provision shall not be construed as to prevent the City from taking enforcement action to remedy unlawful nonconforming zoning conditions pursuant to Chapter 21.70 (Enforcement) following tentative parcel map approval for an urban lot split.
- F. Number of dwelling 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 recordation of a parcel map. As a condition of tentative parcel map approval, the community development director shall require recordation of a deed restriction on each new lot created by an urban split to document this restriction prior to recordation of a parcel map.
- G. 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.
- G. Tree removal permits. Notwithstanding Section 21.32.050 (Protected trees), a protected tree(s) may be removed in connection with a tentative parcel map application without a Tree Removal Permit when the tree(s) directly conflicts with the access corridor for a flag lot or when removal is necessary to retain an existing dwelling unit, and the subdivision cannot feasibly be redesigned to preserve the tree(s) while meeting access requirements or avoiding demolition or partial demolition of the existing dwelling unit. Any approved tree removal shall occur prior to recordation of the parcel map.
- H. Subsequent 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.
- I. Restrictions on Demolition. The proposed urban lot split shall not require the demolition 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.
- J. 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.
- K. 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.

- L. Zoning and design standards. Construction of dwelling units upon the lots created by an urban lot split shall be subject to the objective zoning and design standards provided by Section 8 (Objective Zoning Standards), Section 9 (Required Parking), and Section 10 (Objective Design Standards) of the interim ordinance adopting this provision that apply uniformly to properties in the R-1 (Single-Family Residential) Zoning District. If any such standard(s) would have the effect of physically precluding the construction of two units on either of the resulting parcels of the urban lot split or that would result in a unit size of less than 800 square feet, the provisions for an exception in Section 11 (Exceptions) of the interim ordinance adopting this provision shall be followed.

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 community development director as a ministerial application for a tentative parcel map, as required by Section 20.16.020 (Tentative parcel map).
- B. Application Filing. Applications for a tentative parcel map for an urban lot split, along with all required materials and fees, shall be filed with the community development department, in accordance with Chapter 21.38 (Application Filing, Processing, and Fees). However, until such time that the City's Schedule of Fees and Charges is updated to include a fee specific for tentative parcel maps for urban lots splits, a fee equal to fifty percent of a tentative parcel map shall be charged.
- C. Review process. The community development director shall ministerially review tentative parcel map applications for urban lot splits in accordance with Chapter 20.16 (Parcel Map Procedures). If the community development director determines that the tentative parcel map is eligible for approval as an urban lot split and complies with the objective standards and general requirements of this Chapter, the tentative parcel map shall be approved. The community development director shall approve or deny a completed tentative parcel map application for an urban lot split within 60 days from the date the application is deemed complete. If no action is taken within the 60-day period, the application shall be deemed approved by operation of law.
- D. Conditions of approval. Approval of a tentative parcel map for an urban lot split may include standard conditions of approval that are objective, non-discretionary, and broadly applicable to tentative parcel maps, as necessary to fulfill the requirements of this Chapter or any other applicable provision of the Campbell Municipal Code.
- E. Approval expiration. Approval of a tentative parcel map shall be valid for a period of two years in accordance with Section 20.16.033 (Expiration of tentative parcel maps). Within this period, a parcel map must be recorded with the Office of the Santa Clara County Clerk Recorder, as specified by Section 21.56.030 (Permit time limits and extensions).

- F. Final map. Following approval of a tentative parcel map, the applicant shall file for a parcel map with the public works department, including all required application materials and payment of required fees. The city engineer shall ministerially approve the parcel map if it is consistent with the community development director's tentative parcel map approval, including any conditions of approval.
- G. Denial. The community development director may deny an application for a tentative parcel map for an urban lot split that meets the requirements of this section only if the building official makes a written finding, based upon a preponderance of the evidence, that dwelling units to be constructed upon the proposed new parcel(s) would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon the public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. An adverse impact to the physical environment shall not be a basis for denial.
- H. Appeals. A decision of the community development director on a tentative parcel map for an urban lot split is a ministerial action and not appealable.

SECTION 6 (OBJECTIVE SUBDIVISION STANDARDS): The minimum lot area, lot width, public street frontage, and allowable lot types of parcels proposed in new conforming subdivisions, urban lot splits, or lot line adjustments in the R-1 (Single-Family Residential) Zoning District shall be as specified by Table 1 (Parcel Standards – Single-Family Zoning District), which shall supersede conflicting provisions in Section 21.08.040 (Residential subdivision standards).

Table 1
(Parcel Standards – Single-Family Residential Zoning District)

Zoning Map Symbol	Minimum Lot Area (1)		Minimum Lot Width (2)		Minimum Public Street Frontage	Lot Types (4)	
	Conforming Subdivisions	Urban Lot Splits	Conforming Subdivisions (3)	Urban Lot Splits		Allowed	Prohibited
R-1-6	6,000 square feet	1,200 square feet AND Each lot ≥ 40% of the area of the original parcel	60 feet	25 feet	<ul style="list-style-type: none"> • 25 feet (Non-Flag Lots) • 15 feet (Conforming Flag Lots) (5) • 12 feet (Urban Lot Split Flag Lots) 	<ul style="list-style-type: none"> • Interior Lot • Corner Lot • Reverse Corner Lot • Flag Lot (5) (6) • Key Lot • Cul-de-Sac Lot • Pie-Shaped Lot 	<ul style="list-style-type: none"> • Double Frontage Lot • Irregular Lot • Landlocked Lot
R-1-8	8,000 square feet		70 feet				
R-1-9	9,000 square feet		70 feet				
R-1-10	10,000 square feet		80 feet				
R-1-16	16,000 square feet		80 feet				

Notes:

- (1) The minimum lot width for a flag (rear) lot shall not include the access corridor portion of the lot. Further, for conforming subdivisions (i.e., those not created by an urban lot split), flag (rear) lots shall have a minimum lot area equal to ten percent (10%) greater than the minimum identified, excluding the access corridor portion of the lot.
- (2) The minimum lot width for a flag (rear) lot shall not include the access corridor portion of the lot.
- (3) Except for lots created on the bulb of a cul-de-sac which shall be subject to a minimum lot width of 60 feet.
- (4) All newly created parcels and existing parcels proposed to be reconfigured by a Lot Line Adjustment shall only result in an allowed lot type. Prohibited lot types shall not be created.
- (5) The access corridor of a flag lot shall be in fee as part of the parcel and not as an easement and shall be of a maximum width of fifteen (15) feet.
- (6) Existing lots located within the boundaries of the Campbell Village Neighborhood Plan shall not be subdivided or reconfigured by a Lot Line Adjustment to create a flag lot configuration.

SECTION 7 (NUMBER OF UNITS): The number of primary dwelling units permitted on a property within the R-1 (Single-Family Residential) Zoning District shall be as follows in accordance with Government Code Sections 65852.21 and 66411.7:

- A. Minimum allowed. Up to two (2) primary dwelling units are permitted, irrespective of any conflict with the General Plan, except for properties subject to Chapter 21.33 (Historic Preservation), which shall be limited to a maximum of one (1) primary dwelling unit.
- B. Maximum allowed. More than two (2) primary dwelling units may be permitted if the total number does not exceed the maximum density specified by the General Plan land use designation for the property.
- C. Exception. No parcel created through an urban lot split in accordance with Section 5 (Urban Lot Splits) of this interim ordinance shall be allowed to include more than two dwelling units as defined by California Government Code section 66411.7(j)(2).
- D. Dwelling Unit Type. Primary dwelling units 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 within the same structure or one dwelling unit located atop of another dwelling unit within the same structure.

SECTION 8 (OBJECTIVE ZONING STANDARDS): All land uses and structures, and alterations to existing land uses and structures in the R-1 (Single-Family Residential Zoning District), shall be designated, constructed, and/or established in compliance with the requirements in Table 2 (General Development Standards – Single Family Residential District), in addition to the development standards contained in Article 3 (e.g., landscaping, fences, parking and loading) and Article 4 (e.g., accessory structures), which shall supersede conflicting provisions in Section 21.08.050 (Residential development standard).

Table 2
General Development Standards – Single-Family Residential District

Development Standard	Neighborhood Plan (1) Zoning District Map Symbol					
	Conventional (2)	CVNP	STANP (3)	CVNP	STANP (3)	
	R-1-6			R-1-8	R-1-8	R-1-9
Main Structure Maximum Height (4)(5)	35 feet			28 feet		
Main Structure Maximum Stories	2 ½ stories			2 stories	2 ½ stories	
Maximum Lot Coverage (6)	40%			45%	35%	
Maximum Floor Area Ratio (FAR) (6)	0.45					
Minimum Useable Open Space (7)	750 square feet (per lot)					
Minimum Main Structure Property Line Setbacks (8) (9)						
Front	20 feet					25 feet
Rear	4 feet					
Interior Side (10)	4 feet					
Street Side (where applicable)	4 feet (11)					
Parking Facilities (12)	25 feet					
Minimum Separation Distance Between Main Structures on the Same Lot (8)						
For structures located in front of or behind each other	10 feet					
For structures located to the side of each other	5 feet					
Minimum Separation Distance Between Main Structures and Accessory Structures (8)						
Minimum Separation Required	See Section 21.36.020 (Accessory structures)					
Minimum Separation Distance Between Main Structures and Accessory Dwelling Units (8)						
Minimum Separation Required	See Chapter 21.23 (Accessory Dwelling Units)					
Notes:						
(1) The abbreviation "STANP" designates the San Tomas Area Neighborhood Plan and "CVNP" designates the Campbell Village Neighborhood Plan. The boundaries of both neighborhood plans are identified by Figure LU-2 (Special Planning Areas) of the General Plan. The standards and requirements provided in this table shall prevail over any conflict with a neighborhood plan, including any allowance for an exception to the maximum FAR or required setbacks.						
(2) The term "Conventional" refers to any R-1 zoned property not subject to a neighborhood plan.						
(3) Consistent with STANP Land Use Policy 'D', parcels that do not meet the minimum lot size requirement for the district in which it is located (e.g. a 6,000 square foot lot located in the R-1-10 Zoning District)						

- may exercise the side and rear setbacks and lot coverage requirements of the zoning district in which the lot would be conforming (e.g. the setback and lot coverage requirement for a 6,000 square foot lot in an R-1-10 Zoning District would be based on the standards for the R-1-6 zoning district.)
- (4) See Section 21.18.050 (Exceptions to height provisions), for exceptions to the maximum height requirement.
 - (5) The height of main structures shall be measured from finished grade, irrespective of any neighborhood plan provision to the contrary.
 - (6) For properties subject to the STANP or CVNP, the maximum FAR and Lot Coverage shall be calculated excluding the access corridor ("stem") portion of a flag (ear) lot from the net lot area.
 - (7) See definition for "Open space, usable," for specific standards for the required open space area.
 - (8) See Section 21.18.040.B (Exceptions) for exceptions to setback and building separation distance requirements.
 - (9) No setback shall be required for an existing main structure, or a main structure constructed in the same location and to the same dimensions as an existing main structure.
 - (10) No interior side setback shall be required for townhouses, provided that building code safety standards are satisfied as to allow conveyance as a separate fee parcel.
 - (11) To ensure adequate site visibility for pedestrian and vehicular safety, in no circumstance shall a structure be constructed or placed within the triangular areas of a property as depicted in Figures 3-1 and 3-2 of Section 21.18.060 (Fences, walls, lattice and screens).
 - (12) Applies to the vehicular entry to garages, carports, and uncovered parking stalls, as measured to the nearest point of the garage door, the threshold to a carport or garage entry (without doors), or the outer edge of a parking stall, respectively. All other applicable setbacks continue to apply to these parking facilities.

SECTION 9 (REQUIRED PARKING). The parking requirement contained in Table 3-1 (Parking Requirements by Land Use) Section 21.28.040, Table 3-1 (Parking Requirements by Land Use) is hereby amended to read as follows with strikethroughs (~~strikethroughs~~) indicating deleted text and underlining (underlining) indicating added text:

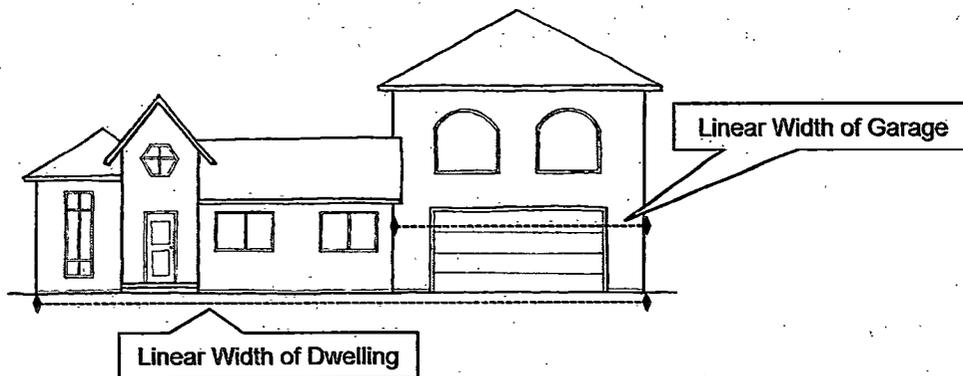
<u>Properties in the R-1 (Single-family) dwelling Zoning District</u>	<u>2</u> 1 spaces for each unit, 1 of which shall be covered.
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SECTION 10 (OBJECTIVE DESIGN STANDARDS). The following objective design standards apply to the construction of new primary dwelling units, as well as to additions or alterations to existing primary dwelling units, on properties subject to the San Tomas Area Neighborhood Plan or the Campbell Village Neighborhood Plan, except for subsection O (Windows), which shall apply to all properties in the R-1 (Single-Family Residential) Zoning District.

- A. Balconies and decks. Rooftop terraces and decks are prohibited. Balconies shall only be permitted on the front elevation and shall incorporate solid obscure side walls (i.e., open railing is prohibited). Further, for properties subject to the Campbell Village Neighborhood Plan, balconies and decks are prohibited along any elevation of a single-family dwelling that abuts a side property line adjoining an R-1 zoned property and within 20 feet of a rear property line adjoining a R-1 zoned property. Balconies or decks that are entirely inset behind a building wall such that there is no opening along a side or property line are not subject to this prohibition.

- B. Building colors. No more than two paint colors may be applied per wall, excluding trim. Additions to existing single-family dwellings 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. A door-surround 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.
- G. Front porch. Porches shall have a minimum depth of 5 feet, if proposed.
- H. Garage width. The following standard shall apply to the construction of new single-family dwellings with attached garages:

- 1. Standard. The linear width of an attached garage shall not exceed 50% or 40% of the linear width of a single-family dwelling, for properties subject to the San Tomas Area Neighborhood Plan or the Campbell Village Neighborhood Plan, respectively, unless the design features identified in subsection '2' are incorporated. For the purposes of this section, the linear width of the dwelling shall be measured as the full extent of the building's front elevation, including the attached garage, regardless of any variations in building wall planes, as illustrated in the graphic below. The linear width of the garage shall include the width of the garage door(s) and any additional wall area that is part of the garage structure, extending from the edge of the garage door to the outermost point of the garage wall.



- 2. Alternative. In-lieu of the specified maximum garage width, the following alternative design elements may be incorporated:
 - a. The linear width of the garage, as described in subsection 1, shall be recessed from the remainder of the single-family dwelling by a minimum of five feet forming offset building walls; or
 - b. A trellis consisting of wood or metal attached to the single-family dwelling shall be installed over the entire extent of the garage door.

3. Exception. The requirements of this section shall not apply when the garage door is oriented away from the street (i.e., a "side entry").
 - I. Garage conversions. When an attached garage is converted to living area, the existing garage door shall be permanently removed. The opening left by the garage door shall be filled in with wall cladding, building color(s), and window frames that are identical to those used on the primary dwelling, matching the materials, colors, and dimensions of existing exterior walls and windows to remove any appearance of a garage
 - J. Grading. Changes in elevation from the natural grade (AMSL) shall be limited to the minimum extent necessary to ensure that stormwater drains away from buildings and is retained on-site, preventing runoff onto adjacent properties, as demonstrated by a grading and drainage plan prepared by a registered civil engineer.
 - K. Plate height. The plate height of each story for a new single-family dwelling shall be limited to 12 feet as measured from finished floor. The plate height of an addition to an existing single-family dwelling shall match the plate height of the existing structure.
 - L. Roof forms. For new dwellings, roof designs shall be limited to cross-hipped or hipped and valley forms with a slope between 4:12 and 8:12. Gabled and dormer elements are permitted, but all other roof forms are prohibited. Additions to existing dwellings shall match the primary roof form and pitch of the existing structure.
 - M. Roof materials. For new dwellings, 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 shall incorporate the same roofing material as the existing dwelling or otherwise comply with the requirements of this provision.
 - N. Wall materials. For new dwellings, 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 dwellings shall incorporate the same combination materials as the existing structure or otherwise comply with the requirements of this provision.
 - O. Windows. Windows on stories above the first-story that are less than eight feet from rear or interior-side property lines shall have a sill height of six feet from finished floor.

SECTION 11 (EXCEPTIONS). If any standard in this interim ordinance or the Campbell Municipal Code would physically preclude the construction of up to two primary dwelling units or prevent either unit from achieving a minimum floor area of eight hundred (800) square feet, the Community Development Director shall grant an exception to the applicable standard(s) to the minimum extent necessary to allow a unit of at least 800 square feet, as specified by this section.

- A. Determination. The Community Development Director shall grant exceptions to development standards in the following priority order and only to the minimum extent necessary to resolve a physical constraint. Exceptions that do not remove a physical constraint 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 front/rear building separation between structures to 5 feet;
4. Reduction of the garage entry setback/minimum driveway depth to no less than 20 feet;
5. Required parking may be uncovered (rather than covered);
6. Elimination of the minimum parking requirement;
7. Increase to the maximum floor area ratio (FAR);
8. Increase to the maximum lot coverage;
9. Reduction to the minimum required private open space;
10. Increase to the number of allowable stories to three stories at a maximum height of 35 feet;
11. Allowance to remove a "protected tree(s)" pursuant to Chapter 21.32 (Tree Protection Regulations) without an otherwise required Tree Removal Permit; then
12. Reduction or elimination of any other standard not identified.

SECTION 12 (PROPERTY LINE ENCROACHMENTS): Section 21.18.040.A (Requirements) is hereby amended to add a new subsection '5,' to read as follows:

5. No portion of any building, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement or the public right-of-way.

SECTION 13 (CHAPTER 21.25): Chapter 21.25 (Two-Unit Housing Development) of the Campbell Municipal Code is hereby repealed.

SECTION 14 (ZONING CLEARANCE APPROVAL): Notwithstanding Section 21.42.020 (Site and architectural review permit required) and Section 21.56.060 (Amendments to an approved project), construction of new primary dwelling unit or alteration or expansion of an existing primary dwelling in compliance with this interim ordinance shall be ministerially reviewed by consideration of a Zoning Clearance in compliance Chapter 21.40 (Zoning Clearances). If the Community Development Director determines that an application for a Zoning Clearance complies with the objective standards and general requirements of this interim ordinance and the Campbell Municipal Code and that the parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, the Zoning Clearance shall be approved. The Community Development Director shall render a decision on the Zoning Clearance application within 60 days from the date the application is deemed complete. If no action is taken within the 60-day period, the application shall be deemed approved.

SECTION 15 (ZONING CLEARANCE DENIAL): The Community Development Director may deny an application for Zoning Clearance that meets the requirements of this interim ordinance only if the Building Official issues a written finding—based on a preponderance of the evidence—that the proposed dwelling unit(s) would have a specific, adverse impact (as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5) on the public

health and safety, and that no feasible method exists to satisfactorily mitigate or avoid this impact. An adverse impact to the physical environment shall not be a basis for denial.

SECTION 16 (SEVERABILITY): If any section, subsection, sentence, clause, or phrase of this interim 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 interim ordinance. The City Council hereby declares that it would have passed this interim 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 17 (STATE LAW): Any provision of this interim ordinance which is inconsistent with Sections 66452.6, 65852.21, or 66411.7 of the California Government Code shall be interpreted in a manner which is the most limiting on the ability to allow construction of two units to effectuate an urban lot split, but which is consistent with State law. The provisions of this interim ordinance shall supersede and take precedence over any inconsistent provision of the Campbell Municipal Code to that extent necessary to effect the provisions of this interim ordinance for the duration of its effectiveness.

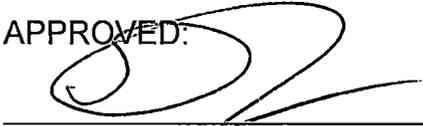
SECTION 18 (APPLICATIONS IN PROGRESS): Notwithstanding Section 21.01.050.E (Effect of Zoning Code Changes on Projects in Progress), this interim ordinance shall not apply to any land use permit application that was filed with the Community Development Department and for which all required fees were paid before the effective date of this ordinance, regardless of whether the application has been deemed complete. Applicants may voluntarily withdraw such applications at any time and seek a partial refund of fees in compliance with Section 21.38.030.D (Refunds).

SECTION 19 (PUBLICATION): The City Clerk shall cause this interim ordinance or a summary thereof to be published at least once in a newspaper of general circulation within 15 days after its adoption in accordance with Government Code Section 36933.

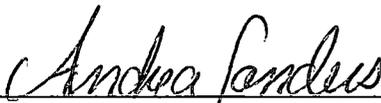
SECTION 20 (EFFECTIVENESS): This interim ordinance shall become effective immediately upon adoption for a period of 45 days, unless extended by the City Council.

PASSED AND ADOPTED this 13th day of January, 2025 by the following roll call vote:

AYES: Councilmembers: Bybee, Hines, Scozzola, Furtado, Lopez
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED: 
Sergio Lopez, Mayor

ATTEST:


Andrea Sanders, City Clerk