

## ORDINANCE NO. 2313

### BEING AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL ADOPTING URGENCY MEASURES TO IMPLEMENT SENATE BILL NO. 684 (2023) (FILE NO. PLN-2024-69)

**WHEREAS**, on October 11, 2023, the Governor of the State California signed into law Senate Bill No. 684 (Caballero), to "add Sections 65852.28, 65913.4.5, and 66499.41 to the Government Code, relating to land use," which generally allows the streamlined approval processes for small housing development projects of ten or fewer residential units on urban lots under 5 acres. The bill requires local agencies to review applications that comply with the bill's development requirements through a ministerial process, eliminating the need for discretionary hearings. Additionally, local agencies are permitted to apply objective development and design standards where applicable.

**WHEREAS**, certain standards, requirements, and permitting procedures of the City of Campbell Municipal Code, are inconsistent with the provisions authorized by Senate Bill No. 684 (2023).

**WHEREAS**, the provisions of Senate Bill No. 684 (2023) went into effect on July 1, 2024, and without locally codified standards, requirements, and implementation procedures, the law presents a current and immediate threat to the public peace, health, safety, and welfare, in that certain existing standards, requirements, and permitting procedures of the City of Campbell Municipal Code are in conflict with Senate Bill No. 684 (2023) and could create confusion and hinder the type of housing development and activities the law authorizes.

**WHEREAS**, pursuant to Section 65858 of the 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**, on June 18, 2024, the City Council adopted an interim ordinance to implement Senate Bill No. 684 (Ordinance No. 2311).

**WHEREAS**, this interim ordinance serves to revise previously established standards, requirements, and permitting procedures to allow for orderly housing development and activities authorized by Senate Bill No. 684 (2023) while protecting the public peace, health, safety, or welfare in the City of Campbell.

**WHEREAS**, it is not the intent of this Ordinance to adopt permanent standards, requirements, or permitting procedures. The City Council reserves the right to adopt permanent standards, requirements, and permitting procedures consistent with Senate Bill No. 684 (2023) that will supersede those contained in this interim ordinance.

**WHEREAS**, it is not the intent of this Ordinance to deny or delay the approval of housing development projects that are in compliance with Senate Bill No. 684 (2023).

**WHEREAS**, considering 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 adherence

to existing standards, requirements, and permitting procedures in conflict with this ordinance would result in that threat to public health, safety, or welfare.

**WHEREAS**, adoption of this interim ordinance may be found categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that there is no possibility that the proposed changes to the City's Municipal Code may have a significant effect on the environment.

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

**SECTION 1 (PURPOSE).** This Ordinance establishes interim exceptions, clarifications, and amendments to the City of Campbell's Subdivision Ordinance and Zoning Code to allow proposed housing developments as specified by California Government Code Sections 65852.28, 65913.4.5, and 66499.41, as established by Senate Bill No. 684 (2023).

**SECTION 2 (APPLICABILITY).** Section 3 (State Law), Section 5 (Administration), Section 6 (General Eligibility), Section 7 (Application Process), and Section 8 (Exceptions to Requirements) of this Ordinance shall be applicable only to proposed housing development projects that apply for a permit from the City of Campbell under the streamlined, ministerial review process established pursuant to Sections 65852.28, 65913.4.5, and 66499.41 of the California Government Code.

**SECTION 3 (STATE LAW).** This Ordinance is intended to implement all provisions of Sections 65852.28, 65913.4.5, and 66499.41 of the California Government Code, which shall govern the implementation of this Ordinance. Nothing contained in this Ordinance shall be construed to supersede, exempt, or alleviate any requirement that the City may impose pursuant to the law including, but not limited to, site eligibility, density, affordability, and all applicable site development and design requirements which shall be applied as minimum standards.

**SECTION 4 (SUPERSEDE).** The provisions of this Ordinance shall supersede the previously adopted City Council Ordinance No. 2311 serving to implement Senate Bill No. 684 and take precedence over any inconsistent provision of the Campbell Municipal Code to that extent necessary to effectuate the provisions of this Ordinance for the duration of its effectiveness.

**SECTION 5 (ADMINISTRATION).** This Ordinance shall be administered by the Community Development Director, who is hereby authorized to develop forms, policies, and regulations for the implementation of this Ordinance and interpret its provisions to achieve compliance with state law. Where a disagreement with the Community Development Director's application of this Ordinance occurs, the procedures for an Interpretation provided in Section 21.20.030 (Procedures for Interpretations) of the Zoning Code shall be followed, including the provisions for an appeal.

**SECTION 6 (GENERAL ELIGIBILITY).** This section serves to clarify which sites are eligible for the streamlined, ministerial review process established pursuant to Sections 65852.28, 65913.4.5, and 66499.41 of the California Government Code.

A. Site Eligibility. The following criteria serve to clarify provisions of state law used to determine site eligibility.

1. Land Use Designation. Properties with the following General Plan land use designations, and all sites with a multi-family residential zoning designation, shall be eligible sites:
  - a. Low-Medium Density Residential (8-16 Units / Gr. Acre)
  - b. Medium Density Residential (18-25 Units / Gr. Acre)
  - c. Medium-High Density Residential (26-33 Units / Gr. Acre)
  - d. High Density Residential (34-45 Units / Gr. Acre)
  - e. Mobile Home Park (8-16 Units / Gr. Acre)
  - f. Professional Office Mixed Use (8-16 Units / Gr. Acre)
  - g. Neighborhood Commercial Mixed-Use (18-25 Units / Gr. Acre)
  - h. Medium-High Density Mixed-Use (26-33 Units / Gr. Acre)
  - i. Central Business Mixed-Use (26-33 Units / Gr. Acre)
  - j. General Commercial Mixed-Use (26-33 Units / Gr. Acre)
  - k. High Density Mixed-Use (34-45 Units / Gr. Acre)
  - l. Commercial-Corridor Mixed-Use (45-60 Units / Gr. Acre)
  - m. Transit-Oriented Mixed-Use (57-75 Units / Gr. Acre)
2. Legal Parcel. Parcels no larger than five (5) acres which have been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and the Subdivision Ordinance, as applicable at the time the parcel was created. The City Engineer may require a certificate of compliance to verify conformance with this requirement.
3. Historic Property. Parcels that are not listed on the City of Campbell Historic Resource Inventory, as defined by Chapter 21.33 (Historic Preservation).

**SECTION 7 (APPLICATION PROCESS).** This section serves to provide exceptions and clarifications to local permit processes to comply with prevailing state statutes and streamline the processing of qualifying projects consistent with the objectives of state law.

A. Permits Required. No other permit, or modification of any other permit, shall be required other than as specified below:

1. Zoning Clearance Application. A zoning clearance application, including the required application materials and fees, shall be filed with the Community Development Department in compliance with Chapter 21.38 (Application Filing, Processing and Fees) of the Zoning Code. A zoning clearance application may only be found complete if it satisfies the requirements of this Chapter and other applicable sections of the Campbell Municipal Code.
2. Tentative Parcel Map or Tentative Subdivision Map Application. When the project includes a subdivision, the applicant shall include the required application materials and fees for a Tentative Parcel Map when involving four or fewer lots or condominium units, and a Tentative Subdivision Map when

involving five or more lots or condominium units concurrently with the application for a zoning clearance. The Tentative Parcel Map or Tentative Subdivision Map shall be reviewed by the city engineer as a ministerial action without discretionary review or a hearing.

3. Parcel Map or Final Map Application. Following the approval of a Tentative Parcel Map or Tentative Subdivision Map, the applicant shall include all of the required application materials and fees for a Parcel Map when implementing a Tentative Parcel Map, and a Final Map when implementing a Tentative Subdivision Map. The Parcel Map or Final Map shall be reviewed by the city engineer as a ministerial action without discretionary review or a hearing.
4. Building Permits. No demolition, grading, or construction shall be permitted without first receiving approval of a building permit. Further, the following procedural requirements shall apply:
  - a. Submittal. Issuance of a zoning clearance shall be required prior to acceptance of an application for a building permit(s).
  - b. Issuance. No building permit shall be issued until a tentative map has been approved.
  - c. Building Permit Final. No building permit final, certificate of occupancy, or temporary certificate of occupancy shall be granted until a Parcel Map or Final Map has been recorded.

**SECTION 8 (EXCEPTIONS TO REQUIREMENTS).** This section serves to provide exceptions and adjustments to standards and requirements to comply with prevailing state statutes and streamline the processing of qualifying projects consistent with the objectives of state law.

A. Exceptions to Requirements.

1. Exceptions to Multi-Family Development and Design Standards (MFDDS). Housing development projects shall be alleviated from all requirements pertaining to Chapter 3 (Zones), Chapter 5 (Building Types), Chapter 6 (Specific to Frontage Types), Chapter 7 (Architectural Standards) and Chapter 8 (Specific to Large Sites), within the Multi-Family Development and Design Standards (MFDDS), except as follows:
  - a. Chapter 3, Section 3.020.7 (Design Sites), where the term “design sites” is used, the term shall instead refer to the new parcel(s) proposed by the housing development project.
  - b. Within each form-based zone section of Chapter 3, (Sections 3.030 through 3.090), the following specific subsections shall remain applicable:
    - (1) Building Form (subsection '4')
    - (2) Building Placement (subsection '5,' Setback)
    - (3) Encroachments (subsection '6')
    - (4) Parking (subsection '7')

2. Exceptions to Parking. One parking stall per primary dwelling unit shall be required, except for proposed housing developments located on parcels within one-half mile walking distance of either a public transportation stop or one block of a car share vehicle operating in accordance with California Vehicle Code Section 22507.1.
3. Exceptions to Minimum Lot Size. In no event shall a new parcel be required to be larger than six hundred (600) square feet in lot area.
4. Adjustments to Standards. To the least extent necessary to comply with state law, adjustments to otherwise applicable site development and design standards shall be granted according to the following order of priority until the physical constraint(s) to are resolved, provided that if an exception does not remove a physical constraint, the exception shall not be granted.
  - a. Reduction of the garage entry setback/minimum driveway depth to allow a minimum of twenty-five feet;
  - b. Reduction of the street side setback to allow a minimum setback of 4 feet except to ensure adequate site visibility for pedestrian and vehicular safety, consistent with Figures 3-1 and 3-2 of Section 21.18.060 (Fences, walls, lattice and screens);
  - c. Reduction of the front setback to allow a minimum setback of five feet;
  - d. Increase to the maximum height as to allow one additional story than would otherwise be allowed; then
  - e. Reduction or elimination of any other standard not otherwise identified.
5. Exception to Eligibility for Accessory Dwelling Units. Housing development projects shall not include accessory dwelling units or junior accessory dwelling units.

**SECTION 9 (SUBDIVISION STANDARDS).** Chapter 21.13 (Subdivision Standards) of the Campbell Municipal Code is hereby added to read as follows:

**20.13.010 Purpose.**

This Chapter establishes standards for subdivision of properties in Campbell.

**20.13.020 Applicability.**

The requirements of this Chapter shall apply to all subdivisions, including parcel maps and final maps. No subdivision, except as provided for by Chapter 20.14 (Urban Lot Splits), shall be approved except when meeting the requirements of this section.

**20.13.030 Site Access.**

All lots created by a subdivision shall have frontage upon a street dedicated as a public street, provided that the community development director may approve not more than one lot without such required frontage on a public street, hereinafter referred to as "rear lot," under the following conditions:

- A. The front lot shall meet all of the requirements of the zoning district within which it is located.
- B. The rear lot shall meet all of the requirements of the zoning district within which it is located and, in addition, shall have an area which exceeds the lot area requirement by ten percent exclusive of any access to a public street.
- C. Access to the public street for a rear lot shall not be over an easement but over land under the same ownership as that of rear lot; such access shall have a minimum width of fifteen feet and shall have a paved way not less than ten feet in width.
- D. The creation of a rear lot would be consistent with all applicable specific plans and/or area plans.

**20.13.040 Exception to Site Access Requirement.**

The applicable approving body may approve a subdivision which creates lots which do not have frontage on a public street for non-residential projects and/or when all of the following requirements are satisfied:

- A. The subdivision is zoned to allow multi-family development multi-family residential uses.
- B. Permanent vehicular and pedestrian access is assured through recordation of reciprocal ingress/egress easements for all parcels within the subdivision boundary, including access rights for all property owners, guests, employees, clients and customers of all business entities or tenants lawfully located within the subdivision boundary; and
- C. Each independent parcel is self-sufficient in terms of parking requirements to serve the existing or proposed uses on the parcel unless off-site parking is assured through permanent parking easements located nearby (within three hundred feet of the building's or center's public entrance) on adjoining parcels; and
- D. Utility connections are located within easements benefitting the independent parcels which exist or are proposed within the subdivision; and
- E. Where available, the utility company serving the property shall be responsible for maintaining all utility lines and related infrastructure up to the individual services or laterals. Beyond this point, the property owner is responsible for all maintenance of the utility infrastructure.
- F. Homeowner's Association.
  - 1. Where a homeowner's association is established, the following requirements shall apply.

- a. Prior to issuance of a building permit(s) or recordation of the Parcel Map or Final Map, whichever occurs first, the property owners shall sign and record Covenants, Conditions and Restrictions (CC&Rs) which shall:
  - (1) Ensure the joint maintenance of reciprocal rights of way and utilities within common easements, unless such utilities are maintained by the respective service provider.
  - (2) Obligate the joint development and maintenance of landscaping improvements along the public street perimeter encompassing all parcels within the subdivision boundaries.
- 2. Where a homeowner association is not established, the following standards shall apply:
  - a. All impervious surfaces outside of a building roofline or building envelope, shall be constructed with pervious materials (pervious pavers, pervious concrete) designed to fully meet the stormwater treatment requirements consistent with Chapter 14.02 (Stormwater Pollution Control).
  - b. Prior to approval of the Parcel Map or Final Map, the property shall be annexed into the City's Community Facilities District No. 2 to provide maintenance of stormwater treatment facilities placed in the public right-of-way.
- G. Prior to issuance of a building permit(s) or recordation of a subdivision map, whichever occurs first, the property owners shall sign and record a "Covenants for the Operation and Maintenance of Stormwater Facilities" and submit a Stormwater Management Plan to the satisfaction of the City Engineer, which shall obligate the property owner and successors in interest to preserve and maintain the stormwater facility and allow for periodic inspections by City employees.
- H. In instances when more than one of the proposed parcels will remain under one ownership, the above easements and/or covenants shall be placed in escrow and recorded simultaneously with any transfer of ownership of any of the affected parcels, at no cost to the city.

**SECTION 10 (ACTION ON TENTATIVE PARCEL MAPS).** Section 20.16.035 (Exception to access requirement.) of the Campbell Municipal Code is hereby amended to read as follows with underlining (underlining) indicating new text and strikeouts (~~strikeouts~~) indicating deleted text.

**20.16.030 Action on tentative parcel maps.**

The community development director shall approve or deny an application to subdivide lands into four or fewer lots. Applications therefore shall be accepted only upon payment of a fee in an amount prescribed by resolution of the City Council.

Before approval or conditional approval may be given, such subdivision must be considered by the city engineer.

All conditions required by the city engineer shall be incorporated in the community development director's conditional approval and findings. Denial by the city engineer shall require denial of the tentative map.

~~All lots created by such subdivision shall have frontage upon a street dedicated as a public street, provided that the community development director may approve not more than one lot without such required frontage on a public street, hereinafter referred to as "rear lot," under the following conditions:~~

- ~~(1) The front lot shall meet all of the requirements of the zoning district within which it is located.~~
- ~~(2) The rear lot shall meet all of the requirements of the zoning district within which it is located and, in addition, shall have an area which exceeds the lot area requirement by ten percent exclusive of any access to a public street.~~
- ~~(3) Access to the public street for a rear lot shall not be over an easement but over land under the same ownership as that of rear lot; such access shall have a minimum width of fifteen feet and shall have a paved way not less than ten feet in width.~~
- ~~(4) The creation of a rear lot would be consistent with all applicable specific plans and/or area plans.~~

The community development director shall have authority in granting such application to impose such conditions as are deemed necessary to protect the best interests of the surrounding property or neighborhood consistent with the general purpose and intent of this title, including, but not limited to, adequate provisions for fire protection, easements for public utilities and improvements of all proposed streets to the standard prescribed in Title 11 or such lesser standards as may be approved by the community development director.

Before such subdivision is approved, the applicant shall pay all unpaid county and municipal taxes except taxes not yet payable.

A denial of such application may be appealed by the applicant to the planning commission within ten days after the mailing of notice of the decision of the community development director to the applicant at the address shown on the application.

The appeal shall be in writing, shall be filed with the secretary of the planning commission, shall generally set forth the grounds of appeal and shall be accompanied by a filing fee in accord with the schedule of fees as established by the City Council, no part of which is refundable.

Where the planning commission or decision-making body grants approval subject to conditions, said conditions shall be fulfilled within twenty-four months after the decision of the planning commission or decision-making body for a housing development project, or within such time as the planning commission may prescribe for a nonresidential project.

**SECTION 11 (EXCEPTION TO ACCESS REQUIREMENT).** Section 20.16.035 (Exception to access requirement.) of the Campbell Municipal Code is hereby repealed.

**SECTION 12 (SEVERABILITY).** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this 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 13 (REPEAL).** If Senate Bill No. 684 (2023) is repealed or otherwise rescinded by the California State Legislature or by the People of the State of California, this Ordinance shall cease to be in effect.

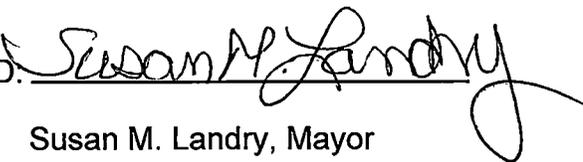
**SECTION 14 (CEQA):** Adoption of this interim ordinance is categorically exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that there is no possibility that the proposed changes to the City's Municipal Code may have a significant effect on the environment.

**SECTION 15 (PUBLICATION).** The City Clerk shall cause this interim ordinance 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 16 (EFFECTIVENESS).** This Ordinance shall become effective on July 17, 2024, and remain effective for a period of 45 days, unless subsequently extended by the City Council.

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

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

APPROVED:   
Susan M. Landry, Mayor

ATTEST:   
Andrea Sanders, City Clerk

**SB 684 - Streamlined App. Processes**  
(Gov. Code 65852.28, 65913.4.5, & 66499.41)

SB 684 (2023) entitled, "Streamlined Approval Processes: Development projects of 10 or fewer residential units on urban lots under 5 acres", will require the City to ministerially consider (without a public hearing) applications for projects that meet the following criteria:

- Property Requirements:
  - The lot is not larger than 5 acres;
  - The lot is zoned for multifamily residential development;
  - The lot is substantially surrounded by qualified urban uses;
  - The lot has not exercised the Ellis Act in the past 15-years; and
  - The lot is not in a flood zone, fire hazard area, earthquake zone, etc.
  
- Project Requirements:
  - Results in ≤ 10 lots
  - Results in ≤ 10 units
  - Does not demolish or alter any of the following housing types:
    - Units restricted to low, very-low, extremely low-income levels;
    - Units subject to any form of local rent or price control; or
    - Units occupied by tenants within the past 5 years.
  
- Density Requirements:
  - May result in ≤ 30 units/acre; and
  - Based on Designation as a Housing Opportunity Site:
    - If designated: The project will result in at least as many total units and as many low- and very low-income units as projected by the Housing Element for the parcel.
    - If not designated: The project will result in at least as many units as the maximum allowable density for the parcel.
  
- Development Standard Requirements:
  - Meets all applicable objective standards that do not:
  - Prohibit the creation of lots that are 600 sq. ft. or larger.
  - Impose floor area ratio standards less than any of the following:
    - 3-7 units: 1.0 FAR
    - 8 to 10 units: 1.25 FAR
  - Impose minimum parking requirements that exceed the following:
    - 1 space per unit; or
    - 0 spaces per unit (when located within ½ mile of major transit stop or high-quality transit corridor, or within one block of a car share vehicle)
  - Impose setbacks inconsistent with the following:
    - Side or rear setbacks >4 feet from the original lot line(s)
    - Any setback between buildings except as required in the California Building Code