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Chapter 21.01 GENERAL PROVISIONS

21.01.010 Title.

Title 21 of the Campbell Municipal Code shall be known and cited as the "Campbell Zoning Code."

(Ord. 2043 § 1(part), 2004).

21.01.020 Adoption.

The Zoning Code is adopted to promote the growth of the city in an orderly manner. This Zoning Code establishes zoning districts that include all the territory within the city's boundaries. Within the established zoning districts it shall be unlawful to alter, construct, erect, or maintain buildings or uses of land that are not in conformance with the requirements and standards established in this Zoning Code.

(Ord. 2043 § 1(part), 2004).

21.01.030 Purpose.

The purpose of this Zoning Code is to implement the policies of the Campbell General Plan by classifying and regulating the uses of land and structures within the city to promote and protect the public health, safety, and general welfare while preserving and enhancing the aesthetic quality of the city. To fulfill these purposes, it is the intent of this Zoning Code to:

A. Implementation. Implement the goals, objectives, policies, and programs of the General Plan and to manage future growth and development in compliance with that plan;

B. Maintain community character. Provide standards for the orderly growth and development of the city that will maintain the community's characteristics in appropriate locations;

C. Classify land uses. Classify, designate, regulate, and segregate the uses of land and structures to serve the needs of agriculture, commerce, industry, residences, and other purposes in appropriate places;

D. Establish conditions. Establish conditions that will allow the enjoyment of open spaces, including the appreciation of scenic beauty, by protecting the natural resources of the city;

E. Avoid congestion. Prevent the overcrowding of land by maintaining a suitable balance between structures and opens spaces through regulation of bulk, height, location, number, size, and stories of structures; the size and use of parcels and open spaces; the percentage of a parcel that may be occupied by a structure; and the intensity of land use;

F. Organize adequate provisions for growth. Facilitate a comprehensive pattern of land uses that plan adequate provisions for community utilities, including parks, schools, sewage, transportation, water, and other public requirements;

G. Stabilize and conserve property values. Maintain and protect the value of property resulting from the orderly planned use of its resources;

H. Ensure adequate parking. Ensure that adequate off-street parking and loading facilities will be installed and maintained; and

I. Sign regulation. Regulate signs and billBoards.

(Ord. 2043 § 1(part), 2004).

21.01.040 Authority, relationship to General Plan.

A. State authority. This Zoning Code is enacted based on the authority vested in the City of Campbell by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); the Subdivision Map Act (Government Code Sections 66410 et seq.); and the California Health and Safety Code.

B. Implement the General Plan. This Zoning Code and the Zoning Map are the primary tools used by the City of Campbell to implement the goals, objectives, and strategies of the Campbell General Plan, which is the overall policy document of the city, hereafter referred to as the "General Plan."

(Ord. 2043 § 1(part), 2004).

21.01.050 Applicability of Zoning Code.

This Zoning Code applies to all land uses, structures, subdivisions, and development within the City of Campbell, as provided by this section.

A. New land uses or structures, changes to land uses or structures. Compliance with the requirements of Chapter 21.03.020 (General Requirements for Development and New Land Uses) or, where applicable, Chapter 21.58 (Nonconforming Uses and Structures), is necessary for any person or public agency to lawfully maintain, alter, construct, establish, reconstruct, or replace any use of land or structure.

B. Issuance of building or grading permits. The community development department may issue building, construction, or grading permits only when:

1. The proposed land use or structure satisfies the requirements of Subsection (A) of this section, and all other applicable ordinances, regulations, and statutes; and

2. The city engineer determines that the site was subdivided in compliance with Title 20 (Subdivision and Land Development) of the Campbell Municipal Code.

C. Subdivision of land. Any subdivision of land proposed within the city after the effective date of this Zoning Code shall be consistent with the minimum parcel size requirements of Article 2 (Zoning Districts), all other applicable requirements of this Zoning Code, and the city's subdivision regulations.

D. Continuation of an existing land use. An existing land use is lawful only when it was legally established in compliance with all applicable regulations, and when it is operated and maintained in compliance with all applicable provisions of this Zoning Code, including Chapter 21.58 (Nonconforming Uses and Structures).

Existing land uses that were in violation of city zoning regulations applicable before the effective date of this Zoning Code are in violation of this Zoning Code. These uses shall continue to be in violation unless they conform to the current provisions of this Zoning Code, except as otherwise provided in this Zoning Code.

E. Effect of Zoning Code changes on projects in progress. A land use permit application that has been accepted by the community development department as complete before the effective date of this Zoning Code or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete.

F. Minimum requirements. The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than identified in this Zoning Code as may be necessary to promote orderly land use development and the purposes of this Zoning Code, provided that such requirements do not exceed the authority otherwise residing in the city official or body.

G. Other requirements may still apply. Nothing in this Zoning Code eliminates the need for obtaining any permit, approval, or entitlement required by other provisions of the Campbell Municipal Code or complying with the regulations of any city department, or any county, regional, State, or Federal agency.

H. Conflicting requirements. Any conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved in compliance with Subsection 21.02.020(E) (Rules of Interpretation).

(Ord. 2043 § 1(part), 2004).

21.01.060 Responsibility for administration.

This Zoning Code shall be administered by the City Council, the planning commission, the community development director, the community development department, and other departments, groups or individuals identified in this Zoning Code in compliance with the Campbell Municipal Code and Chapter 21.38.020 (Authority for Land Use and Zoning Decisions).

(Ord. 2043 § 1(part), 2004).

21.01.070 Use of Headings.

The headings of the chapters, clauses, sections, subsections, and subparagraphs of this Zoning Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of this Zoning Code or any of its provisions.

(Ord. 2043 § 1(part), 2004).

21.01.080 Partial invalidation of Zoning Code.

If any portion of this Zoning Code is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the decision shall not affect the validity, effectiveness, or enforceability of the remaining portions of the Zoning Code.

(Ord. 2043 § 1(part), 2004).

Chapter 21.02 INTERPRETATION OF PROVISIONS

21.02.010 Purpose.

This chapter provides rules for resolving questions about the meaning or applicability of any part of this Zoning Code. The provisions of this chapter are intended to ensure the consistent interpretation and application of the requirements of this Zoning Code and the General Plan.

(Ord. 2043 § 1(part), 2004).

21.02.020 Rules of interpretation.

A. Authority. The Community Development Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Zoning Code.

B. Minimum requirements. The provisions of this Zoning Code shall be strictly interpreted and applied as minimum requirements (unless stated as maximums) for the promotion of the public health, safety, convenience, and general welfare.

C. Language.

1. Terminology. When used in this Zoning Code, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "include," "includes," and "including" mean "including but not limited to..." and the word "used" includes the words "arranged for, designed for, occupied, or intended to be occupied for."

2. Abbreviated titles and phrases. For the purpose of brevity, and unless otherwise indicated, the following phrases, names of personnel, and decision making bodies are shortened in this Zoning Code in the following manner:

   The City of Campbell is referred to as the "city."

   The State of California is referred to as the "State."

   The County of Santa Clara is referred to as the "county."

   The City of Campbell Municipal Code is referred to as the "Municipal Code."

   The California Subdivision Map Act is referred to as the "Map Act."

   The United States Federal Government is referred to as "Federal."

3. Number of days. Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given in compliance with this Zoning Code, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business, except as otherwise provided for by the Map Act.

4. State law requirements. Where this Zoning Code references applicable provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

D. Calculations—Rounding. Where provisions of this Zoning Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded in compliance with this subsection.

1. Minimum parcel area and number of parcels. The fractional/decimal results of calculations of the number of housing units allowed within a zoning district shall be rounded down to the next whole number.

2. Residential density. The fractional/decimal results of calculations of the number of housing units allowed within a zoning district shall be rounded down to the next whole number.

3. All other calculations. For all calculations required by this Zoning Code other than those described in subparagraphs (D)(1) and (D)(2) above, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, unless otherwise specified.

E. Conflicting requirements. Any conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved as follows:

1. Zoning Code provisions. In the event of any conflict between the provisions of this Zoning Code, the most restrictive requirement shall control;

2. Development agreements, overlay/combining district, area plan, neighborhood plan, or specific plans. In the event of any conflict between the requirements of this Zoning Code and standards adopted as part of any development agreement, overlay/combining district, area plan, neighborhood plan, or specific plan, the requirements of the development agreement, overlay/combining district, area plan, neighborhood plan, or specific plan shall control;

3. Municipal Code provisions. In the event of any conflict between requirements of this Zoning Code and other regulations of the city, the most restrictive shall control; and

4. Private agreements. It is not intended that the requirements of this Zoning Code shall interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed when this Zoning Code became effective. This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

F. Allowable uses of land. If a proposed use of land is not specifically listed in Article 2 (Zoning Districts) the use shall not be allowed, except as follows:

1. Similar uses allowed. The Community Development Director may determine that a proposed use not listed in Article 2 or specified by a master use permit authorized by Section 21.14.030.C (Master use permit) may be allowed as a permitted or conditional use, or is not allowed. A determination by the Community Development Director that a use is not allowed may be appealed in compliance with Chapter 21.62 (Appeals). In making this determination, the Community Development Director shall first find that:

a. The characteristics of, and activities associated with the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a greater level of activity, dust, intensity, noise, parking, population density, or traffic generation than the uses listed in the zoning district;

b. The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and

c. The proposed use will be consistent with the goals, objectives, and policies of the General Plan and any applicable specific plan.

2. Applicable standards and permit requirements. When the Community Development Director determines that a proposed, but unlisted use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Zoning Code apply.

G. Measurement of height and area requirements. When this Zoning Code requires that compliance to a standard is met by specific measurements and there is an ambiguity concerning the measurement, the Community Development Director shall make a determination as to the correct measurement.

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

(Ord. 2043 § 1(part), 2004; Ord. No. 2149, § 1(Exh. A), 6-7-2011; Ord. No. 2213, § 24, 11-1-2016; Ord. No. 2225, § 8, 8-15-2017; Ord. No. 2286 , § 27, 8-16-2022)

21.02.030 Procedures for interpretations.

Whenever the Community Development Director determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation generally, or as applied to a specific case, the Community Development Director may issue an official interpretation or refer the question to the Planning Commission for determination.

A. Request for interpretation. The request for an interpretation or determination shall be made to the Community Development Department, shall include all information required by the Community Development Department, and the fee established by the city's fee resolution.

B. Findings, basis for interpretation. The issuance of an interpretation by the Community Development Director shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.

C. Record of interpretations. Official interpretations shall be:

1. Written, and shall quote the provisions of this Zoning Code being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and

2. Kept on file in the Community Development Department.

Any provision of this Zoning Code that is determined by the Community Development Director to need refinement or revision will be corrected by amending this Zoning Code as soon as is practical. Until an amendment can occur, the Community Development Director will maintain a complete record of all official interpretations as an appendix to this Zoning Code, and indexed by the number of the chapter or section that is the subject of the interpretation.

D. Referral of interpretation. (21.84.020) The Community Development Director has the option of forwarding any interpretation or determination of the meaning or applicability of any provision of this Zoning Code directly to the Planning Commission for consideration.

E. Appeals. (21.84.020) Any interpretation of this Zoning Code by the Community Development Director or the Planning Commission may be appealed in compliance with Chapter 21.62 (Appeals).

(Ord. 2043 § 1(part), 2004).

Chapter 21.03 LAND USE PERMIT REQUIREMENTS

21.03.010 Purpose.

This chapter provides general requirements for the approval of proposed development and new land uses in the city. The land use permit requirements for specific land uses are established by Article 2, (Zoning Districts), and Article 3 (Development and Operational Standards).

(Ord. 2043 § 1(part), 2004).

21.03.020 General requirements for development and new land uses.

All uses of land and/or structures shall be altered, constructed, established, reconstructed, or replaced in compliance with the following requirements:

A. Allowable uses. The land uses for parcels of land shall be identified by Chapters 21.08 (Residential Districts), 21.10 (Commercial, Office, and Industrial Districts), 21.11 (Mixed-Use Districts), 21.12 (Special Purpose Districts), or 21.14 (Overlay/Combining Districts). The Community Development Director may determine whether a particular land use is allowable in compliance with Subsection 21.02.020(F) (Rules of Interpretation—Allowable Uses of Land);

B. Permit/approval requirements. All land use permits or other approvals required by the Zoning Code shall be obtained by the applicant before the proposed use is constructed, established, or put into operation, unless the proposed use is exempt as provided in Section 21.03.030 (Exemptions from Land Use Permit Requirements);

C. Development standards. The use of land and/or structures shall comply with all applicable requirements of this Zoning Code, including the zoning district standards of Article 2 (Zoning Districts), and the provisions of Article 3 (Development and Operational Standards);

D. Conditions of approval. The use of land and/or structures shall comply with any applicable conditions imposed by any granted land use permit or other approval; and

E. Legal parcel. The use of land and/or structures shall only be established on a parcel of land which has been legally created in compliance with the State 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.

(Ord. 2043 § 1(part), 2004).

21.03.030 Exemptions from land use permit requirements.

The land use permit requirements of this Zoning Code shall not apply to the following activities, uses of land, and/or structures:

A. City facilities. Facilities of the city on land owned or leased by the city.

B. Interior remodeling. Interior alterations that do not increase the number of rooms or the gross floor area within the structure, or change the approved use of the structure.

C. Repairs and maintenance. Ordinary repairs and maintenance that does not result in any change in the approved land use of the site or structure, addition to, or enlargement/expansion of the land use and/or structure.

(Ord. 2043 § 1(part), 2004).

21.03.035 Exemption from public hearings.

The following activities shall be exempt from public hearing requirements if otherwise required by this Zoning Code:

A. Increase in Bedrooms. Reconfiguration of existing square footage to increase the number of bedrooms (not to exceed two (2) additional bedrooms) within an existing dwelling unit. This increase shall be permitted without a public hearing, where otherwise required, only once per dwelling unit. The Community Development Director shall require recordation of a deed restriction documenting this restriction prior to issuance of a building permit for any dwelling unit increasing the allowable bedroom count pursuant to this section.

21.03.040 Additional permits and approvals may be required.

An allowed land use that has been granted a land use permit, or is exempt from a land use approval, may still be required to obtain city permits or approvals before the use is constructed, or otherwise established and put into operation. Nothing in this chapter shall eliminate the need to obtain any permits or approvals required by other municipal code provisions or any applicable county, State, or Federal agency regulations. All necessary permits shall be obtained before starting work or establishing new uses.

(Ord. 2043 § 1(part), 2004).

21.03.050 Projects in progress.

Land use permits submitted on or before June 2, 2023, may be carried out, or extended, in accordance with the development standards and permitting procedures in effect at the time of project submittal, provided that the permit or approval is valid and has not lapsed. A re-application for a permit or approval that expires after the effective date of this Zoning Code shall fully comply with the standards in effect at the time of re-application.

Chapter 21.04 ESTABLISHMENT OF ZONING DISTRICTS

21.04.010 Purpose of chapter.

This chapter establishes the zoning districts applied to property within the city. It also determines how the zoning districts are applied on the zoning map, and provides general permit requirements for development and new land uses, and the zone driven development standards for each of the zoning districts.

(Ord. 2043 § 1(part), 2004).

21.04.020 Zoning districts established.

The city of Campbell shall be divided into appropriate zoning districts that directly correspond to the land use designations outlined in the land use element of the General Plan.

TABLE 2-1
Zoning Districts and General Plan Designations

Map Symbol	Zoning District Name	General Plan Land Use Designation Implemented by Zoning District (1)
Residential Zoning Districts (2)(3)		
R-1-10, 16	Single-Family Residential	Low Density Residential (Less than 4.5 Units / Gr. Acre)
R-1-8, 9	Single-Family Residential	Low Density Residential (Less than 5.5 Units / Gr. Acre)
R-1-6	Single-Family Residential	Low Density Residential (Less than 7.5 Units / Gr. Acre)
LMDR	Low-Medium Density Residential	Low-Medium Density Residential (8-16 Units / Gr. Acre)
MDR	Medium Density Residential	Medium Density Residential (18-25 Units / Gr. Acre)
MHDR	Medium-High Density Residential	Medium-High Density Residential (26-33 Units / Gr. Acre)
HDR	High Density Residential	High Density Residential (34-45 Units / Gr. Acre)
MHP	Mobile Home Park	Mobile Home Park (8-16 Units / Gr. Acre
Commercial Zoning Districts		
NC	Neighborhood Commercial	Neighborhood Commercial

GC	General Commercial	General Commercial
Office Districts		
PO	Professional Office	Professional Office
Industrial Zoning Districts (5)		
RD	Research and Development	Research and Development
LI	Light Industrial	Light Industrial
Mixed-Use Zoning Districts		
GC/LI	General Commercial/Light Industrial	General Commercial/Light Industrial
PO-MU	Professional Office Mixed-Use	Professional Office Mixed Use (8-16 Units / Gr. Acre)
NC-MU	Neighborhood Commercial Mixed-Use	Neighborhood Commercial Mixed-Use (18-25 Units / Gr. Acre)
MHD-MU	Medium-High Density Mixed-Use	Medium-High Density Mixed-Use (26-33 Units / Gr. Acre)
CB-MU	Central Business Mixed-Use	Central Business Mixed-Use (26-33 Units / Gr. Acre)
GC-MU	General Commercial Mixed-Use	General Commercial Mixed-Use (26-33 Units / Gr. Acre)
HD-MU	High Density Mixed-Use	High Density Mixed-Use (34-45 Units / Gr. Acre)
CC-MU	Commercial-Corridor Mixed-Use	Commercial-Corridor Mixed-Use (45-60 Units / Gr. Acre)
TO-MU	Transit-Oriented Mixed-Use	Transit-Oriented Mixed-Use (57-75 Units / Gr. Acre)
Special Purpose Zoning Districts		
C-PD	Condominium Planned Development	The Condominium Planned Development (C-PD) zoning district may be found consistent with the underlying land use designation of the General Plan.
P-D	Planned Development	The Planned Development (P-D) zoning district may be found consistent with the underlying land use designation of the General Plan.
PF	Public Facilities	Public Facilities
OS	Open Space	Open Space
Overlay/Combining Districts (4)		
H	Historic Preservation	The Historic Preservation Overlay may be found consistent with the

		underlying land use designation of the General Plan.
O	Overlay District	The Overlay District may be found consistent with the underlying land use designation of the General Plan.

Notes:

(1) Several sites are subject to a site-specific overlay as noted with a number on the Land Use Map that reflects the maximum number of allowable dwelling units on the property which may be increased subject to a density bonus or through exercise of the City's Affordable Housing Overlay Zone (AHOZ) if/when established.

(2) Accessory dwelling units, junior accessory dwelling units, and units developed in accordance with Chapter 21.25 (Two-Unit Housing Developments) 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.

(3) The designation of an area in the single-family zoning district includes establishing a minimum net lot area for new subdivisions, expressed as a suffix to the "R-1" zoning map symbol (e.g., R-1-6). In addition to establishing a minimum net lot area requirement, the suffix applied to areas in the single-family zoning district may also be used to impose specific development standards or land use restrictions.

(4) The designation of an area in an overlay/combining district shall be expressed as an additional suffix to zoning map symbol (e.g., R-1-6-H, TO-MU-O).

(5) The minimum net lot area for new subdivisions for properties with an RD zoning designation shall be depicted on the zoning map adopted pursuant to Section 21.04.030 (Zoning map adopted.) and expressed as a suffix to the "RD" zoning map symbol (e.g., RD-20).

(Ord. 2106 § 3 (Exh. B), 2008: Ord. 2043 § 1(part), 2004).

(Ord. No. 2252 , § 16, 11-19-2019)

21.04.030 Zoning map adopted.

The City Council hereby incorporates the City of Campbell zoning map (hereafter referred to as the zoning map) as part of this Zoning Code, which is on file with the community development department.

A. Inclusion by reference. The zoning map together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the map have been adopted by the City Council in compliance with State law (Government Code Sections 65800 et seq.) and are hereby incorporated into this zoning code by reference as though they were fully included here.

B. Zoning district boundaries. The boundaries of the zoning districts established by Section 21.06.010 shall be shown on the zoning map as applicable.

C. Relationship to General Plan. The zoning map shall implement the General Plan.

D. Map amendments. Amendments to the zoning map shall follow the process established in Chapter 21.60 (Amendments).

E. Zoning map interpretation. The zoning map shall be interpreted in compliance with Chapter 21.06 (District Boundaries).

(Ord. 2043 § 1(part), 2004).

21.04.040 Zoning district regulations.

Chapters 21.08 through 21.14 determine which land uses are allowed in each zoning district established by Section 21.04.020 (Zoning Districts Established), what permit or approval is required to establish each use, and the basic zone driven development standards that apply to allowed land uses in each zoning district.

All uses that are permitted, or permitted with a conditional use permit are still also subject to all other applicable standards, provisions and requirements set forth elsewhere in this Title, including but not limited to the provisions of Articles 1, 3, 4, 5 and 6.

(Ord. 2043 § 1(part), 2004).

21.04.050 Zoning of annexed areas.

A. Pre-zoned areas. The city has pre-zoned all unincorporated areas within the city's sphere of influence.

B. Effective date of pre-zoning. The zoning shall become effective at the same time that the annexation of the area to the city becomes effective.

(Ord. 2043 § 1(part), 2004).

21.04.060 References to prior zoning districts.

In cases where city ordinances, policies, policy documents (i.e., area plans, neighborhood plans, master plans), findings, conditions of approval, and other requirements reference a zoning district classification from the previous zoning code, such references shall be interpreted to mean the current zoning district in this zoning code as shown in Table 2-1a (References to Prior Zoning Districts).

TABLE 2-1a
References to Prior Zoning Districts

Previous Zoning District	Previous Map Symbol	Current Zoning District
Residential Zoning Districts		
Single-Family Residential	R-1-6, R-1-8, R-1-9, R-1-10, or R-1-16	Same as previous zoning district.
Two-Family	R-D	Low-Medium Density Residential
Multiple-Family	R-M	Low-Medium Density Residential
Multiple-Family	R-2	Medium Density Residential
Multiple-Family	R-3	Medium-High Density Residential
Commercial Zoning Districts		
Neighborhood Commercial	C-1	Neighborhood Commercial
General Commercial	C-2	General Commercial
Office and Research and Development Districts		
Professional Office	P-O	Professional Office

Previous Zoning District	Previous Map Symbol	Current Zoning District
Controlled Manufacturing	C-M	Research and Development
Light Industrial	M-1	Light Industrial
Mixed-Use Zoning Districts		
Central Business District	C-3	Central Business Mixed-Use

21.04.070 Legacy zones.

A legacy zone is base zoning district, overlay zone, or combining district which was applied to a property prior to June 2, 2023, remains the zoning in effect for the property, but which may not be applied to any additional properties as of June 2, 2023. All rules and regulations of the legacy zone, and any subsequent amendments thereto, continue to apply to the subject property.

A. The city has two legacy zoning districts:

   1. P-D (Planned Development) Zoning District; and

   2. C-PD (Condominium Planned Development) Zoning District.

B. Where a legacy zone is shown on the zoning map, the requirements of that legacy zone as originally applied to a property remain in full force and effect.

C. Permitted land uses, development standards, and other provisions that apply within a legacy zone may be amended in compliance with Article 2 (Zoning Districts).

Chapter 21.06 DISTRICT BOUNDARIES

21.06.010 Purpose of chapter.

This chapter establishes the rules that apply where uncertainty exists with respect to the precise boundaries of the various zoning districts shown on the zoning map, on file in the community development department, and made part of this chapter as if it were contained wholly within this chapter.

(Ord. 2043 § 1(part), 2004).

21.06.020 Alleys and streets.

The zoning district boundaries are either alleys or streets, unless otherwise shown on the zoning map. Where the indicated boundaries on the map are approximately the alley or street lines the alleys or streets shall be construed to be the boundaries of the zoning district.

(Ord. 2043 § 1(part), 2004).

21.06.030 Parcel lines.

Where the zoning district boundaries are not shown to be alleys or streets, and where the property has been or may be divided into blocks and parcels, the zoning district boundaries shall be construed to be the parcel lines. Where the indicated boundaries on the zoning map are approximately the parcel lines, the parcel lines shall be construed to be the boundaries of each zoning district, unless the boundaries are otherwise indicated on the zoning map.

(Ord. 2043 § 1(part), 2004).

21.06.040 Scale of map—Determination by Planning Commission.

A. Determined by scale. Where the property is indicated on the zoning map as acreage and not subdivided into blocks or parcels or where the district boundary lines on the zoning map shall be determined by the scale contained on the zoning map, and where uncertainty exists, the district boundary line shall be determined by a written decision of the planning commission.

B. Planning Commission may interpret map. In the event property which is shown as acreage on the zoning map has been or is subsequently subdivided into blocks or parcels by a duly recorded subdivision map and the block or parcel arrangement does not conform to that anticipated when the district boundaries were established, or property is re-subdivided by a duly recorded subdivision map into different arrangement of blocks or parcels than shown on the zoning map, the Planning Commission, after notice to the owners of the affected property, may interpret the zoning map and make minor readjustments in the district boundaries to carry out the purpose and intent of these regulations and conform to the street and parcel layout on the ground.

C. Map shall be changed. The interpretations or adjustments shall be by written decision, and thereafter copies of the zoning map shall be changed to conform to the interpretations.

(Ord. 2043 § 1(part), 2004).

21.06.050 Symbol for district.

Where one symbol is used on the zoning map to indicate the zoning district classification for an area divided by an alley(s), the symbol shall establish the classification of the whole area.

(Ord. 2043 § 1(part), 2004).

21.06.060 Street or right-of-way—Allocation or division.

A. Physical improvement. A physical improvement (e.g., alley, railroad, railway right-of-way, street, watercourse channel, or body of water) included on the zoning map shall, unless otherwise indicated, be included within the zoning district of adjoining property on either side of the improvement.

B. Divided by physical improvement. Where the physical improvement (e.g., alley, railroad, railway right-of-way, street, watercourse channel, or body of water) serves as a boundary between two or more different zoning districts, a line midway in the physical improvement, and extending in the general direction of the long dimension thereof, shall be considered the boundary between the zoning districts.

(Ord. 2043 § 1(part), 2004).

21.06.070 Vacant alley or street.

In the event a dedicated alley or street, or portion thereof, shown on the zoning map is vacated by the city, the property formerly in the alley or street shall be included within the zoning district of the adjoining property on either side of the vacated alley or street. In the event the alley or street was a district boundary between two or more different zoning districts, the new district boundary shall be the former centerline of the vacated alley or street.

(Ord. 2043 § 1(part), 2004).

Chapter 21.07 HOUSING DEVELOPMENT REGULATIONS

21.07.010 Purpose and intent of chapter.

The purpose of this chapter is to establish objective Multi-Family Development and Design Standards (MFDDS) for housing development projects that are measurable, verifiable, and knowable to all parties prior to project submittal. This chapter also serves to provide a more efficient, predictable, and equitable review process with the intent of streamlining the approval of applicable housing development projects. The MFDDS, established by this chapter, are intended to implement the intent of the General Plan, and various planning policy documents (e.g., area plans, neighborhood plans) through the establishment of development and design standards and permitting procedures.

21.07.020 Applicability.

The Multi-Family Development and Design Standards (MFDDS) and Form-Based Zoning Map (FBZM), established by this Chapter, shall apply to the following projects:

A. Housing development projects, as defined by Chapter 21.72 (Definitions), that meet the criteria of Section 65589.5 of the California Government Code applying under the provisions of the Housing Accountability Act (HAA) or similar law intended to limit the discretionary review authority of the City of Campbell after the effective date of this chapter; and

B. All applications to construct, create, enlarge, erect, install, maintain, or place a housing development project, or part of a housing development project, that is submitted, approved, or established after the effective date of this chapter; and

C. Alterations to a housing development project built, or deemed complete, prior to the effective date of this chapter, except as otherwise provided for in this chapter below.

Notwithstanding any other provision in this chapter to the contrary, the MFDDS shall not apply to the following projects:

A. A single-family residential dwelling unit with or without an accessory dwelling unit (ADUs) and/or junior accessory dwelling unit (JADU) except when part of a housing development project that includes more than one single-family residential dwelling unit;

B. Detached and interior accessory dwelling units (ADUs) and junior accessory dwelling Units (JADUs) as provided for by Chapter 21.23 of the Campbell Municipal Code;

C. Historic resources listed on the historic resource inventory as provided for by Chapter 21.33 of the Campbell Municipal Code;

D. Two-unit housing developments as provided for by Chapter 21.25 of the Campbell Municipal Code;

E. Housing development projects, alterations to housing development projects, and/or nonresidential buildings subject to an entirely discretionary permit review process; and

F. Emergency shelters as provided for by Chapter 21.36 of the Campbell Municipal Code.

21.07.030 Multi-Family Development and Design Standards Document and Form-Based Zone Map adopted.

The City Council hereby incorporates the MFDDS and Form-Based Zoning Map (FBZM) as part of this Zoning Code, which is on file with the Community Development Department and available on the city website, as may be amended from time to time. In adopting these MFDDS and Form-Based Zone Map, all other policy documents

(e.g., area plans, neighborhood plans) shall not apply to housing development projects subject to the MFDDS as established by CMC 21.17.020 (Applicability) except where otherwise provided for by the MFDDS.

A. Inclusion by reference. The MFDDS and FBZM together with all content, including but not limited to, definitions, legends, symbols, notations, references, boundaries, and other information are hereby incorporated into this zoning code by reference as though they were fully included here.

B. Form-based zoning district boundaries. The boundaries of the form-based zoning districts shall be shown on the FBZM as applicable.

21.07.040 Permits required.

No use or structure shall be constructed, created, enlarged, erected, installed, maintained, or placed for any housing development project subject to the MFDDS until a permit provided for by this section has been approved. The decision-making body shall be as specified in Chapter 21.38 (Application filing, Processing, and Fees). Applications for permits specified in this section shall not be subject to a Site and Architectural Review as set forth by Chapter 21.42 (Site and Architectural Review). Housing development projects subject to the MFDDS shall be required to obtain permits under the following tiers/categories:

A. Administrative Housing Development Project Permit. An Administrative Housing Development Project Permit shall be required for the following:

    1. Any housing development project consisting of less than five (5) new residential units.

    2. Minor alterations to site or design details of a housing development project, with an approved permit as set forth by this chapter, as follows:

        i. Changes to the size (e.g., depth, width), placement, height, or design of an approved frontage type or building type within the same category.

        ii. Changes to site design details, including landscaping or hardscaping, screening, fencing, or lighting detail.

        iii. Changes to the assignment or placement of parking spaces which do not alter off-site circulation; and

        iv. Adding, removing, relocating, or modifying the design of an accessory structures less than 600 square feet.

    3. Reconfiguration of existing square footage that does not result in:

        i. A decrease in the number of bedrooms;

        ii. An increase of more than 2 bedrooms per unit; and/or

        iii. Change the exterior appearance of the building except as otherwise provided by this chapter.

B. Minor Housing Development Project Permit. A Minor Housing Development Permit shall be required for the following:

    1. Any housing development project consisting of five (5) or more new residential units.

C. Major Housing Development Project Permit. A Major Housing Development Project Permit shall be required for the following:

    1. Any housing development project subject to Chapter 8 of the MFDDS (Specific to Large Sites); or

    2. Any housing development project proposed in an overlay/combining district, except as otherwise provided for by the overlay/combining district.

21.07.050 Decision-making body.

A. Administrative Housing Development Permits. The Community Development Director may review and decide applications for Administrative Housing Development Permit applications in compliance with the administrative decision process as prescribed in Chapter 21.71 (Administrative Decision Process).

B. Minor Housing Development Permits. The Planning Commission may review and decide applications for Minor Housing Development Permit applications in compliance with Chapter 21.38, (Application Filing, Processing, and Fees).

C. Major Housing Development Permits. The City Council may review and decide applications for Major Housing Development Permit applications in compliance with Chapter 21.38, (Application Filing, Processing, and Fees).

21.07.060 Application filing, processing, and review.

An application for a housing development project, subject to the MFDDS established by this chapter, shall be filed, and reviewed in compliance with Chapter 21.38 (Application Filing, Processing and Fees).

21.07.070 Findings.

A. A Housing Development Permit shall be approved when all of the following findings are made:

1. The project, as conditioned, complies with all objective standards;
2. The project, as conditioned, is consistent with all applicable General Plan goals, policies, and actions;
3. In the event of a conflict between General Plan and Zoning Standards, the standards contained in the General Plan were applied;
4. The project will not result in a specific adverse impact to public health and safety that cannot be mitigated without rendering the project infeasible.

21.07.080 Public hearing process.

The procedures relating to the public hearing process that are identified in Chapter 21.64 (Public Hearing) shall apply for all Minor and Major Housing Development permits.

21.07.090 Post decision procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5, (Zoning Code Administration) and those identified in Chapter 21.56, (Permit Implementation, Time Limits and Extensions) shall apply following the decision on a housing development project permits.

21.07.100 - Conditions and time limits.

The Community Development Director, the Planning Commission, or the City Council as applicable, may take the following actions in approving a Housing Development Project Permit:

A. May impose conditions. The decision-making body may impose conditions, as it deems reasonable and necessary under the circumstances, to carry out the intent of this chapter and the general plan.

B. May impose time limits. The decision-making body may impose time limits within which the conditions shall be fulfilled and the proposed development started or completed.

C. Permit time limits. Valid in ten days. The Housing Development Project Permit shall become valid ten days following the date of approval unless appealed, in compliance with Chapter 21.62, (Appeals).

21.07.110 Amendments.

A. Initiation of Amendment. An amendment to the MFDDS and/or FBZM, except for amendments to the FBZM as provided for by Chapter 8 of the MFDDS (Specific to Large Sites), may be initiated only by the City Council, Planning Commission, City Manager, or Community Development Director.

1. Minor amendments. Typographical corrections, formatting changes (paragraph spacing, pagination, etc.), adding or enhancing graphics to support the text, adding version/revision/amendment history, and code citation revisions to the MFDDS and/or FBZM may be made by the Community Development Director or designee without notice.
2. Amendments to the MFDDS: All other amendments, other than those noted as minor, to the MFDDS shall be adopted by resolution of the City Council.
3. Amendments to the FBZM: All other amendments, other than those noted as minor, to the FBZM shall be adopted by resolution of the City Council.

21.07.120 Phasing.

A. Any phasing of a housing development project shall be subject to the phasing provisions as provided for in Chapter 21.56 (Permit Implementation, Time Limits, and Extensions).

21.07.130 Major changes to a housing development permit.

A. Major changes include changes to a housing development project permit as described in this section. These major changes may only be approved by the decision-making body that originally approved the permit. These modifications shall be processed in the same manner as the original permit or approval.

1. Changes from one private frontage type to another (i.e., porch projecting to dooryard);
2. Changes to design sites, lot configuration, location of proposed easements;
3. Changes from one form-based zone to another;
4. Changes from one building type to another;
5. Any increase in the number of stories (including the stories of a private frontage type);
6. Changes to the overall building height; and
7. Changes to the overall number of units where the total number of units in the project is less than five for a minor housing development project permit.

Chapter 21.08 RESIDENTIAL DISTRICTS

21.08.010 Purpose of chapter—Applicability.

A. Residential zoning districts. This chapter provides regulations applicable to development and new land uses in the residential zoning districts established by Section 21.04.020 (Zoning Districts Established). The purpose of this chapter is to achieve the following:

1. Preserve and enhance the predominately low density, high quality residential character of the city, while providing a variety of housing opportunities and residential land use options to accommodate existing and future residents;

2. Strive to attract quality development, while providing opportunities for neighborhood interaction;

3. Ensure that existing residential neighborhoods, and any remaining vacant lands, are developed in a manner that preserves and enhances neighborhood character, establishes neighborhood identity, and provides a consistent land use pattern;

4. Ensure compatibility of residential development, which is generally determined by prevailing density, parcel configuration and size, and structure design, scale, and type;

5. Ensure adequate air, light, privacy, and open space for each dwelling;

6. Minimize traffic congestion and avoid the overloading of public services and utilities; and

7. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2182, § 1(Exh. A), 10-7-2014)

21.08.020 Residential zoning districts.

The purpose and zoning district map symbols of individual residential zoning districts are as follows:

A. Single-Family Residential Zoning District.

1. Purpose: The single-family residential zoning district is intended to stabilize and protect the residential characteristics of the district and to encourage a suitable environment for domestic home life. The single-family residential zoning district is intended to provide for detached single-family homes on larger parcels (ranging from six thousand to sixteen thousand square foot parcels). The designation of an area in the single-family zoning district includes establishing a minimum lot area for new subdivisions, expressed as a suffix to the “R-1” zoning map symbol (e.g., R-1-6). The single-family residential zoning district is consistent with the low-density residential land use designations of the General Plan.

2. Zoning District Map Symbol: R-1

3. Zoning District Map Symbol with Suffixes: R-1-6, R-1-8, R-1-9, R-1-10, R-1-16

B. Low-Medium Density Residential Zoning District.

1. Purpose: The low-medium density residential zoning district is intended for duplexes, apartment buildings, townhomes, detached small-lot single family homes, and uses in support of, and comparable to, such land uses. The low-medium density residential zoning district is consistent with the low-medium density residential land use designation of the General Plan.

2. Zoning District Map Symbol: LMDR

C. Medium Density Residential Zoning District.

1. Purpose: This medium density residential zoning district is intended for duplexes, apartment buildings, townhomes, and uses in support of, and comparable to, such land uses. This designation is typically applied to transition areas between lower-density neighborhoods and higher-density developments or commercial areas.

2. Zoning District Map Symbol: MDR

D. Medium-High Density Residential Zoning District.

1. Purpose: The medium-high density residential zoning district is intended for apartment buildings and condominiums, and uses in support of, and comparable to, such land uses. This designation is typically applied to areas away from major commercial intersections. The medium-high density residential zoning district is consistent with the medium-high density residential land use designation of the General Plan.

2. Zoning District Map Symbol: MHDR

E. High Density Residential Zoning District.

1. Purpose: The high density residential zoning district is intended for apartment buildings and condominiums and uses in support of, and comparable to, such land uses. This designation is typically applied to sites along Class I, or Class II arterial roadways that abut lower-density neighborhoods. The high density residential zoning district is consistent with the high density residential land use designation of the General Plan.

2. Zoning District Map Symbol: HDR

F. Mobile Home Park Zoning District.

1. Purpose: The mobile home park zoning district is intended for mobile homes, modular homes, and uses in support of, and comparable to, such land uses. The mobile home park zoning district discourages the conversion of existing mobile home parks to other uses. The mobile home park zoning district is consistent with the mobile home park land use designation of the General Plan.

2. Zoning District Map Symbol: MHP

21.08.030 Residential land uses.

The permissibility of land uses in residential districts shall be as specified by Table 2-1 (Land Use Table – Residential Zoning Districts) subject to the operational and locational standards contained in Article 3. Land uses that are listed as (P) are permitted and approved by issuance of a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances). Land uses listed as (AC) may be allowed subject to the approval of an Administrative Conditional Use Permit and land uses listed as (C) may be allowed subject to the approval of a Conditional Use Permit, in compliance with Chapter 21.46 (Conditional use permits). Land uses listed as (X) and those not otherwise listed are prohibited and shall not be allowed. Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified. The list of land uses is organized by headers which themselves do not convey an intended land use.

Table 2-2

Land Use Table — Residential Zoning Districts

#	Land Use	Zoning District Map Symbol					
		R-1	LMDR	MDR	MHDR	HDR	MHP
	Residential						
1	Accessory structures	P (When compliant with Chapter 21.36 - Special Uses)					
2	Accessory dwelling units	P	P	P	P	P	X
3	Apartments	X	P	P	P	P	X
4	Assisted living facilities	X	X	X	C	C	X
5	Convalescent/rest homes	X	C	C	C	C	X
6	Duplexes	X (1)	P	P	P	P	X
7	Hobby car restoration	P	P	X	X	X	P
8	Home occupations	P	P	P	P	P	P
9	Junior accessory dwelling units	P	P	P	P	P	P
10	Manufactured housing	P	P	P	P	P	P
11	Mobile home parks	C	C	C	C	C	P
12	Residential care homes, large	C	C	C	C	C	C
13	Rooming and Boarding houses	X	C	C	C	C	C
14	Single-family dwellings	P	P	P	P	P	P
15	Single Room Occupancy facilities	X	X	X	C	C	X
16	Supportive housing	P	P	P	P	P	P
17	Transitional housing	P	P	P	P	P	P
	Recreation, Education, & Assembly						
18	Commercial child day care center	X	X	X	C	C	X
19	Community/cultural/recreational center	X	C	X	X	X	X
20	Emergency shelters	X	C	C	C	C	C
21	Family child day care homes, large	P	P	P	P	P	P
22	Family child day care homes, small	P	P	P	P	P	P
23	Libraries, public	X	X	X	P	P	X
24	Monastery, convent, parsonage, or nunnery	X	C	C	C	C	C
25	Parks, public	P	P	P	P	P	P
26	Residential care homes, small	P	P	P	P	P	P
27	Residential recreational facilities, private	C	C	C	C	C	C
28	Residential service facilities, large	X	C	C	C	C	C
29	Residential service facilities, small	P	P	P	P	P	P
30	Schools - K-12, private	C	C	C	C	C	C
31	Schools - K-12, public	P	P	P	P	P	X

#	Land Use	Zoning District Map Symbol					
		R-1	LMDR	MDR	MHDR	HDR	MHP
32	Tennis courts, private	C	C	C	C	C	C
	General Services						
33	Bed and breakfast inns	X	C	C	C	C	X
34	Garage/yard sales, private	P	P	P	P	P	P
	Other						
35	Government offices and facilities (local, state, or federal)	C	C	C	C	C	C
36	Groundwater recharge facilities	P	P	P	P	P	P
37	Public utility structures and service facilities	C	C	C	C	C	C
38	Satellite television or personal internet broadband dishes/antenna (less than three feet in diameter)	P	P	P	P	P	P
39	Satellite television or personal internet broadband dishes/antenna (greater than three feet in diameter)	May be allowed in compliance with CMC Chapter 21.34 (Wireless Communications Facilities)					
40	Wireless telecommunications facilities	May be allowed in compliance with CMC Chapter 21.34 (Wireless Communications Facilities)					
Expressly Prohibited Uses							
41	Commercial and industrial uses (except those allowed by a home occupation permit)	X	X	X	X	X	X
42	Short term rental	X	X	X	X	X	X
43	Storage of commercial vehicles	X	X	X	X	X	X
44	Storage of supplies and materials for commercial or industrial purposes	X	X	X	X	X	X
45	Storage of supplies, materials, lumber, metal and junk exceeding an area of one hundred square feet, except when such are being used for construction on the property with a valid building permit	X	X	X	X	X	X
46	Any use which is obnoxious or offensive or creates a nuisance to the occupants or visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances	X	X	X	X	X	X
47	Any use inconsistent with state or federal law	X	X	X	X	X	X

(1) Except as provided for by Chapter 21.25 – Two-Unit Housing Developments.

21.08.040 Residential subdivision standards.

In addition to the permitting procedures and requirements contained in Title 20 (Subdivision and Land Development), the minimum area, width, and frontage of parcels proposed in new subdivisions in residential zoning districts shall be as specified by Table 2-3 (Minimum Parcel Sizes for Newly Created Parcels – Residential Zoning Districts). Areas of special limitations may also be identified on the zoning map as a number with the number indicating the minimum parcel area for subdivision in thousands of square feet (i.e., 80 = 80,000 sq. ft. minimum).

Table 2-3

Minimum Parcel Sizes for Newly Created Parcels — Residential Zoning Districts

<table>
<tr><th>Zoning Map Symbol</th><th>Minimum Parcel Area: Square Feet/Net Acre</th><th>Minimum Lot Width: Feet</th><th>Minimum Public Frontage</th></tr>
<tr><td>R-1-6</td><td>6,000</td><td>60</td><td rowspan="5">25 feet
(15 feet for flag lots)</td></tr>
<tr><td>R-1-8</td><td>8,000</td><td>70</td></tr>
<tr><td>R-1-9</td><td>9,000</td><td>70</td></tr>
<tr><td>R-1-10</td><td>10,000</td><td>80</td></tr>
<tr><td>R-1-16</td><td>16,000</td><td>80</td></tr>
<tr><td>LMDR</td><td colspan="3" rowspan="4">May be subdivided into lots compliant with the minimum design site sizes (i.e., area, lot width, depth) established by Chapter 21.07 (Multi-Family Development and Design Regulations) for the applicable form-based zone. Exception: Common lots, lots and/or property dedicated to the city, townhouse and core townhouse units meeting the minimum width and depth requirements of the applicable form-based zone and individual condominium units when included within a lot meeting the minimum design site sizes established by Chapter 21.07 (Multi-Family Development and Design Regulations), shall not be subject to a minimum parcel size requirement for subdivision.</td></tr>
<tr><td>MDR</td></tr>
<tr><td>MHDR</td></tr>
<tr><td>HDR</td></tr>
<tr><td>MHP</td><td colspan="3">None</td></tr>
</table>

21.08.050 Residential development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-3 (Minimum Parcel Sizes for Newly Created Parcels – Residential Districts) and in Table 2-4 (General Development Standards – Residential Districts), in addition to the development standards contained in Article 3 (e.g., landscaping, fences, parking and loading) and Article 4 (e.g., accessory structures).

Table 2-4

General Development Standards – Residential Districts

<table>
<tr><th rowspan="2">Development Standard</th><th colspan="6">Zoning District Map Symbol</th></tr>
<tr><th>R-1</th><th>LMDR</th><th>MDR</th><th>MHDR</th><th>HDR</th><th>MHP</th></tr>
<tr><td>Maximum Floor Area Ratio (FAR)</td><td>.45
(1)</td><td colspan="4" rowspan="3">See CMC 21.07 – Multi-Family Development and Design Regulations for the specified form-based zone.
(3) (4)</td><td>N/A</td></tr>
<tr><td>Maximum Lot Coverage</td><td>40%</td><td>N/A</td></tr>
<tr><td>Minimum Required Open Space</td><td>750 sq. ft.</td><td>N/A</td></tr>
<tr><td colspan="7">Minimum Setbacks</td></tr>
</table>

Development Standard	Zoning District Map Symbol					
	R-1	LMDR	MDR	MHDR	HDR	MHP
Maximum Floor Area Ratio (FAR)	.45 (1)	See CMC 21.07 – Multi-Family Development and Design Regulations for the specified form-based zone. (3) (4)				N/A
Maximum Lot Coverage	40%					N/A
Minimum Required Open Space	750 sq. ft.					N/A
Front	20 ft.	See CMC 21.07 – Multi-Family Development and Design Regulations for the specified form-based zone. (3) (4)				N/A
Side (each)	5 ft. (2)					N/A
Street Side (where applicable)	12 ft.					N/A
Rear	5 ft.					N/A
Parking Structure or Garage to Public Right of Way	25 ft.					N/A
Maximum Height and Stories						
Main Structure Maximum Height	35 ft.	See CMC 21.07 – Multi-Family Development and Design Regulations for the specified form-based zone. (3) (4)				N/A
Main Structure Maximum Stories	2 ½ stories					Homes must be less than one story
Distance Between Non-Accessory Structures on the Same Lot						
Minimum Separation Required	The distance equal to the taller of the two structures.	See CMC 21.07 – Multi-Family Development and Design Regulations for the specified form-based zone. (3) (4)				N/A

(1) The Planning Commission may approve a F.A.R. of up to 0.50 with approval of a site and architectural review permit when it makes both of the following findings:
   a. The perceived scale and mass of the home is compatible with the adjacent homes and the homes in the surrounding area.
   b. The home minimizes the use of design features that make it appear significantly larger than the adjacent homes and the homes in the surrounding area.

(2) A minimum of the setback indicated or one-half (½) the building wall height, whichever is greater. The Planning Commission may allow a minimum side setback of five (5) feet for structures proposed for a second story addition, when it makes both of the following findings:
   a. The side setback would not be detrimental to the health, safety, peace, comfort or general welfare of persons in the neighborhood, or the city as a whole; and
   b. The side setback would not unreasonably interfere with the ability of adjoining property owners to enjoy access to air, privacy, sunlight, and the quiet enjoyment of the owner's property.

(3) Notwithstanding any provision to the contrary, the maximum FAR for a housing development project consisting of three (3) to seven (7) units shall not be less than 1.0, and the maximum FAR of a housing development project consisting of eight (8) to ten (10) units shall not be less than 1.25, when the following conditions are met:
   a. The housing development project consists of at least 3, but not more than 10, units.
   b. The housing development project is not located in any of the following:
      i. A property with a single-family zoning or land use designation;
      ii. A historic district property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resource Code; and

iii. Within a site that is designated or listed as a city or county landmark or historic property or district.

(4) Exception. The development standards of an individual single-family dwelling, not otherwise subject to the Multi-Family Development and Design Standards established by Chapter 21.07, shall be the same as those development standards applicable to the R-1 zoning district, except that the LMDR zone shall have a maximum floor area ratio of 50%, and the MDR, MHDR, and HDR zones shall have a maximum floor area ratio of 55%. Further, the MHDR and HDR zones shall be permitted to build up to 3-stories and 40-feet in height.

Chapter 21.10 COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICTS

21.10.010 Purpose of chapter—Applicability.

A. Commercial, office, and industrial zoning districts. This chapter provides regulations applicable to development and new land uses in the commercial, office, and industrial zoning districts established by Section 21.04.020, (Zoning districts established). The purpose of this chapter is to achieve the following:

1. Provide convenient and appropriately distributed commercial areas for retail and service establishments, including neighborhood and office uses required by residents of the city in a manner consistent with the general plan;
2. Enhance the visual quality of the commercial streets by extending the structures along the street, thereby forming a street-wall effect;
3. Enhance the visual image of the city through good design and appropriate structure placement. Visual quality can also be improved through appropriate and complementary structure scale, which means the relationship of new development to existing structures;
4. Provide for the development of non-polluting, clean industrial uses to broaden the economic/employment base of the city, while ensuring compatible integration with nonindustrial uses, in a manner consistent with the general plan;
5. Upgrade the existing function and appearance of the city's industrial areas by encouraging high quality development;
6. Provide adequate space to meet the needs of commercial and industrial development, including off-street parking and loading;
7. Minimize traffic congestion and avoid the overloading of utilities;
8. Minimize excessive illumination, noise, odor, smoke, unsightliness, and other objectionable influences; and
9. Promote high standards of site planning and landscape design for the commercial and industrial developments within the city.

(Ord. 2043 § 1(part), 2004).

21.10.020 Commercial, office, and industrial zoning districts.

The purpose and zoning district map symbols of individual commercial, office, and industrial zoning districts are as follows:

A. Professional Office Zoning District.

1. Purpose: The Professional Office zoning district is intended for the development of professional offices in locations served by primary access, yet inappropriate for commercial development because of the proximity to residential uses. The type of offices allowed in this zoning district include administrative, professional, and research, and may provide customer service and instruction for personal or professional enrichment or be more corporate in nature. The Professional Office zoning district is consistent with the Professional Office land use designation of the General Plan.
2. Zoning District Map Symbol: PO

B. Neighborhood Commercial Zoning District.

1. Purpose: The Neighborhood Commercial zoning district is intended to provide for retail sales, offices, and services serving the daily needs of nearby residents of the city and to promote stable and attractive commercial development which will be compatible with neighboring residential uses. This zoning district is designed to encourage the location of commercial uses at major intersections within residential areas. These areas should be designed to accommodate the auto in a manner that is also friendly to and harmonious with pedestrian and bicycle traffic. The architecture of the structures should be compatible with the neighborhood. Grocery stores, laundries, personal services, pharmacies, and restaurants are prime examples of neighborhood commercial uses. The Neighborhood Commercial zoning district is consistent with the Neighborhood Commercial land use designation of the General Plan.

2. Zoning District Map Symbol: NC

C. General Commercial Zoning District.

1. Purpose: The General Commercial zoning district is intended to provide a wide range of retail sales and business and personal services primarily oriented to the automobile customer and accessible to transit corridors, to provide for general commercial needs of the city, and to promote a stable and attractive commercial development which will afford a pleasant shopping environment. The building forms should typically frame the street, with parking lots located either behind or under the structures they are designed to serve. Auto related uses (e.g., auto repair) are generally prohibited from locating in this zoning district. The General Commercial zoning district is consistent with the General Commercial land use designation of the General Plan.

2. Zoning District Map Symbol: GC

D. Research and Development Zoning District.

1. Purpose: The Research and Development zoning district is intended to provide a stable environment conducive to the development and protection of specialized manufacturing, packaging, printing, publishing, testing, and research and development with associated administrative office facilities often providing a campus-like environment as a corporate headquarters. These facilities are operated and maintained in a clean and quiet manner and continually meet the standards identified in this chapter and in this Zoning Code. The Research and Development Zoning District is consistent with the Research and Development land use designation of the General Plan.

2. Zoning District Map Symbol: RD

E. Light Industrial Zoning District.

1. Purpose: The Light Industrial zoning district is designed to encourage sound industrial development (e.g., light manufacturing, industrial processing, storage and distribution, warehousing), in addition to service commercial uses (e.g., motor vehicle repair facilities) in the city by providing and protecting an environment exclusively for this type of development, subject to regulations identified in this Zoning Code which are necessary to ensure the protection of nearby residential uses from hazards, noises, or other related disturbances. Industries producing substantial amounts of hazardous waste, odor, or other pollutants would be prohibited. Businesses serving commercial uses (e.g., food service or office supply) would generally be allowed as ancillary uses, subject to appropriate development and design standards and guidelines. The Light Industrial zoning district is consistent with the light industrial land use designation of the General Plan.

2. Zoning District Map Symbol: LI

21.10.030 Commercial, Office, and Industrial land uses.

The permissibility of land uses in residential districts shall be as specified by Table 2-5 (Land Use Table – Commercial, Office, and Industrial Zoning Districts) subject to the operational and locational standards contained in Article 3. Land uses that are listed as (P) are permitted and approved by issuance of a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances). Land uses listed as (AC) may be allowed subject to the approval of an Administrative Conditional Use Permit and land uses listed as (C) may be allowed subject to the approval of a Conditional Use Permit, in compliance with Chapter 21.46 (Conditional use permits). Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified. Land uses listed as (X) and those not otherwise listed are prohibited and shall not be allowed. The list of land uses is organized by headers which themselves do not convey an intended land use.

Table 2-5

Land Use Table — Commercial, Office, and Industrial Zoning Districts

		Zoning District Map Symbol				
#	**Land Use**	**NC**	**GC**	**PO**	**RD**	**LI**
	Manufacturing, Processing, and Storage					
1	Artisan products, small-scale assembly	X	P	X	P	P
2	Building material stores/yards	X	X	X	X	C
3	Chemical products	X	X	X	X	C
4	Clothing products manufacturing	X	X	X	P	P
5	Contractor's equipment yards	X	X	X	X	C
6	Electronics and equipment manufacturing	X	X	X	P	P
7	Food and beverage product manufacturing	X	X	X	P	P
8	Furniture/cabinet shops	X	X	X	P	P
9	Glass products manufacturing;	X	X	X	P	P
10	Handicraft industries, small scale assembly	X	P	X	P	P
11	Laboratories	X	X	X	X	P
12	Laundries/dry cleaning plants	X	X	X	P	P
13	Lumber and wood products, including incidental mill work	X	X	X	X	P
14	Machinery manufacturing	X	X	X	P	P
15	Metal products fabrication	X	X	X	P	P
16	Outdoor storage	X	X	X	X	C
17	Paper products manufacturing	X	X	X	P	P
18	Pharmaceutical manufacturing	X	X	X	P	P
19	Plastics and rubber products	X	X	X	P	P
20	Printing and publishing	X	X	X	P	P
21	Recycling facilities - processing facility	X	X	X	X	C
22	Research and development	X	X	X	P	P
23	Rug and upholstery cleaning	X	X	X	X	P
24	Sign manufacturing	X	X	X	P	P
25	Storage facilities (one facility per every five thousand people of the population)	X	X	X	X	C
26	Textile products manufacturing	X	X	X	P	P
27	Warehousing, wholesaling and distribution facility, incidental.	X	X	X	X	P
28	Warehousing, wholesaling and distribution facility, primary.	X	X	X	X	P

		Zoning District Map Symbol				
#	Land Use	NC	GC	PO	RD	LI
	Recreation, Education, Public Assembly					
29	Commercial day care centers	C	C	C	X	X
30	Commercial schools	C	C	X	X	X
31	Community/cultural/recreational center	C	C	C	X	X
32	Golf courses and golf driving ranges	X	C	X	X	X
33	Libraries, public	P	P	C	X	X
34	Membership organization facilities	X	X	C	X	X
35	Miniature golf courses	X	C	X	X	X
36	Museums, public	C	C	X	X	X
37	Public assembly uses	C	C	C	X	C
38	Studios, large	C	C	X	C	C
39	Studios, small	C	C	X	C	C
40	Schools—K-12, private	C	C	C	X	X
41	Schools—K-12, public	P	P	P	X	X
42	Tutoring centers, large, subject to Section 21.36.243	C	C	P	X	X
43	Tutoring centers, small, subject to Section 21.36.243	C	C	P	X	X
44	Universities/colleges, private	C	C	C	X	X
45	Universities/colleges, public	P	P	X	X	X
	Retail					
46	Ancillary retail operations associated with a lawfully established use which occupy no more than twenty-five percent of the use's existing floor area.	X	X	X	X	C
47	Ancillary retail uses serving industrial uses	X	X	X	C	C
48	Convenience markets/stores;	C	C	X	X	X
49	Department stores	X	C	X	X	X
50	Furniture, furnishings, and equipment stores (greater than ten thousand square feet)	C	P	X	X	X
51	Furniture, furnishings, and equipment stores (under ten thousand square feet)	C	P	X	X	X
52	Garden centers/plant nurseries	C	P	X	X	X
53	Gasoline stations	C	C	X	X	X
54	Grocery stores (greater than ten thousand square feet)	C	C	X	X	X
55	Grocery stores (under ten thousand square feet)	P	P	X	X	X
56	Hardware stores (greater than ten thousand square feet)	C	C	X	X	X
57	Hardware stores (under ten thousand square feet)	P	P	X	X	X
58	Liquor establishments	C	N/A	X	X	X
59	Liquor establishments (on-site consumption only);	N/A	C	X	X	X
60	Liquor stores	C	N/A	X	X	X
61	Liquor stores (off-site consumption only);	X	C	X	X	X
62	Meat markets	P	X	X	X	X
63	Music (recordings) stores	C	C	X	X	X
64	Outdoor retail sales and activities	X	C	X	X	X
65	Pet stores	C	C	X	X	X
66	Pharmacies/drug stores	P	P	X	X	X
67	Pharmacies/drug stores, with drive-up service;	X	C	X	X	X
68	Retail stores, general merchandise;	P	P	X	X	X
69	Second hand/thrift stores	X	C	X	X	X

		Zoning District Map Symbol				
#	**Land Use**	**NC**	**GC**	**PO**	**RD**	**LI**
70	Shopping centers (greater than ten thousand square feet)	C	C	X	X	X
71	Shopping centers (under ten thousand square feet)	P	P	X	X	X
72	Vending machines	P	P	X	X	X
73	Warehouse retail stores	C	C	X	X	X
	Entertainment					
74	Arcades	C	C	X	X	X
75	Dancing and live entertainment	C	C	X	X	X
76	Drive-in theaters	X	C	X	X	X
77	Indoor amusement/entertainment/recreation centers	X	C	X	X	X
78	Nightclubs with or without food service	X	C	X	X	X
79	Outdoor amusement/entertainment/recreation centers	X	C	X	X	X
80	Theaters, movie or performing arts	X	C	X	X	X
	General Services					
81	Adult day care facilities	X	C	X	X	X
82	Automated teller machines (ATM's)	P	P	X	X	X
83	Banks and financial services	P	P	X	X	X
84	Bed and breakfast inns (only in historic structures)	X	C	X	X	X
85	Blueprinting shops	X	P	X	P	P
86	Business support service	X	X	X	P	P
87	Cat and dog day care facilities	X	C	X	X	C
88	Cat and dog grooming facilities	X	C	X	X	C
89	Cat Boarding facilities	X	C	X	X	C
90	Catering business	X	X	X	X	C
91	Catering business, only when ancillary to a restaurant	P	P	X	X	X
92	Check cashing	X	C	X	X	X
93	Construction equipment rentals	X	X	X	X	C
94	Dog Boarding facilities	X	X	X	X	C
95	Dry cleaning	P	P	X	X	X
96	Equipment rental establishments	X	C	X	X	X
97	Health/fitness centers	C	C	C	C	C
98	Hotel	C	P	X	X	X
99	Laundromats, self-service	P	P	X	X	X
100	Massage establishments	X	C	C	X	X
101	Motel	C	P	X	X	X
102	Payday lender	X	C	X	X	X
103	Personal services, general	P	P	X	X	X
104	Personal services, limited	X	C	X	X	X
105	Photocopying	P	P	X	X	X
106	Photography studio/supply shop	P	P	X	X	X
107	Recycling facilities—Reverse vending machines, other than such machines with a permit issued pursuant to Section 21.36.245	C	C	X	X	X
108	Recycling facilities - large collection facility, other than such facilities with a permit issued pursuant to Section 21.36.245.	X	X	X	X	C

		Zoning District Map Symbol				
#	Land Use	NC	GC	PO	RD	LI
109	Recycling facilities—small collection facility, other than such facilities with a permit issued pursuant to Section 21.36.245	C	C	X	X	X
110	Repair and maintenance, consumer products	P	P	X	X	P
111	Sign shops	X	C	X	X	P
112	Spa services	C	C	X	X	X
113	Tanning studios	C	C	X	X	X
114	Veterinary clinics and animal hospitals	C	C	X	X	C
115	Video rental stores	C	C	X	X	X
	Motor Vehicles, Trailers, and Watercraft					
116	Marine sales (new and used), with/without service facilities	X	X	X	X	C
117	Motor vehicle - cleaning, washing, and detailing	X	C	X	X	C
118	Motor vehicle—dismantling	X	X	X	X	C
119	Motor vehicle—leasing	X	X	X	X	C
120	Motor vehicle - oil change facilities	X	C	X	X	C
121	Motor vehicle—painting	X	X	X	X	C
122	Motor vehicle - parts and supplies (very limited maintenance/installation)	X	C	X	X	X
123	Motor vehicle—renting	X	X	X	X	C
124	Motor vehicle - renting and leasing	X	C	X	X	N/A
125	Motor vehicle—repair and maintenance (minor and major/only within an enclosed structure)	X	X	X	X	C
126	Motor vehicle—repair and maintenance (minor/only within an enclosed structure).	X	X	X	X	C
127	Motor vehicle - sales (new and/or used)	X	C	X	X	C
128	Motor vehicle—tune-up	X	X	X	X	C
129	Motor vehicle—tune-up—light duty only	X	X	X	X	C
130	Motor vehicle—window tinting	X	X	X	X	C
131	Trailer sales (with or without service facilities)	X	X	X	X	C
	Food Services					
132	Banquet facilities	X	C	X	X	X
133	Restaurants, fast food (with or without drive-in service);	C	C	X	X	X
134	Restaurants or cafes (excluding fast food or drive-ins)	P	P	X	C	C
135	Restaurants with late night activities or banquet facilities	C	C	X	X	X
	Medical Services					
136	Ambulance service	X	P	X	X	P
137	Convalescent/rest homes	C	C	X	X	X
138	Hospitals	X	C	X	X	X
139	Medical services, clinics	C	C	C	C	X
140	Medical services, extended care	C	C	X	C	X
141	Medical services, laboratories	X	P	C	C	X
	Offices					
142	Offices, professional;	P	P	P	AC	AC
143	Travel agencies	P	P	X	X	X
	Transportation, Parking, and Communications					
144	Alternative fuels and recharging facilities	C	C	X	X	C

		Zoning District Map Symbol				
#	**Land Use**	**NC**	**GC**	**PO**	**RD**	**LI**
145	Broadcast and recording studios	C	C	C	C	C
146	Light rail lines	X	X	X	X	P
147	Light rail passenger terminals	P	P	X	P	P
148	Parking lots/structures, public	P	P	C	C	C
149	Radio or television transmitters	C	C	C	C	C
150	Radio stations	X	C	X	C	C
151	Satellite television or personal internet broadband dishes/antenna (less than 3 feet in diameter)	P	P	P	P	P
152	Towing services	X	X	X	X	C
153	Trucking/freight terminal	X	X	X	X	P
154	Wireless telecommunications facilities	May be allowed in compliance with CMC Chapter 21.34 (Wireless Communications Facilities)				
	Other Uses					
155	Caretaker/employee housing	X	C	X	C	C
156	Emergency shelters; within parcels depicted by Figure II-63 (Parcels Allowing Emergency Shelters) of the City of Campbell Housing Element	P	P	P	P	P
157	Emergency shelters; outside parcels depicted by Figure II-63 (Parcels Allowing Emergency Shelters) of the City of Campbell Housing Element	C	C	X	C	C
158	Collection containers, small, subject to obtaining a permit pursuant to Section 21.36.245	P	P	X	X	P
159	Conversion, commercial converted from residence	C	C	C	X	X
160	Conversion, industrial converted from residence	X	X	X	X	C
161	Government offices and facilities (local, State or federal)	C	C	C	C	C
162	Late night activities	C	C	C	C	C
163	Outdoor active activities (e.g., drive-up windows)	X	C	X	X	X
164	Outdoor seating, when more than twelve total seats	C	C	X	X	X
165	Outdoor seating, when twelve total seats or less	P	P	X	X	X
166	Philanthropic collection trailers	C	C	X	X	X
167	Public utility service yards	X	X	X	C	X
168	Public utility structures and service facilities	C	C	X	C	C
169	Public works maintenance facilities and storage yards	X	C	X	C	C
170	Sexually oriented business in compliance with Chapter 5.55 and section 21.35.205 of this Code.	X	X	X	X	P
171	Temporary uses	May be allowed in compliance with CMC Chapter 21.45 (Temporary Uses)				
172	The use of any building that was constructed as a residential structure for a commercial or office use	C	C	C	X	X
173	Transitional housing	C	C	X	X	C
174	Warehousing, wholesaling and distribution facility, incidental (less than fifty percent of floor area);	X	X	X	P	X
	Expressly Prohibited Uses					
175	Any business that includes smoking tobacco on site (e.g., smoking lounges, hookah lounges, etc.)	N/A	N/A	N/A	X	X
176	Any use inconsistent with state or federal law	X	X	X	X	X

		Zoning District Map Symbol				
#	Land Use	NC	GC	PO	RD	LI
177	Any use which is obnoxious or offensive or creates a nuisance to the occupants or commercial visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances	X	X	X	X	X
178	All incineration	N/A	N/A	N/A	X	X
179	Storage of commercial and industrial vehicles, except for the purpose of loading and unloading	X	N/A	X	X	X
180	Storage of industrial vehicles, except for the purpose of loading and unloading.	N/A	X	N/A	X	X
181	The storage or warehousing of merchandise or products in the building or on the premises, unless otherwise approved	X	X	X	X	X
182	The outdoor storage of merchandise or products	X	X	X	X	X
183	The outdoor storage of merchandise or products, unless otherwise approved.	N/A	X	N/A	X	X
184	The storage of raw, in process, or finished material and supplies, and of waste materials outside of an enclosed building;	N/A	N/A	N/A	X	X
185	The assembly, compounding, manufacturing, or processing of merchandise or products, except such as are customarily incidental or essential to permitted retail commercial and service uses	X	X	X	X	X
186	The use of any building that was constructed as a residential structure. Such building is considered nonconforming and subject to the provisions of Chapter 21.58 (Nonconforming Uses and Structures)	N/A	N/A	N/A	X	X

21.10.040 Commercial, Office, and Industrial subdivision standards.

In addition to the permitting procedures and requirements contained in Title 20 (Subdivision and Land Development), the minimum area, width, and frontage of parcels proposed in new subdivisions in commercial, office, and industrial zoning districts shall be as specified by Table 2-6 (Minimum Parcel Sizes for Newly Created Parcels — Commercial, Office, and Industrial Districts). Areas of special limitations may also be identified on the zoning map as a number with the number indicating the minimum parcel area for subdivision in thousands of square feet (i.e., 80 = 80,000 sq. ft. minimum).

Table 2-6
Minimum Parcel Sizes for Newly Created Parcels — Commercial, Office, and Industrial Districts

Zoning Map Symbol	Minimum Parcel Area: Square Feet/Net Acre	Minimum Lot Width: Feet	Minimum Public Frontage: Feet
NC	No minimum.	0	0
GC	No minimum.		
PO	No minimum.		
RD	As depicted on the zoning map.		
LI	6,000 sq. ft.		

21.10.050 Commercial, Office, and Industrial development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-6 (Minimum Parcel Sizes for Newly Created Parcels — Commercial, Office, and Industrial Districts) and in Table 2-7 (General Development Standards – Commercial, Office, and Industrial Zoning Districts), in addition to the development standards contained in Article 3 (e.g., landscaping, fences, parking and loading, signs) and Article 4 (e.g., accessory structures).

Table 2-7

General Development Standards — Commercial, Office, and Industrial Districts

	Zoning District Map Symbol				
Development Standard	NC	GC	PO	RD	LI
Maximum floor area ratio	1.0 (1)	1.0 (1)	1.0 (1)	1.0 (1)	1.0 (1)
Setbacks required					
Front	15 ft.	10 ft.	15 ft.	20 ft.	10 ft.
Side (each)	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater). (3) (7)	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater).	10 ft.	A minimum of five feet or one-half the height of the building wall adjacent to the side property line (whichever is greater) when the side property line abuts a residentially zoned property or 5 feet when the side property line does not abut a residentially zoned property. (4) (5)
Street side	15 ft.	10 ft.	15 ft.	10 ft.	10 ft.
Rear	10 ft. (2)	10 ft. (2)	A minimum of five feet or	10 ft. (2)	10 ft. (2)

	Zoning District Map Symbol				
Development Standard	NC	GC	PO	RD	LI
		(6)	one-half the height of the building wall adjacent to the rear property line (whichever is greater).		(6)
Maximum height limit	35 ft.	75 ft.	35 ft.	45 ft.	45 ft.

(1) Properties located within the Pruneyard/Creekside District 3.0 acres and larger shall be allowed to develop at a maximum F.A.R. of 2.0 as provided for by LU-8.7 of the General Plan. Properties located within the Winchester Boulevard Master Plan (WBMP) shall have a maximum F.A.R. of 1.5 as provided for on page 24 of the WBMP.

(2) The Planning Commission may grant a reduction or allow a structure to be placed on the rear property line and may designate that additional landscaping and setback requirements be provided at the front of the parcel.

(3) The Planning Commission may allow a side setback of no less than five feet irrespective of building wall height where a property line abuts a non-residentially zoned property, when it finds that the reduced setback would enhance the architectural integrity of the building.

(4) The Planning Commission may allow a side setback of less than five feet where a property line abuts a non-residentially zoned property, when it finds that:

a. The height of the building wall, inclusive of a parapet, adjacent to the side property line is no taller than 30-feet and limited to one-story; and

b. The proposed building is designed for and would be limited to general industrial use, including manufacturing, processing, warehousing, storage, assembly, and fabrication.

(5) No side setback shall be required for a proposed building on the side property line where abutting a non-residentially zoned property when designed for, and limited for use as, an emergency shelter in accordance with CMC 21.36.085 (Emergency shelters) when the height of the building wall, inclusive of a parapet, adjacent to any side property line is no taller than 30-feet and limited to one-story.

(6) No rear setback shall be required for a proposed building when designed for, and limited for use as, an emergency shelter in accordance with CMC 21.36.085 (Emergency shelters).

(7) A side setback of five feet shall be required for a proposed building when designed for, and limited for use as, an emergency shelter in accordance with CMC 21.36.085 (Emergency shelters).

Chapter 21.11 MIXED-USE DISTRICTS

21.11.010 Purpose of chapter—Applicability.

A. Mixed-use zoning districts. This chapter provides regulations applicable to development and new land uses and alterations to existing land uses in the mixed-use zoning districts established by Section 21.04.020, (Zoning districts established). The purpose of this chapter is to achieve the following:

1. Provide for a convenient and appropriate distribution of uses which broaden the economic/employment base of the city, while ensuring compatible integration with residential uses, in a manner consistent with the general plan;

2. Increase the number and diversity of housing options available in the city;

3. Enhance the visual image of the city through good design and appropriate structure placement. Visual quality can also be improved through appropriate and complementary structure scale, which means the relationship of new development to existing structures;

4. Upgrade the existing function and appearance of designated areas;

6. Provide adequate space to meet the needs of the uses served, including off-street parking and loading;

7. Minimize traffic congestion and avoid the overloading of utilities; and

8. Minimize excessive illumination, noise, odor, smoke, unsightliness, and other objectionable influences.

21.11.020 Mixed-use zoning districts.

The purpose and zoning district map symbols of mixed-use zoning districts are as follows:

A. Central Business Mixed-Use

1. Purpose: The Central Business Mixed-Use zoning district is applied to the heart of the city including and surrounding parts of Campbell Avenue in downtown Campbell, and by reference to the Winchester Boulevard and East Campbell Avenue Master Plan areas. The building forms in this zoning district edge the street and include retail commercial uses (e.g., entertainment, shopping, and services) on the ground floor, with either office or residential uses on the upper floors. The Central Business Mixed-Use zoning district is consistent with the central commercial land use designation of the General Plan. The Central Business Mixed-Use zoning district is specifically created to promote the following objectives in the central business area of Campbell:

   i. To retain and enhance the Downtown area as a unique and economically viable retail and business center serving local and area wide commercial needs;

   ii. To reinforce Campbell Avenue as a pedestrian-orientated retail street;

   iii. To promote ground floor retail use, upper floor commercial and residential uses where appropriate and a suitable mix of uses in the Downtown area;

   iv. To establish development intensities consistent with the scale of the central business area and the amount of parking which can be accommodated within and adjacent to it;

   v. To maintain the pedestrian scale, character, and diversity of a small town business district;

   vi. To improve pedestrian, visual, and vehicular connections between the Downtown and adjacent areas;

   vii. To preserve and enhance significant historic structures within the Downtown area; and

viii. To ensure that new construction in the Downtown area is of a high architectural design quality while accommodating suitable architectural diversity.

2. Zoning District Map Symbol: CB-MU

B. General Commercial/Light Industrial

1. Purpose: This designation generally consists of commercial uses as provided for by the General Commercial (GC) land use designation and industrial uses as provided for by the Light Industrial (LI) land use designation.

2. Zoning District Map Symbol: GC/LI

C. Professional Office/Low-Medium Density Residential

1. Purpose: This designation generally consists of office uses as provided for by the Professional Office (P-O) land use designation and/or residential uses as provided for by the Low-Medium Density Residential (LMDR) land use designation. This designation is intended to serve as a transitional buffer between the more intense uses located in Downtown, and the surrounding low density residential uses, as well as to facilitate the adaptive reuse of historic buildings.

2. Zoning District Map Symbol: PO/LMDR

D. General Commercial Mixed-Use

1. Purpose: This designation generally consists of residential land uses as provided for by the Medium-High Density Residential (MHDR) land use designation and commercial uses as provided for by the General Commercial (GC) land use designation. Mixed-use residential projects are encouraged within this designation but not required.

2. Zoning District Map Symbol: GC-MU

E. Neighborhood Commercial Mixed-Use

1. Purpose: This designation generally consists of commercial land uses as provided for by the Neighborhood Commercial (NC) land use designation and residential uses as provided for by the Medium Density Residential (MDR) land use designation. Mixed-use residential projects are encouraged within this designation but not required.

2. Zoning District Map Symbol: NC-MU

F. Medium-High Density Mixed-Use

1. Purpose: This designation generally consists of residential uses as provided for by the Medium-High Density Residential (MHDR) land use designation and commercial uses as provided for by the General Commercial (GC) land use designation. Mixed-use residential projects are encouraged within this designation but not required.

2. Zoning District Map Symbol: MHD-MU

G. High Density Mixed-Use

1. Purpose: This designation generally consists of residential uses as provided for by the High Density Residential (HDR) land use designation and commercial uses as provided for by the General Commercial (GC) land use designation. Mixed-use residential projects are encouraged within this designation but not required.

2. Zoning District Map Symbol: HD-MU

H. Commercial-Corridor Mixed-Use

1. Purpose: This designation generally consists of higher- density residential, and mixed-use development that are primarily located along Class I and Class II Arterial Roadways, such as Bascom Avenue, Hamilton Avenue, Winchester Boulevard, and parts of Campbell Avenue. Mixed-use residential projects are strongly encouraged within this designation but are not required.

2. Zoning District Map Symbol: CC-MU

I. Transit-Oriented Mixed-Use

1. Purpose: This designation generally consists of very high density commercial, residential, and mixed-use development within walking distance of high-quality transit service such as light rail. Mixed-use residential projects are strongly encouraged within this designation but are not required.

2. Zoning District Map Symbol: TO-MU

21.11.030 Mixed-Use land uses.

The permissibility of land uses in mixed-use districts shall be as specified by Table 2-8 (Land Use Table – Mixed-Use Districts) subject to the operational and locational standards contained in Article 3, except for the Central Business Mixed-Use zoning district which land uses shall be as specified by Section 21.11.060 (Central Business Mixed-Use Zoning District). Where a land use is specified as allowed subject to the approval of an Administrative Conditional Use Permit or Conditional Use Permit in any of the zoning districts referenced, approval of the permit type requiring the highest decision-making body specified shall be required (i.e., Planning Commission is a higher decision-making body than the Community Development Director), in compliance with Chapter 21.46 (Conditional use permits). Further, where a land use is specified as permitted in one of the zoning districts specified and allowed subject to the approval of an Administrative Conditional Use Permit or Conditional Use Permit in any other zoning district specified, approval of a Conditional Use Permit shall be required in accordance with the preceding provision requiring approval of the highest decision-making body specified.

Table 2-8

Land Use Table — Mixed-Use Districts

Map Symbol	Zoning District Name	Allowable Uses (1)(2)
GC/LI	General Commercial/Light Industrial	As allowed by the General Commercial (GC) and/or Light Industrial (LI) zoning district.
PO-MU	Professional Office Mixed-Use	As allowed by the Professional Office (PO) and/or Low-Medium Density Residential (LMDR) zoning district.
NC-MU	Neighborhood Commercial Mixed-Use	As allowed by the Neighborhood Commercial (NC) and/or Medium Density Residential (MDR) zoning district.
MHD-MU	Medium-High Density Mixed-Use	As allowed by the General Commercial (GC) and/or Medium-High Density Residential (MHDR) zoning district.
CB-MU	Central Business Mixed-Use	Land uses shall be as specified by Table 2-11 (Land Use Table – Central Business Mixed-Use Zoning District)

Map Symbol	Zoning District Name	Allowable Uses (1)(2)
GC-MU	General Commercial Mixed-Use	As allowed by the General Commercial (GC) and/or Medium-High Density Residential (MHDR) zoning district.
HD-MU	High Density Mixed-Use	As allowed by the General Commercial (GC) and/or High Density Residential (HDR) zoning district.
CC-MU	Commercial-Corridor Mixed-Use	As allowed by the General Commercial (GC) and/or High Density Residential (HDR) zoning district.
TO-MU	Transit-Oriented Mixed-Use	As allowed by the General Commercial (GC) and/or High Density Residential (HDR) zoning district.

(1) In the event of a conflict between a land use identified as allowable, conditionally allowable, or prohibited between the zoning districts specified (i.e., a land use is identified as permitted by one zoning district, but conditionally allowable by another zoning district specified) the following procedures shall be followed:
   a. Residential Uses: Those uses identified by the residential zoning district specified shall be permitted, conditionally allowable, or prohibited within the residential component of the mixed-use project as specified by the land use table of the zoning district specified.
   b. Non-Residential Uses: Those uses identified by any non-residential component of the mixed-use project shall be permitted, conditionally allowable, or prohibited within any non-residential component of the mixed-use project as specified by the land use table of the zoning district specified.

(2) Live/work units shall be conditionally allowed in all mixed-use zoning districts, except the General Commercial/Light Industrial and Central Business Mixed-Use zoning district, subject to the standards and requirements of Section 21.36.120 (Live/Work units).

21.11.040 Mixed-Use subdivision standards.

In addition to the permitting procedures and requirements contained in Title 20 (Subdivision and Land Development), the minimum area, width, and frontage of parcels proposed in new subdivisions in mixed-use zoning districts shall be as specified by Table 2-9 (Minimum Parcel Sizes for Newly Created Parcels – Mixed-Use Zoning Districts). Areas of special limitations may also be identified on the zoning map as a number with the number indicating the minimum parcel area for subdivision in thousands of square feet (i.e., 80 = 80,000 sq. ft. minimum).

Table 2-9
Minimum Parcel Sizes for Newly Created Parcels — Mixed-Use Zoning Districts

Map Symbol	Zoning District Name	Minimum Parcel Sizes for Areas without Residential Component	Minimum Parcel Sizes for Areas with Residential Component
GC/LI	General Commercial/Light Industrial	As allowed by the General Commercial (GC) and/or Light Industrial (LI) zoning district.	Not Permitted (1)
PO-MU	Professional Office Mixed-Use	As allowed by the Professional Office (PO) zoning district.	As allowed by the Low-Medium Density Residential (LMDR) zoning district.

Map Symbol	Zoning District Name	Minimum Parcel Sizes for Areas without Residential Component	Minimum Parcel Sizes for Areas with Residential Component
NC-MU	Neighborhood Commercial Mixed-Use	As allowed by the Neighborhood Commercial (NC) zoning district.	As allowed by Medium Density Residential (MDR) zoning district.
MHD-MU	Medium-High Density Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the Medium-High Density Residential (MHDR) zoning district.
CB-MU	Central Business Mixed-Use	No minimum.	As allowed by the Medium-High Density Residential (MHDR) zoning district.
GC-MU	General Commercial Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the Medium-High Density Residential (MHDR) zoning district.
HD-MU	High Density Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the High Density Residential (HDR) zoning district.
CC-MU	Commercial-Corridor Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the High Density Residential (HDR) zoning district.
TO-MU	Transit-Oriented Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the High Density Residential (HDR) zoning district.

(1) Caretaker or employee housing, and emergency shelters as provided for by Chapter 21.36 (Provisions Applying to Special Uses) shall be designed in accordance with the development standards for non-residential uses.

21.11.050 Mixed-Use development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-9 (Minimum Parcel Sizes for Newly Created Parcels – Mixed-Use Zoning Districts) and in Table 2-10 (General Development Standards – Mixed-Use Zoning Districts), in addition to the development standards contained in Article 3 (e.g., landscaping, fences, parking and loading) and Article 4 (e.g., accessory structures).

Table 2-10

General Development Standards – Mixed-Use Zoning Districts)

Map Symbol	Zoning District Name	Development Standards for Non-Residential Uses	Development Standards for Uses with Residential Component (1)
GC/LI	General Commercial/Light Industrial	As allowed by the General Commercial (GC) and/or Light Industrial (LI) zoning district.	Not Permitted; except as otherwise provided for by Chapter 21.07 (Housing Development Regulations) (2)
PO-MU	Professional Office Mixed-Use	As allowed by the Professional Office (PO) zoning district.	As allowed by the Low-Medium Density Residential (LMDR) zoning district.

Map Symbol	Zoning District Name	Development Standards for Non-Residential Uses	Development Standards for Uses with Residential Component (1)
NC-MU	Neighborhood Commercial Mixed-Use	As allowed by the Neighborhood Commercial (NC) zoning district.	As allowed by Medium Density Residential (MDR) zoning district.
MHD-MU	Medium-High Density Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the Medium-High Density Residential (MHDR) zoning district.
CB-MU	Central Business Mixed-Use	No minimum.	As allowed by the Medium-High Density Residential (MHDR) zoning district.
GC-MU	General Commercial Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the Medium-High Density Residential (MHDR) zoning district.
HD-MU	High Density Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the High Density Residential (HDR) zoning district.
CC-MU	Commercial-Corridor Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the High Density Residential (HDR) zoning district.
TO-MU	Transit-Oriented Mixed-Use	As allowed by the General Commercial (GC) zoning district.	As allowed by the High Density Residential (HDR) zoning district.

(1) Notwithstanding any provision to the contrary, the maximum FAR for a housing development project consisting of three (3) to seven (7) units shall not be less than 1.0, and the maximum FAR of a housing development project consisting of eight (8) to ten (10) units shall not be less than 1.25, when the following conditions are met:

a. The housing development project consists of at least 3, but not more than 10, units.

b. The housing development project is not located in any of the following:

i. A property with a single-family zoning or land use designation;

ii. A historic district property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resource Code; and

iii. Within a site that is designated or listed as a city or county landmark or historic property or district.

(2) Caretaker or employee housing, and emergency shelters as provided for by Chapter 21.36 (Provisions Applying to Special Uses) shall be designed in accordance with the development standards for non-residential uses.

21.11.060 Central Business Mixed-Use zoning district.

A. Land uses in the Central Business Mixed-Use zoning district. The permissibility of land uses, whether on the ground floor, an upper floor, or on all floors, as applicable, shall be as specified by Table 2-11 (Land Use Table — Central Business Mixed-Use Zoning District), except for land uses in the Winchester Boulevard and East Campbell Avenue Master Plan areas shall be as specified by Table 2-11a (Land Use Table — Master Plan Areas). Land uses that are listed as (P) are permitted and are approved by issuance of a zoning clearance in compliance with Chapter 21.40 (Zoning clearance). Land uses listed as (AC) may be allowed subject to the approval of an Administrative Conditional Use Permit and land uses listed as (C) may be allowed subject to the approval of a Conditional Use Permit, in compliance with Chapter 21.46 (Conditional use permits). Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified. Land uses listed as (X) and those not otherwise listed are prohibited and shall not be allowed. Operational

requirements for outdoor merchandise display, outdoor seating, alcohol sales for on-site consumption, and live entertainment are provided further in this chapter.

Table 2-11

Land Use Table — Central Business Mixed-Use Zoning District

#	Land Use	Ground Floor	Upper Floors
1	Apartments[1]	P	P
2	Automated teller machines	P	X
3	Banks and financial services	C	P
4	Banquet facilities	X	C
5	Bed and breakfast inn[2]	C	C
6	Cat and dog day care facilities	P	C
7	Cat and dog grooming facilities	P	C
8	Dancing and/or live entertainment establishments[3]	C	C
9	Hotels	C	C
10	Incompatible activities[4]	X	X
11	Late night activities	C	C
12	Liquor establishments[5]	C[6]	C
13	Liquor stores[7]	C	X
14	Medical services, clinics	X	C
15	Offices, professional	C	P
16	Outdoor retail sales and activities	C	X
17	Pedestrian-oriented activities[8]	P	P
18	Temporary uses, subject to Chapter 21.45	P	P
19	Wireless Communication Facilities	May be allowed in compliance with Campbell Municipal Code Chapter 21.34 (Wireless Communications Facilities)	

(1) The ground floor of an apartment building shall be limited to commercial tenant space, parking facilities, and a lobby. Residential units, leasing offices, and recreation spaces shall be restricted to upper floors.

(2) Restricted to structures listed on the Historic Resource Inventory and subject to Chapter 21.33 (Historic Preservation)

(3) Except as specified by Section 21.10.060.F (Standards for live entertainment in the Central Business Mixed-Use zoning district), which allows certain pedestrian-oriented activities to incorporate live entertainment without a conditional use permit.

(4) "Incompatible Activities" means any land use not identified in Table 2-11A (Land Use Table) or that incorporates one or more of the following characteristics, as determined by the community development director in compliance with Section 21.02.020.F (Allowable uses of land).

- Services offered by a "body art" practitioner as governed by California Health and Safety Code sections 119300—119324 (i.e., tattoo parlors and similar uses);
- Services offered by a deferred deposit transaction "licensee" as governed by California Financial Code sections 23000—23106 (i.e., payday lenders and similar uses);
- Services offered by a "check casher" as governed by California Civil Code sections 1789.30—1789.38 (i.e., check cashing and similar uses);
- Services offered by a "pawnbroker" as governed by California Financial Code sections 21000—21307 (i.e., pawnshops and similar uses);

- Services offered by a "secondhand dealer" or "coin dealer" as governed by California Business and Professions Code sections 21500—21672 (i.e., secondhand/thrift stores, consignment shops, gold buying, and similar uses);
- Services, goods, or entertainment offered by a sexually oriented business pursuant to Chapter 5.55;
- Storage of industrial vehicles;
- Storage or warehousing of merchandise or products unrelated to on-site retail sales;
- Outdoor storage of merchandise or products;
- Assembly, compounding, manufacturing or industrial processing of merchandise or products;
- Breeding, harboring, raising, or training of animals;
- Repair, maintenance, or sale of motor vehicles;
- Service to consumers within a motor vehicle (i.e., drive-through lane, drive-up window, or drive-in service);
- Smoking or vaping of tobacco products (as defined by Chapter 6.11);
- Cultivation, processing, sale or dispensing of Cannabis ("marijuana" as defined by Chapter 8.38 and 8.40); or
- Emission of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbance which is obnoxious or offensive or creates a nuisance.

(5) Liquor establishments are subject to the findings provided in Section 21.36.115 (Liquor establishments).

(6) Except as specified by Section 21.10.060.E (Standards for alcohol sales for on-site consumption in the Central Business Mixed-Use zoning district), which allows certain pedestrian-oriented activities to incorporate an ancillary liquor establishment without a conditional use permit.

(7) Liquor stores are subject to the provisions provided in Section 21.36.110 (Liquor Stores).

(8) "Pedestrian-Oriented Activities" means any land use or combination of land uses that incorporate all of the following characteristics as determined by the community development director in compliance with Section 21.02.020.F (Allowable uses of land). This definition specifically includes retail stores, grocery stores, personal services, spa services/health spa (excluding massage establishments), restaurants, indoor amusement centers, and studios as defined by Chapter 21.72 (Definitions).

- Provides or offers food, beverages, retail goods, services, instruction, and/or entertainment to the general public;
- Is open to the general public on a regular basis;
- Is conducted within the interior of a building, except for outdoor displays and outdoor dining areas as allowed by this Chapter;
- Maintains a transparent storefront open to the interior of the business and/or onto a merchandise display (when on the ground floor); and
- Is not otherwise classified as an incompatible activity as defined by this Chapter.

B. Land uses in the Area/Master Plan areas: The permissibility of land uses in the Winchester Boulevard and East Campbell Avenue Master Plan areas shall be as specified by Table 2-11a (Land Use Table 2-11a - Master Plan Areas). Land uses that are listed as (P) are permitted and are approved by issuance of a zoning clearance

in compliance with Chapter 21.40 (Zoning clearance). Land uses listed as (AC) may be allowed subject to the approval of an Administrative Conditional Use Permit and land uses listed as (C) may be allowed subject to the approval of a Conditional Use Permit, in compliance with Chapter 21.46 (Conditional use permits). Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified. Land uses listed as (X) and those not otherwise listed are prohibited and shall not be allowed. The boundaries of the Winchester Boulevard and East Campbell Avenue Master Plans are shown on the City of Campbell Zoning Map, available at the Community Development Department.

Table 2-11a
Land Use Table — Master Plan Areas

LAND USES	Permissibility
Apartments	P
Arcades	C
Banks and financial services	C
Convenience markets/stores	C
Dancing and/or live entertainment establishments	C
Government offices and facilities	C
Grocery stores	C
Incompatible activities	X[1]
Late night activities	C
Liquor establishments	C[2]
Liquor stores	C[3]
Medical services, clinics	C
Nightclubs	C[2]
Offices, professional	P
Outdoor seating	P
Parking lots/structures, public	C
Personal services	P
Public assembly uses	C
Restaurants or cafes	P
Restaurants, fast food	C
Restaurants, standard	C
Retail stores, general merchandise	P
Secondhand/thrift stores	C
Spa Services/Health Spa	C
Studios, small and large	C
Temporary uses, subject to Chapter 21.45	P
Theaters, movie or performing arts, and concert halls	C
Tutoring centers (small and large)	C
Wireless Communication Facilities	May be allowed in compliance with Campbell Municipal Code Chapter 21.34 (Wireless Communications Facilities)

(1) See Table 2-11, Note #4 for the definition of "Incompatible activities," excepting "secondhand dealers" and "coin dealers" as to allow "Secondhand/thrift stores".

(2) Liquor establishments are subject to the findings provided in Section 21.36.115 (Liquor establishments).

(3) Liquor stores are subject to the provisions provided in Section 21.36.110 (Liquor stores).

C. General development standards. New land uses and structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with the requirements in Table 2-11b (General Development Standards — Central Business Mixed-Use Zoning District), in addition to the general development standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Development and Operational Standards).

Table 2-11b
General Development Standards — Central Business Mixed-Use Zoning District

Development Standard	Requirement
Maximum floor area ratio	1.25 (1) (2)
	a. The scale and intensity of the development does not create adverse traffic and parking impacts on the Downtown.
	b. The design, scale, and context of the project are consistent with the goals and objectives established in the Downtown Development Plan.
Setbacks Required	
Front	None, except as may be required by a Site and Architectural Review Permit or the California Building Code.
Side (each)	
Street side	
Rear	
Maximum Height Limit	45 ft.
Fences, Walls, Lattice and Screens	See Section 21.18.060 (Fences, Walls, Lattice and Screens)

(1) The Planning Commission or City Council may approve an F.A.R. of up to 1.5 for projects without a residential component if it makes all the following findings:

a. The scale and intensity of the development does not create adverse traffic and parking impacts on the Downtown.

b. The design, scale, and context of the project are consistent with the goals and objectives established in the Downtown Development Plan.

(2) The City Council may grant an exception to the otherwise maximum F.A.R. for a property listed on the Historic Resource Inventory by approval of a Zoning Exception, in compliance with Section 21.33.150.B.2 (Zoning Exception).

D. Standards for alcohol sales for on-site consumption in the Central Business Mixed-Use Zoning District. Beer and wine sales for on-site consumption, when clearly ancillary to a pedestrian-oriented activity, is permitted without a conditional use permit, subject to the following restrictions:

1. Permitted only for a pedestrian-oriented activity operating as a "bona fide public eating place" as defined by Section 23038 of the California Business and Professions Code (i.e., restaurant or café).

2. The business must be located on a ground floor tenant space.

3. The business shall not incorporate a separate bar area, defined as a separate area, tables, or a room intended primarily for serving alcoholic beverages.

4. The business owner shall obtain and maintain in good standing a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) licensed issued by the Department of Alcoholic Beverage Control.

E. Standards for live entertainment in the Central Business Mixed-Use zoning district. Live entertainment, when clearly ancillary to a pedestrian-oriented activity, is permitted without a conditional use permit subject to the following restrictions:

1. Permitted only for pedestrian-oriented activities that are not already subject to a conditional use permit;

2. Maximum of four performers;

3. Hours of nine a.m. to eleven p.m.;

4. Alcoholic beverage service shall be restricted to a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license issued by the Department of Alcoholic Beverage Control, and at no time shall off-site sales be allowed. Full food service shall be available during entertainment;

5. Ambient noise levels shall allow normal conversation, and may not be audible more than 50 feet from the businesses tenant space. However, in no case may noise from the live entertainment disrupt neighboring businesses;

6. No cover charge may be imposed;

7. Areas for dancing and festival seating are not allowed;

8. If the police department or community development department find that a business is in noncompliance with any of the above conditions, live entertainment shall be prohibited at the site until a live entertainment permit is issued by the City Council subject to the requirements set forth by Section 5.24.010(a) et seq. (Live entertainment) of this Zoning Code;

F. Standards and permit requirements for outdoor seating and merchandise display within the public right-of-way for a pedestrian-oriented activity. The following standards govern the provision of outdoor seating/dining areas and the outdoor display of merchandise within the public right-of-way (sidewalk) in the Central Business Mixed-Use zoning district. These standards are minimum standards and additional requirements may be added through the discretionary review process.

1. Permit required. Outdoor seating and merchandise displays may be allowed subject to approval of an outdoor seating and display permit by the community development director. Approval is subject to the standards provided below and any other conditions as may be deemed necessary by the community development director in order to protect the health, safety, and welfare of the city.

2. Application. Application for an outdoor seating and display permit shall be filed with the community development department. The application shall be accompanied by a plan set, drawn to scale, depicting sidewalk dimensions, the location of seating, tables, umbrellas, and merchandise displays together with other information and exhibits as required by the community development director.

3. General standards.

   a. A four-foot-wide pedestrian walkway shall be provided at all times along the public sidewalk. This walkway shall provide for pedestrian access to doorways, crosswalks, and along the public sidewalk. No part of the walkway shall be within two feet of the building face or within one foot of the face of curb, and the walkway shall not cross the path of outward-opening doors or windows.

   b. All tables, seats, and displays shall be placed inside at the end of each business day.

   c. Material placed on the sidewalk shall be secured so as not to be moved by the wind. However, tables, seats, or displays may not be bolted into the ground or secured to the streetlights, trees, or other street furniture.

d. The permit holder is responsible for picking up all litter associated with the outdoor seating or display and shall maintain the area in a clean condition at all times.

4. Outdoor seating.

   a. Outdoor seating shall be located directly in front of the permit holder's tenant space as set forth in the approved application and accompanying plans.

   b. Tables, seating, or displays shall not be placed within the area of any disabled ramps, driveways, or doorways.

   c. Tables or seating shall not be placed in the street, or on the sidewalk within two feet of the face of curb.

   d. The canopies of umbrellas associated with outdoor tables shall provide a minimum vertical clearance of seven feet, unless the umbrella does not extend beyond the outside edge of the table, and shall not extend past the curb.

   e. Tables, chairs, umbrellas, and other furniture associated with the outdoor seating shall be attractive, made of durable materials, and be maintained in good repair and in a manner to enhance the downtown area.

5. Outdoor Displays.

   a. Outdoor merchandise displays shall be placed against the building face abutting the permit holder's tenant space and shall be limited to fifty percent of the business frontage.

   b. Tenants on corner lots are permitted displays along one frontage only.

   c. Merchandise shall be attractively displayed on appropriate racks or other similar stands. Displays using card tables, cardboard cartons, plastic milk cases, or plywood boxes are not permitted. Merchandise too large to be placed on a display may be freestanding.

   d. Displayed merchandise shall be the same type of merchandise sold in the existing business at the site.

   e. Displays, including the merchandise placed on them, may not be more than four feet high. The community development director may approve displays greater than four feet if it can be found that the display will not block the visibility of windows of that business.

   f. One sign, not to exceed one square foot, per display is permitted for pricing.

6. Indemnification/insurance. The permit holder shall indemnity, defend and hold the city, its agents, officers, attorneys, employees, and officials harmless from any and all claims, causes of action, injuries, or damages arising out of any negligent acts on part of the permit holder, its agents, officers, employees, or anyone rendering services on their behalf. This indemnity shall include all reasonable costs and attorney's fees incurred in defending any action covered by this provision.

   a. The permit holder, during the continuance of this permit and at no cost to the city, shall maintain a comprehensive liability policy in the amount of one million dollars and if applicable a worker's compensation liability policy each with a minimum coverage of one hundred thousand dollars.

   b. The policy shall include the city as additional insured and shall apply as primary insurance and shall stipulate that no other insurance effected by the city will be called on to contribute to a loss.

   c. Before the issuance of a permit, the permit holder shall furnish to the city a certificate of insurance, duly authenticated, evidencing maintenance of the insurance required under this permit.

d. If the insurance policy is canceled, terminated, suspended, or materially changed, the outdoor seating and display permit shall be suspended until the time that compliance with the requirements of this subparagraph has been fully satisfied.

G. Development review regulations for projects in the Central Business Mixed-Use zoning district.

1. Purpose. Downtown Campbell possesses a wealth of small-scale commercial buildings that are architecturally exemplary of the variety of historic periods in which they were constructed. These design standards are intended to both promote the conservation and rehabilitation of buildings and to encourage new building and remodeling which is simultaneously in keeping with existing buildings and architecturally exemplary of contemporary design. In this way the architectural history and richness of downtown will be continued and expanded.

   Each new building and remodeling project in the downtown shall adhere both in its large- and small-scale parts to the architectural parts or style adopted for the project. Architectural design shall be of high quality, measured against contemporary standards.

2. Intent. The guidelines below govern building mass; building form and composition; storefronts; materials, colors and finishes; and other elements. They are intended to encourage the relation of specific project aspects to the designated architectural parts or style.

3. Site and Architectural Review required. Non-residential buildings and structures in the Central Business Mixed-Use zoning district shall conform to the design standards in paragraphs 4—8 below and are subject to approval in compliance with the provisions of Chapter 21.42 (Site and Architectural Review):

4. Building mass.

   a. Large building facades shall be divided into smaller elements to complement the intimate scale created by the existing small property divisions.

   b. Second floor decks or terraces at the rear of buildings for use by adjacent offices or restaurants should be incorporated whenever practical to add a sense of vitality to the rear building facades.

   c. Roof design shall be consistent with the building's architectural style. Mansard, shed, or residential type roofs are prohibited unless it is demonstrated that such a roof style is structurally or architecturally suitable for the particular project or location.

   d. The existing residential building types of historical significance should retain their character, including features such as landscaped setbacks.

5. Building form and composition.

   a. Unique and historic building elements such as parapet details and belt courses shall be retained and restored.

   b. Traditional commercial building forms should be incorporated whenever practical.

   c. Open air dining areas facing Campbell Avenue should be employed to the greatest extent practical. The buildings should not be set back from the street, but should contain the dining areas within their architectural framework.

   d. Upper stories in multistory buildings are required to have solid surfaces with vertical rectangular windows, augmented with frames. Glass curtain walls should not be approved unless it is demonstrated that such walls are the only structurally or architecturally suitable form of wall for the particular project or location.

   e. Architecturally exemplary design of high quality shall be employed. Buildings should not be made to look "old time" unless such design would be clearly more appropriate and harmonious with the purpose of this chapter.

f. Buildings shall incorporate base, cornice, and other elements appropriate to their architectural style.

6. Storefronts.

   a. First floor frontages shall have an integrated design including display windows, an entry, and signing.

   b. The design of the building storefront shall be consistent with the building's architectural style.

   c. Walls facing pedestrian ways should have elements of visual interest, such as fenestration, displays, signing, or landscaping, unless the effect of such elements would be clearly contrary to the purposes of this chapter. Large areas of blank walls should not be permitted unless it is demonstrated that such blank areas are clearly more appropriate and harmonious than would be the case if elements of visual interest were incorporated.

   d. Buildings facing Campbell Avenue shall have their primary entries along that street.

   e. Entries should be recessed, as they add depth to storefront, and act as transition areas between the street and shop interiors, unless the effects of such entries would be clearly contrary to the purposes of this paragraph.

   f. Doors and windows shall be of clear glass. Unglazed wood doors, screen doors and doors or windows of heavily tinted or reflective glass should not be approved unless it is demonstrated that such doors and windows are the only structurally or architecturally suitable form for the particular project or location.

   g. Storefront windows shall reflect the building's character. For instance, on 1940's and 50's "showcase" buildings, exposed aluminum frame windows are appropriate.

   h. Ground floor offices facing Campbell Avenue are required to maintain the same storefront character as retail spaces.

   i. Awnings on building facades should be employed when appropriate, as they add color, weather protection, and opportunities for signing. As in other architectural elements, the awnings should be designed to reflect the building's geometry.

7. Materials, colors, and finishes.

   a. Primary facade materials shall be limited to those that are characteristic of the building's architectural style.

   b. Exterior wall finishes shall be smooth and of finished quality, not deliberately rough in an attempt to look antiqued or used.

   c. Primary building colors shall be characteristic of the building's architectural style. Overly bright, garish, or otherwise offensive colors or color combinations are prohibited.

   d. Accent materials such as tile bases shall be carefully chosen to complement the building style and coordinate with adjacent buildings. The use of shingles, lava rock, sheet metal siding, or any other residential or industrial materials should not be approved unless it is demonstrated that such material would be the only structurally or architecturally suitable materials for the project or location.

   e. Painted trim shall coordinate with primary facade colors to add more depth and interest to the buildings.

   f. A coordinated color scheme that responds to the style of the structure shall be developed for each building. The colors of signing, awnings, planters, accent materials, and primary facade colors should all be considered. The number of colors should be limited.

8. Other elements.

   a. Trash collection and storage areas shall be carefully screened.

   b. Mechanical equipment shall be screened from view. Exhaust louvers shall not be located in the storefront areas.

   c. Colorfully landscaped planters are allowed. These are especially appropriate below second floor windows.

   d. All building maintenance shall be done conscientiously.

H. Sign regulations for Central Business Mixed-Use zoning district. The following provisions shall apply to the Central Business Mixed-Use zoning district only and shall supersede those listed by Section 21.30.080 (Permanent signs):

1. Intent. The intent of these regulations is to stimulate creative, good quality signing which will complement the intimate scale and architectural character of the area, and which will complement the architectural style of the building to which the signing is fixed.

2. Allowable signs. Each business shall be allowed one square foot of sign area for each one linear foot of business frontage. A minimum of twenty square feet is allowed and a maximum of forty square feet is allowed for each business.

3. Sign materials. Appropriate sign materials include enameled metal, painted wood, cast metal, painted fabric, and similar materials. Plastic signs shall not be approved.

4. Wall signs. Each business may have one wall sign, except corner businesses, which may have two. This sign shall be located below the top of parapet on single story buildings and below the second floor sill on multistoried buildings. It may be painted directly on a wall, a sign panel attached to a parapet wall, or of individually formed letters attached to a wall.

5. Awnings. Awnings may be used in lieu of wall signs. An insignia or name may be painted, silk screened or appliquéd onto the awning. Awnings may project five feet into the public right-of-way on Campbell Avenue and shall maintain a minimum clearance of eight feet from the ground. All other streets shall be limited to a two-foot projection and have a minimum clearance of eight feet. Awnings shall be securely attached to buildings and well maintained. No supports or poles may be located in the public right-of-way. Awning forms shall be carefully chosen to complement the architectural style of the building to which they are fixed.

Figure 2-1
Awning

6. Projecting signs.

a. In addition to a wall sign or awning sign, a business is allowed one, non-illuminated, double-sided projecting sign. The projecting sign may be a maximum of six square feet and may serve to identify more than one tenant in the building.

b. Signs may project a maximum of four feet over the public right-of-way with a minimum eight-foot clearance from the ground. Signs shall not project above any roofline or facade of the building.

c. Projecting signs shaped as symbols depicting the goods or services being sold by the business are encouraged.

d. Wood signs, that are carved, painted, stained, or feature raised letters and symbols are specifically encouraged.

e. Sign colors should relate to material or paint scheme of the building. Fluorescent colors are not allowed.

f. Internally or externally illuminated signs are not allowed, nor are can signs, metal signs, neon signs, or flashing signs.

g. Projecting signs shall be mounted perpendicular to the street and may be hung from coverings over sidewalks or affixed to the building wall.

(1) Signs shall be structurally attached to the building with wood, metal brackets, chain, or other similar materials in a manner compatible with the architectural style of the building.

(2) Fabric signs shall be anchored to the building from both the top and bottom of the sign.

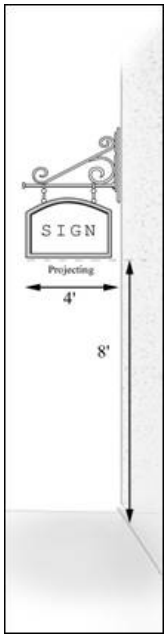


Figure 2-2
Projecting Sign

7. Lighting. Only external illumination of signs is allowed except for backlit individual letter signs.

I. Nonconforming uses and structures in the Central Business Mixed-Use zoning district. Nonconforming uses and structures shall be governed by the standards set forth in Chapter 21.58 (Nonconforming Uses and Structures), except that whenever a nonconforming use has been abandoned or discontinued for a continuous period of six months, the nonconforming use shall not be reestablished; and the use of the

structure and the site shall comply with the regulations for the Central Business Mixed-Use zoning district. Notwithstanding the foregoing provision, an existing use with a conditional use permit that was issued before September 1, 2020, shall be considered a conforming use for purposes of this section.

Chapter 21.12 SPECIAL PURPOSE DISTRICTS

21.12.010 Purpose of chapter—Applicability.

This chapter provides regulations applicable to development and new land uses in the special purpose zoning districts established by Section 21.04.020 (Zoning Districts Established). The purposes of the individual special purpose zoning districts and the manner in which they are applied are identified below.

(Ord. 2043 § 1(part), 2004).

21.12.020 Special purpose zoning districts.

The purpose and zoning district map symbols of individual special purpose zoning districts are as follows:

A. Condominium Planned Development Zoning District.

1. Purpose: The Condominium Planned Development zoning district is established to provide for the construction of new residential, commercial, and industrial condominiums. This zoning district also provides for the conversion of existing multiple-family rental housing units into condominiums, community apartments, stock cooperatives, and any other subdivision that is a conversion of existing rental housing. This district also provides for the conversion of existing commercial and industrial structures to commercial and industrial condominiums.

2. Zoning District Map Symbol: C-PD

B. Planned Development Zoning District.

1. Purpose: The purpose of the Planned Development zoning district is as follows:

    1. To provide a means for the planned coordination of development and land uses with a degree of flexibility that is not available in other zoning districts to allow developments which are more innovative, affordable, and/or responsive to site characteristics.

    2. To incentivize increases in the quantity, quality, and functionality of open space, and the incorporation of community serving amenities and design features.

2. Zoning District Map Symbol: P-D

C. Public Facilities Zoning District.

1. Purpose: The Public Facilities zoning district is intended for the construction, use, and occupancy of educational, governmental, and public utility structures and facilities, and other uses compatible with the semipublic character of the zoning district.

2. Zoning District Map Symbol: PF

D. Open Space Zoning District.

1. Purpose: The purpose of the Open Space zoning district is to protect the public health, safety, and welfare; to protect and preserve open space land as a limited and valuable resource; to permit a reasonable use of open space land while at the same time preserving and protecting its inherent open space characteristics to assure its continued availability as agricultural land, scenic land, recreation land, conservation, or natural resource land.

2. Zoning District Map Symbol: OS

21.12.030 Special purpose district land uses.

The permissibility of land uses in special purpose districts shall be as specified by Table 2-12 (Land Use Table – Special Purpose Districts) subject to the operational and locational standards contained in Article 3, except for the Planned Development and Condominium Planned Development zoning districts which permissibility of land uses shall be the same as the zoning district that directly corresponds to the general plan land use designation of the property as outlined in Table 2-1 (Zoning Districts and General Plan Designations). Land uses that are listed as (P) are permitted and approved by issuance of a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances). Land uses listed as (C) are conditional and may be allowed subject to approval of a conditional use permit in compliance with Chapter 21.46. Land uses listed as (N/A) shall not be: (1) permitted; (2) allowed subject to approval of an Administrative Conditional Use Permit or Conditional Use Permit; or (3) prohibited unless otherwise specified. The list of land uses is organized by headers which themselves do not convey an intended land use.

Table 2-12

Land Use Table —Special Purpose Districts

		Zoning District Map Symbol	
#	**Land Use**	**PF**	**OS**
	Recreation, Education, Public Assembly		
1	Conservation or use of natural resources	X	P
2	Enjoyment of scenic beauty	X	P
3	Protection of man and his artifacts (property, structures, etc.)	X	P
4	Public assembly uses	C	X
5	Public recreation	X	P
6	Schools other than public	C	X
	Medical Services		
7	Hospital, rest home, or convalescent hospital	C	X
	Manufacturing, Processing, and Storage		
8	Production of food or fiber	X	P
	Other Uses		
9	Caretaker or employee housing	C	X
10	Electric distribution substation	C	X
11	Ground water recharge facilities	X	P
12	Public service structures and accessory uses	C	X
13	Public utility structures and service facilities	C	X
14	Structures and facilities owned, leased, or operated (whether in a governmental or proprietary capacity) by the city, the county, the state, the federal government, any public school district, or any other public district within the city	P	X
15	Temporary uses, subject to Chapter 21.45	P	X
	Prohibited Uses		
16	Any use inconsistent with state or federal law	X	X
17	Payday lender	X	X
18	Storage of commercial or industrial vehicles, except for the purpose of loading or unloading	X	N/A
19	Storage of equipment, materials, or supplies for commercial or industrial purposes	X	N/A

21.10.040 Special purpose district subdivision standards.

In addition to the permitting procedures and requirements contained in Title 20 (Subdivision and Land Development), the minimum area, width, and frontage of parcels proposed in new subdivisions in special purpose districts shall be as specified by Table 2-12a (Minimum Parcel Sizes for Newly Created Parcels — Special Purpose Districts) except for the Planned Development and Condominium Planned Development zoning districts which subdivision standards shall be the same as the zoning district that directly corresponds to the general plan land use designation of the property as outlined in Table 2-1 (Zoning Districts and General Plan Designations) except for properties with a low-density residential land use designation which shall not be subdivided smaller than the largest minimum lot size in which the lot would be conforming. Areas of special limitations may also be identified on the zoning map as a number with the number indicating the minimum parcel area for subdivision in thousands of square feet (i.e., 80 = 80,000 sq. ft. minimum).

Table 2-12a
Minimum Parcel Sizes for Newly Created Parcels — Special Purpose Districts

Zoning Map Symbol	Minimum Parcel Area: Square Feet/Net Acre	Minimum Lot Width: Feet	Minimum Public Frontage: Feet
PF	6,000 sq. ft.	0	0
OS	6,000 sq. ft (1)		

(1) All divisions of land into four or more parcels shall be designed on the cluster principle and shall be designed to minimize roads; to minimize cut, fill, and grading operations; to locate development in less rather than more conspicuous areas; and to achieve the purpose of the Open Space zoning district.

21.12.050 Special purpose district development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table 2-12a (Minimum Parcel Sizes for Newly Created Parcels — Special Purpose Districts) and in Table 2-12b (General Development Standards – Special Purpose Districts), in addition to the development standards contained in Article 3 (e.g., landscaping, fences, parking and loading, signs) and Article 4 (e.g., accessory structures), except for the Planned Development and Condominium Planned Development zoning districts which general development standards shall be the same as the zoning district that directly corresponds to the general plan land use designation of the property as outlined in Table 2-1 (Zoning Districts and General Plan Designations).

Table 2-12b
General Development Standards — Special Purpose Districts

	Zoning District Map Symbol	
Development Standard	PF	OS
Maximum floor area ratio	0.40 (1)	0.40 (1)
Setbacks required		
Front	The minimum front yard, side yards, and rear yard required in this zoning district shall be equal to those required in the most restrictive abutting zoning district. (2)	The minimum front yard, side yards, and rear yard required in this zoning district shall be equal to those required in the most restrictive abutting zoning district. (2)
Side (each)		
Street side		
Rear		

	Zoning District Map Symbol	
Development Standard	PF	OS
Maximum height limit	The maximum height of a building shall be equal to that required in the most restrictive abutting zoning district. (3)	The maximum height of a building shall be equal to that required in the most restrictive abutting zoning district. (3)

(1) The Planning Commission shall have the authority to increase the F.A.R. for a specific use at a specific location when it determines that circumstances warrant an adjustment.
(2) The Planning Commission may modify such setbacks when it is found to be necessary to maintain the purpose of the zoning district.
(3) The Planning Commission may allow higher structures provided that one-half foot shall be added to each yard for each foot that the structure exceeds the maximum height.

(Ord. 2109 § 1(part), 2008; Ord. 2108 § 1(part), 2008; Ord. 2093 § 1(part), 2007: Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

Chapter 21.14 OVERLAY/COMBINING DISTRICTS

21.14.010 Purpose of chapter—Applicability.

A. Purpose. This chapter provides guidance for development and new land uses in addition to the standards and regulations of the primary zoning district, where important area, neighborhood, or site characteristics require particular attention in project planning.

B. Applicability. The applicability of any overlay/combining zoning district to specific sites is illustrated by the overlay zoning map symbol established by Section 21.04.020 (Zoning Districts Established) and shall be indicated by a suffix appended to the symbol of the primary zoning district (e.g., R-1-6-H, GC-O, TO-MU-CB). The provisions of this chapter apply to development and new uses in addition to all other applicable requirements of this Zoning Code. In the event of any conflict between the provisions of this chapter and any other provision of this Zoning Code, this chapter shall control.

(Ord. 2043 § 1(part), 2004).

21.14.020 H (Historic Preservation) overlay/combining zoning district.

A. Creation. There is created an "H" overlay/combining zoning district for the purpose and intent of identifying, protecting, and preserving the historic and/or cultural resources of the city.

B. Purpose. The purpose and intent of the "H" overlay/combining zoning district is to provide a means to preserve and enhance structures, properties, or areas of architectural, engineering, and historic significance located within the city, identified as landmarks or historic districts. The "H" overlay/combining zoning district shall be used in general accord with the policies and principles of the General Plan, and is consistent with the purpose and criteria of the historic preservation policy of the city of Campbell, as specified in Chapter 21.33 (Historic Preservation).

C. Designation. All development within the "H" overlay/combining zoning district shall be subject to the provisions of Chapter 21.33 (Historic Preservation).D. Allowed uses. The principal, accessory, and conditional uses in the "H" overlay/combining zoning district shall be the same as those of the base zoning district with which it is combined.

E. General provisions. When the "H" overlay/combining zoning district is applied, the general provisions of this section as well as those of the base zoning district with which the "H" district is combined, shall apply. Where a conflict occurs, the provisions identified in this section shall apply.

(Ord. 2113 § 1(A), 2008: Ord. 2043 § 1(part), 2004).

21.14.030 O (Overlay) overlay/combining zoning district.

A. Purpose. The purpose of the overlay district is to provide modifications, additions and limitations to zoning districts to meet special conditions and situations concerning properties within such zoning districts that cannot otherwise be treated satisfactorily. The "O" overlay district may only be combined with the commercial or industrial zoning districts identified by Chapter 21.10 (Commercial and industrial districts) , which are referred to by this section as the "base zoning district".

The addition of an overlay district designated with any zoning district shall not operate to reduce or eliminate any requirements established by the basic district regulations, regulations applicable to all districts, or other requirements contained in this chapter applicable to any district with which the overlay district is added except variations to lot area, lot width, open space in yard, setbacks, height and parking space requirements, and as otherwise specified by the zoning code.

B. Conditional use permit required. No building, structure or use shall be created, established, erected, constructed, enlarged, placed or installed in any zoning district with which the overlay district is combined until a conditional use permit is issued by the City Council, upon recommendation of the Planning Commission, in conformance with the provisions of Chapter 21.46 (Conditional Use Permits). A conditional use permit may also restrict the allowable uses that may be allowed in the combined zoning district so long as such uses are not prohibited by the base zoning district.

C. Master Use Permit. A conditional use permit for regional commercial center shall be referenced as a master use permit.

1. Adoption. A master use permit shall be adopted by resolution of the City Council, and shall become effective upon project establishment in compliance with Section 21.56.030.B.1 (Issuance of Building Permit).

2. Boundaries. A master use permit shall be operative over the area for which a Zoning Map Amendment has combined the "O" overlay district with a base zoning district in compliance with Chapter 21.60 (Amendments (General Plan, Zoning Code, and Zoning Map Amendments)).

3. Amendments. Any action requiring an amendment to a master use permit shall be processed as follows:

   a. Eligibility. An Amendment may be initiated by written request of an owner's association, or by an owner or business operator with the written consent of the owner's association, if any.

   b. Content of Request and Filing fees. A written request for an amendment shall state the specific change(s) requested and the purpose for the request. The filing fee for an amendment shall be the same as that for a General Plan Amendment, as specified in the Schedule of Fees and Charges.

   c. Consideration Procedure. The City Council, upon recommendation of the Planning Commission, shall approve, conditionally approve, or deny a request for an amendment by resolution with respect to the considerations provided in subsection D (Consideration in review of applications) and the findings for a conditional use permit provided in Section 21.46.040 (Findings and decision) in compliance with procedures prescribed by Campbell Municipal Code Chapter 21.64 (Public Hearings):

4. Administrative authority. Notwithstanding anything in Chapter 21.42 (Site and architectural review) or 21.46 (Conditional use permits), the Community Development Director shall be the decision-making authority for determination of a conditional use approval (termed "conditional use authorization") or site and architectural review approval (termed "architectural modification") as specified by a master use permit. The administrative procedures provided in Chapter 21.71 (Administrative decision process) shall be followed for all such requests.

5. Allowable land uses. Conditional and permitted land uses shall be as specified by a master use permit.

6. Living document. A master use permit may be administratively modified by the community development director as specified by procedures contained in the master use permit.

7. Interpretation. The procedures for an Interpretation provided in Campbell Municipal Code Section 21.020.030 (Procedures for Interpretations) shall be followed, including the provisions for an appeal, for any disagreement as to the meaning of any provision contained in a master use permit.

8. Conflicts. Where a conflict may exist between the Zoning Code and a master use permit, the provisions of the Zoning Code shall prevail; provided, however, that any deviations from the requirements of the base zoning district that are enacted under the authority of subsection A of this section shall prevail over any conflicting requirements of the base zoning district.

9. Master sign plan. A master sign plan may be considered as a component of a master use permit.

10. Extensions. Request for extensions of time shall be processed as an Amendment pursuant to subsection 3 (Amendments).

D. Consideration in review of applications. The community development director, site and architectural review committee, planning commission, and City Council shall consider the following matters and others when applicable to their review of development applications:

1. Considerations relating to traffic safety, traffic congestion, and site circulation:

a. The effect of the site development plan on traffic conditions on abutting streets;

b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exit driveways and walkways;

c. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion;

d. The location, arrangement and dimensions of truck loading and unloading facilities;

e. The circulation patterns within the boundaries of the development; and

f. The surfacing and lighting of off-street parking facilities.

2. Considerations relating to landscaping:

a. The location, height and material of walls, fences, hedges, and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development;

b. The planting of ground cover or other surfacing to prevent dust and erosion; and

c. The unnecessary destruction of existing healthy trees.

3. Considerations relating to buildings and site lay-out:

a. Consideration of the general silhouette and mass, including location on the site, elevations and relation to natural plant coverage, all in relationship to the neighborhood;

b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in the facade facing on the street, line and pitch of roof, and arrangement of structures on the parcel; and

c. Consideration of special conditions and situations concerning the property and the adjoining properties.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2213, § 9, 11-1-2016)

21.14.040 CB (Community Benefit) overlay/combining zoning district.

A. Purpose. The purpose of the community benefit (“CB”) overlay/combining district is to provide an alternative means of compliance for larger housing projects which choose to forgo one or more of the

objective standards established by Chapter 21.07 (Housing Development Regulations). As housing development projects are required to comply with all objective standards to take advantage of the streamlined review process pursuant to Chapter 21.07 (Housing Development Regulations) or Chapter 21.39 (Ministerial Approvals), projects which pursue a community benefit overlay designation shall instead be subject to a discretionary review process as follows:

B. Pre-application required. Prior to application for a community benefit overlay designation, a pre-application shall be required pursuant to Chapter 21.41 (Pre-Applications).

C. Eligibility. Projects meeting all the following requirements shall be eligible for a community benefit overlay district designation:

1. The project will result in the development of 25 or more additional residential units;

2. The project will result in a clear community benefit (e.g., greater affordability, transportation network improvement, housing serving a special needs group identified in the Housing Element) and/or result in superior design outcomes than what is otherwise possible for a project meeting all objective standards established by Chapter 21.07 (Housing Development Regulations); and

3. The property owners shall waive all rights under the Housing Accountability Act (HAA) or similar law intended to limit the discretionary review authority of the City of Campbell.

D. Establishment of district. The CB overlay/combining district shall be established by ordinance. In addition to the procedures and findings set forth in Chapter 21.60 (Amendments – General Plan, Zoning Code, and Zoning Map Amendments) the decision-making body must also find that the project meets the eligibility requirements set forth in Section 21.14.040.C. (Eligibility) and specify the characteristics of the project that were used to make such determination.

E. Development criteria, permit processes, and uses. In lieu of, or in addition to, the development standards, permit processes, and uses otherwise applicable (e.g., zoning standards, area plan, neighborhood plan requirements), specific development criteria, permit processes, and/or uses may be established and applied to lots or areas upon which the community benefit overlay/combining district is imposed. Any specific development criteria, permit processes, and/or uses applicable to the community benefit overlay/combining district area shall adopted as part of the ordinance that establishes the overlay/combining district. All specific development criteria and permit processes established for creation of new housing development project units shall be objective. In the event no unique development standards, permit processes, and/or uses are established by the community benefit overlay/combining district, the development standards, permit processes, and uses shall be the same as the base zoning district with which it is combined.

Chapter 21.16 GENERAL PERFORMANCE STANDARDS

21.16.010 Purpose of chapter.

The purpose of this chapter is to provide a context for uniform performance standards for development within the city that promotes compatibility with surrounding land uses.

(Ord. 2043 § 1 (part), 2004).

21.16.020 Applicability.

The provisions of this chapter apply to all new and existing uses in all zoning districts. Existing uses on the effective date of this chapter shall not be altered or modified so as to conflict with, or further conflict with, these standards.

If requested by the community development director, applicants shall provide evidence to the community development director that the proposed development is in compliance with the standards in this chapter and other applicable standards in this Zoning Code before the issuance of a building permit or business license.

(Ord. 2043 § 1 (part), 2004).

21.16.030 Evaluation of proposed projects.

Applicants for nonresidential projects requiring discretionary approval may be required to submit evidence to help determine whether the project complies or would comply with the provisions of this chapter. Required information may include the following:

A. Construction plans. Plans of construction and development;

B. Production plans. A description of the machinery, processes, or products to be used or produced on the premises;

C. Emission levels. Measurement of the expected amount or rate of emission of any dangerous or objectionable elements from the premises; and

D. Emission mitigation. Specifications for the mechanisms and techniques used or proposed to be used in restricting the emission of any dangerous or objectionable elements from the premises.

(Ord. 2043 § 1 (part), 2004).

21.16.040 Air quality.

Sources of air pollution shall comply with rules identified by the Environmental Protection Agency, the California Air Resources Board, and the Bay Area Air Quality Management District (BAAQMD). If requested by the community development director, uses, activities, or processes that require air pollution control district approval to operate shall file a copy of the permit with the community development department within thirty days of its approval.

(Ord. 2043 § 1 (part), 2004).

21.16.050 Electrical interference.

Uses, activities, and processes shall be conducted so as not to produce electric and/or magnetic fields that adversely affect public health, safety, and welfare including interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

(Ord. 2043 § 1 (part), 2004).

21.16.060 Outdoor light and glare.

Light or glare from mechanical or chemical processes, or from reflective materials used or stored on a site, shall be shielded or modified to prevent emission of light or glare beyond the property line. The placement of outdoor lights shall eliminate spillover illumination or glare onto adjoining properties and shall not interfere with the normal operation or enjoyment of adjoining properties.

(Ord. 2043 § 1 (part), 2004).

21.16.070 Noise.

A. Purpose. It is declared to be the policy of the city to prohibit unnecessary, excessive, and annoying sound levels from all sources. In compliance with this policy, Campbell is designated a quiet city. At certain levels, sounds are detrimental to the health and welfare of the citizenry and, in the public interest, shall be systematically proscribed. It is the purpose of this chapter to prescribe standards for and to provide an effective and readily available remedy for violations of this chapter.

B. Definitions. As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"A-weighting" means a filter network designed to transform a frequency spectrum to that which is heard by the human ear.

"Decibel (dB)" means a unit for measuring the amplitude of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure of zero decibels, which is twenty micropascals.

"Impulsive sound" means a sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of impulsive sounds include explosions, drop impacts, and firearm discharge.

"Noise" means any loud discordant or disagreeable sound or sounds.

"Noise level" expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, Acoustic Terminology, Paragraph 2.9, or successor references.

"Noise level measurement" means the procedure of measuring sound consisting of the usage of a precision sound level meter (SLM), as defined in this section, set to "fast" response. If the sound level meter is analog with a VU meter, then the response shall be "slow" unless the noise issue is impulsive. The meter shall be calibrated before any measurements and the microphone shall be a minimum of three and one-half feet from any wall, floor, or other large sound-reflecting surface. The meter shall be protected from wind or other extraneous noise by the use of screens, shields, or other appropriate devices.

"Powered equipment" means a motorized device powered by electricity or fuel used for property maintenance and/or landscape maintenance. Powered equipment includes: lawn mowers, edgers, parking lot sweepers, blowers, wood chippers, vacuums, and similar devices.

"Precision sound level meter" means a sound pressure level measuring instrument that conforms to the American National Standards Institute (ANSI) specification S1.4 for Type 1 or Type 2 measuring instruments.

"Sensitive receptor" means a land use in which there is a reasonable degree of sensitivity to noise. Such uses include single-family and multi-family residential uses, schools, hospitals, churches, rest homes, cemeteries, public libraries, and other sensitive uses as determined by the enforcement officer.

C. Applicability. It is unlawful for any person, at any location within the city, to create any noise or to allow the creation of any noise on property leased, occupied, owned, or otherwise controlled by the person which does not comply with the provisions of this chapter, unless the provisions of either subsection E or subsection G of this section, have been met.

D. Noise measurement.

1. Noise measurement equipment. Any noise measurement made in compliance with this chapter shall be made with a sound level meter using the A-weighting network at slow meter response. Fast meter response shall be used for impulsive type noise. Calibration of the measurement equipment utilizing an acoustical calibrator meeting American National Standards Institute (ANSI) standards shall be performed immediately prior to recording any sound data.

2. Location of noise measurement. Exterior sound levels shall be measured at the property line or at any location within the property of the affected sensitive receptor. Sound measurements shall be taken in a manner and location so that it can be determined whether sound level standards are exceeded at the property line. Where practical, the microphone of the sound level meter shall be positioned three to five feet above the ground and away from reflective surfaces. The actual location of the sound measurements shall be at the discretion of the enforcement officer.

E. Residential noise standards.

1. Noise from stationary sources. New residential development shall conform to a stationary source noise exposure standard of sixty-five dBA for exterior noise levels and forty-five dBA for interior noise levels.

2. Traffic-related noise. New residential development shall conform to a traffic-related noise exposure standard of sixty dBA CNEL for outdoor noise in noise-sensitive outdoor activity areas and forty-five dBA CNEL for indoor noise. New development that does not and cannot be made to conform to this standard shall not be allowed.

F. Acoustical studies required.

1. Acoustical studies. Acoustical studies are required for all new noise-sensitive projects that may be affected by existing noise from stationary sources, including all new residential developments with a noise exposure greater than 60 dBA CNEL. The studies shall also satisfy the requirements set forth in Title 24, Part 2, of the California Administrative Code, Noise Insulation Standards, for multiple-family attached residential projects, hotels, motels, etc., regulated by Title 24.

2. Mitigation measures. Where acoustical studies show that existing stationary noise sources exceed, or will exceed maximum allowable noise levels, mitigation shall be identified to reduce noise exposure to or below the allowable levels of this chapter. Mitigation measures may include increased setbacks between uses, earth berms, sound walls, landscaping, and site design that shields noise-sensitive uses with nonsensitive structures, (e.g., parking lots, utility areas and garages), or orientation of buildings to shield outdoor spaces from noise sources. In cases where sound walls are used as mitigation, they

should be encouraged to help create an attractive setting with features such as setbacks, changes in alignment, detail and texture, pedestrian access (if appropriate) and landscaping.

G. Exemptions. Sound or noise emanating from the following sources and activities are exempt from the provisions of this chapter:

1. Municipal Code provisions. The provisions of this chapter shall not apply where noise standards are specified elsewhere in the Municipal Code.

2. City parks. The provisions of this chapter shall not apply to city-sanctioned recreational activities/programs conducted in public parks.

3. Safety, warning, and alarm devices. Safety, warning, and alarm devices, including house and car alarms, and other warning devices that are designed to protect the health, safety, and welfare, provided the devices are not negligently maintained or operated.

4. Schools. The normal operation of public and private schools typically consisting of classes, daytime recreation, and other school-sponsored activities.

5. Emergencies. Emergencies involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment. Also included is work by private or public utilities when restoring utility services.

6. Private construction. Private construction (e.g., construction, alteration or repair activities) between the hours of eight a.m. and five p.m. Monday through Friday, and between the hours of nine a.m. and four p.m. Saturday, in compliance with Section 18.04.052 of the Municipal Code. The community development director may impose further limitations on the hours and day of construction or other measures to mitigate significant noise impacts on sensitive uses.

7. Powered equipment. Powered equipment shall be limited to the hours of eight a.m. and seven p.m. Monday through Friday, and between the hours of nine a.m. and six p.m. Saturday, Sunday and nationally recognized holidays.

8. City projects and activities. Noise from construction of public works projects and maintenance activities, or city-sponsored events, may be exempted from the provisions of the noise ordinance by the city manager or his designee should the public benefit of alternative work hours and or noise levels require such modification.

H. Violations/penalties. The violation of any provision contained in this chapter is declared to be a misdemeanor and shall be punishable as prescribed in Chapter 21.70, (Enforcement).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.16.080 Odor.

Sources of odorous emissions shall comply with the rules and regulations of the Bay Area Air Quality Management District and the State Health and Safety Code. Noxious odorous emissions in a matter or quantity that is detrimental to or endangers the public health, safety, comfort, or welfare is declared to be public nuisance and unlawful, and shall be modified to prevent further emissions release.

(Ord. 2043 § 1 (part), 2004).

21.16.090 Vibration.

Uses, activities, and processes shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) shall be exempt.

(Ord. 2043 § 1 (part), 2004).

21.16.100 Water pollution.

No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.

(Ord. 2043 § 1 (part), 2004).

21.16.105 Water resource protection.

In accordance with City Council Resolution 10952, the Valley Water Guidelines and Standards for Land Use Near Streams shall be applied to all areas of a property within a stream up to the top of bank, except for single family homes in residential zones that do not require discretionary approval, accessory structures 120 square feet or less in size, fences, and interior or exterior additions to structures within the existing building footprint. In the event of a conflict between the Guidelines and Standards for Land Uses Near Streams and the adopted General Plan, Area Plans, and/or other provisions of the Campbell Municipal Code, the General Plan, Area Plans, and/or other provisions of the Campbell Municipal Code shall prevail. The application of the Valley Water Guidelines and Standards for Land Use Near Streams shall be administered by the Director of Public Works or designee.

21.16.110 Site maintenance.

A. Purpose. This section provides for the abatement of conditions that are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property, potentially hazardous or injurious to the health, safety, or welfare of the general public in a manner that constitutes a nuisance.

B. Applicability. The standards for property maintenance provided in this chapter apply to all nonresidential properties within the city, except where otherwise provided in this chapter.

C. Maintenance standards.

1. Building maintenance. All buildings, structures and paved areas shall be maintained in a manner so as not to detract from adjacent properties and to protect the health, safety and welfare of the user, occupant and general public. Buildings, structures and paved areas shall be deemed substandard and in violation of this chapter when they display evidence of exterior dilapidated conditions.

2. Landscape maintenance. Landscaped areas shall be kept in a neat and clean condition, substantially free of debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area. Foliage in landscaped areas shall be mowed, groomed, trimmed, pruned and adequately watered so as to maintain a healthy growing condition. Irrigation systems shall be maintained to prevent public health or safety hazards.

3. Fence and wall maintenance. Fences and walls shall be kept and maintained in good repair, free of graffiti and in a manner so as not to constitute a public nuisance and to protect the health, safety, and welfare of the user, occupant, and the general public.

4. Maintenance of parking and similar areas. Parking, loading, storage, driveway and vehicle maneuvering areas shall be kept in a neat and clean condition, free of trash, debris or rubbish, and free of potholes, sinkholes, standing water, cracks, and/or broken areas. Parking space and pavement striping and signs shall be repainted, refurbished and/or replaced when they become faded, damaged, or destroyed to an extent that they are no longer effective. Parking areas shall be periodically resurfaced.

D. Enforcement of provisions. The provisions of this section shall be enforced in compliance with the provisions of Chapter 21.70 (Enforcement).

(Ord. 2043 § 1(part), 2004).

21.16.120 Transportation demand management.

New businesses with fifty (50) or more full-time employees during the hours of six a.m. to nine a.m. shall be required to provide Transportation Demand Management (TDM) program related site design measures such as showers and changing facilities, designated carpool and van pool parking, and on-site amenities (e.g., food service, fitness center, ATM). When required, Transportation Demand Management (TDM) reports shall be provided per Chapter 10.42 (Transportation Demand Management) of the Campbell Municipal Code.

21.16.130 Transportation analysis and improvements.

As part of the development review process, the Community Development Department and Public Works Department shall require developers to complete and fund the following:

A. Local Transportation Analysis (LTA). A Local Transportation Analysis, which ensures that the project incorporates City transportation goals, policies and standards and identifies the effects of the project on the local transportation system and improvements to maintain LOS D operations at signalized City-controlled intersections and adopted LOS standards on Congestion Management Plan (CMP) intersections, shall be prepared whenever a project:

1. Generates one hundred (100) or more net peak hour trips; and/or

2. Generates fifty (50) to ninety-nine (99) net peak hour trips where the affected intersection is experiencing LOS D or worse.

B. Proportional Share of Effects. Projects shall pay for the proportional share of the effects on the City's circulation network through payment of fees identified by a nexus study.

C. Project Related Effects. For local project-related transportation network deficiencies requiring improvements that are not included in an adopted fee program, either complete the necessary improvements or pay a proportional-share of the construction and project costs as estimated by the city engineer.

Chapter 21.18 SITE DEVELOPMENT STANDARDS

21.18.010 Purpose of chapter.

This chapter provides standards for site planning and the provision of specific components of development that are intended to minimize the adverse effects and operational characteristics of land uses.

(Ord. 2043 § 1(part), 2004).

21.18.020 Air conditioning units.

The standards contained in this section are designed to minimize the adverse visual impacts and operational effects of air conditioning units (including similar equipment such as generators, heating, and ventilation equipment) using appropriate design, siting, and screening techniques while providing for the personal needs of residents and local businesses.

A. Disturbance prohibited. Air conditioners and similar equipment shall not be located and operated in a manner that would negatively impact surrounding activities or uses.

B. Screened from public view. Roof- or ground-mounted air conditioning units and similar equipment shall be screened from public view. Acceptable screening methods include, but are not limited to, architectural elements, fences, and landscaping. Replacement of existing equipment shall trigger this requirement.

C. Setbacks. Air conditioning units and similar equipment shall be setback a minimum of three feet from any property line.

(Ord. 2043 § 1(part), 2004).

21.18.030 Bicycle and pedestrian access standards.

A. Connections in development.

1. New and redevelopment projects shall provide safe and efficient bicycle and pedestrian connections on-site, between parking areas, buildings, street sidewalks, and to existing or planned public right-of-way facilities.

2. New and redevelopment projects shall provide pedestrian passages between street-front sidewalks and rear-lot parking areas where applicable.

3. Bicycle and pedestrian connections shall be designed to interface with vehicular circulation routes in a safe manner.

B. Access points. New and redevelopment projects shall provide multiple designated access points onto adjacent bikeways and pedestrian routes when appropriate.

(Ord. 2043 § 1(part), 2004).

21.18.040 Conformance with area provisions.

A. Requirements. Unless otherwise provided in this Zoning Code, the following regulations shall apply:

1. Buildings shall not be erected or located on a lot unless the building, structure, or enlargement conforms with the area regulations of the zoning district in which it is located.

2. Parcels of land held under separate ownership at the time this chapter became effective, shall not be reduced in a manner below the minimum lot width and lot area required by this chapter.

3. Lot areas shall not be reduced or diminished so that the yards or other open space becomes smaller than prescribed by this Zoning Code, nor shall the occupancy be increased in any manner except in conformity with the regulations established in this Zoning Code.

4. Required yards or other open spaces around an existing building, or which are provided around any building for the purpose of complying with the provisions of this Zoning Code shall not be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

B. Exceptions. The following items shall be exempt from the required area regulations of this Zoning Code:

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

2. Fire escapes. Open, unenclosed fire escapes may extend or project into any front, side, or rear yard not more than four feet.

3. Open stairways and balconies. Open, unenclosed stairways, or balconies, not covered by a roof or canopy may extend or project into a required front yard not more than thirty inches.

4. Decks, steps, and terraces. Decks, steps, and terraces that do not exceed a height of twelve inches above grade shall be allowed in any required front, side, or rear yard.

5. Trees, shrubs, and plants. Landscape features (e.g., trees, shrubs, flowers, plants, etc.) shall be allowed in any required front, side, or rear yard provided they do not produce a traffic safety hazard that would be detrimental to the health, safety, and welfare of the residents.

(Ord. 2043 § 1(part), 2004; Ord. No. 2286 , § 7, 8-16-2022)

21.18.050 Exceptions to height provisions.

Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, or similar structures (as defined by the planning commission) may be erected above the height limit herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

(Ord. 2043 § 1(part), 2004).

21.18.060 Fences, walls, lattice and screens.

The standards contained in this section pertain to all properties except when otherwise provided for by an area plan, neighborhood plan, or specific plan.

A. Setbacks. A fence, wall, lattice or screen not exceeding three and a half feet may be allowed in any required front, side or rear yard in all zoning districts. A fence, wall, lattice or screen not more than six feet in height, may be allowed in all zoning districts as follows:

1. Interior lot:

   a. Front yard: No closer than fifteen feet from the front property line.

   b. Side yards: Allowed up to and along the property line, except for the required fifteen-foot front yard setback.

   c. Rear yard: Allowed up to and along the property line.

2. Corner lot:

   a. Front yard: No closer than fifteen feet from the front property line.

   b. Interior side yard and rear yard: Allowed up to and along the property line, except for the required fifteen-foot front yard setback.

   c. Street side yard: No closer than five feet from the street property line and not within the triangular area formed by measuring thirty feet along the front and street side property lines along the right-of-way from their "extended" intersection and connecting these two points.

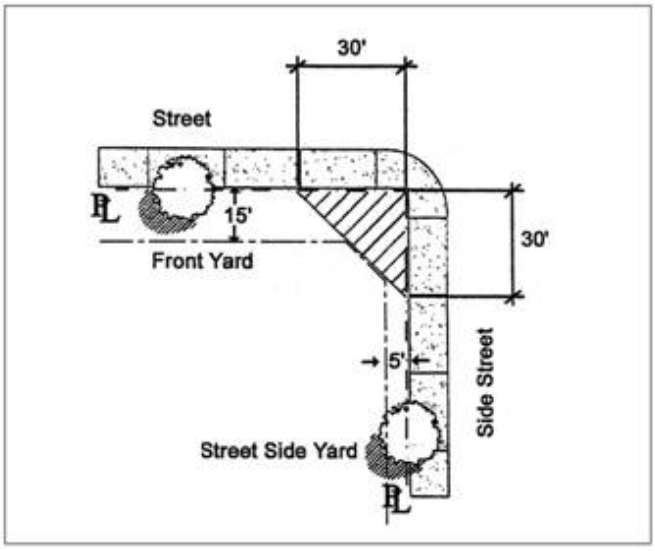


Figure 3-1

   d. Driveways. No fence wall, lattice or screen over three and a half feet shall be allowed within the triangular area formed by measuring ten feet along the street property line and ten feet along the driveway from their "extended" intersection and connecting these two points.

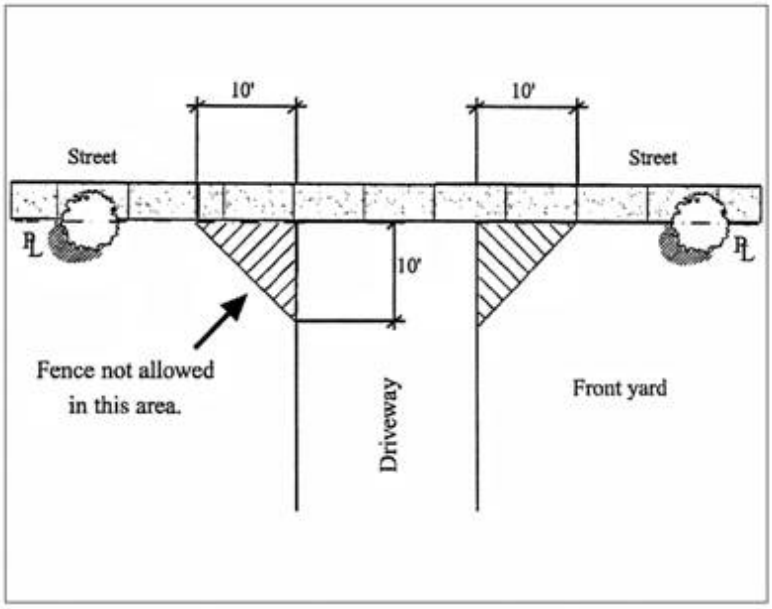


Figure 3-2

B. Height measurement. The height of a fence, wall, lattice, or screen shall be measured from the adjacent finished grade to the highest point of the fence. Where the finished grade is a different elevation on either side of the fence on private property, the height shall be measured from the side having the highest elevation. Where the finished grade is a different elevation on either side of the fence adjacent to a public right-of-way, the height shall be measured from the public right-of-way side.

C. Decorative arbors. A lightweight, decorative arbor not exceeding eight feet tall, six feet wide, and four feet deep may be allowed in the front yard of residential properties. An arbor shall not be allowed within the sight visibility area required for driveways and corner properties, as specified in subsections (A)(2)(c) and (d) of this section.

D. Prohibited materials.

1. Chain link fences are prohibited in any required front yard or street side yard areas for residential, mixed-use, and commercial properties.

2. Barbed wire and razor wire fencing are prohibited in any zoning district, unless it is approved as part of a discretionary development permit and is found to be necessary for the security of the facility.

E. Fence exception. The community development director, upon recommendation from the director of public works, may approve a fence exception to allow lesser setbacks and greater heights than allowed by this section. The community development director may approve a fence exception only after the four following findings are made: (1) the change would not impair pedestrian or vehicular safety; (2) would result in a more desirable site layout; (3) would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of the change; and (4) would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. A fence exception application shall be processed through the administrative decision process as prescribed in Chapter 21.71, (Administrative Decision Process). An application for a fence exception shall be filed with the community development department in compliance with Chapter 21.38, (Application Filing, Processing and Fees). The application shall be

accompanied by a detailed and a fully dimensioned site plan, and any other data/materials identified in the community development department application for a fence exception. It is the responsibility of the applicant to establish that the proposed request satisfies the findings required by this section. The decision by the community development director may be appealed as prescribed in Chapter 21.62, (Appeals).

F. Design criteria. When a fence exception is requested for a taller fence or lesser setbacks in the required front yard or street yard areas for residential properties, the fence or wall shall be of a decorative style and the portion of the fence that exceeds the allowable height limit shall be at least fifty percent open to the passage of light and air, as determined by the community development director.

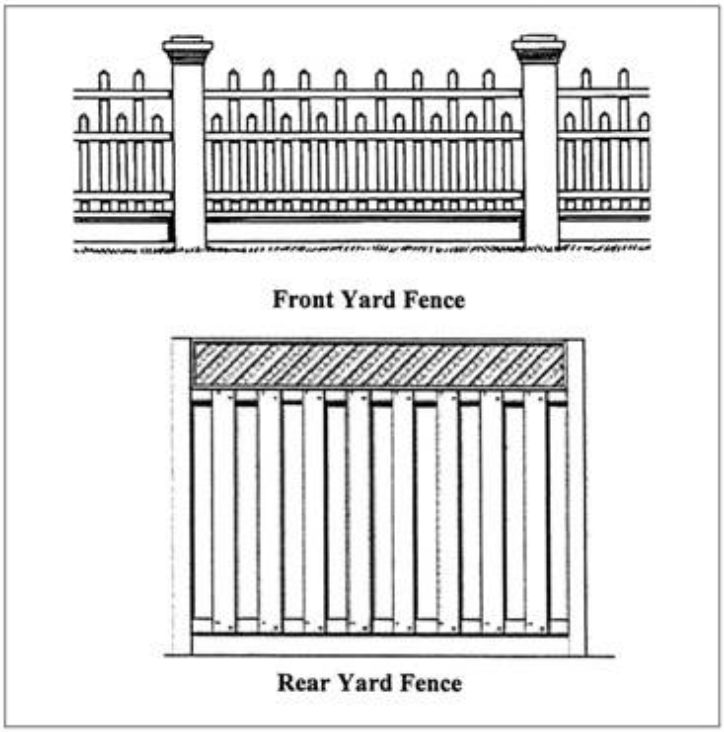


Figure 3-3

G. Fences as part of a development application. The planning commission or City Council shall have the authority, upon making the findings required by subsection E of this section, to allow lesser setbacks and greater heights than allowed by this section for fences, walls, lattice and screens submitted as part of a discretionary development application and shall not require the submittal of a separate fence exception application.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2225, § 10, 8-15-2017)

21.18.070 Front yard paving.

Except as otherwise provided for by a development agreement, overlay district, area plan, neighborhood plan, or specific plan, paving shall not amount to more than fifty percent of the required front yard setback area.

Increases in the amount of allowable paving may be approved by the community development director if necessary to provide safe ingress and egress for the site.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2225, § 11, 8-15-2017)

21.18.080 Hazardous materials.

This section provides guidelines for the regulation of hazardous materials for the protection of health, safety, and welfare of persons, resources, and property.

A. Setbacks required. Any person, firm, or corporation that stores, handles, or dispenses any hazardous material shall provide the necessary setbacks (buffer zones) along property lines and between buildings in compliance with the uniform building code and uniform fire code.

B. Change in use. Projects that involve a change in land use from industrial to residential or commercial shall provide detailed information regarding potential historical hazardous materials uses, including soil and/or groundwater sampling results, if warranted.

C. Hazardous materials management plan (HMMP). Any person, firm, or corporation who proposes to store, handle, or dispense any hazardous material within the hazardous thresholds defined by the UBC and UFC and within five hundred feet of any school or property zoned for residential use shall submit a HMMP to the community development department for review and approval.

D. Disclosure. As part of all development applications, the applicant shall complete a hazardous waste and substance sites disclosure form certifying that they have reviewed the current CAL-EPA hazardous waste and substances sites list available in the community development department.

E. Information required. Applications for discretionary development projects that will generate, use or store hazardous materials shall provide detailed information regarding waste reduction, recycling and storage.

F. City review. The type of review required is dependent on the location of the subject site and the type and volume of hazardous materials being used. At the discretion of the community development director, the building official, or the fire marshal, the applicant shall submit a written hazardous materials management plan (HMMP) for approval by the city. The HMMP shall include detailed information regarding the safe storage, handling, recycling, and waste reduction of hazardous or other regulated materials, a transportation plan for using city streets to transport hazardous materials, and an emergency response plan in the event of a reportable release or threatened release of a hazardous or other regulated material. The emergency response plan shall include, but not be limited to, the following:

    1. Procedures for the immediate notification to city, to the county fire department, and to the State Office of Emergency Services;

    2. Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment;

    3. Evacuation plans and procedures for the business site, including immediate audible notice and warning to all persons on the site.

(Ord. 2043 § 1 (part), 2004).

21.18.090 Lighting design standards.

A. Exterior lighting. Exterior lighting shall be:

1. Architecturally integrated with the character of the structure(s);

2. Energy-efficient, and fully shielded or recessed; and

3. Completely turned off or significantly dimmed at the close of business hours when the exterior lighting is not essential for security and safety, when located on parcels within nonresidential zoning districts.

B. Permanent lighting. Permanently installed lighting shall not blink, flash, or be of unusually high intensity or brightness. Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving.

C. Shielding requirements. Outdoor lighting fixtures shall be designed and installed so that light rays are not emitted across property lines, to the extent possible. Fixtures like the "shoe box" design are capable of providing accurate light patterns and can be used for lighting parking lots without spilling onto the neighboring property.

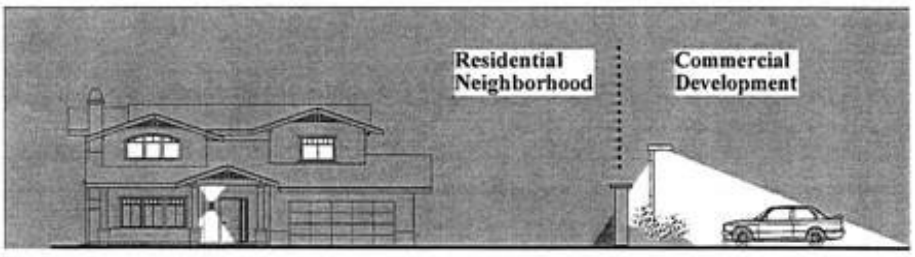


Figure 3-4

D. Design criteria.

1. External light fixtures, poles, and their foundation should be simple in design and compatible with and complimentary to the style of surrounding development. Historical-themed fixtures are not appropriate for a contemporary building design and modern fixtures are not appropriate for a structure with a significant historical design theme. Simple and functional designs are considered to be appropriate in most environments. Lighting standards should be of a scale that is compatible with their surroundings. Pedestrian-style lighting (three to five feet high) should be installed in areas where foot traffic is prevalent. Lighting fixtures for parking lots and private roadways should not be installed at a height greater than twenty feet.

2. Color-corrected lamps of appropriate intensity should be used in exterior lighting. High-efficiency lamps that alter the colors of objects at night are discouraged. Incandescent, fluorescent, color-corrected sodium vapor and mercury lamps should be used because they provide light with an appropriate color spectrum.

3. Lighting intensity should be the minimum required to serve the tasks for which the fixtures are intended.

4. Exterior lighting should be considerate of both the neighbors and the community as a whole. Each new lighting scheme should actively strive to reduce negative light impacts.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.18.100 Nonresidential open space and recreational facilities.

This section provides standards and incentives for the provision of open space and recreational facilities in nonresidential projects. The intent is to make commercial and industrial projects more attractive and pedestrian-oriented through the provision of open spaces, including plazas, courtyards, benches, and outdoor eating and seating areas.

A. Open space and recreation facilities incentives. Development incentive bonuses to encourage extraordinarily high-quality pedestrian-oriented open spaces and recreation facilities may be granted at the discretion of the planning commission or City Council. The types of bonus incentives that may be available to eligible projects include, but are not limited to:

    1. Reduced parking requirements; or

    2. Increased lot coverage or FAR.

B. Configuration of open space. To ensure that the open space is well-designed, usable, and accessible, the decision-making body shall employ the following standards and guidelines in evaluating proposed open space and recreation facilities:

    1. Open space and recreation facilities shall be located on-site;

    2. Open space and recreation facilities shall be provided as continuous, usable site elements that reinforce or enhance other aspects of the site plan, (e.g., as pedestrian networks, view corridors, and environmental features).

    3. Open space and recreation facility areas should be oriented to pedestrian circulation and should incorporate seating, enhanced paving materials, lighting, courtyards, plazas, shade trees and/or trellises, and landscaping.

    4. The orientation of the open space should take advantage of natural sunlight and should be sheltered from incompatible uses.

C. Allowed uses. Required open space shall not include driveways, public or private streets, utility easements where the ground surface cannot be appropriately used for open space, parking spaces, or other areas primarily intended for other functions.

D. Maintenance. Required common open space shall be controlled and permanently maintained by the owner of the property.

(Ord. 2043 § 1(part), 2004).

21.18.110 Refuse and recycling storage areas.

A. Required storage area. In compliance with 6.04.080(b) of the Municipal Code, each commercial, industrial, public, apartment, or multi-residential use shall have a refuse and recycling storage area.

B. Enclosure requirements. Refuse and recycling containers shall be located in an enclosure constructed and consisting of a concrete floor at least six inches in depth, surrounded by a minimum six-foot high masonry wall and having a solid gate. An enclosure that is constructed within five feet of combustible surfaces shall comply with the fire prevention requirements of Section 6.04.020. The enclosure shall be of a size sufficient to accommodate the receptacles required by Section 6.04.020 of the Municipal Code or as otherwise approved by the community development director as safe and adequate for the intended use.

C. Location requirements. Exterior storage area(s) shall not be located in a required front yard, side yard, or rear yard setback. The enclosure shall be located as far as possible from any residential units that the

enclosure is intended to serve. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector.

D. Maintenance requirements. The wall, gate, and surface inside the enclosure shall be kept in sound repair and condition.

E. Use requirements. The refuse and recycling containers shall be kept in the enclosure at all times except when being emptied by collection personnel.

F. Screening requirements for residential zoning districts. Except during the period of time specified in Chapter 6.04 of the Municipal Code, garbage, yard waste, and recycling containers shall not be placed, kept, or stored within any front yard or street side yard on corner lots. Garbage, yard waste, and recycling containers shall be fully screened from view from the public street right-of-way by a structure, fence, wall, or landscaping that is as tall as the tallest container(s), unless otherwise approved by the community development director upon finding that the property is physically constrained in such a way as to make the strict compliance with the foregoing requirements impractical.

G. Screening requirements for commercial and industrial zoning districts. Refuse and recycling storage areas shall be designed, located, and fully screened from view from the public street right-of-way.

(Ord. 2043 § 1(part), 2004).

21.18.120 Screening and buffering.

This section provides standards for the screening and buffering of adjoining land uses, equipment, outdoor storage areas, and surface parking areas with respect to multi-family and nonresidential land uses.

A. Screening between different land uses. Fences and walls shall be provided and maintained between different zoning districts in the following manner:

1. Wall height. An opaque screen consisting of plant material and a solid masonry wall or wooden fence, not less than six feet in height, shall be installed along parcel boundaries whenever a commercial or industrial development adjoins a residential zoning district and whenever a multi-family zoning district adjoins a single-family residential zoning district. A fence or wall taller than six feet in height may be allowed in compliance with Section 21.18.060, (Fences, walls, lattice, and screens).

2. Architectural compatibility. The method of screening shall be architecturally compatible with the other on-site development in terms of colors, materials, architectural style, and shall include appropriately installed and maintained landscaping, as applicable.

3. Pedestrian access. Pedestrian access may be provided through the required wall or fence.

4. Waiver. The decision-making body may waive or change the requirement for a screen wall/fence if the development plan adequately provides for the integration of different adjacent land uses in a way that avoids conflicts between the different uses; an existing wall or fence is in place that meets or could be modified to meet the intent of this section; or a lesser screening is appropriate due to the nature of the adjoining uses.

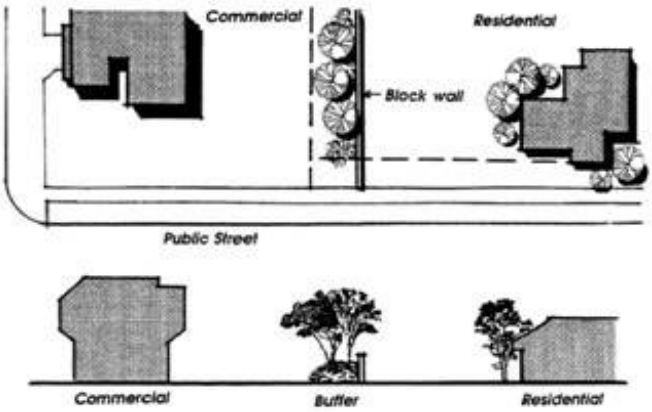


Figure 3-5
Screening and Buffering Between Two Different Uses

B. Mechanical equipment. Uses that utilize mechanical equipment shall comply with the following:

1. Screened from public view. Roof or ground mounted mechanical equipment (e.g. air conditioning, heating, ventilation ducts and exhaust, water heaters, etc.), loading docks, service yards, storage and waste areas, and utility services shall be screened from public view.

2. Architectural compatibility. The method of screening shall be architecturally compatible with the other on-site development in terms of colors, materials, architectural style, and shall include appropriately installed and maintained landscaping, as applicable.

C. Outdoor storage and work yards. Uses with outdoor storage of materials or operations shall comply with the following:

1. Solid sight obscuring wall and gates. Outside uses shall be surrounded by a fence or a solid masonry wall and gate, not less than six feet in height, of a type and design approved by the approval authority. The wall and gate shall be maintained in a manner satisfactory to the community development director. A fence or wall taller than six feet may be allowed in compliance with Section 21.18.060, (Fences, walls, lattice and screens).

2. Architectural compatibility. The fence or wall shall be architecturally compatible with the other on-site development in terms of colors, materials, architectural style, and shall include appropriately installed and maintained landscaping, as applicable.

3. Operations within the screened area. Site operations in conjunction with an outdoor use, including the loading and unloading of materials and equipment, shall be conducted entirely within a screened area.

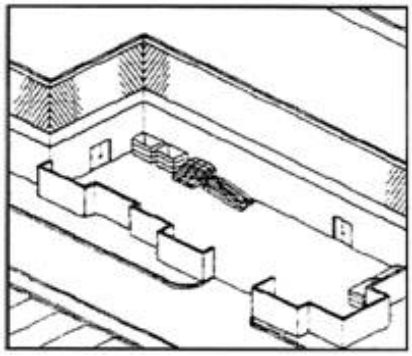


Figure 3-6

(Ord. 2070 § 1 (Exh. A)(part), 2006; Ord. 2043 § 1 (part), 2004).

21.18.130 Seismic and geologic hazards.

This section provides standards for geologic hazard reviews and report requirements to protect citizens from building or developing in hazardous areas and to avoid personal injury and/or private and public losses.

A. All new development, remodels, and redevelopment shall comply with the uniform building code and the California Building Code provisions regarding engineering and geotechnical analysis.

B. The type of geotechnical investigation required is dependent on the location of the subject site and the extent of the proposed development. Official seismic hazard zone maps are on file with the community development department and are the major basis for determination by the community development director or building official whether a geotechnical report shall be required.

C. Where a geotechnical report is required, it shall be prepared by a certified engineering geologist and submitted to the community development director for review and approval prior to final action on the application. The conclusions and recommendations set forth in the geotechnical report shall become the standards for review and shall govern development.

(Ord. 2043 § 1 (part), 2004).

21.18.140 Undergrounding of utilities.

All development and remodels, shall provide for the undergrounding of existing and proposed utility facilities in compliance with this section, unless expressly exempted.

A. Definitions. As used in this section, the following terms shall have the meaning set forth below. All other terms shall have the same meaning as defined in Chapter 21.72, (Definitions).

1. Addition means construction that expands a structure's existing gross floor area or replaces existing floor area that was demolished.

2. Arterial street means a Class I Arterial or Class II Arterial, as identified by the City of Campbell Roadway Classifications Diagram.

3. Collector street means a commercial/industrial collector or residential collector, as identified by the City of Campbell Roadway Classifications Diagram.

4. Remodel means any rebuilding or structural alteration which changes the supporting members of a structure, such as bearing walls, columns, beams or girders. It shall not include interior tenant improvements or structural alterations solely to meet code.

B. Applicability. The following site improvements require the undergrounding of utility services as set forth below:

1. Service lines. Excluding utility poles, new utilities, and all existing overhead utility lines, serving property located along an arterial or collector street shall be installed underground with:

a. Construction of a single-family dwelling, except when located along a residential collector street;

b. Construction of a residential development with two or more dwelling units;

c. Construction of a non-residential main structure;

d. An addition, remodel, or combination thereof, to an existing non-residential main structure that remodels or expands the structure's existing gross floor area by fifty percent or more in the aggregate over the preceding five-year period;

e. An addition to an existing single-family dwelling that within a five-year period adds and/or replaces fifty percent or more to the dwelling's gross floor area except when located along a residential collector street. Existing and/or new detached garages, accessory dwelling units, and other fully enclosed accessory structures shall be considered in this section; and

f. A residential or non-residential subdivision that is subject to the provisions of Title 20, (Subdivision and Land Development) of the Campbell Municipal Code.

A variance to the requirements of this subsection may be granted in compliance with Chapter 21.48, (Variances).

2. Frontage lines and poles. Existing utility poles and associated overhead utility lines located along an arterial or collector street abutting the frontage(s) of a development site shall be removed and the utilities replaced underground in association with the site improvements set forth below:

a. Construction of a non-residential main structure;

b. Construction of a residential development with five or more dwelling units; and

c. A residential or non-residential subdivision that is subject to the provisions of Title 20, (Subdivision and Land Development) of the Campbell Municipal Code resulting in five or more parcels, exclusive of parcels created solely to provide access into a development site.

A variance to the linear feet of overhead utility lines to be replaced underground may be granted in compliance with Chapter 21.48, (Variances).

C. Development requirements. As required by this section, all new and existing electric, telecommunications, and cable television lines to be installed on the site to serve a proposed development shall be installed underground at the time of development except for surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts and other similar equipment appurtenant to underground facilities. All utilities shall be taken from the nearest aboveground utility service. No new poles or overhead lines shall be allowed, except as determined necessary by the city engineer to accomplish the removal of frontage lines and poles required by subsection B.2, above.

D. Screening Requirements. Aboveground equipment (e.g., utility control boxes and similar cabinets) shall be screened from view and deterred from graffiti vandalism by using a combination of landscaping and screen walls.

E. Exemptions. The requirements of this section do not apply to:

1. Existing or proposed major electrical transmission lines;

2. A service upgrade, modification, or relocation of an existing electrical panel that is unrelated to site improvements that would otherwise require undergrounding of utilities in compliance with this section, and which would not result in an increase in overhead utility line length;

3. Underground installations that would require substantially crossing the rear yard of an adjacent single-family residential property; and

4. Underground installations precluded by a topographical, soil, or other environmental condition.

5. Single family dwellings on property located along a local or residential collector street.

Applicability of an exemption shall be determined by the community development director, which may be appealed as an interpretation of this Code in compliance with Section 21.02.030 (Procedures for interpretations).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2166, § 2(Exh. A), 5-7-2013; Ord. No. 2202, § 2(Exh. A), 5-17-2016; Ord. No. 2216, § 9, 12-12-2016)

Chapter 21.20 DENSITY BONUSES AND OTHER HOUSING INCENTIVES

* Prior ordinance history: Ord. 2043.

21.20.010 Purpose.

The purposes of this chapter is to specify how compliance with State Density Bonus Law pursuant to Sections 65915 to 65918 of the California Government Code will be implemented as required by California Government Code Section 65915(a). In enacting this chapter it is also the intent of the City of Campbell to implement the goals, objectives, and policies of the city's General Plan Housing Element, which includes a program to encourage the provision of housing affordable to a variety of household income levels and identifies a density bonus policy as one method to encourage the development of affordable housing (Program H-5s).

(Ord. 2102 § 1(part), 2008).

(Ord. No. 2206, § 1, 8-2-2016)

21.20.020 Definitions.

For the purposes of this chapter, the following definitions shall apply. All terms used in this Chapter that are defined in Chapter 21.72 (Definitions) shall have the meaning established in Chapter 21.72 (Definitions). Where terms that are defined in the Sections 65915 to 65918 of the California Government Code are inconsistent with the definitions of the same terms set forth in Chapter 21.72 (Definitions) of the Campbell Municipal Code, the meaning of the terms defined in Sections 65915 to 65918 of the California Government Code sections shall prevail.

"Acutely low-income household" means a household whose household income does not exceed the acutely low-income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

"Affordable ownership cost" means average monthly housing costs, during the first calendar year of a household's occupancy, as determined by the city, including mortgage payments, loan issuance fees, if any, property taxes, reasonable allowances for utilities and property maintenance and repairs, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For moderate-income households: one-twelfth of thirty-five percent of one hundred ten percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;
2. For lower-income households: one-twelfth of thirty percent of seventy percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;
3. For very low-income households: one-twelfth of thirty percent of fifty percent of area median income adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;

4. For extremely low-income households: one-twelfth of thirty percent of thirty percent of area median income adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;

4. For acutely low-income households: one-twelfth of thirty percent of fifteen percent of area median income adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;

"Affordable rent" shall have the same meaning as provided for in California Government Code section 65915;

"Base density" means the total number of housing units excluding "density bonus units" provided by the project, divided by the project lot acreage as determined in accordance with this Title, rounded up to the next whole number;

"Base units" means the total number of living units excluding density bonus units provided by the project;

"Density bonus units" mean the units granted by this Chapter in excess of the otherwise allowable maximum residential density;

"Extremely low-income household" means a household whose household income does not exceed the extremely low-income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code;

"Living unit" means one or more rooms designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping and bathroom facilities. For the purposes of this Chapter, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) shall not count as living units;

"Maximum base density" means the total number of living units per acre as excluding density bonus units allowable on the project site in accordance with this Title and the General Plan divided by the project lot acreage as determined in accordance with this Title, rounded up to the nearest whole number;

"Maximum allowable base units" mean the total number of living units excluding density bonus units that are allowable on the project site in accordance with this Title and the General Plan;

"Percentage density bonus" shall be the same as set forth in California Government Code sections 65915 through 65918;

"Target Units" means living units that will be restricted for sale or rent to qualifying residents at an affordable ownership cost or affordable rental cost in order to qualify a housing project for a density bonus;

"Within one-half mile of a major transit stop" means that all parcels within the project have no more than twenty-five percent of their area farther than one-half mile from the stop or corridor and not more than ten percent of the residential units or one hundred units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

21.20.030 Applicability.

A. Applicability. A "housing development project" as defined in Chapter 21.72 (Definitions) shall be eligible for a density bonus and other regulatory incentives that are provided by Sections 65915 to 65918 of the California Government Code when the applicant seeks and agrees to provide housing in the categories and/or in the below-market rate affordability threshold amounts specified in Sections 65915 to 65918 of

the California Government Code. These benefits may be sought in addition to other benefits provided by the Campbell Municipal Code.

21.20.040 Application requirements.

A. Housing Incentives Request. Any applicant requesting a density bonus and any incentive(s), waiver(s), or parking reductions pursuant to Sections 65915 to 65918 of the California Government Code or other benefits provided by the Campbell Municipal Code shall submit a Housing Incentives Request as described below concurrently with the filing of the planning application for the first discretionary permit required for the housing development. Any requests for housing incentives shall be processed concurrently with the planning application.

B. The housing incentives request shall include the following minimum information:

1. Requested density bonus.

    a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre;

    b. A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units;

    c. The zoning and general plan designations and assessor's parcel number(s) of the housing development site;

    d. Calculation of the maximum number of dwelling units permitted by the city's zoning regulations and general plan for the housing development, excluding any density bonus units;

    e. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known;

    f. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to below-market rate income households in the five-year period preceding the date of submittal of the application; and

    g. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and information that each of the requirements included in Government Code Section 65915(g) can be met.

2. Requested incentive(s). In the event an application proposes incentives pursuant to Government Code Section 65915, the Housing Incentives Request shall include the following minimum information for each incentive requested:

    a. The city's usual development standard and the requested development standard or regulatory incentive; and

    b. Information that any requested incentive will reduce the cost of the housing development.

3. Requested waiver(s). In the event an application proposes waivers of development standards pursuant to Government Code Section 65915, the housing incentives request shall include the following minimum information for each waiver requested:

    a. The city's usual development standard and the requested development standard; and

    b. Information that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915.

4. Requested parking reduction. In the event an application proposes a parking reduction pursuant to Government Code Section 65915(p), a table showing parking required by the zoning regulations and parking proposed under Section 65915(p).

5. Child care facility. If a density bonus or incentive is requested for a child care facility, information that all of the requirements included in Government Code Section 65915(h) can be met.

6. Condominium conversion. If a density bonus or incentive is requested for a condominium conversion, information that all of the requirements included in Government Code Section 65915.5 can be met.

21.20.050 Calculation.

A. Number of units. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. When calculating the number of affordable units needed for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number. The allowable density bonus is computed as follows:

Step 1. Calculate the percentage that the number of “target units” is of the total base units, rounding up to the next whole number;

Step 2. Using the percentage calculated in Step 2, identify the corresponding percentage density bonus from California Government Code sections 65915 through 65918;

Step 3. Determine the number of allowable density bonus units by multiplying the percentage density bonus times the maximum allowable base units, and rounding up to the next whole number.

B. Each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one income category or additionally for the category of housing to be provided, the applicant shall select the category under which the density bonus is granted. Density bonuses from more than one category may not be combined.

C. The density bonus units shall not be included in determining the number of affordable units required to qualify a housing development for a density bonus pursuant to Government Code Section 65915.

E. The applicant may elect to accept a lesser percentage of a density bonus than the housing development is entitled to, including the utilization of no added density, but no reduction will be permitted in the percentages of required affordable units contained in Government Code Section 65915(b), (c), and (f).

E. A housing development may receive credit toward satisfying any inclusionary units required by Chapter 21.24 (Inclusionary Housing Ordinance), when providing below-market rate units at the same, or a lower level of affordability, than specified in Sections 65915 to 65918 of the California Government Code.

21.20.060 Incentives.

A. State incentives.

1. Incentives and concessions. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to Government Code Section 65915. Each deviation from a specific requirement of the Municipal Code or General Plan shall be treated as a separate incentive or concession.

B. Local incentives.

1. Financial Incentives. Nothing in this Chapter requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The city, at its sole discretion, may choose to provide such direct financial incentives.

2. Density bonus for providing acutely- or extremely very low-income units. Projects providing 5% of the total living units as target units restricted to acutely or extremely very low-income households, not otherwise credited by another law or provision, shall receive a density bonus of 30% that shall not be combined with any other density bonus.

21.20.070 Review procedures.

All requests for density bonus, incentives, parking reductions, or waivers shall be considered and acted upon by the same approval body with authority to approve the housing development project, that would be required if the density bonus, incentive, parking reduction, or waivers were not a part of the development proposal.

21.20.080 Affordable housing agreement and senior housing agreement.

A. Except where a density bonus is provided for a market-rate senior housing development, the applicant shall enter into an affordable housing agreement with the city, in a form approved by the city attorney, to be executed by the city manager, to ensure that the requirements of this subsection are satisfied. The affordable housing agreement shall guarantee the affordability of the affordable units for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; and shall specify phasing of the affordable units in relation to the market-rate units.

B. Where a density bonus is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the city, running with the land, in a form approved by the city attorney, to be executed by the city manager, to require that the housing development be operated as "housing for older persons" consistent with State and federal fair housing laws.

C. The executed affordable housing agreement or senior housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development. The affordable housing agreement or senior housing agreement shall be binding on all future owners and successors in interest.

21.20.090 Construction phasing.

A. Permit Issuance and Final. The city may not issue building permits for more than fifty percent of the market rate units until it has issued building permits for all of the affordable units, and the city may not approve any final inspections or certificates of occupancy for more than fifty percent of the market rate units until it has issued final inspections or certificates of occupancy for all of the affordable units.

21.20.100 Condition and location.

A. Appearance and quality. Affordable units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and amenities may

differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the city. Further, if air conditioning is provided for the market-rate units, all affordable units shall also be provided with air conditioning.

B. Distribution. The assignment of below-market rate units shall be proportionally distributed in terms of bedroom count, product type, and location (i.e., distributed proportionally by building, floors, and geography). In the event that an inequal distribution of units by income level would occur, the units with the greatest number of bedrooms shall be provided.

21.20.110 Priority

A. Priority for rental or purchase of units. Preference in the rental or purchase of affordable units shall be the same as provided in Section 21.24.040.F of the city's Inclusionary Ordinance.

21.20.120 Interpretation.

A. If any portion of this subsection conflicts with Government Code Section 65915 or other applicable state law, state law shall supersede this subsection. Any ambiguities in this section shall be interpreted to be consistent with Government Code Section 65915 and Government Code Section 65915(r).

Chapter 21.22 FLOOD DAMAGE PREVENTION[1]

21.22.010 Statutory authorization, purpose and methods.

A. Authority. The legislature of the State of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local government unit's authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

B. Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood-control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To insure that potential buyers are notified that property is in an area of special flood hazard; and
7. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses that are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities that serve those uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Controlling of filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

(Ord. No. 2173, § 2(Exh. A), 1-21-2014)

[1]Editor's note(s)—Ord. No. 2173, § 2(Exh. A), adopted Jan. 21, 2014, amended ch. 21.22 in its entirety to read as herein set out. Former ch. 21.22 pertained to similar subject matter and derived from Ord. No. 2120, § 1, adopted April 7, 2009; and Ord. No. 2161, § 2(Exh. A), adopted Aug. 7, 2012.

21.22.020 Definitions.

Words or phrases used in this chapter shall have the following meanings unless otherwise indicated from the context.

"Appeal" means a request for a review of the city clerk's interpretation of any provision of this chapter, or a request for a variance.

"Area of special flood hazard." See "Special flood hazard area."

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

"Basement" means any area of the building having its floor sub grade (below ground level) on all sides.

"Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Deviation" means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of floodwaters;
2. The unusual and rapid accumulation or runoff of surface waters from any source; and/or
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

"Flood boundary and floodway map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk-premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning codes, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such State or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood proofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed to be used with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "Manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

"Mean sea level" means for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction" means for floodplain management purposes, structures for which the "Start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the city.

"One-hundred-year flood" or "100-year flood" means a flood that has a one percent annual probability of being equaled or exceeded. It is identical to the "Base flood," which will be the term used throughout this chapter.

"Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups or this State or its agencies or political subdivisions.

"Recreational Vehicle" means a vehicle built on a single chasis, is four hundred square feet or less when measured at the largest horizontal projects, designed to be self-propelled or permanently towable by an automobile or light truck, and designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use, not as a permanent dwelling.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, Al-30, AE or A99.

"Start of construction" means substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site (e.g., pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation (e.g., clearing, grading and filling) nor does it include the installation of streets, and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, (e.g., garages or sheds not occupied as dwelling units or not part of the main structure). For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include:
    a. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
    b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Violation" means the failure of a structure or other development to be fully compliant with the floodplain management regulations of this chapter. A structure or other development without the elevation certificate, other

certifications, or other evidence of compliance required in this chapter is presumed to be in violation until the time as that documentation is provided.

(Ord. No. 2173, § 2(Exh. A), 1-21-2014)

21.22.030 General provisions.

A. Applicability. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Campbell.

B. Areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Santa Clara County, California dated June 30, 1976, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated June 30, 1976, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City of Campbell by the Floodplain Administer. The study, FIRMs and FBFMs are on file at the Community Development Department located at 70 North First Street, Campbell California 95008.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City of Campbell from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and greater restrictions. The regulations in this chapter are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the regulations in this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent regulations shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

   1. Considered as minimum requirements;

   2. Liberally construed in favor of the governing body; and

   3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. Disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes, and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards, or uses allowed within these areas, will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

G. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any sections of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 2173, § 2(Exh. A), 1-21-2014)

21.22.040 Administration.

A. Establishment of development permit. A zoning clearance, in compliance with Chapter 21.40, shall be obtained before construction or development begins within any area of special flood hazards established in Subsection 21.22.030(B). Application for a zoning clearance shall be made on forms furnished by the community development department, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; and existing or proposed structures, fill, storage of materials, drainage facilities. Specifically, the following information is required:

1. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

2. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

3. All appropriate certifications listed in Subsection (C)(4), below; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the floodplain administrator. The community development director is hereby appointed to administer and implement this chapter by allowing or denying development requests in compliance with its provisions.

C. Duties and responsibilities of the floodplain administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

1. Permit review:

   a. Review all development requests to determine that the permit requirements of this chapter have been satisfied;

   b. Determine that all other required State and federal permits have been obtained;

   c. Determine that the site is reasonably safe from flooding;

   d. Determine that the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

2. Development of substantial improvement and substantial damage procedures:

   a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

   b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

3. Review, use and development of other base flood data. When base flood elevation data has not been provided in accordance with section 21.22.030, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 21.22.050 (Provisions for flood hazard reduction), below. Any information shall be submitted to the city council for adoption. Note: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain

Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations," dated July 1995.

4. Notification of other Agencies.

    a. Alteration or relocation of a watercourse:

        i. Notify adjacent communities and the California Department of Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

        ii. Submit evidence of such notification to the Federal Emergency management Agency; and,

        iii. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

    b. Base Flood Elevation changes due to physical alterations:

        i. Within six months of information becoming available or project completion, whichever comes first, the floodplain administer shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

        ii. When a proposed flood control project will remove land from the SFHA and post-project development is proposed in those affected areas, building permits for said development shall not be issued until an approved LOMR for the flood control project has been received by the floodplain administrator. Building permits shall not be issued based on Conditional Letters of Map Revision (CLOMRs) received as part of the entitlement process. An approved CLOMR allows submittal of construction plans for the proposed flood control project and land preparation as specified in the "start of construction" definition.

    Such submissions are necessary so that upon confirmation of those physical changes to flooding conditions, risk premium rates and floodplain management requirements are based on current data.

    c. Changes corporate boundaries:

        i. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of the amp of the community clearly delineating the new corporate limits.

5. Obtain and maintain for public inspection and make available as needed:

    a. The certification required in Subsection 21.22.050(A)(3)(a)(floor elevations);

    b. The certification required in Subsection 21.22.050(A)(3)(b)(1) (elevation or flood proofing of nonresidential structures);

    c. The certification required in subsection 21.22.050(A)(3)(c)(1) or 21.22.050(A)(3)(c)(2) (wet flood proofing standard);

    d. The certified elevation required in Subsection 21.22.050(C)(2) (subdivision standards);

    e. The certification required in Subsection 21.22.050(E) (Floodway Encroachments).

6. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided in Section 21.22.060.

7. Take action to remedy violations of this chapter as specified in Subsection 21.22.030(C).

(Ord. No. 2173, § 2(Exh. A), 1-21-2014)

21.22.050 Provisions for flood hazard reduction.

A. Standards of construction. In all areas of special flood hazard, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of paragraph D, (Standards for manufactured homes), below.

2. Construction materials and methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. A breakaway wall shall have a safe design loading resistance of not less than ten pounds or no more than twenty pounds per square foot. Use of breakaway walls shall be certified by a registered engineer or architect and shall meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(2) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

3. Elevation and flood proofing.

a. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Nonresidential structures may meet the standards in Subsection (A)(3)(c), below. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, and verified by the Building Inspector to be properly elevated. Such certification shall be provided to the floodplain administrator.

b. Nonresidential construction shall either be elevated in conformance with Subsection (A)(3)(a), above, or together with attendant utility and sanitary facilities:

(1) Be flood proofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water; (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

c. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

(2) Be certified to comply with a local flood proofing standard approved by the Federal Insurance Administration.

d. Manufactured homes shall also meet the standards in Subsection (D).

B. Standards for utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for subdivisions.

1. All preliminary subdivision proposals regardless of size shall identify the flood hazard area and the elevation of the base flood.

2. All final subdivision plans will provide the elevation of proposed structures and pads. If the site is filled above base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities, (e.g., sewer, gas, electrical and water systems) located and constructed to minimize flood damage.

5. All subdivisions shall provide adequate drainage provided to reduce exposure to flood hazards.

D. Standards for manufactured homes. All new and replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is at or above the base flood elevation; and

2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

E. Recreational Vehicles. All recreational vehicles placed on site within Zone A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than one hundred eighty consecutive days;

2. Be fully licensed and ready for highway use; or,

3. Meet the permit requirements of Section 21.22.040 of this Chapter and the elevation and anchoring requirements for "manufactured homes" within subsection D above.

F. Floodways. Located within the areas of special flood hazard established in Subsection 21.22.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Campbell.

2. Within an adopted regulatory floodway, the City of Campbell shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

3. If subsections 21.22.050(E)(1) and 21.22.050(E)(2) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 21.22.050.

(Ord. No. 2173, § 2(Exh. A), 1-21-2014)

21.22.060 Variance procedure.

A. Appeal board.

1. The city council shall hear and decide appeals and requests for deviations from the requirements of this chapter.

2. The city council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter.

3. In passing upon applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable.

f. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the city's General Plan and floodplain management program for the subject area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, (e.g., sewer, gas, electrical, and water systems, and streets and bridges.)

4. Generally, a deviation may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (A)(3)(d) through 21.22.060(A)(3)(k), above, have been fully considered. As the lot size increases beyond one-half acre, the technical justification for issuing the variance increases.

a. Upon consideration of the factors in Subsection 21.22.060(A)(3), above, and the purposes of this chapter, the city council may attach conditions to the granting of a deviation as necessary to further the purposes of this chapter.

b. The floodplain administrator shall maintain the records of all appeal actions and report any deviation to the Federal Insurance Administration upon request.

B. Conditions for deviations.

1. Deviations may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

2. Deviations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Deviations shall only be issued upon a determination that the deviation is the minimum necessary, considering the flood hazard, to afford relief.

4. Deviations shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the deviation would result in exceptional hardship to the applicant; and

c. A determination that the granting of a deviation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

5. Deviations may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that the provisions of subsections (B)(1) through (B)(4), above, are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

6. Any applicant to whom a deviation is granted shall be given written notice over the signature of a community official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage, and such construction below the based floor level increase risks to life and property. A copy of the notice shall be recorded by the Floodplain Administer in the Office of the Santa Clara County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. No. 2173, § 2(Exh. A), 1-21-2014)

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).

(Ord. No. 2252 , § 7, 11-19-2019)

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 at least one lawfully constructed primary dwelling unit or that will be developed with a primary dwelling unit in conjunction with the creation of an accessory dwelling unit. For the purposes of this Chapter, a primary dwelling unit shall only include a proposed or existing single-family dwelling, inclusive of small-lot single-family dwellings and townhouses, 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, except as provided by Section 21.23.065 (Special Provisions for Statewide Exemption Accessory Dwelling Units):

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. Open space. Creation of an accessory dwelling unit shall not reduce the required open space to less than that specified by the applicable zoning district and/or area or neighborhood plan. 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 (Zoning Districts and General Plan Designations).

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. 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 (Zoning Districts and General Plan Designations).

E. Setbacks. An accessory dwelling unit shall conform to the setback standards specified by Table 3-1, below:

Table 3-1 — Setback Standards

<table>
<tr><th colspan="2" rowspan="2">Setback (1)</th><th colspan="2">Requirement (2)</th></tr>
<tr><th>Detached ADUs</th><th>Interior and Attached ADUs</th></tr>
<tr><td rowspan="4">Property Line Setbacks</td><td>Front</td><td>The same standard as for the primary dwelling unit</td><td rowspan="4">The same standard as for the primary dwelling unit</td></tr>
<tr><td>Interior Sides</td><td rowspan="2">4 feet</td></tr>
<tr><td>Rear</td></tr>
<tr><td>Street Side</td><td>12 feet</td></tr>
<tr><td rowspan="3">Separation from Primary Dwelling Unit</td><td>If located in front of the primary dwelling unit</td><td rowspan="2">10 feet</td><td rowspan="3">Not applicable</td></tr>
<tr><td>If located behind the primary dwelling unit</td></tr>
<tr><td>If located to the side of the primary dwelling unit</td><td>5 feet</td></tr>
<tr><td rowspan="3">Separation from Accessory Structure(s)</td><td>If located in front of the accessory structure</td><td rowspan="2">10 feet</td><td rowspan="3">As specified by Section 21.36.020 (Accessory structures)</td></tr>
<tr><td>If located behind the accessory structure</td></tr>
<tr><td>If located to the side of the accessory structure</td><td>5 feet</td></tr>
</table>

Exceptions:
(1) Cornices, eaves, sills, canopies, bay windows, or other similar architectural features may extend into required setbacks and building separation distances as specified Section 21.18.040.B.1.
(2) No setback shall be required for an existing 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.

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

H. Allowable rooms. An accessory dwelling unit shall contain one kitchen facility, no more than one living room (defined as a habitable room with an area not less than one hundred twenty square feet as described by California Building Code Section 1208.1), and at least one bathroom with bathing and sanitary facilities.

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 existing or proposed primary dwelling unit 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 eighteen feet shall be permitted, with an additional two feet in height permitted if necessary to align the roof pitch with the roof pitch of the existing or proposed primary dwelling unit. 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. The height of an attached accessory dwelling unit shall not exceed that specified by the applicable zoning district and/or area or neighborhood plan.

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. Parking requirement. No parking spaces are required for creation of an accessory dwelling unit or junior accessory dwelling unit. Existing parking spaces that are removed (in whole or in part) to allow for the creation of an accessory dwelling unit or junior accessory dwelling unit (e.g., by demolition or conversion of a garage) are not required to be replaced.
2. Parking configuration. New parking spaces that are voluntarily created to serve an accessory dwelling unit or junior accessory dwelling unit 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.
    e. Uncovered parking spaces may be designed to allow vehicles to back out onto an abutting public street provided that the street is classified as "local street" by the General Plan roadway classification diagram.

K. Objective design standards. The design of accessory dwelling units shall conform with the following objective design standards, except as provided by Section 21.23.065 (Special Provisions for Statewide Exemption Accessory Dwelling Units):

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), wainscot, 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.

(Ord. No. 2252 , § 7, 11-19-2019; Ord. No. 2286 , §§ 12—14, 24—26, 28, 8-16-2022)

21.23.040 Junior Accessory Dwelling Unit Development Standards.

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

A. Maximum floor area. The junior accessory dwelling unit shall not exceed five hundred square feet in area. The occupied floor area shall be within the allowable floor area of a primary dwelling unit or detached accessory dwelling unit, as specified by Section 21.23.030.D (Floor area ratio and lot coverage).

B. Associated dwelling. The junior accessory dwelling unit shall be contained entirely within an existing or proposed primary dwelling unit (including within an existing attached garage) or detached accessory dwelling unit.

C. Kitchen. The junior accessory dwelling unit shall contain a kitchen or an efficiency kitchen.

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. An interior entry into the main living area of the associated primary dwelling unit or detached accessory dwelling unit shall be provided if the junior accessory dwelling unit does not have a separate

bathroom. The main living area shall mean a living room, family room, or a hallway leading to the living room or family room of the associated primary dwelling unit or detached accessory dwelling unit.

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

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

(Ord. No. 2252 , § 7, 11-19-2019; Ord. No. 2286 , § 8, 8-16-2022)

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, except as provided by Section 21.23.065 (Special Provisions for Statewide Exemption Accessory Dwelling Units)::

A. Defined. For the purposes of this section, the term "multifamily dwelling structure" and "multifamily dwelling" shall have the same meaning as "Duplex," "Triplex," "Fourplex," and "apartment" as defined by Chapter 21.72 (Definitions). Multiple multifamily dwelling structures located on a single lot shall be considered collectively as a single multifamily dwelling for the purposes of this section.

B. Conversion of existing non-living areas. A minimum of one accessory dwelling unit and up to one accessory dwelling unit for every four dwelling units within an existing multifamily dwelling structure(s) may be created within existing non-livable space(s), including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, carports, or garages, provided that the dwellings comply with the California Building Code. Accessory dwelling units created through this provision shall not be expanded in any manner, except to allow an entry area for ingress and egress no greater than one hundred fifty square feet. Creation of additional living area within the existing building envelope (i.e., mezzanine), including an increase in building up to eighteen feet to allow for dormer(s), shall not be considered an expansion provided that each such accessory dwelling unit does not exceed eight hundred square feet.

C. Detached accessory dwelling units. In addition to the accessory dwelling units allowed by subsection B, not more than two detached accessory dwelling units may be allowed subject to the standards, requirements, and restrictions of this Chapter on a lot with an existing or proposed multifamily dwelling. The accessory dwellings units may be detached from each other or may be connected in a side-by-side or front-to-back configuration or stacked with one unit located atop of the other unit forming a two-story structure not exceeding the maximum building height specified by Section 21.23.030.I (Maximum height and stories).

D. If the existing multifamily dwelling has a rear or side setback of less than four feet, the City shall not require any modification of the existing multifamily dwelling(s) as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this section.(Ord. No. 2252 , § 7, 11-19-2019; Ord. No. 2286 , § 16, 8-16-2022)

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, except as provided by Section 21.23.065 (Special Provisions for Statewide Exemption Accessory Dwelling Units):

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 eighteen 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 the same wall cladding, trim detail, roofing material, wainscot, building color(s), window frames/trim and divisions, and the predominant roof form and roof pitch.

(Ord. No. 2252 , § 7, 11-19-2019; Ord. No. 2286 , § 23, 8-16-2022)

21.23.065 Special Provisions for Statewide Exemption Accessory Dwelling Units

This section provides exceptions to the requirements of this Chapter pursuant to Government Code Section 65852.2, as interpreted by the California Department of Housing and Community Development.

A. Applicability. This section applies to statewide exemption accessory dwelling units as defined, below. This section shall not be construed as to allow an exceedance of development standards for any other type or form of accessory dwelling unit.

B. Defined. A statewide exemption accessory dwelling unit is an attached or detached accessory dwelling unit no larger than 800 square feet in floor area, inclusive of garage area, with rear and interior side setbacks in compliance with Table 3-1, and a height not exceeding 18-feet.

C. Exemptions. Statewide exemption accessory dwelling units are exempt from the otherwise required (1) front setback, (2) building separation, (2) floor area ratio, (3) lot coverage, (4) open space, and (5) design requirements specified by Section 21.23.030 (Accessory dwelling unit development standards) and the design and placement requirements specified by Section 21.23.060 (Special provisions for historic properties), except that the exemption to the front setback for an attached

accessory dwelling unit shall only apply to that portion of the primary dwelling unit occupied by the accessory dwelling unit. All other standards, requirements, and restrictions of this Chapter shall continue to apply.

Exception: In order to ensure adequate site visibility for pedestrian and vehicular safety, a statewide exemption accessory dwelling unit shall not 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).

D. Review. An application for a statewide exemption accessory dwelling unit shall also be exempt from any requirement for a zoning clearance or separate zoning review as otherwise required by Section 21.23.080 (Approval process).

E. Restriction. A statewide exemption accessory dwelling unit permitted under this section shall not be expanded in size beyond 800 square feet in floor area, including attachment of a garage or other uninhabitable space. The Community Development Director may require recordation of a deed restriction documenting this restriction.

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 thirty days, including short-term rentals are prohibited. The Community Development Director may 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 nor use the existence of non-conforming zoning conditions as a basis to deny a permit for an accessory dwelling unit or a junior accessory dwelling unit.

C. Existing violations. The City shall not deny an application for a permit to create an accessory dwelling unit or a junior accessory dwelling unit due to existing building code violations, including the presence of unpermitted structure(s) that are not affected by the construction of the accessory dwelling unit, junior accessory dwelling unit, unless such violations present a threat to public health and safety as determined by the building official. D. Subdivision and sales. Except as provided as for by Government Code Section 65852.26, and as may be allowed by Chapter 20.14 (Urban Lot Splits), 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 may require recordation of a deed restriction documenting these restrictions prior to issuance of a building permit.

E. 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).

F. Building and fire code. Accessory dwelling units and junior accessory dwelling units shall comply with all applicable Building and Fire Codes as adopted in Title 18 (Building Codes and Regulations) and Title 17 (Fire Protection), respectively, except that the Building Official and Fire Chief shall not require installation of fire sprinklers for an accessory dwelling unit if they would otherwise not be required for the primary dwelling unit nor shall the creation of an accessory dwelling unit require installation of fire sprinklers in the primary dwelling unit. However, 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.

   Construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. This limitation shall not preclude the building official from requiring a change of occupancy for an unhabitable space or a space only permitted for nonresidential use that is proposed to be converted to an accessory dwelling unit and junior accessory dwelling unit.

G. 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.

(Ord. No. 2252 , § 7, 11-19-2019)

21.23.080 Approval Process.

The following procedures govern the review of proposed accessory dwelling units and junior accessory dwelling units consistent with the provisions of this Chapter.

A. Ministerial review. The City shall either approve or deny concurrent applications for a building permit in compliance with Title 18 (Building Code) and a Zoning Clearance in compliance with Chapter 21.40 (Zoning clearances), for an accessory dwelling unit or junior accessory dwelling unit within sixty days of submittal of a complete building permit application. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted in conjunction with a permit application to create a new single-family dwelling unit or multifamily dwelling on the same lot, the City may delay approving or denying the permit application until the City acts on the permit application to create the new single-family dwelling unit or multifamily dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a public hearing. A simple depiction of

an accessory dwelling unit or junior accessory dwelling unit on a site plan submitted for an application for a new single-family dwelling unit or multifamily dwelling shall not be construed as subjecting the accessory dwelling unit or junior accessory dwelling unit to discretionary review or a public hearing.

Other land use permits. Notwithstanding the foregoing, and except as provided in Section 21.23.65 (Statewide Exemption Accessory Dwelling Units), 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 21.07 (Housing development regulations) 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 sixty-day period for processing the application for the accessory dwelling unit or junior accessory dwelling shall be tolled during any delay requested by the applicant.

B. Garage demolition: A demolition permit for a detached garage that is to be replaced with or converted to an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

C. Denial. If the City denies an application for a building permit and/or Zoning Clearance for an accessory dwelling unit or junior accessory dwelling prior to the conclusion of the sixty day review period, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

D. Failure to act: If the City fails to approve or deny an application for building permit and/or Zoning Clearance for an accessory dwelling unit or junior accessory dwelling prior to the conclusion of the sixty day review period, the application shall be deemed approved.

E. Appeals. Denial of a permit on the basis of a health and safety matter where authorized by this Chapter may be appealed to the Building Board of Appeals pursuant to Chapter 2.37 (Building Board of Appeals).

(Ord. No. 2252 , § 7, 11-19-2019; Ord. No. 2286 , § 17, 8-16-2022)

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 requirements:

A. Requirement. Twenty percent 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, 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 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.

(Ord. No. 2252 , § 7, 11-19-2019)

21.23.100 Unpermitted Accessory Dwelling Units

This section provides a mechanism to legalize unpermitted accessory dwelling in compliance with Government Code Section 65852.23.

A. Applicability. This section applies to accessory dwelling units that were unlawfully constructed prior to January 1, 2018, and that have not been deemed substandard pursuant to Section 17920.3 of the Health and Safety Code by the building official. The Community Development Director may determine construction date by any credible means warranted, including use of aerial photography, county records, photographs, and signed affidavits.

B. Defined. An unpermitted accessory dwelling unit means a dwelling unit that was created through the construction of a new structure or expansion of an existing structure without the benefit of a building permit (at a time when a building permit was required) and that cannot be otherwise legalized because it does not comply with development standards provided in this Chapter.

C. Relief. The City shall not deny a permit to legalize an unpermitted accessory dwelling solely due to non-compliance with the development standards of this Chapter. All other requirements and restrictions provided in Section 21.23.070 General Requirements and Restrictions) shall continue to apply.

D. Approval. An unpermitted accessory dwelling unit may be legalized in compliance with Section 21.23.080 (Approval Process).

E. Restriction. An accessory dwelling unit authorized under this section shall not be permitted to exercise the setback exception for non-conforming structures provided for in Section 21.58.050.F (Exceptions). Any expansion of the accessory dwelling unit shall conform to all applicable development standards specified by Section 21.23.030 (Accessory Dwelling Unit Development Standards). The Community Development Director may require recordation of a deed restriction documenting this restriction.

F. Enforcement. A property owner who makes known to the City the existence of an unpermitted accessory dwelling unit but who fails to obtain or finalize a building permit or to secure a delay in enforcement pursuant to Chapter 18.30 (Delayed

Enforcement), shall be subject to penalties as specified by Chapter 21.70 (Enforcement).

G. Exception. The City may deny a permit to legalize an unpermitted accessory dwelling unit and instead require correction of the violation(s) if the building official makes a finding that correcting the violation(s) is necessary to protect the health and safety of the public or occupants of the structure.

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.

(Ord. No. 2252 , § 7, 11-19-2019)

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.

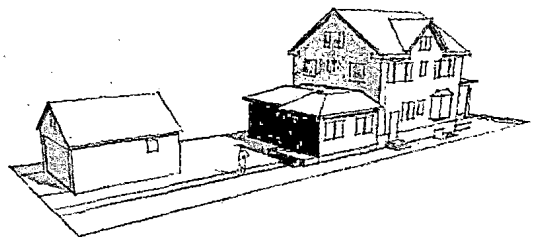


Figure 3.6(a)
Attached accessory dwelling unit

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).

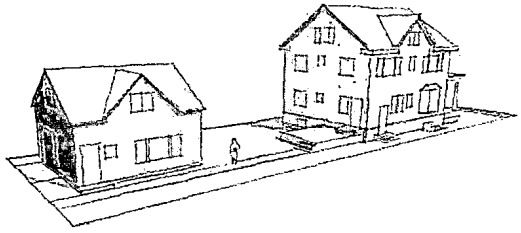


Figure 3.6(b)
Detached accessory dwelling unit

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.

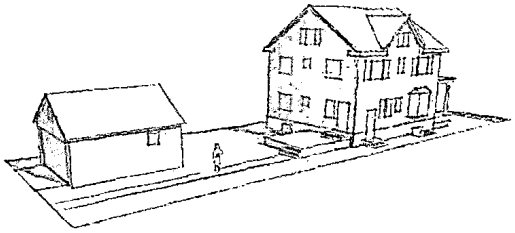


Figure 3.6(c)
Interior accessory dwelling unit

"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 that has been accepted for review by the City, comprising all required drawings, details, and calculations as specified by the applicable application checklist, including those necessary to determine the appropriate scope of work pursuant to Chapter 18.32 (Determination of scope of work), and remittance of plan review 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.

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

"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 five hundred square feet in size and contained entirely within an existing or proposed single-family dwelling or detached accessory dwelling unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

"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, and as further defined in Section 21.25.030.

"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.

(Ord. No. 2252 , § 7, 11-19-2019; Ord. No. 2286 , §§ 10, 11, 8-16-2022)

Chapter 21.24 INCLUSIONARY HOUSING ORDINANCE

21.24.010 Findings.

The City Council finds that:

A. Housing prices and rents in the City of Campbell have increased at a significantly higher rate than general wages. The lack of affordable housing in Campbell forces many residents to pay a very high percentage of their income for housing or to commute considerable distances, adding to air pollution and traffic congestion in Campbell and throughout Santa Clara County. The lack of affordable housing has made it more difficult to recruit workers from out of the area, in general, especially workers in lower-paying jobs, potentially affecting the economic vitality of the Campbell. New housing developments do not, to any appreciable extent, provide housing affordable to low- and moderate-income households.

B. Continued new housing developments which do not include housing for low- and moderate-income households will serve to further aggravate the current shortage of affordable housing by reducing the small remaining supply of undeveloped land.

C. The City Council approved the City's housing element of the general plan which includes a goal to encourage the provision of housing affordable to a variety of household income levels (Goal H-3).

D. Implementation of the inclusionary ordinance is a necessary part of the City's efforts to meet its general plan housing element goals and objectives and its region wide affordable housing obligations. Through the inclusionary ordinance, at least fifteen percent of the units in a new housing development of ten or more units will be price or rent restricted as units for low- and moderate-income households. In some circumstances, developers will be offered an option of providing affordable units off-site or payment of an in-lieu housing fee.

(Ord. 2074 Att. 3 (part), 2006).

21.24.020 Purpose of chapter.

The purpose of this chapter is to further the City's efforts to require housing available to very low-income, low-income and moderate-income households. The city's general plan implements the established policy of the State of California that each community should foster an adequate supply of housing for persons at all economic levels.

Providing the affordable units required by this chapter will help to ensure that part of Campbell's remaining developable land is used to provide affordable housing. An economically balanced community is only possible if part of the new housing built in the City is affordable to households with limited incomes. Requiring builders of new housing to include some housing affordable to households at a range of incomes is fair, not only because new development without affordable units contributes to the shortage of affordable housing, but also because zoning and other ordinances concerning new housing should be consistent with the community's goal to foster an adequate supply of housing for persons at all economic levels. In general, affordable units within each housing development will serve the goal of maintaining an economically balanced community.

The inclusionary housing ordinance is required by the council to promote and protect the public health, safety, and general welfare while preserving and enhancing the aesthetic quality of the City. (Ordinance 2060, December 2005 Code Update, Title 21 Zoning, 21.01.030 Purpose).

(Ord. 2074 Att. 3 (part), 2006).

21.24.030 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

"Affordable ownership cost" means average monthly housing costs during the first calendar year of a household's occupancy, as determined by the City, including mortgage payments, loan insurance fees, if any, property taxes, reasonable allowances for utilities and property maintenance and repairs, homeowners insurance and homeowners association dues, if any, which do not exceed the following:

1. For lower-income households: one-twelfth of thirty percent of seventy percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit and one additional person for each additional bedroom thereafter.
2. For moderate-income households: one-twelfth of thirty-five percent of one hundred ten percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit and one additional person for each additional bedroom thereafter.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, which do not exceed the following:

1. For lower-income households: one-twelfth of thirty percent of sixty percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.
2. For very low-income households: one-twelfth of thirty percent of fifty percent of area median, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

"Affordable units" means living units which are required under this chapter to be rented at affordable rents or available at an affordable housing cost to specified households.

"Applicant" means a person or entity who applies for a residential project and, if the applicant does not own the property on which the residential project is proposed, also means the owner or owners of the property.

"Area median income" means area median income for Santa Clara County as published pursuant to California Code of Regulations, Title 25, Section 6932 (or its successor provision).

"Construction cost index" means the Engineering News Record San Francisco Building Cost Index. If that index ceases to exist, the community development director shall substitute another construction cost index which in his or her judgment is as nearly equivalent to the original index as possible.

"Eligible household" means a household whose household income does not exceed the maximum specified in Section 21.24.040 of this chapter for a given affordable unit.

"Extremely low-income household" means a household whose household income does not exceed the extremely low-income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

"First approval" means the first of the following approvals to occur with respect to a residential project: building permit, planned development permit, tentative parcel map, tentative subdivision map, conditional use permit, site and architectural review permit, or other discretionary city land use approval.

"For-sale project" means a residential project, or portion thereof, which is intended to be sold to owner-occupants upon completion.

"Household income" means the combined adjusted gross income for all adult persons living in a living unit as calculated for the purpose of the Section 8 Program under the United States Housing Act of 1937, as amended, or its successor.

"Inclusionary housing agreement" means an agreement between the city and an applicant, governing how the applicant shall comply with this chapter.

"Living unit" means one or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and bathroom facilities. For the purposes of this Chapter, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) shall not count as living units.

"Lower-income household" means a household whose household income does not exceed the lower income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Market rate unit" means a housing unit or the legal lot for such unit offered on the open market at the prevailing market rate for purchase or rental.

"Moderate-income household" means a household whose household income does not exceed one hundred twenty percent of the area median income Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

"Pending project" means a land use application that has been accepted by the community development department as complete before the effective date of the ordinance codified in this chapter shall be processed in compliance with the requirements in effect when the application was accepted as complete by the city.

"Rental project" means a residential project, or portion thereof, which is intended to be rented to tenants upon completion.

"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.

"Very low-income household" means a household whose household income does not exceed the very low-income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

(Ord. 2074 Att. 3 (part), 2006).

(Ord. No. 2252 , § 20, 11-19-2019)

21.24.040 General requirements.

A. Percentage requirement. At least fifteen percent of all units in a residential project shall be made available at affordable rents or affordable ownership cost as prescribed in this section and shall be approved and completed not later than the times prescribed in Section 21.20.040 of this title, unless an alternative requirement is approved as set forth in Section 21.24.060 of this chapter.

For fractions of units in residential projects, where the fraction is 0.5 or greater, the owner of the property shall construct the next higher whole number of affordable units, and where the fraction is 0.49 or less, the owner shall construct the next lower whole number of affordable units.

B. Exceptions. The community development director may grant exceptions to the requirements of this chapter to residential projects located within the redevelopment project area, upon a finding that such exception is necessary to effective implementation of the redevelopment plan, while maintaining overall compliance with affordable housing production requirements set forth in Health and Safety Code Section 33413.

C. Location and design of affordable units. All affordable units shall be reasonably dispersed throughout the project and shall be comparable to the design of the market-rate units in terms of distribution of model types, number of bedrooms, appearance, materials and finished quality of the market-rate units in the project. There shall not be significant identifiable differences between affordable units and market-rate dwelling units which are visible from the exterior of the dwelling units and the size and design of the dwelling units shall be reasonably consistent with the market-rate units in the development. Affordable units shall have the same access to project amenities and recreational facilities as market rate units.

D. For-sale projects. Affordable units which are constructed in for-sale projects for owner-occupancy shall be sold at affordable ownership cost to lower-income households and moderate-income households. Of these affordable units in for-sale projects, forty percent of the required fifteen percent, or six percent of the total units in the residential project, shall be offered at affordable ownership costs exclusively to lower-income households, provided that where this requirement for lower-income units would result in a fraction of a lower-income unit, the number of lower-income units shall be rounded up and the number of moderate-income units which need not be lower-income units shall be rounded down. The sale price of units shall be based on the methodology established by, and on file with, the Community Development Department.

E. Rental projects. The affordable units which are constructed in rental projects shall be offered for rent at affordable rents to lower-income households and very low-income households. Of these affordable units in rental projects, forty percent of the required fifteen percent, or six percent of the total units in the residential project, shall be offered at affordable rents exclusively to very low-income households, provided that where this requirement for very low-income units would result in a fraction of a very low-income unit, the number of very low-income units shall be rounded up and the number of lower-income units which need not be very low-income units shall be rounded down.

F. Priority for rental or purchase of units. Preference in the rental or purchase of affordable units shall be given, first (for up to ten percent of all affordable units subject to this chapter) to income eligible employees of the City of Campbell, second to income eligible existing Campbell residents, and third to income eligible persons employed within the city limits of the City of Campbell.

(Ord. 2074 Att. 3 (part), 2006).

(Ord. No. 2206, § 14, 8-2-2016)

21.24.050 Time performance.

A. An application for first approval of a residential project will not be deemed complete until the applicant has submitted plans and proposals which demonstrate the manner in which the applicant proposes to meet the requirements of this chapter, including any plans for the construction of on-site units pursuant to Section 21.24.040 of this chapter or the applicant's selection of an alternative means of compliance pursuant to Section 21.24.070 of this chapter.

B. Conditions to carry out the purposes of this chapter shall be imposed on the first approval for a residential project. Additional conditions may be imposed on later city approvals or actions, including without limitation planned development permits, tentative parcel maps, tentative subdivision maps, conditional use permits, site and architectural review permits, or building permits. The conditions of approval included with the first approval of the residential project shall further provide that prior to the recordation of the parcel map or final map in the case of subdivisions and or prior to the issuance of building permits in the case of all other land use permits to which this chapter applies, the applicant shall enter into an inclusionary housing agreement acceptable to the community development director that contains specific requirements implementing the condition of approval including, but not limited to, as applicable, the number of affordable units, the level(s) of affordability, location and type of affordable units, timing of construction of affordable units in relation to the construction of the market rate units contained in the development, preferences given in selecting occupants, and amount of the in-lieu fee, if any. The inclusionary housing agreement may be amended by the parties, provided the amendment is consistent with the condition of approval imposed as part of the first approval and the then-existing city approvals. If such proposed amendment is minor or technical in nature, the community development director shall have authority to approve or disapprove the amendment on behalf of the city. If such proposed amendment makes a substantive or material change to the inclusionary housing agreement, such amendment shall be effective only if, following notice and hearing and such other procedures as may be required by law, approved by the city agency that gave the first approval on the project.

C. No building permit shall be issued for any market rate unit until the applicant has obtained permits for affordable units sufficient to meet the requirements of Section 21.24.040 of this chapter, or received approval of an alternative requirement of Section 21.24.070 of this chapter. No final inspection for occupancy for any market rate unit shall be completed until the applicant has constructed the affordable units required by Section 21.24.040 of this chapter, or completed corresponding alternative performance under Section 21.24.070 of this chapter. The time requirements set forth in this subsection for issuance of building permits for market rate units and for final inspections for occupancy for market rate units may be modified to accommodate phasing schedules, model variations, or other factors in a residential project, if the city determines this will provide greater public benefit and an inclusionary housing agreement acceptable to the community development director or the Community Development Director's designee pursuant to subsection B of this section so provides.

(Ord. 2074 Att. 3 (part), 2006).

21.24.060 Continued affordability and city review of occupancy.

A. Term of affordability—For-sale projects. A resale restriction, covenant, deed of trust and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each affordable owner-occupied unit. These documents shall, in the case of affordable units which are initially sold, be for a term of forty-five years and shall be renewed at the change of each title for a period of forty-five years. The resale restriction, or other documents authorized by this subsection, and any change in the form of any such documents which materially alters any policy in the documents, shall be approved by

the community development director or his or her designee prior to being executed with respect to any residential project.

B. Term of affordability—Rental projects. A regulatory agreement, covenant, deed of trust, and/or other documents acceptable to the Community Development Director or the Director's designee, shall be recorded against each unit/complex for residential projects containing affordable rental units. These documents shall, in the case of affordable units which are rented, be for a term of fifty-five years and shall be renewed at the change of each title for a period of fifty-five years. The regulatory agreement and other documents authorized by this subsection, shall run with the property and not be affected by the sale of the property or units in the project. The regulatory agreement and other documents authorized by this subsection, and any change in the form of any such document which materially alters any policy in the document, shall be approved by the Community Development Director or his or her designee prior to being executed with respect to any residential project.

C. Eligibility requirements. No household shall be permitted to begin occupancy of an affordable unit unless the city or its designee has approved the household's eligibility. If the city or its designee maintains a list of, or otherwise identifies, eligible households, initial and subsequent occupants of affordable units shall be selected first from the list of identified households, to the maximum extent possible, in accordance with rules approved by the community development director or his or her designee.

(Ord. 2074 Att. 3 (part), 2006).

21.24.070 Alternatives.

An applicant may elect, in lieu of building affordable units within a residential project, to satisfy the requirements of this chapter by one of the following alternative modes of compliance, provided that the applicant includes such election in its application for the first approval of the residential project and that the criteria stated in the relevant subsection below are satisfied.

A. Rental units in for-sale projects. Where owner-occupied affordable units are required by Section 21.24.040 of this chapter, instead construct as part of the residential project the same or a greater number of rental units, affordable to lower-income households and very low-income households in the proportions and at the rents as prescribed in Section 21.24.040(E) of this chapter. Substitution of rental units shall be allowed under this subsection only if either: (1) the rental units are at least equal in number of bedrooms to the owner-occupancy units which would have been allowed, or (2) any comparative deficiency in bedrooms is compensated for by additional units and/or affordability to households with lower incomes.

B. Off-site construction. Construct, or make possible construction by another developer of, units not physically contiguous to the market-rate units (or units that are physically contiguous to the market-rate units if the City determines this will provide greater public benefit and if an inclusionary housing agreement acceptable to the Community Development Director or his or her designee pursuant to Section 21.24.050(B) of this chapter so provides) and equal or greater in number to the number of affordable units required under Section 21.24.040 of this chapter. Off-site construction pursuant to this subsection shall be approved only if:

1. Approval has been secured for the off-site units not later than the time the residential project is approved and completion of the off-site units is secured by a requirement that final inspections for occupancy for the related market-rate units be completed after those for the affordable units, provided that the time requirements set forth in this subsection for final inspections for occupancy for market-rate units may be modified to accommodate phasing schedules, model variations, financing requirements, or other factors in a residential project for the off-site units, if the City determines this will provide greater public benefit, and if an inclusionary housing

agreement acceptable to the Community Development Director or his or her designee pursuant to Section 21.24.050(B) of this chapter so provides;

2. The off-site units will be greater in number, larger or affordable to households with lower incomes than would otherwise be required in Section 21.24.040 of this chapter;

3. Financing or a viable financing plan is in place for the off-site units;

4. In the event the off-site units receive any public assistance, the developer of the residential project will contribute to the off-site units economic value equivalent to the value of making on-site units in the developer's residential project affordable; and

5. The City may require that completion of off-site units shall be further secured by the developer's agreement to pay an in-lieu fee in the amount due under subsection D of this section in the event the off-site units are not timely completed.

C. Land dedication. Dedicate without cost to the city, a lot or lots within or contiguous to the residential project, sufficient to accommodate at least the required affordable units for the residential project. An election to dedicate land in lieu of compliance with other provisions of this chapter shall be allowed only if:

1. The value of the lot or lots to be dedicated is sufficient to make development of the otherwise required affordable units economically feasible, and financing or a viable financing plan is in place for at least the required number of affordable units; and

2. The lot or lots are suitable for construction of affordable housing at a feasible cost, served by utilities, streets and other infrastructure, there are no hazardous material or other material constraints on development of affordable housing on the lot or lots, and land use approvals have been obtained as necessary for the development of the affordable units on the lot or lots.

D. In-lieu housing fee. Where a residential project has an approved density of six or fewer units per acre, the applicant may elect to pay an in-lieu housing fee, instead of developing the affordable units required in Section 21.24.040 of this chapter, pursuant to the requirements set forth below in this subsection.

1. The initial in-lieu fee schedule shall be set by City Council fee resolution or other action of the City Council so that the fee amounts are not greater than the difference between: (a) the amount of a conventional permanent loan that an inclusionary unit would support based on the affordable rent or sales price for the required inclusionary unit; and (b) the estimated total development cost of prototypical inclusionary units.

2. The City Council may annually review the fees authorized by this subsection D of this section by resolution, and may, based on that review, adjust the fee amount. For any annual period during which the City Council does not review the fee authorized by this subsection, fee amounts shall be adjusted once by the community development director or his or her designee based on the construction cost index.

3. In-lieu fees shall be calculated based on the fee schedule in effect at the time the fee is paid. In-lieu fees shall be paid prior to issuance of building permits for market-rate units in a residential project. If building permits are issued for only part of a residential project, the fee amount shall be based only on the number of units then permitted. Where payment is delayed, in the event of default or for any other reason, the amount of the in-lieu fee payable under this subsection D of this section shall be based upon the fee schedule in effect at the time the fee is paid.

(Ord. 2074 Att. 3 (part), 2006).

21.24.080 Use of in-lieu housing fees.

A. All in-lieu fees collected under this chapter shall be deposited into a separate account to be designated the City of Campbell housing trust fund.

B. The in-lieu fees collected under this chapter and all earnings from investment of the fees shall be expended exclusively to provide or assure continued provision of affordable housing in the city through acquisition, construction, development assistance, rehabilitation, financing, rent subsidies or other methods, and for costs of administering programs which serve those ends. The housing shall be of a type, or made affordable at a cost or rent, for which there is a need in the City and which is not adequately supplied in the City by private housing development in the absence of public assistance.

(Ord. 2074 Att. 3 (part), 2006).

21.24.090 Waiver of requirements.

Notwithstanding any other provision of this chapter, the requirements of this chapter shall be waived, adjusted or reduced if the applicant shows that there is no reasonable relationship between the impact of a proposed residential project and the requirements of this chapter, or that applying the requirements of this chapter would take property in violation of the United States or California Constitution or otherwise result in an unconstitutional application of this chapter. To receive a waiver, adjustment or reduction under this section, the applicant must file a written request together with the development application(s) when applying for a first approval for the residential project, and/or as part of any appeal which the City provides as part of the process for the first approval. The written request shall provide substantial evidence showing that there is no reasonable relationship between the impact of a proposed residential project and the requirements of this chapter, or that applying the requirements of this chapter would take property in violation of the United States or California Constitution or otherwise result in an unconstitutional application of this Chapter. The City may assume that: (a) the applicant will provide the most economical inclusionary units feasible meeting the requirements of this Chapter; and (b) the applicant is likely to obtain housing subsidies when such funds are reasonably available. The waiver, adjustment, or reduction may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this section.

(Ord. 2074 Att. 3 (part), 2006).

21.24.100 Enforcement.

A. The City Council may adopt guidelines, by resolution, to assist in the implementation of all aspects of this Chapter.

B. No permit, license, subdivision approval or map, or other approval or entitlement for a residential project shall be issued, including without limitation a final inspection for occupancy or certificate of occupancy, until all requirements applicable to the residential project at such time pursuant to this Chapter have been satisfied.

C. The City Attorney shall be authorized to enforce the provisions of this Chapter and all inclusionary housing agreements, regulatory agreements, resale controls, deeds of trust, or similar documents placed on affordable units, by civil action and any other proceeding or method permitted by law.

D. Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any applicant or owner from the requirements of this Chapter.

E. The remedies provided for in this Chapter shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. 2074 Att. 3 (part), 2006).

Chapter 21.25 TWO-UNIT HOUSING DEVELOPMENTS

21.25.010 Purpose.

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

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

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.020 Applicability.

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

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.030 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Figure 1-1 - Lot Types and Yards

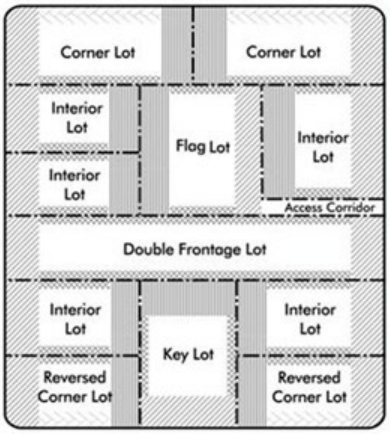


Figure 1-2 - Cul-de-Sac Lots

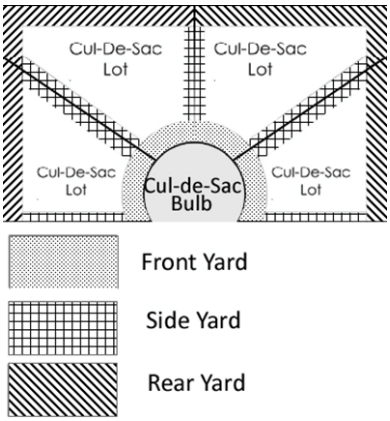
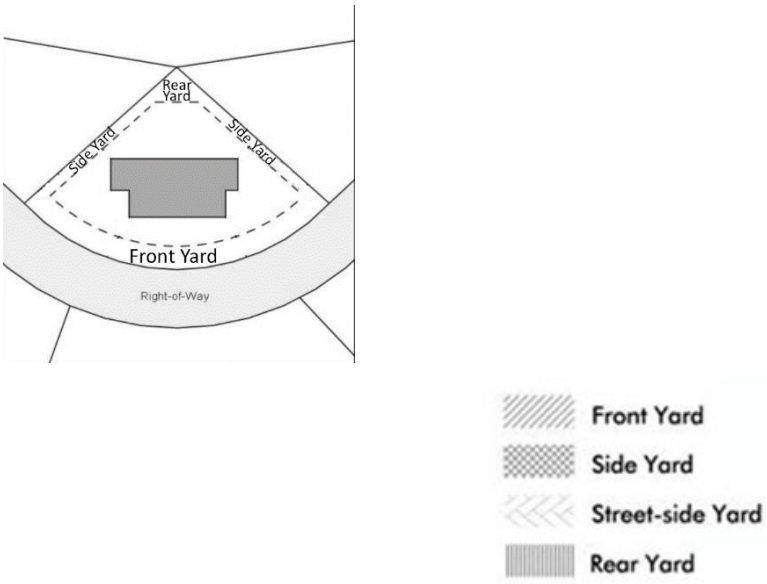


Figure 1-3 - Pie-Shaped Lot



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

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

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

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

"Proposed housing development" means an application proposing no more than two primary dwelling units on a single parcel located within a single-family residential zone as authorized by Section 65852.21 of the

Government Code. This Chapter recognizes the following types of proposed housing developments. Any proposal not satisfying this definition shall not be considered a proposed housing development under this Chapter.

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

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

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

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

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

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

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

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.040 General eligibility.

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

A. Zoning District. A parcel that is located within a single-family residential zone.

B. Historic Property. A parcel that is not listed on the City of Campbell Historic Resource Inventory, as defined by Chapter 21.33 (Historic Preservation).

C. Legal Parcel. A parcel which has been legally created in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Subdivision Ordinance, as applicable at the time the parcel was created. The city engineer may require a certificate of compliance to verify conformance with this requirement.

D. Hazardous Waste Site. A parcel that is not identified as a hazardous waste site pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use.

E. Flood Zone. A parcel that is not located within a special flood hazard area subject to inundation by the one percent annual chance flood (one hundred-year flood) on the official maps published by the Federal Emergency Management Agency unless a Letter of Map Revision prepared by the Federal Emergency Management Agency has been issued or if the proposed primary dwelling unit(s) is constructed in compliance with the provisions of Chapter 21.22 (Flood Damage Prevention) as determined by the floodplain administrator.

F. Earthquake Fault Zone. A parcel that is not located within a delineated earthquake fault zone as determined by the State Geologist on any official maps published by the State Geologist, unless the proposed housing development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

G. Natural Habitat. A parcel that is not recognized by the City as a habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. 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).

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.050 Zoning standards.

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

A. Building Height/Number of Stories. The maximum building height and maximum number of stories shall be as specified by the applicable zoning district and/or a neighborhood plan. Building height shall be measured from finished grade except for properties subject to a neighborhood plan where maximum building height is measured from natural grade.

B. Floor Area Ratio and Lot Coverage. The maximum floor area ratio and lot coverage shall be as specified by the applicable zoning district and/or a neighborhood plan.

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

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

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

Parking stalls may either be uncovered or covered (garage or carport) in compliance with the development standards of the applicable zoning district and/or a neighborhood plan and Chapter 21.28 (Parking and Loading), except that uncovered parking spaces may encroach into a required front or

side yard fronting on a public street within an existing or proposed driveway that satisfies the minimum stall dimensions for residential parking spaces (nine feet wide by twenty feet deep).

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

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

Table 1-1 — Setback Requirements

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

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

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.060 Site development standards.

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

A. Air Conditioning Units. Air conditioning units and similar equipment such as generators, heating, and ventilation equipment shall be ground-mounted, screened from public view, and separated from property lines as required by Section 21.18.020 (Air conditioning units).

B. Driveways. Driveways shall comply with the requirements of Section 21.28.090 (Driveways and site access), except that the following standards shall apply:

1. Each driveway shall have a minimum width of eight feet up to a maximum width of eighteen feet;

2. Each driveway shall be entirely paved with either concrete or pavers. All other surfacing materials, including but not limited to gravel, decomposed granite, and asphalt, are prohibited; and

3. Only a single driveway curb-cut shall be permitted per parcel designed in accordance with the City's Standard Specifications and Details for Public Works Construction.

C. Fencing. All new fencing shall comply with the requirements of Section 21.18.060 (Fences, walls, lattice and screens), except that fences shall be permitted up to seven feet in height, with or without lattice, where a six-foot tall fence would otherwise be permitted.

D. Front Yard Paving. No more than fifty percent of the front-yard setback area shall be paved as specified by Section 21.18.070 (Front yard paving), except to allow a driveway with a width dimension not exceeding eight feet.

E. Landscaping Requirement. Front and street-side yards shall be irrigated and landscaped with a combination of plantings, including natural turf, ornamental grasses, groundcovers, shrubs, and trees, consistent with Section 21.26.030 (General landscaping requirements for all zoning districts) and the California Model Water Efficient Landscape Ordinance (MWELO), pursuant to Section 21.26.030.F (Water efficient). Properties subject to the San Tomas Area Neighborhood Plan (STANP) shall provide one tree per 1,500 square feet of net lot area.

F. Lighting. New exterior lighting fixtures shall be down-shielded and oriented away from adjacent properties consistent with Section 21.18.090 (Lighting design standards) and shall not emit more than one-half foot candle of illumination at interior-side or rear property lines.

G. Stormwater Management. Stormwater runoff from impervious surfaces shall be directed to vegetated areas on the parcel and shall not drain onto adjacent parcels as specified by the Building Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer.

H. Water Meter(s) and Sewer Cleanout(s). New water meters and sewer cleanouts shall be installed on the parcel containing the units they serve. Existing meters and cleanouts located within the public right-of-way shall be relocated onto the parcel upon construction of a new primary dwelling unit.

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.070 Design review standards.

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

A. Balconies/Decks. Rooftop terraces and decks are prohibited. Balconies shall only be permitted on the front elevation of a primary dwelling unit(s).

B. Building Colors. Each new primary dwelling unit shall incorporate at least two colors (inclusive of trim) but not more than four colors. Paints shall be uniformly applied to wall surfaces and no more than one

paint color may be applied per wall (not including the trim color). Additions to existing primary dwelling units shall incorporate the same building colors as the existing structure or otherwise comply with the requirements of this provision.

C. Columns and Pillars. Exterior columns and/or pillars shall not exceed a height of fourteen feet or the plate height of the first-story, whichever is less.

D. Finished Floor. The finished floor of the first-story shall not exceed 18-inches in height as measured from finished grade.

E. Front Entryway. An entry feature framing a front door shall not exceed fourteen-feet in height as measured from finished grade.

F. Front Doors. Front door openings shall not exceed a width of six feet or a height of nine feet. Front entry doors for duplex units in a side-by-side configuration shall be separated by a distance equal to half the linear length of the structure's front elevation.

G. Front Porch. Porches shall have a minimum depth of five feet and a minimum width equal to thirty-three percent of the linear width of the front-facing wall.

H. Front Step-back. Second-story wall(s) that front a public street shall be recessed by five feet from the first-story exterior walls, as measured wall to wall.

I. Garages. Garages placed on the front elevation of a primary dwelling unit shall not exceed fifty percent of the linear extent of the front elevation.

J. Garage Conversions. The creation of a primary dwelling unit from the existing space of an attached garage shall include removal of garage doors which shall be replaced with architectural features the same as those of the existing primary dwelling unit, including the same wall cladding, building color(s), and window frames that remove any appearance that the structure was originally a garage.

K. Plate Height. The plate height of each story for a new primary dwelling unit shall be limited to twelve feet as measured from finished floor. The plate height of an addition to an existing primary dwelling unit shall match the plate height of the existing structure.

L. Roof Forms. For new primary dwelling units, roofs shall be limited to cross-hipped or hipped and valley forms with a minimum slope of 4:12 and a maximum slope of 8:12. Gabled and dormer elements are allowed, but all other roof forms are prohibited. Additions to existing primary dwelling units shall match the predominant roof form and roof pitch of the existing structure.

M. Roof Materials. For new primary dwelling units, no more than two roofing materials shall be used, limited to asphalt composite shingles, photovoltaic shingles, standing seam metal, clay tile, concrete tile, and slate shingles. All other roofing materials are prohibited. Additions to existing primary dwelling units shall incorporate the same roofing material as the existing structure or otherwise comply with the requirements of this provision.

N. Stairways. A dwelling unit located entirely on a second story shall require a separate interior or exterior stairway. Enclosed stairways shall be included in the allowable floor area of the dwelling unit that it serves.

O. Wall Materials. For new primary dwelling units, no more than two exterior wall materials shall be used, limited to stucco, horizontal or vertical fiber cement siding (in any profile), horizontal or vertical wood siding (in any profile), and horizontal or vertical engineered (composite) wood siding (in any profile). Stacked stone or brick veneer may be used as an accent material, limited to the lower half of the first story. Additions to existing primary dwelling units shall incorporate the same combination materials as the existing structure or otherwise comply with the requirements of this provision.

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

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

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.080 General requirements and restrictions.

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

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

1. Parcels with two single-family dwellings shall be permitted one accessory dwelling unit and one junior accessory dwelling unit;

2. Parcels with a duplex structure shall be permitted two detached accessory dwelling units. The accessory dwelling units may be connected to each other in a side-by-side or front-to-back configuration or stacked with one unit located atop of the other unit forming a two-story structure not exceeding the maximum building height specified by Section 21.25.050.A (Building height/number of stories);

3. Creation of an interior accessory dwelling unit from an existing non-livable space shall only be permitted within an existing multifamily dwelling structure, as herein defined.

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

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

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

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

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

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;

3. Housing that has been occupied by a tenant in the last three years. This shall be evidenced by claiming of the Homeowners' Exemption on the Santa Clara County assessment roll.

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

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

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.090 Application process.

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

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

B. Application Filing. A zoning clearance application for a proposed housing development, including the required application materials and fees, shall be filed with the community development department in compliance with Chapter 21.38 (Application Filing, Processing and Fees). A zoning clearance application may only be found complete if it satisfies the requirements of this Chapter.

C. Building Permits. Issuance of a zoning clearance shall be required prior to issuance of building permit(s) for the new and/or modified dwelling units comprising the proposed housing development, consistent with Section 21.56.050 (Issuance of building permits).

D. Approval Expiration. Approval of a Zoning Clearance shall expire twelve months of after issuance, as specified by Section 21.56.030 (Permit time limits and extensions), except when a proposed housing development is comprised of two dwelling units. Approval of a zoning clearance for creation and/or alteration of two dwelling units shall incorporate two pre-approved phases pursuant to Section 21.56.030.A.3.b (Pre-approved phases), where each phase provides twelve months for the applicant to secure issuance of a building permit for each approved dwelling unit. Failure to secure issuance of a building permit for Phase 1 (first dwelling unit) shall result in the expiration of the zoning clearance. Failure to obtain a building permit for Phase 2 (second dwelling unit) within the successive twelve-month period shall result in the expiration of approval for Phase 2 without effect to Phase 1. Such partial expiration of the zoning clearance shall not preclude application for a new zoning clearance for the second dwelling unit nor result in a violation of this Title. An applicant may request an extension of the permit expiration date to any of the twelve-month approval periods pursuant to Section 21.56.030.C (Extensions of time).

E. Denial. The community development director may deny a proposed housing development project only if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined and determined in

paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Expiration of a zoning clearance application following a determination that the application is incomplete pursuant to Section 21.38.040.C (Expiration of application) shall not constitute a denial.

F. Appeals. As specified by Chapter 21.62 (Appeals), zoning clearances are ministerial and are not subject to an appeal.

(Ord. No. 2286 , § 5, 8-16-2022)

21.25.100 Exceptions.

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

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

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

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

(Ord. No. 2286 , § 5, 8-16-2022)

Chapter 21.26 LANDSCAPING REQUIREMENTS

21.26.010 Purpose.

This chapter provides standards for the provision of landscaping with development to achieve the following objectives:

A. Enhance the aesthetic appearance of development throughout the city by providing standards related to the quality and functional aspects of landscaping;

B. Increase compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers;

C. Provide for the conservation of water resources through the efficient use of irrigation, appropriate plant materials, and regular maintenance of landscaped areas; and

D. Protect public health, safety, and welfare by preserving and enhancing the positive visual experience of the built environment, providing appropriate transition between different land uses, preserving neighborhood character, and enhancing pedestrian and vehicular traffic and safety.

(Ord. 2043 § 1 (part), 2004).

21.26.020 Landscaping requirements for individual zoning districts.

The landscaping requirements for individual zoning districts shall be as follows:

A. PO (Professional Office), NC (Neighborhood Commercial), PF (Public Facilities):

1. All developments within the PO, NC, and PF zoning districts shall be required to provide for landscaping a minimum of 12 percent of the net site area.

2. Continuous landscaped areas a minimum of 10-feet wide shall be required along the public street frontages of all developments, excluding driveways.

3. A five-foot planter strip shall be provided along abutting property lines.

B. GC (General Commercial):

1. All developments within the GC zoning district shall be required to provide for landscaping a minimum extent of 10 percent of the net site area.

2. Continuous landscaped areas a minimum of 10-feet wide shall be required along the public street frontages of all developments, excluding driveways.

3. A minimum five-foot planter strip shall be provided along abutting property lines.

4. Where the frontage and perimeter landscaping requirement does not provide the minimum coverage of 10 percent of the site area, additional landscaped areas in an amount which makes up the difference shall be provided.

C. RD (Research and Development):

1. All developments within the RD zoning district shall be required to provide landscaping a minimum extent of 10 percent of the net site area.

2. A minimum five-foot planter strip shall be provided along abutting property lines.

D. LI (Light Industrial), :

1. All developments within the LI zoning district shall be required to provide for landscaping a minimum extent of eight percent of the net site area.

2. Continuous landscape areas a minimum of 10 feet wide shall be required along the public street frontages of all developments, excluding driveways.

3. A minimum five-foot planter strip shall be provided along abutting property lines.

E. MDR, MHDR, HDR (Multiple-Family Residential):

1. All developments within the MDR, MHDR, and HDRzoning districts shall be required to provide for landscaping a minimum of 20 percent of the net site area.

F. GC/LI, PO-MU, NC-MU, MHD-MU, CB-MU, GC-MU, HD-MU, CC-MU, TO-MU (Mixed-Use):

1. Except for projects subject to Chapter 21.07 (Multi-Family Development and Design Standards) all developments within the GC/LI, PO-MU, NC-MU, MHD-MU, CB-MU, GC-MU, HD-MU, CC-MU, TO-MU zoning districts shall be required to provide for landscaping a minimum of 10 percent of the net site area.

(Ord. 2043 § 1(part), 2004).

21.26.030 General landscaping requirements for all zoning districts.

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. Expansion of use or structure. Whenever an existing use or structure is expanded, required landscaped areas shall be provided to the greatest extent feasible, including parking lot landscaping.

B. Front yard areas. All required front yard areas in all zoning districts shall be landscaped, except driveway areas and pedestrian walkways.

C. Minimum size. Trees shall be a minimum of 15-gallon size and shrubs shall be a minimum of five-gallon size.

D. Planter areas. Planter areas adjacent to driveways or parking areas shall be protected by six-inch concrete curbs or other acceptable barriers, as approved by the community development director. Nonporous materials shall not be placed under plants or trees.

E. Irrigation required. Landscaped areas shall be provided with a permanent automatic underground irrigation system, or other acceptable irrigation systems as approved by the community development director.

F. Water efficient. Landscaping shall be consistent with Campbell's Water-Efficient Landscape Guidelines which are incorporated herein by reference and on file with the Community Development Department

G. Mix of materials. Required landscaping shall consist of living vegetation consisting of turf, ground cover, shrubs, trees, and combinations thereof. Landscape areas may contain incidental ornamental materials including wood chips, rocks, boulders, and pavers used to create walkways, as well as furniture and water features, when comprising less than 10% of a contiguous landscape area. Required landscaping shall consist of a variety of species and sizes.

H. Street frontage. Landscape areas along street frontages shall be measured at right angles to the street and shall be exclusive of any parking overhang.

I. Parking lot landscaping. Parking lot landscaping shall be required in compliance with Chapter 21.28 (Parking and Loading).

J. Additional landscaping. If the required amount of frontage and/or perimeter landscaped areas is not enough to meet the minimum amount of landscaping required for the zoning district, additional landscaping shall be provided in other locations on the site.

K. Retain mature trees. New development shall retain or incorporate existing mature trees and vegetation into the proposed site plan to the greatest extent feasible.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2225, § 12, 8-15-2017)

21.26.040 Landscaping maintenance requirements.

All landscaped areas shall be continuously maintained. Landscaped areas shall be watered on a regular basis so as to maintain healthy plants. Landscaped areas shall be kept free of weeds, trash, and litter. Dead or unhealthy plants shall be replaced with healthy plants of the same or similar type.

(Ord. 2043 § 1(part), 2004).

21.26.050 Adjustments to landscape requirements.

The planning commission shall have the authority to adjust the landscaping requirements of this chapter for a specific use at a specific location so as to require either a greater or lesser amount of landscaping when it determines that there are unique or special circumstances that warrant an adjustment. For all uses not specified in this section, landscaping shall be required as specified by the planning commission.

(Ord. 2043 § 1(part), 2004).

Chapter 21.28 PARKING AND LOADING

21.28.010 Purpose.

This chapter is intended to ensure that adequate off-street parking and loading spaces are provided for each type of land use in a manner that will ensure their usefulness, support alternative transportation solutions, improve the urban form of the community, and protect the public safety.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.28.020 Applicability.

Every use and structure, including a change or expansion of a use or structure shall have appropriately maintained parking and loading areas in compliance with the provisions of this chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this chapter are satisfactorily completed.

(Ord. 2043 § 1(part), 2004).

21.28.030 General parking and loading regulations.

A. Parking and loading spaces to be permanent. Parking and loading spaces shall be permanently available, marked and maintained for parking or loading purposes for the use they are intended to serve.

B. Parking and loading to be unrestricted. Owners, lessees, tenants, or persons having control of the operation of a premises for which parking or loading spaces are required by this chapter shall not prevent, prohibit or restrict authorized persons from using these spaces without prior approval of the community development director.

C. Restriction of parking area use. Required off-street parking, circulation, and access areas shall be used exclusively for the temporary parking and maneuvering of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this code.

D. Change in use. When there is a change in use that would require additional parking spaces, the spaces shall be provided at the time of the change, in compliance with Subsection 21.28.040.D (Expansion/remodeling of structure, or change in use).

E. Conformance. Uses that were in existence at the time of adoption of this chapter and that were in conformance with the provisions of this chapter at that time shall not become "nonconforming" solely because the parking spaces provided do not meet the requirements of this chapter. However, if the use is enlarged or changed, parking spaces shall be provided as required in this chapter.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.28.040 Number of parking spaces required.

A. Parking requirements by land use. Each land use shall be provided the number of parking spaces required by Table 3-1, (Parking Requirements by Land Use), except nonresidential land uses located within an overlay combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit).

B. Expansion/remodeling of structure, or change in use.

1. Except where a parking modification permit has been granted in compliance with Section 21.28.050, (Parking modification permit) or as provided for in Section 21.10.060.I.3, (Change in use),when the use of a structure changes to a use that requires the same, or fewer, number of parking spaces as the immediately previous use, the number of required parking spaces for the new use shall be the same as the requirement for the previous use, regardless of the number of spaces actually provided by the previous use provided that:

    a. The previous use was legally established; and

    b. No spaces were eliminated by the previous use except as provided for by this Chapter.

2. When a legally established structure is enlarged or increased in capacity, or when a legally established use is changed to one that requires more off-street parking than the existing or previous use.

    a. Only the number of parking spaces required for the addition needs to be provided; or

    b. The difference in the required number of parking spaces for the new use and the existing use only needs to be provided.

3. When a structure (or a portion of a structure) is intentionally demolished, any new use or structure shall provide the number of parking spaces required by this chapter.

4. Additional parking spaces shall not be required for an addition to a structure made solely for the purpose of increasing access for disabled persons.

C. Uses not listed. Land uses not specifically listed by Subsection A, (Parking requirements by land use), above, shall provide parking as required by the community development director. The community development director shall use the requirements of Table 3-1 as a guide in determining the minimum number of parking spaces to be provided.

D. Rounding of quantities. When calculating the number of parking spaces required, the parking demand of all uses sharing parking spaces shall first be totaled prior to rounding the resultant number to the nearest whole number.

E. Company-owned vehicles. The number of parking spaces required by this chapter does not include spaces needed for the parking of company-owned vehicles. Parking spaces to accommodate company-owned vehicles shall be provided in excess of the requirements for a particular land use and shall be screened from view from the public right-of-way.

F. Electric Vehicle Parking Spaces. Electrical vehicle charging spaces meeting the minimum size requirements of this Chapter shall count as at least one standard parking space and accessible charging spaces with an access aisle shall count as two standard parking spaces.

G. Electric Vehicle Charging Station (EVCS). Notwithstanding anything in this Chapter to the contrary, the number of required parking spaces for existing uses shall be reduced by the amount necessary to accommodate one or more EVCS if the EVCS and associated equipment interferes with, reduces, eliminates, or in any way impacts the required parking spaces for existing uses.

H. Accessible Parking and Access. Notwithstanding anything in this Chapter to the contrary, the number of required parking spaces for existing uses shall be reduced by the amount necessary to provide the minimum number and type of accessible parking spaces, and paths of travel, required by the California Building Code (CBC).

I. Guest Parking Spaces. Where a minimum residential guest parking standard is not otherwise specified by this Chapter, a minimum of one (1) onsite designated guest parking space for every ten (10) onsite parking spaces provided shall be required. As set forth by this section, no additional onsite parking spaces shall be required to satisfy the guest parking requirement, nor shall guest parking be required when found to conflict with the minimum required assigned parking requirement provided in Section 21.28.040.J – Assignment of Parking Spaces.

J. Assignment of Parking Spaces. Where onsite parking is provided on a property with residential units, parking spaces shall be assigned to onsite uses as follows:

1. To residential units until a ratio of one assigned parking space per unit is satisfied; then
2. To non-residential uses until the onsite parking requirements are satisfied; then
3. As residential guest parking until the ratio specified in Section 21.28.040.I – Guest Parking Spaces has been satisfied.

Table 3-1
Parking Requirements by Land Use

Land Use Type:	Vehicle Spaces Required
Residential Uses	
Accessory dwelling units	As specified by Section 21.23.040.H (Parking)
Child day care homes, large	In addition to the spaces required for the residential use, a minimum of 3 additional spaces shall be required, including 2 loading spaces and 1 employee space.
Group quarters (including lodging houses, rooming houses and fraternities/sororities)	1 space for each bed, plus 1 space for each employee living off the premises.
Mobile home parks	2 covered spaces for each mobile home (tandem parking allowed in an attached carport), plus 1 guest parking space for each 4 units. Guest parking standards see below* Recreational vehicle parking shall be provided at the rate of 1 space for every 5 units.
Caretaker and employee housing	2 spaces per unit, 1 of which must be covered.
Single-family dwelling	2 spaces for each unit, 1 of which shall be covered.
Multi-family dwellings and transitional housing:	
Single-Room Occupancy Facilities	.5 space per unit
- Studio or one bedroom units (up to 625 sq. ft.)	1 space per unit
- Studio or one bedroom units (larger than 625 sq. ft.)	2 spaces for each unit
- Two or more bedroom units	2½ spaces for each unit
Transit-oriented developments and areas as depicted as “Walkable Areas” on the Form-Based Zoning Map	

as provided for by CMC 21.07 – Multi-Family Development and Design Standards:	
- Studio or one bedroom units (up to 625 sq. ft.)	1 space per unit
- Studio or one bedroom units (larger than 625 sq. ft.)	1½ spaces for each unit
- Two or more bedroom units	2 spaces for each unit
Residential care facilities (including assisted living facilities, licensed care, unlicensed care, residential care homes, convalescent/rest homes, and sanitariums)	1 space for each 2 beds.
Emergency shelters	1 space for each 400 sq. ft. of gross floor area or one space per employee, whichever is less
Nonresidential Uses	
Education, Public Assembly and Recreation	
Commercial day care center	1 space for each employee plus 1 space for each 5 children.
Schools/Instructional Uses:	
Elementary/junior high	1½ spaces for each classroom, plus 1 space for each 75 sq. ft. of assembly area.
High school	10 spaces for each classroom, plus 1 space for each 75 sq. ft. of assembly area.
Commercial schools	1 space for each instructor/employee, plus 1 space for each 4 students, but not less than 1 space per 200 sq. ft. of gross floor area.
Studios, small	1 space for each 250 sq. ft. of gross floor area.
Studios, large	1 space for each instructor/employee plus 1 space for each 4 participants, but not less than 1 space per 200 sq. ft. of gross floor area.
Tutoring center, small	1 space for each 200 sq. ft. of gross floor area.
Tutoring center, large	1 space for each instructor/employee plus 1 space for each 4 students, but not less than 1 space per 200 sq. ft. of gross floor area.
Public facilities:	
Community/cultural/ recreational center	1 space for each 200 sq. ft. of gross floor area
Libraries, museums, art galleries	1 space for each 200 sq. ft. of gross floor area.
Public assembly:	
Places of public assembly	1 space for each 4 seats, plus 1 space for each 40 sq. ft. of public assembly seating area, if the seats are not fixed.
Entertainment and recreation:	
Arcades and indoor amusement/recreation centers	1 space for each 200 sq. ft. of gross floor area.
Bowling alleys	4 spaces for each lane plus required spaces for ancillary uses.
Health/fitness centers	1 space for each 150 sq. ft. of gross floor area.
Pool and billiard rooms	4 spaces for each table plus required spaces for ancillary uses.
Private clubs	1 space/ for each 200 sq. ft. of gross floor area.

Skating rinks	1 space for each 400 sq. ft. of gross floor area plus required spaces for ancillary uses.
Tennis/racquetball/handball or other courts	2 spaces for each court, plus 1 space for each 300 sq. ft. of gross floor area used for ancillary uses.
Theaters, concert halls, banquet facilities	1 space for each 3 fixed seats or 1 space for each 35 sq. ft. of gross assembly area where fixed seating is not provided.
Manufacturing and Processing	
General manufacturing, industrial, and processing uses	1 space for each 400 sq. ft. of gross floor area.
Research and development, laboratories	1 space for each 300 sq. ft. of gross floor area (parking shall not be provided in excess of this standard).
Warehouses and storage facilities (not including mini-storage for personal use)	1 space for each 400 sq. ft. of gross floor area.
Motor Vehicle and Related Retail Trade and Services	
Motor vehicle parts and supplies (very limited maintenance/installation)	1 space for each 350 sq. ft. of gross floor area.
Motor vehicle repair and maintenance, and oil change facilities	2 spaces per single-serving service bay, plus 1 space for each 225 sq. ft. of non-service area (e.g., waiting or customer service areas). Motor vehicle repair and maintenance, and oil change facilities with service bays with the capacity to service more than one vehicle shall provide additional parking commensurate with this standard.
Gasoline stations	In addition to fueling spaces, 1 space for each 250 sq. ft. of convenience market area or not less than 2 spaces if no convenience market.
Motor vehicle, boat, or trailer sales, leasing and renting	In addition to space provided for merchandise display, one space for each 450 sq. ft. of outdoor display area or indoor showroom area, plus 1 space for each 225 sq. ft. of office area, plus 1 space for each 750 sq. ft. vehicle warehousing space.
Self-service vehicle washing	2 spaces for each washing stall, for queuing and drying.
Full-service vehicle washing	1 space for each 250 sq. ft. of gross floor area, plus 10 spaces for each wash lane in the drying area.
Retail Trade	
Banks and financial services	1 space for each 350 sq. ft. of gross floor area.
Building materials, hardware stores, garden centers and plant nurseries	1 space for each 300 sq. ft. of indoor display area, plus 1 space for each 1,000 sq. ft. of outdoor display area.
Furniture stores	1 space for each 400 sq. ft. of gross floor area.
Retail stores, speculative commercial buildings	1 space for each 200 sq. ft. of gross floor area, but not less than 2 spaces per use, plus 1 space for each 1,000 sq. ft. of outdoor display area.
Warehouse retail stores	1 space for each 300 sq. ft. of gross floor area.
Services	
Services, general	1 space for each 250 sq. ft. of gross floor area, but not less than 2 spaces per use.
Hotels and motels	1 space for each unit, plus 1 space for each employee.

Professional offices	1 space for each 225 sq. ft. of gross floor area.
Medical services:	
Medical, dental clinic, offices, and laboratories	1 space for each 200 sq. ft. of gross floor area.
Hospitals, extended care	1¼ space for each bed, plus 1 space for each 400 sq. ft. of office area, plus required spaces for ancillary uses
Restaurants:	
Eating/drinking establishment (no drive-through)	1 space for each 3 seats (indoor or outdoor), plus 1 space for each 200 sq. ft. of non-dining floor area.
Eating establishment (with drive-through)	1 space for each 3 seats, plus 1 space for each 200 sq. ft. of non-dining floor area. A queuing lane is required in compliance with Section 21.28.080(E), (Drive-through windows).
Drive-in restaurant	1 space for each employee, plus 1 space for each 40 sq. ft. of gross floor area.
Restaurants, delicatessens, take out only, no customer seating	1 space for each 250 sq. ft. of gross floor area, but not less than 2 spaces per use.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011; Ord. No. 2213, § 20, 11-1-2016; Ord. No. 2216, §§ 11, 12, 12-12-2016)

21.28.045 Reductions in the number of parking spaces required.

Reductions in the number of parking spaces required by Table 3-1 may be granted in compliance with this section.

A. Projects located within one-half mile of public transit. As provided for by Government Code Section 65585, no vehicle parking spaces shall be required for any development project or use that is located within one-half mile of a major transit stop as defined in Section 21155 of the Public Resources Code with the added clarification that bus routes traveling in the same direction, or with the same route id, or with bus stops located more than 150 feet in distance from one another shall not be considered as major bus routes. A map showing eligible properties and/or areas shall be on file with the Community Development Department.

B. Motorcycle parking. Developments that provide twenty or more parking spaces may substitute motorcycle parking for up to five spaces or ten percent of required vehicle parking, whichever is less. For every four motorcycle parking spaces provided, the vehicle parking requirement shall be reduced by one space. Motorcycle space dimensions shall be a minimum of four feet by six feet.

C. Residential and Mixed-use development. Residential and mixed-use development projects with a residential component may reduce the number of parking spaces required by Table 3-1 as follows, provided that a minimum of one bundled (assigned) parking space per residential unit is always maintained:

1. Shared Parking: Up to 50% percent of the guest parking spaces required for the residential component may be counted toward satisfying the parking required for the nonresidential component when provided as shared parking, in compliance with the following standards:

i. Parking Management Plan. An application for a mixed-use project shall include a parking management plan that provides for the design, duration, oversight, and

operation (e.g., hours of use, commercial land-use restrictions etc.) of shared parking spaces, prepared to the satisfaction of the decision-making body.

ii. Location. Shared parking spaces shall be located in a manner that is accessible and convenient to both the commercial tenant spaces and residential units.

iii. Signs. Shared parking spaces shall be posted with signs indicating their shared use and any applicable restrictions.

2. Carshare Parking: A reduction of five residential parking spaces for every carshare parking space provided.

21.28.050 Parking modification permit.

A reduction in the number of parking spaces required by Table 3-1 for nonresidential uses may be granted by approval of a parking modification permit, in compliance with this section.

A. Applicability. An application for a parking modification permit shall be required by the community development director in conjunction with an application for a land use permit or zoning clearance whenever a proposed use or structure does not provide the number of parking spaces required by this chapter or when the number of parking spaces for an existing use or building is reduced to a lesser number than required by this chapter, except for a development located within an overlay combining zoning district.

B. Decision-making authority. The decision-making body for a parking modification permit shall be the decision-making body established for the accompanying land use permit or zoning clearance application, as specified by Chapter 21.38, (Application Filing, Processing, and Fees).

C. Notice and decision. The notice and decision for a parking modification permit filed in conjunction with an application for a zoning clearance or administrative permit shall be subject to the administrative decision process as prescribed in Chapter 21.71, (Administrative Decision Process). A parking modification permit filed in conjunction with any other land use permit application shall be subject to the public hearing process as prescribed in Chapter 21.64, (Public Hearing).

D. Application requirements. An application for a parking modification permit shall be filed with the community development department in conjunction with the accompanying land use permit or zoning clearance application in compliance with Chapter 21.38, (Application Filing, Processing and Fees).

E. Applicant's responsibility. It is the responsibility of the applicant to provide pertinent documentation necessary to establish evidence in support of the findings required by Subsection G, (Determination permit).

F. Parking demand study. A parking demand study, prepared by a qualified transportation engineer, shall be required as follows, unless otherwise waived by the community development director. At the discretion of the community development director, the study shall be conducted under the direction of the City and paid for in advance by the applicant.

a. Construction or enlargement of a nonresidential, residential, or mixed-use structure(s) when the number of parking spaces provided is less than ninety percent of that required by this chapter.

b. A new use in an existing structure where no expansion of floor area is proposed, when the number of parking spaces available to the use is less than ninety percent of that required by this chapter.

G. Determination on permit. A parking modification permit shall be approved only after the decision-making body makes the following findings for approval:

a. Due to the unique nature and circumstances of the project, or special development features, the anticipated number of parking spaces necessary to serve the use or structure is less than that required by the applicable off-street parking standard, and would be satisfied by the existing or proposed number of parking spaces, as supported by review of the applicant's documentation and/or a parking demand study prepared by a qualified transportation engineer accepted by the decision-making body;

b. Conditions of approval have been incorporated into the project to ensure the long-term adequacy of the provided off-street parking; and

c. Approval of the parking modification permit will further the purpose of this chapter.

H. Conditions of approval. In approving a parking modification permit, the decision-making body shall incorporate conditions of approval as necessary to ensure the long-term adequacy of off-street parking facilities, including, but not limited to, restrictions on the scope and operational characteristics of proposed use(s), restrictions on future use(s), and provisions for alternative transportation programs or development features that justify the granting of a parking modification permit.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011; Ord. No. 2213, § 21, 11-1-2016)

21.28.060 Disabled parking requirements.

Parking areas shall include parking spaces accessible to the disabled in the following manner:

A. Fulfilling of requirements. Disabled accessible parking spaces required by this chapter shall count toward fulfilling the parking requirements of this chapter.

B. Number of spaces, design standards. Parking spaces for the disabled shall be provided in compliance with California Building Codes and other applicable State and Federal Laws.

C. Reservation of spaces required. Disabled access spaces shall be reserved for use by the disabled throughout the life of the use.

D. Residential multi-family uses. For each dwelling unit required to be designed to accommodate the physically handicapped or required to be made adaptable for the physically handicapped, the required covered parking shall be designed as required by Part 2, Title 24, California Administrative Code.

E. Upgrading of markings required. If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new state standards.

(Ord. 2043 § 1 (part), 2004).

21.28.070 Bicycle parking.

Short-term and long-term bicycle parking facilities shall be provided in compliance with Part 11, Title 24, California Code of Regulations, as required by Chapter 18.26, (Green Building Standards Code) except that in no case shall less than one (1) bicycle parking space per four (4) residential dwelling units and/or 2,500 square feet of non-residential gross floor area. The decision-making body may require additional bicycle parking beyond this requirement for non-residential uses to further the purpose of this chapter.

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.28.075 Clean air and non-emitting vehicle and van pool parking.

Parking for low-emitting, fuel-efficient and van pool vehicles shall be provided in compliance with Chapter 18.26, (Green Building Standards Code).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.28.080 Development standards for off-street parking.

Off-street parking areas shall be designed and constructed in compliance with the following standards:

A. Location. Off-street parking spaces shall be provided on the same site as the use outside of any public right-of-way, except that the planning commission may approve parking for nonresidential uses on a parcel directly abutting the parcel subject to the recordation of a covenant running with the land recorded by the owner of the parking area guaranteeing that the required parking will be maintained for the life of the use or activity served.

B. Access to parking areas and parking stalls.

1. Parking space access. Except for one and two-family dwellings, all parking facilities shall be designed so that no parking space blocks the access to another parking space or driveway, unless otherwise allowed by a development permit. Further, in no case shall a backup distance of less than twenty-five feet be provided to a parking space where access to the parking space is provided at an angle greater than 60 degrees.

2. On-site maneuverability. Except for one and two-family dwellings, parking areas shall provide suitable on-site maneuvering room so that vehicles do not back out into the street.

3. Required yards. Parking areas shall not be developed in a required front or side yard fronting on a public street.

4. Relationship to the public right-of-way. No garage or carport shall be closer than twenty-five feet to a public right-of-way. 5. Adjacent site access. Applicants for nonresidential uses shall provide shared vehicle and pedestrian access between adjacent nonresidential properties for convenience, safety and efficient circulation, as practical. A joint access agreement guaranteeing the continued availability of the shared access between the properties and running with the land shall be recorded by the owners of the abutting properties, as approved by the community development director.

6. Guest parking spaces. Guest parking spaces shall be clearly marked for guest parking only and shall be dispersed throughout the development site, except as otherwise allowed by Section 21.28.050.C, (Mixed use developments).

7. Shared driveways. Nonresidential projects and mixed-use projects shall consolidate driveways to reduce the amount of curb cuts and paving, where possible.

C. Parking space dimensions.

1. All parking spaces shall be designed as uni-stall:

a. Parking spaces shall have a minimum stall width of eight and a half feet and stall length of eighteen feet, except that parallel parking spaces shall have a minimum stall width of eight

and a half feet and stall length of twenty-two feet. Parking overhangs may be permitted in compliance with Subsection 21.28.080(G)(7), (Bumper overhang areas).

b. Parking spaces with dimensions greater than those specified by this section may be created so long as all parking spaces remain uniform is size.

c. Standard and compact parking spaces in existence prior to July 1, 2011 may be maintained through periodic restriping. However, repaving of parking surfaces shall require restriping in accordance with this chapter, so long as the restriping does not result in a fewer number of parking spaces than currently exist.

D. Parking diagrams and table. The width of aisles in parking lots and minimum dimensions shall be provided in compliance with this chapter and Table 3-2 and Figure 3-7.

Figure 3-7
Illustration of Parking Dimensions

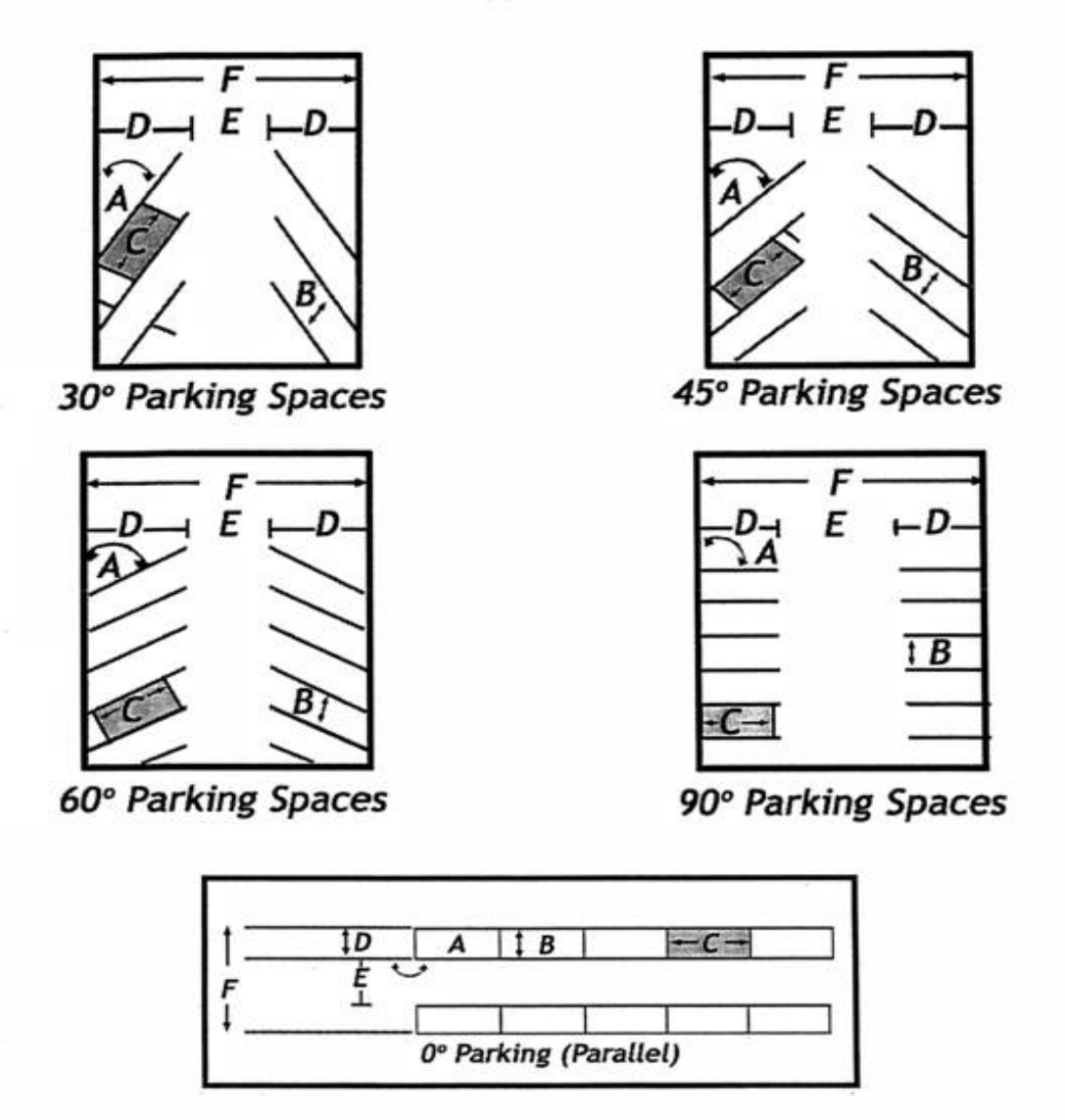


TABLE 3-2
Off-Street Parking Dimensions

Minimum Uni-Stall Parking Space Dimensions					
Angle (A)	Stall Width (B)	Stall Length (C)	Stall Depth (D)	Aisle Width (One Way Aisle) (E)	Total Module Width (F)
0°	8′6″	22′	8′-6″	12′	29′
30°	8′6″	18′	16′-6″	15′	48′
45°	8′6″	18′	18′-9″	15′	52′-6″
60°	8′6″	18′	19′-9″	16′	55′-6″
90°	8′6″	18′	18′	25′*	61′

* Two-way aisle dimension.

E. Drive-through windows. For each use that provides drive-through window service to occupants of vehicles, there shall be a queuing lane of not less than twelve feet in width, and providing a queuing length adequate to serve the demand of the use and prevent the blocking of drive aisles and traffic lanes. Upon application for a new land use permit or zoning clearance for a drive-through use, the community development director may require submittal of a vehicle circulation study prepared by a qualified transportation engineer to determine the necessary queuing length to adequately serve the demand of the use. At the discretion of the community development director, the study shall be conducted under the direction of the city and paid for in advance by the applicant.

F. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with Section 21.16.060, (Outdoor light and glare) of this title.

G. Landscaping. Parking lot landscaping shall be provided in compliance with Chapter 21.26, (Landscaping Requirements) of this title and the following additional requirements:

1. Perimeter parking lot landscaping. The minimum dimensions of street frontage and perimeter landscaping shall be provided in compliance with the dimensions outlined in Chapter 21.26, (Landscaping Requirements) of this title.

2. Interior parking lot landscaping. Where twenty-five or more parking spaces are provided, an interior parking lot landscaped area shall be required, which may include the required frontage and perimeter landscaped areas if adjacent to the parking spaces. Interior landscaped area(s) shall be provided at a rate of twenty square feet of landscaping for each parking space.

3. Landscape materials. Landscaping materials shall be provided throughout the parking lot area using a combination of trees, shrubs, and ground cover. Drought-tolerant landscape materials shall be emphasized.

4. Trees. Where twenty-five or more parking spaces are provided, a minimum of one tree per eight parking spaces, or any fraction thereof, shall be required. Tree spacing shall be provided at a minimum to provide a tree canopy over the parking lot. Parking spaces covered by carports or solar panels shall not be subject to this requirement.

5. Screening. A combination of landscaping and decorative walls, in compliance with Section 21.18.060, (Fence, walls, lattice and screens) of this title shall be located around parking areas as a visual screen.

6. Curbing. Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier designs may be approved by the decision-making body.

7. Bumper overhang areas. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving or the walkway may be increased, allowing a two-foot bumper overhang while maintaining the required parking dimensions. Bumper overhang areas shall not encroach into required walkways, required landscape areas, or right-of-way.

H. Striping and identification.

1. Vehicular. Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement.

2. Disabled. Parking spaces for the disabled shall be striped and marked so as to be clearly identified in compliance with the applicable state standards.

I. Surfacing.

1. Motorcycle and vehicular. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing approved by the community development director. Grass block cells are not allowed.

2. Hollywood drives. Hollywood drives shall be allowed for one and two-family residential driveways.

3. Overflow parking areas. Pervious paving materials shall be used for overflow parking areas to the extent possible.

J. Pedestrian walkways. Nonresidential developments shall provide separate walkways through the parking lot that connect on-site buildings and public sidewalks, to the greatest extent feasible.

K. Drainage.

1. Surface water from parking lots shall not drain over sidewalks or adjacent parcels.

2. Parking lots shall be designed in compliance with the storm water quality and quantity standards of the city's best management practices, and shall be approved by the city engineer. To the extent feasible, parking lot designs shall reduce the amount of storm water flow and pollutants from entering the storm drain system.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.28.090 Driveways and site access.

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and maintained as follows:

A. Driveway separation. Driveways shall be separated along the street frontage as follows:

1. Single-family and duplex residential development. Driveways shall be a minimum of five feet from side property lines, unless a shared, single driveway is approved by the community development director. The setback does not include the transition or wing sections on each side of the driveway and does not apply to flag lots.

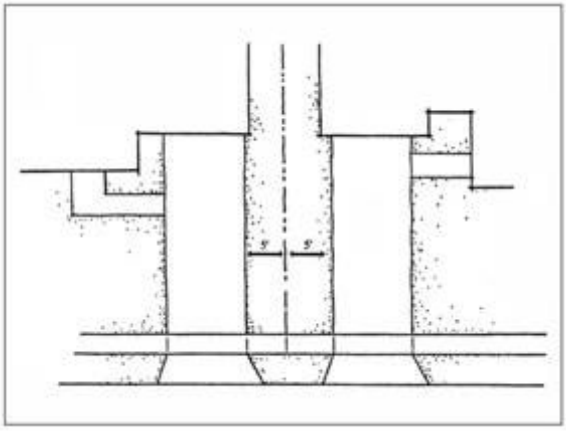


Figure 3-8
Driveway Separation

2. Multi-family and nonresidential development. Where two or more driveways serve the same or adjacent multi-family or nonresidential development, the centerline of the driveways shall be separated by a minimum of fifty feet. Exceptions to this standard shall be subject to the approval of the city engineer.

B. Driveway/Drive aisle width and length.

1. Single-family and two-family uses.

a. Each single-family dwelling shall provide a minimum eight-foot wide paved driveway/drive aisle continuous from the street or other public right-of-way providing access to the property, garage, or carport.

b. The minimum length for a driveway shall be twenty-five feet exclusive of any public right-of-way.

2. Multi-family dwellings, and nonresidential uses. Driveways/drive aisles for all uses, except single-family and two-family uses, shall be governed by Table 3-2 (Off-Street Parking Dimensions) and Figure 3-7 (Illustration of Parking Dimensions) except that in no case shall a one-way driveway/ drive aisle be less than ten feet in width and a two way driveway/drive aisles be less than twenty feet in width.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.28.100 Design of parking structures.

A. Architectural character. Parking structures visible from street frontages shall be designed to be compatible with the architectural detailing and quality of adjacent buildings. Long blank walls adjacent to pedestrian sidewalks shall be avoided. Whenever appropriate, retail uses should be integrated into the ground floor of the structure adjacent to the public sidewalk.

B. Access ramps. Access ramps shall be located within the structure and separate from exterior walls.

(Ord. 2043 § 1 (part), 2004).

21.28.110 Loading space requirements.

A. Number of loading spaces required. When onsite parking is provided, at least one off-street loading space shall be provided for apartment buildings and mixed-use development projects with 16 or more dwelling units, and one additional off-street loading space shall be provided for every 150 or more dwelling units thereafter. Off-street loading spaces for nonresidential uses shall be the minimum number required to adequately serve the building or use or in amounts as required by the planning commission.

B. Development standards for loading areas. Loading areas shall be provided in the following manner:

1. Dimensions. Loading spaces shall be not less than twelve feet in width, twenty-five feet in length, with fourteen feet of vertical clearance.

2. Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting sources shall be shielded to prevent light spill beyond the property line. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structure(s). Lighting shall meet the requirements for light and glare in Section 21.16.060, (Outdoor light and glare).

3. Loading doors and gates. Loading bays and roll-up doors shall be painted to blend with the exterior structure wall(s) and be located on the rear of the structure only. Bays and doors may be located on the side of a structure, away from a street frontage, where the community development director determines that the bays, doors, and related trucks will be adequately screened from the public right-of-way.

4. Loading ramps. Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.

5. Location. Loading spaces shall be located and designed as follows:

    a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible.

    b. Situated to ensure that the loading facility is screened from adjacent streets as much as possible.

    c. Situated to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other traffic areas on-site.

    d. Situated to avoid adverse impacts upon neighboring properties.

6. Screening. Loading areas abutting residentially zoned parcels shall be screened in compliance with Section 21.18.120 (Screening and buffering).

7. Impacts. All loading areas shall be designed to be sensitive to visual and noise impacts. This may include larger setbacks from adjacent properties, screening walls, substantial landscaping, acoustic materials, equipment usage, and building modifications.

8. Striping. Loading areas shall be striped white (for passengers or mail) or yellow (for freight) indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

(Ord. 2043 § 1 (part), 2004).

21.28.120 Recreational vehicle parking.

Recreational vehicles may be parked in residential zoning districts only in compliance with the following requirements:

A. Recreational vehicles shall be parked on private property and shall not be parked on or over a public sidewalk;

B. Recreational vehicles shall not be parked within the public right-of-way when signage has been posted prohibiting such parking;

C. Recreational vehicles shall be parked on a paved surface;

D. Recreation vehicles shall not impede safe entry to or exit from any residential structure and shall not inhibit emergency access to and from any structure; and

E. Recreational vehicles shall not be used for camping purposes, except in compliance with the provisions of Chapter 6.40 of the Campbell Municipal Code.

(Ord. 2043 § 1 (part), 2004).

(Ord. No. 2251 , § 4, 10-15-2019)

Chapter 21.30 SIGNS*

* Prior ordinance history: Ord. 2043.

21.30.010 Purpose.

This chapter regulates the height, size, location, duration, and design of signs for the following purposes:

A. To preserve and improve the visual quality of the city;

B. To eliminate hazards to pedestrians and motorists brought about by distracting sign displays;

C. To ensure architectural compatibility with adjacent buildings and the surrounding environment;

D. To promote the economic vitality of the city by maintaining the identification, visibility and individual character of each business; The city recognizes the economic need for a sign to function as a means of business and product identification, as well as to communicate messages of a noncommercial nature. This chapter is intended to allow a reasonable amount of signing for business, product, building identification, and noncommercial messages so as to provide adequate information to the public without creating a cluttered visual environment. These regulations shall apply to all zoning districts in addition to any specific provisions in the applicable zoning district regulations. The City Council finds that any and all violations of this chapter unnecessarily detract from the public health, safety, and welfare and are indecent and offensive to the senses in that they unnecessarily clutter the environment and therefore constitute a public nuisance.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.020 Definitions.

As used in this chapter:

"Animated" means any sign which includes action or motion or the optical illusion of action or motion, changes in intensity of illumination, or color changes of all or a part of the sign facing, which actions or changes require an energy source or are set in motion by movement of the atmosphere.

"Banner" means any sign of lightweight fabric or similar material that is attached to a building or other structure erected for another purpose.

"Business" means a legally recognized entity that offers services, property, goods, products, accommodations or supplies to the public or some segment thereof, whether or not offered for compensation. For purposes of this chapter, each business tenant or nonresidential occupancy located within the nonresidential zoning districts of the city of Campbell shall constitute a distinct business.

"Business frontage" means the linear length of that portion of a building (normally where the main entrance is located) in which a business is located that faces a street, parking lot, pedestrian mall, arcade, or walkway.

"Civic event" means a community event of general public interest taking place within the city, which promotes or serves as a fundraiser for a nonprofit organization.

"Civic organization" means a nonprofit organization whose activities benefit the community (e.g., chamber of commerce, fire fighters association, boy scouts, girl scouts, churches, and school districts).

"Commercial center" means two or more commercial, professional or industrial businesses in the same building or group of buildings, which also share common street access and/or parking areas. "Commercial center" includes "Shopping center."

"Commercial message" means any message, the prevailing thrust of which is to propose a commercial transaction or name, advertise or call attention to a business, product, accommodation, service or other commercial activity.

"Commercial sign" means any sign that directly or indirectly names, advertises or calls attention to a business, product, accommodation, service or other commercial activity.

"Flag" means a devise generally made of flexible materials, usually cloth, paper or plastic, usually used as a symbol of a government, school, or institution, which does not contain a commercial message.

"Freestanding sign" means a sign substantially or completely detached from a building and not projecting through the roof or eaves of a building.

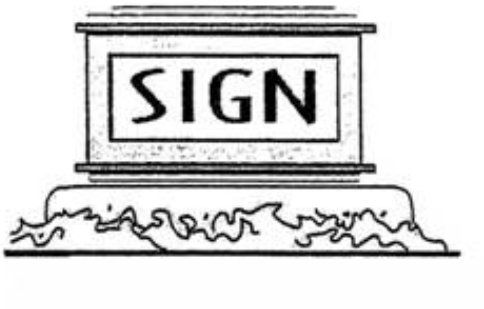


Figure 3-9
Freestanding Sign

"Freeway-oriented signs" means signs which are located on a property adjoining a freeway or expressway and are oriented to, or which are intended to be viewed primarily from freeways or expressways.

"Height" means the vertical distance from the adjacent finished grade to the highest portion of the sign structure. Accentuated grades (e.g., planter boxes) above natural grade levels immediately under or contiguous to a freestanding sign shall be included in the calculation of height.

"Noncommercial message" means any message that is not a commercial message as defined in this chapter.

"Noncommercial sign" means any sign that is not a commercial sign as defined in this chapter.

"Off-site sign" means a sign, located in either the public right-of-way or on a parcel different from that occupied by the business, accommodations, services, property or commercial activities advertised or identified on the sign, or which is otherwise not an on-site sign.

"On-site sign" means a sign advertising or identifying property, products, accommodations, services, or activities provided on the site on which the sign is located.

"Permanent sign" means every sign except "temporary sign" as defined in this section.

"Political sign" means a sign which is intended to influence the vote for the passage or defeat of a measure, or for the election or defeat of a candidate for nomination or election in any governmental election.

"Portable signs" means signs that are not permanently attached to the ground or a permanent structure (e.g., A-frame signs and sandwich-Board signs).

"Promotional devices" means temporary items other than signs used to attract attention toward a business (e.g., streamers, flags, searchlights, balloons, etc.).

"ReaderBoard sign, electronic" means a sign intended for a periodically changing advertising message whereby the periodically changing message is controlled by means of electronic programming. This may also be referred to as an electronic message center, electric readerBoard sign or programmable display sign.

"ReaderBoard sign, manual" means a sign intended for a periodically changing advertising message whereby the individual letters or words are manually changed from the exterior of the sign.

"Real estate sign" means a temporary sign indicating a particular premises or parcel is for sale, lease or rent or open for viewing (e.g., sign advertising an open house).

"Regional Commercial Center" means a group or cluster of retail businesses, offices, and hotel(s) sharing common pedestrian and off-street parking, and which are located on parcel(s) of land having the following characteristics:

1. Minimum area of twenty acres uninterrupted or undivided by public streets; and
2. Abutted on at least two sides by public streets that intersect at one corner of the commercial center, and by a freeway on one other side.

May consist of one or more legal parcels tied together by a binding legal agreement providing rights of reciprocal vehicular parking and access, and one or more ownerships.

"Roof sign" or "roof-mounted" sign means a sign that is mounted upon a roof or above a parapet or eave of a building or structure or above the highest point of the ridgeline.

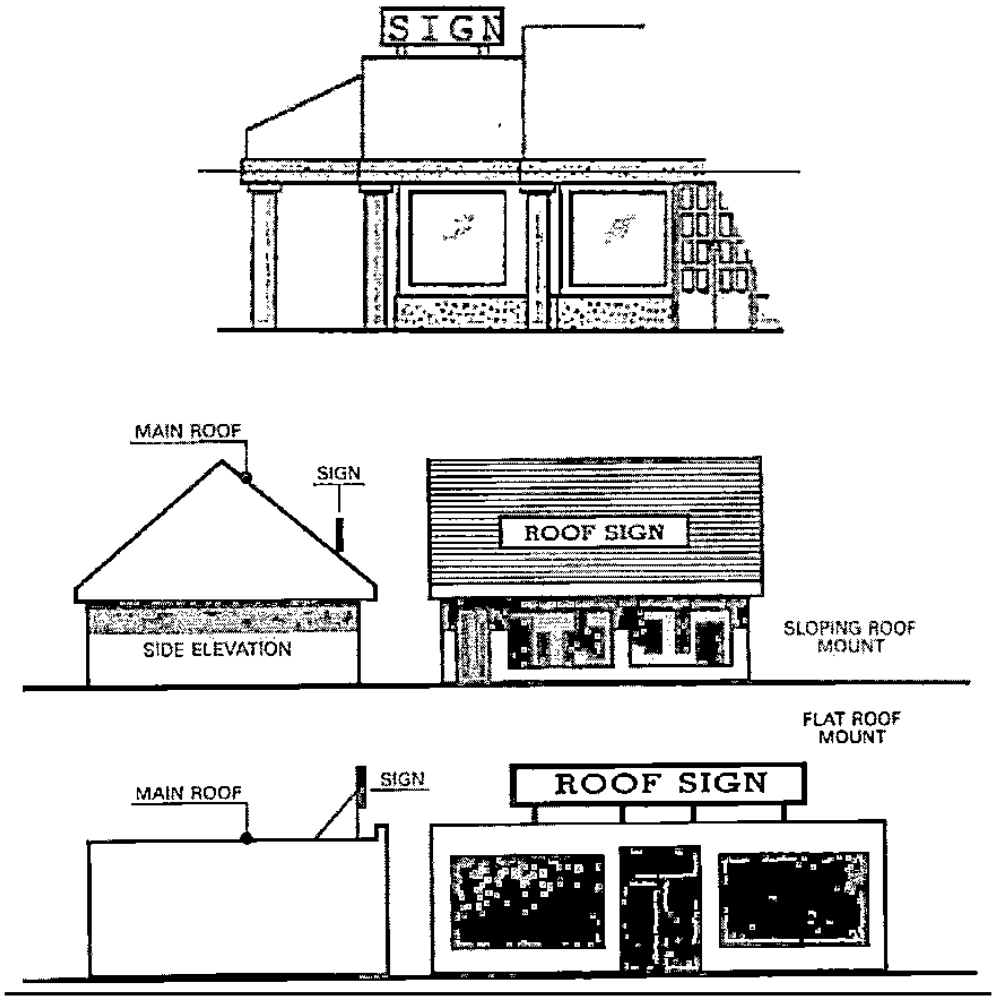


Figure 3-10
Roof Sign

"Running neon" means neon lighting that outlines the shape or architectural elements of a structure which shall be considered a sign for the purposes of this chapter.

"Sign" means any structure, device, figure, painting, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide data or information in the nature of advertising, to direct or attract attention to an object, person, institution, business, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

"Site" means the parcel or commercial center, whichever is larger, on which the business, accommodations, services, property, products or commercial activities identified or advertised on a sign are located, except as applied to freeway-oriented signs, for which the term "site" shall mean only the space occupied by the subject business and any associated parking area or other common areas utilized by the subject business on the same parcel. "Site," as applied to freeway-oriented signs shall not include other tenant spaces or business locations whether or not located on the same parcel or commercial center. The latter definition of the term "site" shall not apply to a regional commercial center.

"Temporary sign" means any sign displayed for infrequent and/or limited time periods.

"Wall sign" means a sign that is painted on, attached to, or erected against a wall of a building or structure.

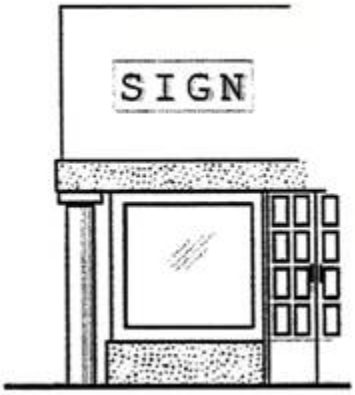


Figure 3-11
Wall Sign

"Window sign" means any sign that is temporarily attached to or lettered on the exterior or interior of a store window or is located inside a building in a manner that it can be seen from the exterior of the structure.

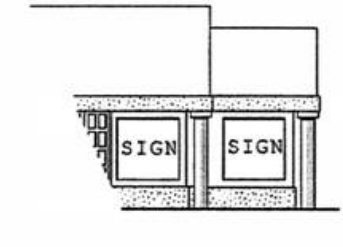


Figure 3-12
Window Sign

(Ord. 2070 § 1 (Exh. A)(part), 2006).

(Ord. No. 2181, § 2(Exh. A), 9-2-2014; Ord. No. 2213, §§ 3, 4, 11-1-2016)

21.30.030 Administrative procedures.

A. Sign permit required. Signs, including temporary and permanent signs, except those exempt from these regulations as provided in Section 21.30.040 of this chapter, and those permitted by issuance of a zoning clearance as authorized by a regional commercial center master sign plan, shall not be erected, created, altered, or allowed to be located (regardless of whether or not it is initially erected, or painted by the property owner or lessee) unless:

1. A sign permit has been issued by the community development director in compliance with the regulations of this chapter.

2. A building permit has been issued by the building official, as required by the codes and ordinances of the city.

3. Any illegal or nonconforming signs associated with the business are made to comply with the provisions of this chapter.

B. Permit expiration. Any building permits or sign approvals issued by the city shall expire six months from the date of approval unless the sign has been erected in compliance with the approvals.

C. Signs requiring City Council or planning commission approval. The following signs shall require approval of the planning commission or the City Council, as specified below, in compliance with the regulations of this chapter and the requirements of Chapter 21.64, (Public Hearings) of this title:

1. Freeway-oriented signs. Freeway-oriented signs shall require approval by the City Council upon recommendation from the planning commission pursuant to the provisions of Section 21.30.080(E) of this chapter.

2. Off-site signs. Off-site signs shall require approval by the planning commission pursuant to the provisions of Section 21.30.080(F) of this chapter.

3. ReaderBoard signs. ReaderBoard signs shall require approval by the planning commission pursuant to the provisions of Section 21.30.080(G) of this chapter.

4. Increased sign area or increased sign height. The planning commission shall approve increased sign area or increased sign height when it determines that the signs otherwise allowed by this chapter would not be visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located. No sign shall be increased in size or height more than is necessary to allow the signs to be visible and intelligible to a person of normal sight; and in no event may any sign exceed forty-five feet in height or three hundred fifty square feet in area.

5. Additional signs. The planning commission shall approve additional signs when it determines that all of the following have been met:

a. The signs otherwise allowed by this chapter would not be visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located;

b. The signs could not be made visible and intelligible to a person of normal sight by allowing an increase in the area or height of the sign pursuant to subsection (C)(4), (Increased sign area or increased sign height) of this section;

c. The additional signs comply with all the requirements of this chapter, except for the limitations on the number of signs; and

d. The number of signs allowed pursuant to this provision shall not exceed the minimum number of signs necessary to make the signs visible to the public due to issues of distance or obstructions that are beyond the control of the owner of the site on which the signs are or would be located, which could not be accomplished by the number of signs otherwise allowed by this chapter.

6. Temporary off-site signs. The planning commission shall approve up to two temporary off-site signs when it determines that all of the following have been met:

a. It is temporarily impossible to locate signs on site due to construction activities or destructive or dangerous conditions; and

b. The signs would comply with all of the provisions of this chapter, except for being located off-site.

7. Sign applications referred by the community development director. The community development director shall have the option of referring an application for a sign permit to the planning commission

for its review and decision if the director finds that there are discrepancies of fact bearing on the approval of the application.

D. Application form and content. An application for a sign permit, signed by the property owner or duly authorized agent, shall be filed with the community development department. The application shall contain information regarding the size, color, illumination (intensity and type), materials, number, location, type of signs, and the location and nature of the business on the site.

E. Approval of permit. A sign permit shall be approved, provided that:

1. Inspection of the site and the proposed sign and review of the plans disclose that the signs will comply with all of the regulations of this chapter. The decision-making body may attach the conditions as are necessary to carry out the intent of this chapter; and

2. The owner and/or applicant agree to abide by the sign regulations and conditions imposed.

F. Time for decision. The decision-making body shall approve or deny all applications within the following time periods, which shall not apply to appeals taken from the initial decision:

1. The community development director shall approve or deny applications for which the director is the decision-making body within thirty days from the date that the application is deemed complete;

2. The planning commission shall approve or deny applications for which it is the decision-making body within forty-five days from the date that the application is deemed complete;

3. The City Council shall approve or deny applications for which it is the decision-making body within sixty days from the date that the application is deemed complete.

G. Appeals from decisions. A decision of the community development director or planning commission may be appealed in compliance with Chapter 21.62, (Appeals) of this title, in accordance with the criteria set forth in this chapter. The failure of an applicant to exercise the applicant's right to an appeal shall not bar the applicant from pursuing judicial review of any decision rendered under this chapter.

H. Master sign plan required.

1. Applicability. A master sign plan shall be required prior to the issuance of a sign permit for:

a. New nonresidential projects with four or more tenants in conjunction with the applicable development application;

b. Major rehabilitation work that involves the exterior remodeling of an existing nonresidential project with four or more tenants. For the purposes of this chapter, major rehabilitation means adding more than fifty percent to the total square footage of the building/buildings, or exterior redesign of more than fifty percent of the length of the building's facade within the development; or

c. A sign application for a nonresidential project with four or more tenants, which seeks approval of two or more signs.

2. Decision-Making Body. The decision-making body for a master sign plan shall be the community development director, except where a request for a freeway-oriented sign, off-site sign, readerboard sign, an increase in sign area, an increase to sign height, and/or an additional number signs, is included, which shall require approval of the master sign plan by the Planning Commission or City Council pursuant to Section 21.30.030.C.

3. Design elements. Signs covered by a master sign plan shall have the following elements:

a. Uniform background in terms of color, illumination, and materials;

b. Letter colors that are consistent with the approved master sign plan;

c. Uniform sign type (e.g., channel letters or cabinet sign); and

d. Uniform location with building's design.

4. Regional commercial centers. A master sign plan for a regional commercial center may include provision for roof-mounted signs. Request for signs reviewed pursuant to a regional commercial center master sign plan shall be granted by issuance of a zoning clearance.

5. Findings. In approving a master sign plan, the decision-making body shall make the following findings:

a. That the signs are consistent with the requirements of this chapter;

b. That the design complies with the design elements criteria listed in subsection H.3 of this section;

c. That both the location of the proposed signs and the design of their visual elements (lettering, words, figures, colors, decorative motifs, spacing, and proportions) are legible under normal viewing conditions; and

d. That the location and design of the proposed signs do not obscure existing or adjacent signs from view.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

(Ord. No. 2213, §§ 5, 6, 11-1-2016)

21.30.040 Exemptions.

The following signs shall be exempt from the regulations in this chapter:

A. Architectural features. Integral decorative or architectural features of buildings, except letters, trademarks, running neon or moving parts.

B. Construction signs. One on-site sign not exceeding thirty-two square feet in area for each display surface for any multi-family residential, commercial, or industrial complex, either to be constructed or under construction, shall be allowed provided that the sign shall be removed within three months after final inspection of the building by the city. A maximum of two display surfaces are allowed per sign.

C. Garage sale signs. A maximum of two on-site signs for garage sales, not exceeding a combined total area of twelve square feet, provided that the signs are located on the site of the event advertised and are removed at the end of the last day of sale.

D. Governmental signs. Legal notice, identification, informational, safety, or directional signs erected or required by governmental bodies or public utilities.

E. Identification signs. On-site identification signs not exceeding one and one-half square feet in area.

F. Informational or directional signs. On-site signs directing and guiding pedestrians and vehicles on private property, and having a maximum display area of six square feet.

Figure 3-13
Directional Sign

G. Maintenance of damaged legal signs. Normal maintenance of existing legal signs, provided the maintenance of a damaged sign:

1. Does not exceed fifty percent of the sign;
2. The maintenance is other than facial copy replacement; and
3. The sign is repaired within thirty days of the date of its damage.

H. Real estate signs in residential zoning districts. Temporary on-site signs not exceeding twelve square feet in aggregate total display area pertaining to the prospective sale, rental, or lease of real property. One sign per street frontage shall be allowed. In addition, one on-site open house sign is allowed per lot, provided the total allowable sign area is not exceeded, and the sign is removed at the end of each day of the open house event. Off-site open house signs to direct people to a property offered for sale, rent, or lease during an open house event are allowed provided they are located on private property, have the consent of the property owner where they are located, are limited to one per parcel, do not exceed twelve square feet in total sign area, and are removed at the end of each day of the open house event.

I. Repainting or refacing. Repainting or refacing an existing, conforming, legally created sign so long as there is no change in advertising display area, colors, materials, illumination or structural size, height, or design of the sign. A change in lettering to accommodate a new business name is not considered a change in the design of the sign.

J. Temporary noncommercial signs. Noncommercial signs, including, but not limited to, political signs, posted for no more than seventy-five days, subject to the following conditions:

1. Signs shall be removed within fifteen days after any event to which it relates, such as an election;
2. Signs shall be a maximum of twelve square feet and no more than eight feet in height;
3. Signs shall not be placed in the public right-of-way, nor on any city-owned property.

K. Symbols and insignias. Flags and insignia of any government except where displayed in connection with commercial promotion.

L. Window signs. Window signs temporarily attached to or lettered on the exterior or interior of a store window for nonresidential uses, provided that the signs do not exceed twenty-five percent of the window area per facade.

M. Bus shelter signage. Signs installed and displayed by a public entity in compliance with an executed agreement with the city on bus shelters as follows:

1. Signs as necessary to convey transit information to transit users;

2. Other signage of up to fifty square feet in sign area per bus shelter.

N. Display and use of the United States and California flags. Display and use of the United States and California flags shall conform to federal and state regulations.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.050 Prohibited signs.

The following signs are prohibited in the city as provided below unless authorized by the planning commission as specified in Section 21.30.030 of this chapter:

A. Abandoned signs. Signs located on property that became vacant and unoccupied for a period of ninety days or more, and any sign that was erected for an occupant or business unrelated to the present occupant of the premises, and any sign that pertains to a time, event, or purpose that no longer pertains, shall be presumed to have been abandoned. Abandoned signs are prohibited and shall be promptly removed by the owner of the premises.

B. Animated, moving, flashing signs. Signs shall not move, rotate, or be animated by flashing or traveling lights.

C. Portable signs. Portable signs are prohibited.

D. Promotional devices. Promotional devises are prohibited.

E. Roof-mounted signs. Roof-mounted signs are prohibited, except as permitted by a master sign plan for a regional commercial center.

F. Signs attached to trees or utility poles. Signs attached to any tree or other landscape material, utility poles, traffic control devices, light poles, and similar structures not originally intended to support signs are prohibited.

G. Signs on vehicles. The parking of any vehicle or trailer on either public or private property at or within three hundred feet of a business location, which vehicle has attached to it any sign that is intended to attract the attention of the public to that business or direct the public to that business is prohibited. This section is not intended to apply to signs or displays that are painted on or permanently attached to a business or commercial vehicle, provided:

1. The vehicle or trailer is registered as operable with the California Department of Motor Vehicles;

2. The vehicle is operable and can be lawfully operated on the public streets;

3. The signs or displays do not extend more that fifteen inches beyond the exterior of the vehicle;

4. The sign or display does not move or rotate or contain flashing or traveling lights or is otherwise animated; and

5. The vehicle is driven on a daily basis as a regular part of the business.

H. Other signs. All other signs not specifically allowed by or exempt from the regulations of this chapter are prohibited.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

(Ord. No. 2213, § 7, 11-1-2016)

21.30.060 Number and surface area.

A. Number of signs. A single display device containing elements organized, related, and composed to form a single unit shall constitute a single sign. Where material is displayed in a random manner without organized relationship of elements, each element shall be considered to be a single sign.

B. Surface area.

1. The surface area of a sign shall be computed as including the entire area of the sign within a regular geometric form of parallel lines or combinations of regular geometric forms of parallel lines comprising all of the display area of the sign and including all of the elements of the material displayed. Circle sign areas shall be computed as the area of a circle (i.e., $?r^2$). Frames and structural members not bearing advertising material shall not be included in computation of surface area. When the size of a sign is regulated, the regulation refers to one display surface only. On a sign having more than one display surface, each display surface may equal the maximum dimensions prescribed in the regulation, unless otherwise approved pursuant to Section 21.30.030(C)(4) of this chapter. See Figure 3-14 (Sign Area).

2. Running neon shall be counted in the computation of sign area.

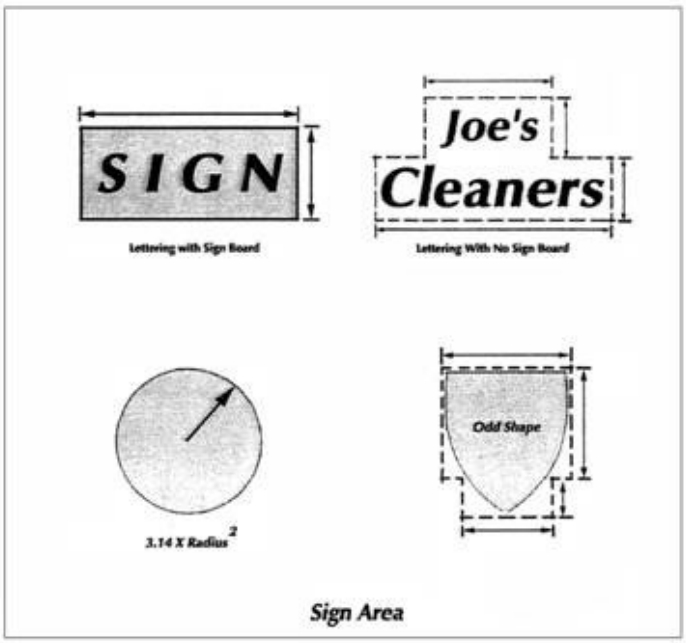


Figure 3-14
Sign Area

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.070 Temporary signs.

A. Temporary sign permit. Temporary signs shall be allowed subject to the approval of a temporary sign permit and in compliance with the standards for individual sign types provided in this section and the following standards:

1. Signs shall not extend over or past any curb into or street;

2. Signs shall not be attached to poles supporting streetlights, traffic signals, traffic signs, nor shall signs be attached to any trees;

3. Signs shall not overhang a sidewalk unless a minimum of ten feet of vertical clearance is provided between the sign and the sidewalk;

4. Signs shall not be placed in a street median;

5. Other conditions of approval may be issued with the temporary sign permit to ensure compliance with the above requirements and criteria.

B. Temporary signs. Each business shall be allowed temporary signs in all nonresidential zoning districts in conformance with the following provisions:

1. Each business may display temporary signs for a maximum of thirty days within any one hundred eighty-day period;

2. No more than two temporary signs are allowed per business at any time;

3. The total sign area for all temporary signs shall be forty square feet;

4. Temporary signs shall be attached and parallel to the building wall and may not project above the height of the building tenant space occupied by the business that is the subject of the advertising message;

5. Signs shall be placed entirely on the site occupied by the business. Signs shall not be placed in or encroach into the public right-of-way.

C. Real estate signs in nonresidential zoning districts. On-site real estate signs located in any zoning district, except single-family or two-family residential zones, shall be allowed as provided below:

1. Freestanding real estate signs. Freestanding real estate signs shall be allowed in compliance with the following standards:

a. The site is vacant;

b. The buildings on the site are undergoing or have recently been remodeled or newly constructed in excess of twenty-five percent of the building area;

c. The applicant can reasonably demonstrate the building on a single building site or the commercial center is currently, or will be at least twenty-five percent un-leased at the time the sign is to be erected;

d. One real estate sign shall be allowed per street frontage;

e. The sign shall be a maximum of eight feet in height;

f. The sign shall be a maximum of thirty-two square feet per sign face, with a maximum of two faces per sign; or

g. The sign may be displayed for one year or until the building or space is sold, rented, or leased, whichever occurs first, unless the following conditions exist:

(1) The building or commercial center is twenty-five percent un-leased; or

(2) The site is vacant. Real estate signs on vacant sites shall be removed prior to transfer of title.

2. Building-mounted real estate signs. Building-mounted real estate signs may be allowed in compliance with the following standards.

a. Building-mounted real estate signs may be used in lieu of a freestanding sign described in subsection (C)(1) of this section.

b. One building-mounted real estate sign shall be allowed per street frontage.

c. Signs shall be a maximum of twelve square feet in area.

d. Signs may be displayed until the property, building or space is sold, rented, or leased.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.080 Permanent signs.

A. Commercial, office, and/or industrial development. On-site signs for commercial (except the CB-MU District), office, and industrial districts shall comply with the following standards. Standards for the CB-MU zoning district are provided in Section 21.11.050 (Central Business Mixed-Use zoning district)

1. Wall signs. Wall signs shall be allowed as follows:

a. The size of each individual sign shall not be greater than one square foot of sign area for each linear foot of business frontage, on which the sign is located. No sign shall be greater than fifty square feet. Each sign shall be allowed a minimum of twenty square feet,

b. Each business shall be allowed one wall sign. Businesses that are located adjacent to two streets (on a corner) shall be allowed one additional wall sign to face the second adjacent street if the business is not identified on a freestanding sign,

c. Wall signs shall be mounted parallel to the building;

2. Freestanding signs. Freestanding signs shall be allowed as follows:

a. One freestanding sign shall be allowed for each parcel of land or commercial center, whichever is less,

b. The size of each individual sign shall not be greater than one square foot of sign area for each linear foot of business frontage, on which the sign is located. No sign shall be greater than fifty square feet. Each sign shall be allowed a minimum of twenty square feet,

c. The maximum height of a freestanding sign shall be fourteen feet,

d. The support structures for all freestanding signs shall be surfaced in a manner to appear to be of the same materials, color and texture as the buildings located on the site;

3. Individual signs for occupants in the same building or commercial center shall be of the same design. Section 21.30.030(H) (Master sign plan required) may require a master sign plan in compliance with that section;

4. Signs shall not project over a public right-of-way for a distance greater than two feet. Any sign projecting over public property shall have a minimum of ten feet clearance extending from the level of the sidewalk or grade, immediately below the sign, to the lowest point of the projection;

5. Any illumination shall be provided by interior lights or reflectors concealed in shrubbery or decorative structures. Illumination shall not cause glare on surrounding streets or adjacent property;

6. Gasoline stations, in addition to other signage as allowed under this section, may be allowed a maximum of two changeable gasoline or other motor vehicle fuels price signs, not to exceed sixteen square feet each. The sign(s) shall be attached to an approved freestanding sign, building, canopy, or secured to the property.

B. Office development. On-site signs for office buildings shall comply with the following standards:

1. The total display area for all signs for any one parcel or commercial center, whichever is less, shall be no greater than eighty square feet and no single sign shall have a display surface greater than forty square feet;

2. Any illumination shall be provided either by interior lights or reflectors concealed in shrubbery or decorative structures. Illumination shall not cause glare on surrounding streets or adjacent property;

3. Signs may be attached to or painted on the building or they may be freestanding. If attached, the signs shall be parallel to the building wall and shall not project above the roof-line nor extend beyond one foot of the wall. If freestanding, the signs shall not project over a public property for a distance greater than two feet nor be higher than fourteen feet. The support structures for all freestanding signs shall be surfaced in a manner to appear to be of the same materials, color and texture as the buildings located on the site. Any sign projecting over a public right-of-way shall have a minimum of ten feet clearance extending from the level of the sidewalk or grade, immediately below the sign, to the lowest point of the projection;

4. Individual signs for occupants in the same building or commercial center shall be of the same design. Section 21.30.030(H) (Master sign plan required) of this chapter may require a master sign plan in compliance with that section.

C. Public/semi-public and institutional development. On-site signs that identify public or semi-public buildings or grounds, institutional uses, or places of worship shall be allowed, provided that:

1. The total display area of all signs shall not exceed forty square feet;

2. Any illumination shall be provided by interior lights or reflectors concealed in shrubbery or decorative structures. Illumination shall not cause glare on surrounding streets or adjacent property;

3. The signs may be attached to or painted on the building or freestanding. If attached, the signs shall be parallel to the building wall to which it is attached and shall not project above the roof-line nor extend beyond one foot of the wall. If freestanding, the signs shall not project over public property and shall not be more than six feet high. The support structures for all freestanding signs shall be surfaced in a manner to appear to be of the same materials, color and texture as the buildings located on the site.

D. Multi-family residential developments. On-site signs pertaining to the prospective sale, rental, or lease of real property of multi-family dwellings shall comply with the following standards:

1. The total display area for all signs for any one complex shall not be greater than eighty square feet and no single sign shall have a display surface greater than forty square feet;

2. Any illumination shall be provided either by interior lights or reflectors concealed in shrubbery or decorative structures. Illumination shall not cause any glare on surrounding streets or adjacent property;

3. The signs may be attached to or painted on the building or freestanding. If attached, the signs shall be parallel to the building wall to which it is attached and shall not project above the roof-line nor extend beyond one foot of the wall. If freestanding, the signs shall not project over public property and shall not be more than six feet high. The support structures for all freestanding signs shall be surfaced in a manner to appear to be of the same materials, color and texture as the buildings located on the site.

E. Freeway-oriented signs. Signs located on parcels adjoining a freeway or expressway and oriented to freeways or expressways shall comply with the following standards:

1. Allowable Uses: Freeway-oriented signs shall be limited to parcels that have the following uses that traditionally draw a significant number of patrons from persons using regional expressways and freeways and only when the use itself is not directly identifiable from the freeway or expressway:

a. Gasoline stations;

b. Hotels and motels (stand-alone or as part of a regional commercial center);

c. Commercial schools occupying at least fifteen thousand square feet of building space;

d. Retail stores that occupy at least fifty thousand square feet of building space;

e. Professional Office or Research and Development; properties adjoining a freeway, located within one hundred feet of a freeway interchange with a building tenant(s) that occupies at least fifty thousand square feet of building space;

f. Regional commercial center;

2. Allowable Number. The allowable number of freeway-oriented sign(s) per parcel or site shall be as follows:

a. Professional office and research and development: One wall mounted freeway-oriented sign for each fifty thousand square feet of building space occupied by a tenant, provided that there be no more than two freeway-oriented wall mounted signs on a building and no tenant shall be allowed more than one freeway-oriented sign.

b. Regional commercial center. One wall mounted freeway-oriented sign and one free-standing freeway-oriented sign.

c. All other uses listed by subsection E.1 (Allowable uses). One on-site freestanding or wall mounted freeway-oriented sign for each parcel or commercial center, whichever is less, that adjoins an expressway or freeway.

3. Allowable size. The permitted size of allowable freeway-oriented signs shall be as follows:

a. Freestanding freeway-oriented signs. A freestanding freeway-oriented sign shall be the minimum height and size necessary to achieve visibility from the freeway, or expressway, but in no case shall it exceed forty-five feet in height and three hundred fifty square feet in area.

b. Wall-mounted freeway-oriented signs. Freeway-oriented wall mounted signs shall be limited to one square foot of sign area for each two linear feet of freeway property frontage, but in no case shall a single sign exceed one hundred twenty-five square feet total and the total sign area for freeway-oriented wall mounted signs on a building shall not exceed two hundred square feet.

c. Regional commercial center. Each wall-mounted and freestanding freeway-oriented sign shall be limited to three hundred fifty square feet in area, except that the total display area for freeway-oriented signs within a regional commercial center shall be no greater than five hundred square feet.

4. Roof-signs prohibited. Freeway-oriented signs that are "roof-mounted", as defined by Section 21.30.020 of this chapter, are prohibited.

F. Off-site signs. Off-site signs shall comply with the following standards:

1. The sign shall be a noncommercial sign;

2. The total display area of an off-site sign shall not exceed forty square feet;

3. The location and size of the signs shall not limit driver or pedestrian visibility or create other safety hazards;

4. The sign shall be the minimum height and size necessary to convey the message to a person of normal visual acuity.

G. Readerboard signs. Readerboard signs shall comply with the following standards:

1. An electronic readerboard sign or manual readerboard sign shall be allowed for "theaters, movie or performing arts and concert halls" uses with two hundred or more fixed seats. The display surface shall not be animated and shall utilize a maximum of two colors at any time. Notwithstanding the definition of "site" contained in Section 21.30.020 of this chapter, as applied to electronic readerboard signs, the term "site" shall mean only the space occupied by the theater or concert hall and any associated parking area or other common areas utilized by the theater or concert hall on the same parcel. "Site," as applied to electronic readerboard signs shall not include other tenant spaces or business locations whether or not located on the same parcel or commercial center as the theater or concert hall;
2. A manual readerboard sign shall be allowed for "public assembly uses" with fifty or more fixed seats;
3. A readerboard sign, either electronic or manual, which is located inside a building within five feet of an exterior window shall be subject to the readerboard sign regulations pursuant to this chapter and shall not be exempt under Section 21.30.040(L) (Window signs) of this chapter;
4. A readerboard sign, either electronic or manual, shall also comply with the standards contained in subsections A through C of this section, depending on the type of development the readerboard sign is intended for.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

(Ord. No. 2181, § 2(Exh. A), 9-2-2014; Ord. No. 2213, § 8, 11-1-2016)

21.30.090 Substitution of noncommercial message.

In each instance and under the same conditions to which this chapter permits any sign, a sign containing an ideological, political or other noncommercial message shall be permitted wherever commercial signage is permitted.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.100 Nonconforming signs.

A. Permanent signs which are lawfully in existence and in use prior to and at the time of the legal adoption of the ordinance codified in this chapter may remain in use even though they do not conform with the provisions of this chapter, until the time a change is proposed which requires a permit under Section 21.30.030.

B. A change to a nonconforming permanent freestanding sign, for a commercial center which identifies two or more tenants shall be allowed without bringing the entire sign into conformance so long as the change is limited to a change in copy for one of the tenants and there is no change in the advertising display area, colors, materials, illumination or structural size, height or design of the sign.

C. Except as otherwise allowed by this chapter, a change in the advertising display area, colors, materials, illumination or structural size, height or design of the sign shall constitute the erection of a new sign, which shall comply with the provisions of this chapter.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.110 Maintenance and repair.

All signs, together with all supports, braces, guys and anchors shall be maintained in good safe condition. The display surface of all signs shall be kept neatly painted or posted at all times.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.120 Abatement of temporary signs.

Temporary signs posted or maintained in violation of this chapter are declared to be a public nuisance. The city may remove any temporary sign posted or maintained in violation of this chapter, in compliance with the following provisions:

A. A temporary sign that is unlawfully in place in violation of the time restrictions specified in this chapter or is unlawfully erected and deemed a public safety hazard by the community development director or public works director may be summarily abated pursuant to the procedures as follows:

1. Signs abated pursuant to this subsection shall be held by the city pending completion of the notice and hearing procedures set forth below;

2. The city shall schedule a hearing before the City Council to affirm the illegality of the signs. The hearing shall be held within thirty calendar days of the removal of the signs;

3. The city shall make a reasonable attempt to identify and notify the owner of the sign. The city clerk shall send not less than a ten days' written notice prior to the hearing, by first class United States mail, postage prepaid, to all persons owning the property upon which or in front of which the signs are located, as listed on the last equalized assessment roll available on the date the notice is prepared. If the city is able to ascertain the mailing address of the owner of the sign, the city clerk shall also send notice to the sign owner in the same manner. If the city is unable to ascertain the mailing address of the sign owner, but is able to ascertain some other means of contacting the sign owner, the city clerk shall notify the sign owner by the means most likely to notify the sign owner. The notice shall state the date, time, and place of the hearing and generally describe the purpose of the hearing and the nature of the illegality of the display, and that the city may assess a lien to secure recovery of its costs. The notice shall be in substantially the following form and contain the following information:

NOTICE OF REMOVAL OF ILLEGAL ADVERTISING DISPLAY

Notice is hereby given that the City of Campbell removed an allegedly illegal sign located upon or in front of the property located at (location of the sign). If the City Council affirms the removal of the sign, the cost of removal will be assessed upon the property from or in front of which the display is removed and will constitute a lien upon the property until paid.

All persons having any objection to the removal of the sign are hereby notified to attend a meeting of the City Council of Campbell to be held (give date, time and location), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 20___

_____

(Title)

City Campbell

4. The city shall also cause the foregoing notice to be conspicuously posted on or in front of the property on or in front of which the signs exist. The notice shall be posted at least ten days prior to the time for hearing objections by the City Council;

5. At the time stated in the notices, the City Council shall hear and consider all objections to the removal of the sign. It may continue the hearing from time to time. At the conclusion of the hearing, the City Council shall allow or overrule any objections. The decision of the City Council is

final. If objections have not been made or if the City Council otherwise determines that the sign is in violation of this chapter, it may order the destruction of the sign;

6. If the City Council upholds the removal of the sign, the city shall be entitled to recover the costs that it incurred in abating the sign pursuant to this subsection.

B. In situations other than those set forth in subsection A, the city may abate temporary signs that are in violation of the provisions of this chapter, pursuant to the procedures as follows:

1. The City Council may, by resolution, declare the signs to be public nuisances. The resolution shall describe the property upon which or in front of which the nuisance exists by giving its lot and block number according to the county or city assessment map and its street address if known. Any number of parcels of private property may be included in one resolution. The resolution shall also establish a date and time to hold a public hearing to hear any objections to abatement of the signs;

2. Prior to the adoption of the resolution, the city shall make a reasonable attempt to identify and notify the owner of the sign. The city clerk shall send not less than a ten days' written notice by first class United States mail, postage prepaid, to all persons owning the property upon which or in front of which the signs are located, as listed on the last equalized assessment roll available on the date the notice is prepared. If the city is able to ascertain the mailing address of the owner of the sign, the city clerk shall also send notice to the sign owner in the same manner. If the city is unable to ascertain the mailing address of the sign owner, but is able to ascertain some other means of contacting the sign owner, the city clerk shall notify the sign owner by the means most likely to notify the sign owner. The notice shall state the date, time, and place of the hearing, generally describe the purpose of the hearing and the nature of the illegality of the sign;

3. After adoption of the resolution, the city shall cause notices, to be conspicuously posted on or in front of the property on or in front of which the signs exist. The notice shall be posted at least ten days prior to the time for hearing objections by the City Council, and shall be substantially in the following form:

NOTICE TO REMOVE ILLEGAL ADVERTISING DISPLAY

Notice is hereby given that on the ___ day of _____, 20___, the City Council of City of Campbell adopted a resolution declaring that an illegal sign is located upon or in front of this property which constitutes a public nuisance and must be abated by the removal of the illegal sign. Otherwise, it will be removed, and the nuisance abated by the City. The cost of removal will be assessed upon the property from or in front of which the display is removed and will constitute a lien upon the property until paid. Reference is hereby made to the resolution for further particulars. A copy of this resolution is on file in the office of the City Clerk.

All persons having any objection to the proposed removal of the sign are hereby notified to attend a meeting of the City Council of Campbell to be held (give date, time and location), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 20___

_____

(Title)

City Campbell

4. In addition to posting the notice, the city clerk shall mail a copy of the notice of the proposed abatement to all persons owning the property upon which or in front of which the signs are located, as listed on the last equalized assessment roll available on the date the notice is prepared, and to the owner of the sign, if ascertainable, at least ten days prior to the time for

hearing objections, in the same manner as notice was sent pursuant to subsection (B)(2) of this section;

5. At the time stated in the notices, the City Council shall hear and consider all objections to the proposed removal of the sign. It may continue the hearing from time to time. At the conclusion of the hearing, the City Council shall allow or overrule any objections. The decision of the City Council is final. If objections have not been made or if the City Council otherwise determines that the sign is in violation of this chapter, it may order the abatement of the sign;

6. The property owner shall be given a reasonable amount of time after the hearing to remove the sign. If the sign is not removed after this period of time, the city may remove and destroy the sign.

C. The city shall maintain accounting records of all costs incurred in removal of each sign, and shall render an itemized report in writing to the City Council showing the cost of removal of the signs, a copy of which shall be mailed by first class United States mail to the last known address of the owner of the sign and the owner of the property upon which or in front of which the signs were located together with a notice of the time, date and location when the report will be considered by the City Council for confirmation. A copy of the report shall also be posted for at least three days, prior to its submission to the City Council, on or near the chamber door of the City Council, with notice of the time of submission.

D. At the time and place fixed for receiving and considering the report, the City Council shall hear and pass upon the report of the costs of abatement, together with any objections or protests. Thereupon, the City Council may make the revision, correction or modification to the report as it may deem just, after which, by motion, the report, as submitted or as revised, corrected or modified, shall be confirmed. The decision of the City Council on all protests and objections that may be made shall be final and conclusive, and costs assessed shall be a joint obligation of the owner of the sign and the owner of the property upon which or in front of which the signs were located.

E. If the costs of removing the sign are not paid to the city within ten days after the City Council confirms, the costs shall become a special assessment against the respective property to which it relates, and upon recordation in the office of the county recorder of a notice of lien on the property for the amount of the assessment. After the confirmation and recordation, a copy of the lien may be turned over to the tax collector for the city. It shall be the duty of the tax collector to add the amounts of the respective assessments to the next regular tax bills levied against the respective property for municipal purposes. The amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. After the recordation, the lien may be foreclosed by judicial or other sale in the manner and means provided by law. Notices of lien for recordation shall be in a form provided by the city.

F. The city of Campbell shall not be liable for any costs incurred in removal of signs from property owned by the city.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.130 Preemption.

In the event that any of the provisions of this chapter are preempted by lawful enactments of the state or federal governments, the enactments of those bodies shall supersede the preempted provisions of this chapter.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.30.140 Judicial review.

Judicial actions brought challenging any decision made pursuant to this chapter are subject to the provisions of California Code of Civil Procedure Section 1094.8.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

Chapter 21.32 TREE PROTECTION REGULATIONS

21.32.010 Purpose.

In enacting this chapter, the city recognizes the substantial aesthetic, environmental and economic importance of its tree population. The purpose of this chapter is to establish policies, regulations, and standards to protect and manage trees on private property to ensure that development is compatible with and enhances Campbell's small town quality and character.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004; Ord. 1969 § 2 (part), 1998).

21.32.020 Definitions.

The following words and phrases when used in this chapter shall have the meaning set forth herein, except where the context clearly indicates a different meaning:

"Approval authority" means the person or body officially responsible for rendering decisions on requests to remove trees protected by this chapter.

"Arborist report" means a professional report prepared by a certified arborist that includes photographic documentation of each tree proposed to be removed and indicates the location(s), variety or species, size(s), and condition of all such tree(s). An arborist report also includes a visual examination of damage associated with the tree(s) and provides potential measures that may be taken to preserve the tree(s) or prevent further damage. The report shall conclude with a recommendation as to whether, in the professional judgment of the arborist, the tree(s) should be removed or preserved.

"Certified arborist" means a person having expertise in the care and maintenance of trees, who is certified by the International Society of Arboriculture (ISA) or the American Society of Consulting Arborists (ASCA).

“Critical root zone” means the distance from the trunk that equals one foot for every inch of the tree's diameter.

"Dead tree" means a tree that is no longer alive.

"Dying tree" means a tree that is in such an advanced state of decline due to damage or disease—where an insufficient amount of live tissue, green leaves, limbs or branches exists to sustain life—that death is unavoidable.

"Developed single-family residential property" means any legal lot of record with a low-density residential land use designation that is developed with a main dwelling unit.

"Development application" means an application for land alteration or development, including, but not limited to, site and architectural review, variance, use permit, rezoning, planned development permit and subdivisions of property.

"Dripline" means the outermost line of the tree's canopy projected straight down to the ground surface. In plan view, the dripline generally appears as an irregularly shaped circle.

"Emergency" means a sudden, or generally unexpected occurrence that decisively determines that immediate action is warranted.

"Fruit tree" means any tree that has the characteristic of bearing edible fruit, common to commercial production varieties including, but not limited to, stone fruits (e.g., prunes, peaches, etc.), citrus (e.g., lemons,

oranges), nut varieties (e.g., almonds, English walnut (except for California Black Walnut), peppers (g. Schinus), and olives (g. Oleaceae). A "fruit tree" shall not mean any tree that bears a fruit or nut produced primarily as seed, (e.g., oaks, pines, etc.).

"Heritage tree" means any tree so designated by the historic preservation Board based on the finding that the tree has character, significant age and girth, interest or value as part of the development of, and/or exemplification of the cultural, educational, economic, agricultural, social, indigenous or historical heritage of the city and identified on the historic resources inventory.

"Landscaping plan" means a plot plan illustrating the location of ground cover, shrubs, trees, hardscaping, and irrigation in relation to a site's property lines and on-site structures.

"Main structure" means a primary structure allowed under the zoning district in which a property is located to provide reasonable economic use of a property. For developed single-family properties, this specifically includes dwelling units, in-ground swimming pools, detached garages, and other accessory structures over two hundred square feet.

"Net lot area" means the total area within the lot lines of a lot, excluding any street right-of-way or common areas owned collectively by a group of property owners in a planned development.

"Protected tree" means any class of tree specified in Section 21.32.050, (Protected trees).

"Pruning" means the standard practice of maintenance consisting of trimming or cutting away any limbs or branches of a tree to control growth and enhance performance or function by developing and preserving tree structure and health.

"R-1" means any developed single-family residential property.

"Remove," "removal," and "tree removal" means taking action that directly leads to or foreseeably leads to the death of a tree or permanent damage to its health (e.g., cutting, girdling, poisoning, over-watering, unauthorized relocation or transportation of a tree or trenching, excavating, or altering the grade or paving within the dripline of a tree).

"Severe trimming" means cutting back large diameter branches or the main trunk of a mature tree to stubs,(including topping and severe root pruning) which either destroys the existing symmetrical appearance or natural shape of the tree and/or compromises the long-term health or survival of a tree.

"Significant damage" means structural damage to a building foundation, floor framing, roof framing, or exterior walls, or to the wall of a swimming pool.

"Tree" means a woody perennial plant characterized by having a main stem or trunk or a multi-stemmed trunk system with a more or less definitely formed crown, and is usually over ten feet high at maturity.

"Tree removal permit" means a permit to remove a protected tree as required by this chapter.

"Unprotected tree" means any class of tree not specified as a "protected tree."

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.030 Applicability.

This article shall apply to every owner of private property within the city, and to every person responsible for undertaking the removal of a tree on private property, unless exempted herein.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.32.040 Actions prohibited.

The following is deemed unlawful under this article:

A. To remove any protected tree specified in Section 21.32.050, (Protected trees) from private property without approval of a tree removal permit.

B. To severely trim any protected tree specified in Section 21.32.050, (Protected trees) on private property.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.050 Protected trees.

Except as otherwise provided in Section 21.32.060, (Exemptions) the following trees are classified as protected trees and shall not be removed from private property without approval of a tree removal permit:

A. The following trees are protected on all properties in all zoning districts:

1. Heritage trees designated in compliance with Section 21.32.130, (Heritage tree designations); and

2. Any tree shown on an approved landscaping plan or required to be planted or retained as a condition of approval of a development application, a building permit, or a tree removal permit;

B. For trees on all commercial, industrial, multi-family residential, mixed-use, and undeveloped single-family residential properties in all zoning districts, any tree or multi-trunk tree with at least one trunk measuring twelve inches or greater in diameter (thirty-eight inches or greater in circumference), measured four feet above the adjacent grade.

C. For developed single-family residential properties, trees or multi-trunk trees with at least one trunk measuring twelve inches or greater in diameter (thirty-eight inches or greater in circumference) of the following species:

1. Oak (Quercus);

2. Redwood (Sequoia);

3. Cedar (Cedrus);

4. Ash (Fraxinus).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.060 Exemptions.

The following tree types and conditions are exempt from this chapter and may be removed without approval of a tree removal permit:

A. Emergencies. Trees that pose an immediate threat to persons or property during an emergency or are determined to constitute an emergency, upon order of the community development director, or any member of the police or fire services agency. The community development director shall be notified of

such emergency before removal, and a tree removal permit shall be filed within ten calendar days of the emergency removal.

B. Public nuisance. Any tree in a condition to constitute a public nuisance, as defined in Section 6.10.020 of the Campbell Municipal Code when the declaration of a public nuisance has been made by the building official, the community development director or the fire chief.

C. Public utilities. Trees that undermine or impact the safe operation of public utilities that are subject to the jurisdiction of the public utilities commission of the State of California.

D. Fruit trees. Fruit tree(s) in any zoning district.

E. Eucalyptus trees. All trees of the genus Myrtaceae.

F. Dead or dying trees. Any protected tree determined by the community development director to be dead or dying in compliance with Section 21.32.065, (Removal of dead or dying trees).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.065 Removal of dead or dying trees.

A protected tree determined to be dead or dying may be removed without a tree removal permit subject to the following procedure:

A. Form of determination. The community development director shall determine whether or not the tree is dead or dying as a zoning clearance in compliance with Chapter 21.40, (Zoning Clearances).

B. General Criteria. A request for a determination of a dead or dying tree shall be made to the community development department and be accompanied by the following information, unless waived by the community development director in writing:

1. Photograph(s) of the tree;

2. Signature of the property owner and homeowners association (when applicable);

3. Other information deemed necessary by the community development director to evaluate the condition of the tree;

4. Payment of any required permit fee.

C. Arborist Report. When the condition or viability of the tree is not readily evident, the community development director may require preparation of an arborist report in compliance with Section 21.32.155, (Arborist reports).

D. Replacement required. In the event a protected tree shown on an approved landscaping plan or required to be planted or retained as a condition of approval of a development application, building permit, or tree removal permit is determined to be dying, the tree shall be subject to replacement in kind.

E. Heritage tree. In the event a heritage tree is determined to be dead or dying by the community development director, the community development director shall provide written notice of the determination to the historic preservation board.

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.070 Tree removal permit/application requirements.

A. Application information. Applications for a tree removal permit shall be available from and filed with the community development department and shall contain the following information, unless waived by the community development director:

1. A written explanation of why the tree(s) should be removed;
2. Photograph(s) of the tree(s);
3. Signature of the property owner and homeowners association (when applicable);
4. Replanting plan, as required by Section 21.32.100, (Replacement trees);
5. Other information deemed necessary by the community development director to evaluate the tree removal request;
6. Permit fee, where applicable.

B. Arborist Report. When the condition or viability of the tree or its impact to property is not readily evident, the community development director may require preparation of an arborist report in compliance with Section 21.32.155, (Arborist reports).

C. Additional application requirement for all properties except developed single-family residential properties. Applications for a tree removal permit on all properties except developed single-family residential properties shall include a tree survey plan indicating the number, location(s), variety or species, and size(s) (measured four feet above grade) of tree(s) to be removed.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.080 Determination on permit.

A. Findings. The approval authority shall approve a tree removal permit only after making at least one of the following findings:

1. Diseased or danger of falling. The tree or trees are diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices such that the public health or safety requires its removal.
2. Structure Damage. The tree or trees have caused or may imminently cause significant damage to the existing main structure(s) that cannot be controlled or remedied through reasonable modification of the tree's root or branch structure.
3. Utility Interference. The tree or trees have interfered with utility services where such interference cannot be controlled or remedied through reasonable modification/relocation of the utility services and/or reasonable modification of the tree's root or branch structure.
4. Overplanting. The tree(s) is crowding other protected tree(s) to the extent that removal is necessary to ensure the long-term viability of adjacent tree(s).
5. Economic enjoyment and hardship. A finding of economic enjoyment and hardship may be made established as follows:
    i. Nonresidential development projects. The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property

owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree(s).

ii. Housing development projects. Even after exhausting all alternative site configurations and adjustments permitted under Chapter 21.07, the development (e.g., buildings, driveways, stormwater area, or sewer/underground services) would still conflict with the critical root zone of the tree(s).

B. Additional recommendations. The community development director may refer the application to another department or commission for a report and recommendation.

C. Inspections and permit availability. City staff shall have the authority to conduct on-site inspections of all trees proposed for removal. If a tree removal permit is approved, the permit shall be on-site at all times prior to and during the removal of a tree and/or shall be made available to any city official at the site, upon request.

D. Action. Based on the criteria outlined in this section, the approval authority shall either; approve, conditionally approve or deny the application. Conditions of approval may include any of the following:

1. Revisions to development plans to accommodate existing trees; or
2. Replacement trees of a species and size planted at locations designated by the approval authority in compliance with Section 21.32.100, (Replacement trees); or
3. Payment of an in-lieu fee in compliance with Section 21.32.110, (Site limitations/in-lieu fee for replacement); or
4. A combination of replacement trees and in-lieu fees that in total provide for the number of replacement trees required by this chapter.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.090 Approval authority and permit process.

A. The following provisions shall apply to requests for removal of protected tree(s) located on a developed single-family residential property filed independent of a development application:

1. Approval authority. The community development director is the approval authority for tree removal requests, except for heritage trees.
2. Decision. Upon acceptance of a complete application in compliance with Chapter 21.38, (Application Filing, Processing, and Fees), the community development director shall render a decision on the tree removal request.
3. Notice of decision. Upon rendering of a decision on the tree removal request, the community development director shall provide written notification of the decision to the applicant. The notification shall include findings for the decision, the ending date of the appeal period, and in the case of approval, shall include all conditions and time limits imposed by the community development director.

On the day of the decision, the community development director shall also mail a notice of decision to owners of record of properties abutting or directly across a public right(s)-of-way from the subject property at the address set forth on the most currently available assessment roll. The notice

shall provide a brief description of the tree removal request, the location of the subject property, the decision rendered, the appeal process, and the ending date of the appeal period.

4. Appeals. A decision of the community development director may be appealed in compliance with Chapter 21.62, (Appeals).

B. The following provisions shall apply to requests for removal of protected tree(s) located on all properties except for developed single-family residential properties filed independent of a development application:

1. Approval authority. The community development director is the approval authority for tree removal requests, except for heritage trees.

2. Notice and decision. The notice and decision for a tree removal request shall be subject to the administrative decision process as prescribed in Chapter 21.71, (Administrative Decision Process).

3. Appeals. A decision of the community development director may be appealed in compliance with Chapter 21.62, (Appeals).

C. Tree removal requests filed with a development application.

1. Approval authority. The approval authority for tree removal requests filed in conjunction with a development application shall be the same approval authority as established for the accompanying development application.

2. Concurrent filing. All tree removal requests associated with a development application shall be filed concurrently with the development application and shall be subject to any required public hearing for the development application subject to the provisions of Chapter 21.64, (Public Hearing).

D. Heritage tree removal requests. Notwithstanding any other provision of this Chapter, the following provisions shall apply to requests for removal of heritage trees:

1. Requests filed independent of development applications. The historic preservation Board is the approval authority for tree removal requests for heritage trees filed independent of a development application.

2. Requests filed in conjunction with a development application. The approval authority for heritage tree removal requests filed in conjunction with a development application shall be the same approval authority as established for the accompanying development application. Prior to the hearing before the approval authority, requests to remove heritage trees filed in conjunction with a development application shall be referred to the historic preservation Board that shall make a recommendation to the approval authority.

3. Public hearing. A public hearing by the approval authority is required for all heritage tree removal requests in compliance with the provisions of Chapter 21.64, (Public Hearing).

E. Final decision/timing of tree removal. No tree for which a tree removal permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree or trees approved for removal in conjunction with a development application shall not be removed prior to the issuance of building permit or unless all of the conditions of approval of the development application are satisfied.

Table 3-4 TREE TYPE AND PERMIT PROCESS SUMMARY

TYPE OF TREE REMOVAL REQUEST	PROTECTED TREE TYPES	SIZE TREE PROTECTED[1]	PERMIT AUTHORITY FOR REMOVAL	APPEAL PROCESS[2]

Tree removal requests on all properties (except R-1[3]) not in conjunction with a development application.	Any tree except fruit trees[5] and trees of the genus Myrtaceae[6]	12-inch diameter (38-inch circumference)	Community Development Director	Planning Commission and City Council
Tree removal requests on R-1[3] not in conjunction with a development application	Trees of the species: Oaks (Quercus) Cedars (Cedrus) Ash (Fraxinus) Redwoods (Sequoia)			
Tree removal requests on all properties in conjunction with a development application	Any tree except fruit trees[5] and trees of the genus Myrtaceae[6]	12-inch diameter (38-inch circumference)	Community Development Director Planning Commission or City Council	Planning Commission and/or City Council
Heritage tree removal requests in all zoning districts (not in conjunction with a development application)[4]	Any Heritage tree	None specified	Historic Preservation Board	Planning Commission and City Council
Heritage tree removal requests in all zoning districts (in conjunction with a development application)[4]	Any Heritage tree	None specified	Planning Commission or City Council	City Council
Trees required as a Condition of a Development Approval	Any tree required to be retained or planted	None required	Community Development Director	Planning Commission and City Council

Notes:

[1] Minimum size and greater - measured four feet above grade adjacent to the trunk.

[2] Appeals shall be filed in writing to the city clerk within ten calendar days from the decision on the permit.

[3] Developed single-family residential property zoned R-1 or Planned Development.

[4] Tree removal request filed in conjunction with a development application shall be reviewed concurrently with the development application in compliance with section 21.32.090.C, (Tree removal request filed with a development application).

[5] Fruit trees as defined in Section 21.32.020, (Definitions).

[6] Any variety of eucalyptus (genus Myrtaceae) tree.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.100 Replacement trees.

A. Number and size of replacement trees. The minimum number and size of replacement tree(s) shall be based on the number, size, and species of tree(s) requested to be removed. The species of replacement tree(s) shall continue the diversity of trees found in the community.

The minimum guidelines for tree replacement are as follows:

Table 3-5
Replacement Tree Requirements

Trunk Size of Removed Tree (measured at 4 feet above grade)		Replacement Ratio Required (per tree removed)	
Diameter (in inches)	**Circumference (in inches)**	**Number of replacement trees**	**Minimum Size**
12 to 24	38 to 75	1	24 inch box
greater than 24	greater than 75	1	36 inch box
Heritage Trees		1	48 inch box

B. Replanting plan. A replanting plan shall be made a requirement of the tree removal permit, and is subject to approval by the approval authority prior to issuance of the tree removal permit unless an in-lieu fee in compliance with Section 21.32.110, (Site limitations/in-lieu fee for replacement) is approved by the approval authority. The replanting plan shall be subject to the following:

1. The replanting plan shall include a site plan of the subject property with the location and species of the proposed replacement trees.
2. All replacement trees required by the approved replanting plan shall be obtained and planted at the expense of the applicant.
3. If the tree removal request was filed in conjunction with a development application, in compliance with Section 21.32.090, (Approval authority and permit process), all replacement trees shall be installed prior to the issuance of a certificate of occupancy for the development.
4. If the tree removal request was not filed in conjunction with a development application all replacement trees shall be installed within thirty days from the date the tree removal permit is issued unless accepted arboricultural practices dictate a preferential planting period for the species chosen as the replacement tree. The community development director may require a cash deposit to secure the planting of a replacement tree(s).
5. City staff shall be allowed to enter the property to verify the installation of the replacement trees.
6. The community development director shall have the authority to approve an increase in the number of the on-site replacement trees and reduce the required size of the trees for developed single-family residential properties, when appropriate.

C. Maintenance bond. The approval authority may require a faithful performance bond, maintenance bond or other security deposit when tree replacement is required by this chapter. The bond shall be in an amount of money and for a period of time determined by the community development director to ensure acquisition

and proper planting and maintenance of the replacement trees. The bond shall be paid to the city prior to the issuance of the tree removal permit.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.110 Site limitations/in-lieu fee for replacement.

A. Site limitations. If the site layout cannot reasonably accommodate the number of trees required in compliance with the replacement ratios and/or tree spacing consistent with standard forestry practices, the approval authority shall either:

1. Approve an increase in the size of the on-site replacement trees and reduce the number of trees required. The quantity and quality of the replacement trees shall be sufficient to produce a reasonable tree canopy for the size of the lot; or

2. Require payment of an in-lieu fee in compliance with subsection B of this section for the required number of trees or any portion thereof.

B. In-lieu fee. Payment of a fee shall be made to the city for tree planting elsewhere in the community should on-site location of the replacement trees not be possible, subject to the following:

1. The in-lieu fee will be based on the fair market value of the number of trees required by Section 21.32.100, (Replacement trees) for the same or equivalent species, delivered and installed, as determined by the public works director.

2. The fees will be used to purchase trees that will be planted within the public right-of-way or on other public property as directed by the public works department.

3. Payment of the in-lieu fee shall be made prior to issuance of the tree removal permit.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.120 Delegation of functions.

The community development director may delegate any or all of the administrative duties authorized by this article to one or more staff members.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.32.130 Heritage tree designations.

A. Applications. Applications for designation of a heritage tree on private or public property may be initiated by any person subject to the property owners' written consent. The applicant requesting heritage tree designation shall submit an application in compliance with instructions provided by the community development director and shall include the following:

1. Assessor's parcel number of the site;

2. Description detailing the proposed heritage tree's special aesthetic, cultural, or historic value of community interest;

3. Photographs of the tree(s).

B. Historic preservation Board review. The historic preservation Board shall conduct a review of the proposed heritage tree, based upon the information or documentation as it may require from the applicant, a commission, staff or from other available sources. A tree may be designated as a heritage tree upon a finding that it is unique and important to the community due to any of the following factors:

1. It is an outstanding specimen of a desirable species;

2. It is one of significant age and/or girth in Campbell;

3. It has cultural, educational, economic, agricultural, social, indigenous, or historical heritage of the city.

C. Historic preservation Board hearing. The historic preservation Board shall hold a public hearing on any proposed designation within thirty days after the application is deemed complete and shall render a decision to approve, deny, or continue the hearing for more information.

D. Recordation of heritage tree designation. If the heritage tree designation is approved, the city shall record the designation with the county recorder's office and a copy shall be provided to the property owner and the community development department. A listing of designated heritage trees and their locations shall be listed on the historic resources inventory and maintained by the community development department.

E. Posting and notice. Hearings for heritage tree designation shall be subject to public hearing notice procedures specified in Chapter 21.64, (Public Hearings). In addition, the community development department shall post the site or tree under consideration ten calendar days prior to the hearing date with a sign setting forth the nature of the application and the date, time and place of the hearing.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.32.140 Appeals.

A. Appeals. Any person aggrieved by a decision of the approval authority as specified in this chapter may appeal a decision in compliance with Chapter 21.62, (Appeals).

B. Decisions on appeals. No decision made in compliance with this chapter shall be final until all appeal rights have expired. All applicable hearings shall be public hearings subject to Chapter 21.64, (Public Hearings).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.32.150 Pruning and maintenance.

A. Adoption. The City of Campbell adopts the current version of the "American National Standards Institute (ANSI) A300 Part I: Tree, Shrub, and Other Woody Plant Management - Standard Practices (Pruning)," for the regulation of pruning and maintenance of protected trees. The City of Campbell recognizes the use of the current version of "Best Management Practices—Tree Pruning," prepared by the International Society of Arboriculture (ISA), as an explanatory guide for applying the ANSI A300 standards in daily tree care practice.

B. Requirement. Pruning of a protected tree shall be performed in compliance with the adopted standards for pruning and maintenance of protected trees specified by subsection (A), above.

C. Violation. Pruning of a protected tree not performed in compliance with subsection (A), above, as determined by the community development director, shall constitute severe trimming, and is a violation of this Chapter, subject to applicable penalties pursuant to Section 21.70.040, (Penalties).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.155 Arborist reports.

Preparation of an arborist report required under this Chapter shall be subject to the following:

A. Selection. The arborist report shall be prepared by a certified arborist selected by the community development director and under the direction of the community development department.

B. Fees and payment. The cost of the arborist report, plus an administrative review fee as adopted by the City Council, shall be remitted by the applicant prior to preparation of the arborist report.

C. Content. The content of the arborist report shall be in compliance with Section 21.32.020, (Definitions - arborist report), or as otherwise required by the community development director as necessary to provide sufficient information to determine the merits of the application.

D. Action of the City. The approval authority shall take into consideration the conclusions and recommendations of the arborist report. However, the arborist report shall be considered advisory only and its conclusions and recommendations shall not be binding upon the approval authority as to any determinations made under this Chapter.

E. No involvement in removal. A certified arborist, including any tree maintenance firm or corporation, owned, operated or otherwise affiliated with such arborist, shall refrain from any and all involvement in removal of the tree reviewed under this Chapter. Violation of this provision shall be subject to applicable penalties pursuant to Section 21.70.040, (Penalties).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.160 Violations/penalties.

The violation of any provision contained in this chapter shall be punishable as prescribed in Chapter 21.70, (Enforcement). In addition thereto, any person unlawfully removing or destroying any tree without a permit or severely trimming a protected tree shall be subject to the following:

A. Tree replacement penalty. Replacement trees shall be planted at a minimum of two times the replacement ratio described in Section 21.32.100, (Replacement trees) for trees unlawfully removed from developed single-family residential. Replacement trees shall be planted at a minimum of four times the replacement ratio described in Section 21.32.100, (Replacement trees) for tree unlawfully removed from all other properties. The exact replacement ratio shall provide, in the opinion of the community development director, an equivalent aesthetic quality that shall be based on the size, height, location, appearance, and other characteristics of the unlawfully removed tree.

B. Payment for value of unlawfully removed tree(s). Where replacement trees will not provide equivalent aesthetic quality because of the size, age, or other characteristics of the unlawfully removed tree, the community development director shall estimate the value of the removed tree using the latest edition of The Guide for Establishing Values of Trees and Other Plants, prepared by the council of tree and landscape appraisers, as a resource. Upon the determination of the value, the community development director, may require a cash payment to the city to be added to a street tree fund for the cost of purchasing trees for installation within the public right-of-way or on other public property as directed by the public works department.

C. Combination of cash payment and tree replacement. If the site layout cannot reasonably accommodate the required number of trees in compliance with the tree replacement penalty ratios and/or tree spacing consistent with standard forestry practices, the community development director

may approve a combination of a cash payment either in whole or in part and a portion of the replacement trees in compliance with this section. The cumulative value of the cash payment and the replacement trees shall be equivalent to the monetary, aesthetic, and environmental value of the unlawfully removed tree.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

(Ord. No. 2169, § 2(Exh. A), 6-4-2013)

21.32.170 No liability upon city.

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, nor relieve the owner or occupant of any private property from the duty to keep in safe condition any trees upon his/her property or upon a public right-of-way over his/her property.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

Chapter 21.33 HISTORIC PRESERVATION[1]

21.33.010 Purpose of Chapter.

A. Public Policy. It is declared as a matter of public policy that the enhancement, perpetuation, preservation, recognition, and use of areas, natural features, sites, and structures within the city having aesthetic, archeological, architectural, cultural, or engineering interest or value is required in the interest of the cultural enrichment, economic prosperity, health, and general welfare of the people.

B. Purpose. The purpose of the historic preservation ordinance is to:

1. Fulfill the city's responsibility, as a certified local government, to enforce state and local legislation for the designation and protection of historic resources, including, but not limited to, the California Environmental Quality Act (CEQA);
2. Increase public awareness of the architectural and cultural heritage of the community and foster civic pride of the city's preservation efforts;
3. Establish priorities, tools, and minimum standards for preservation, rehabilitation, and restoration efforts within the community;
4. Identify resources that contribute to Campbell's small town character or that illustrate its architectural and historical development and may therefore be eligible for designation as a historic resource;
5. Preserve culturally and historically significant resources in the city, including structures of merit, landmarks, and historic district properties;
6. Protect the heritage of the city by formally designating eligible resources that meet the requirements for historic designation;
7. Safeguard landmark resources representing significant elements of Campbell's history;
8. Retain established building patterns and compatible architectural styles within the city's historic districts.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.020 Applicability.

The provisions of this chapter shall apply to all historic resources listed on the historic resource inventory, including structures of merit, landmarks, and historic district properties. Copies of the applicable documents that are referenced in this Ordinance can be found on the City of Campbell's website or in the Community Development Department.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

[1]Editor's note(s)—Sec. 3, Exh. A, of Ord. No. 2230, adopted Feb. 20, 2018, repealed and replaced Ch. 21.33 to read as herein set out. Former Ch. 21.33 pertained to the same subject matter, consisted of §§ 21.33.010—21.33.160, and derived from Ord. 2113, 2008.

21.33.030 Reviewing Authority.

The reviewing authority for matters of historic preservation, as prescribed in this chapter, shall be the Historic Preservation Board, the Planning Commission, and the City Council, as set forth in Table A and established by Chapter 21.54.

Table A
Decision-Making Body and Role

Type of Permit or Decision and Code Section	Recommendation[1]	Decision	Appeal
Designation, Rescission, or Demolition of a Historic Resource 21.33.060	Historic Preservation Board and Planning Commission	City Council	—-
Mills Act 21.33.170	Historic Preservation Board	City Council	—-
Work affecting a Structure of Merit 21.33.070	Community Development Director or Historic Preservation Board[2]	Community Development Director or Planning Commission[3]	Planning Commission or City Council[3]
Work affecting a Landmark or Historic District 21.33.070	Historic Preservation Board		

Notes:

(1) The Community Development Department will review all applications affecting a historic resource.

(2) Pursuant to section 21.33.070.B, any exterior alteration or material change to a structure of merit that alters its character defining features will be forwarded to the Historic Preservation Board.

(3) Pursuant to section 21.38.020, the decision making body will depend on the type of permit or decision.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.040 Definitions.

As used in this section, the following terms shall have the following meanings unless otherwise indicated from the context:

"Aesthetic, architectural, cultural, or engineering interest or value" means a quality that derives from, is based upon, or relates to eras, events, persons, or works (e.g., architectural design) that have contributed to local, regional, state, or federal history in a distinctive, important, or significant manner, as further described in the architectural questionnaire.

"Alteration (alter)" means any exterior modification or change to a historic resource, including, but not limited to, material change, addition, and new construction. Alteration shall not include ordinary maintenance and repair.

"Alteration, Significant" means any alteration, destruction, relocation, demolition, or partial demolition that may have a significant adverse effect on the character-defining features of a historic resource. An alteration that is consistent with the Secretary of the Interior's Standards is not generally considered a significant alteration.

"Architectural Questionnaire and Criteria for Historical Significance in Campbell (Architectural Questionnaire)" means a set of guidelines prepared by the Historic Preservation Board in accordance with the Secretary of the Interior's Standards that is used to assess the historic architectural features of a resource and the historical significance that the resource may hold for Campbell. The Architectural Questionnaire is used to help determine if a resource is eligible for designation as a historic resource.

"California Historic Building Code (CHBC)" means Health and Safety Code, Division 13, Part 2.7, Sections 18950—18961. The CHBC provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a qualified historical building or structure.

"Certified Local Government" means the program authorized by the National Historic Preservation Act of 1966, in partnership with the California Office of Historic Preservation and the National Park Service, to encourage the identification, evaluation, registration, and preservation of historic resources in local planning and decision-making processes.

"Criteria to Designate a Historic Resource" means the review criteria, listed in section 21.33.060, which is used to determine the historic significance of a resource.

"DPR 523 Forms" means a series of forms, distributed by the California Office of Historic Preservation, used for recording and evaluating resources and for nominating historic resources as California Historical Landmarks, California Points of Historical Interest, and to the California Register of Historical Resources.

"Decision Making Body" means the city official or body responsible for reviewing and making decisions on an application affecting a historic resource for the purposes of this chapter, as identified in section 21.33.030 Table A of this chapter.

"Demolition" means the complete destruction of a building or other manmade structure.

"Duty to Keep in Good Repair" means the obligation of property owners to maintain and keep in good repair, as necessary to prevent deterioration and decay, all exterior architectural features of a designated historic resource.

"Eligible Resource" means a resource that has been identified by the Historic Preservation Board as potentially eligible for designation in accordance with the provisions of this chapter.

"Historic Context Statement" means a narrative report on the geography, history and culture that shaped Campbell's built environment and provides the basis for evaluating historic significance and integrity.

"Historic Design Guidelines for Residential Buildings" means the City of Campbell's design guidelines for any exterior alteration of a residential historic resource listed on the city's historic resource inventory.

"Historic District" means a geographically defined area that has been officially designated by ordinance of the City Council as possessing a concentration, or a thematically related grouping, of historic resources which contribute to the historical character of the area. Such historic district shall be identified as a historic overlay district in the city's zoning map pursuant to section 21.14.020.

"Historic Preservation Advisor" means a Historic Preservation Board member that has been appointed by the Historic Preservation Board for a period of twelve months to serve as an advisor to city staff and the Site and Architectural Review Committee for applications involving a historic resource.

"Historic Resource" means a structure of merit, landmark, or historic district property that has been officially designated on the historic resources inventory as having aesthetic, architectural, cultural, or engineering interest or value of a historical nature in accordance with the provisions of this chapter, and supported under city, state, or national review criteria (e.g., completed DPR 523 Forms, architectural questionnaire). A historic resource can be a building or structure or portion thereof or assemblage thereof, object, site, place, district or contributing member to a district, sign, landscape, natural feature.

"Historic Resource Inventory" means the official City Council approved register of structures of merit, landmarks and historic district properties, significant in Campbell's history, architecture, engineering, and culture.

"Landmark" means a historic resource that has been designated as a landmark by ordinance of the City Council as having exceptional historic significance in Campbell. Such landmark shall be identified as a historic overlay "H" property on the City of Campbell's zoning map pursuant to Section 21.14.020.

"Material Change" means any work that modifies the design, material or appearance of an exterior architectural feature of a historic resource. Examples of a material change include replacing a wood shake roof with a composition roof, even though the materials may be compatible in appearance, color and profile. Material change shall not include ordinary maintenance and repair.

"Mills Act" means a state law enacted in 1972 that grants participating local governments the authority to enter into contracts with owners of a qualified historic resource who actively participate in the restoration and maintenance of the historic resource while receiving property tax relief. California State codes relating to the Mills Act include California Government Code, Article 12, Sections 50280—50290 and California Revenue and Taxation Code, Article 1.9, Sections 439—439.4.

"Ordinary Maintenance and Repair" means any work involving the in-kind replacement of existing material with equivalent material for the purpose of protective or preventative measures to keep a structure or its systems in good working order. Any work that modifies the design, material, or appearance of an exterior architectural feature is not considered maintenance and repair for the purposes of this chapter.

"Place" means any area or any portion thereof, including any element or fixed object thereon, whether manmade or natural.

"Preservation" means the conservation, enhancement, perpetuation, protection, reconstruction, rehabilitation, repair, restoration, or other action taken to conserve, prevent, or repair the deterioration, destruction, or removal of a historic resource.

"Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)" means a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations to a historic resource. The Standards offer four distinct approaches to the treatment of historic resources—preservation, rehabilitation, restoration, and reconstruction with guidelines for each. The Standards are codified in 36 CFR 68 and published by the National Park Service. The Standards for Rehabilitation, codified in 36 CFR 67, are regulatory for the review of work associated with the Mills Act program.

"Structure" means anything constructed, erected, or attached to the ground. A "structure" includes buildings, building appendages (e.g., awnings, canopies, lighting, and marquees), edifices, fences, fountains, kiosks, and signs.

"Structure of Merit" means a historic resource that has been designated by resolution of the City Council, as possessing outstanding aesthetic, architectural, cultural, or engineering historic value. Structures of merit do not include landmarks or historic districts. Structures of merit were formerly named "designated historic resource inventory properties" in prior enactments of this code.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.050 Eligible Resource List.

The purpose of maintaining an eligible resource list is to informally identify resources that illustrate Campbell's architectural and historical development and may therefore be eligible for designation as a historic resource.

A. Initiation. Adding a resource to the eligible resource list may only be initiated by the Historic Preservation Board, City Council, Civic Improvement Commission, Planning Commission, Community Development Director or the owner(s) of the resource for which nomination is proposed.

B. Historic Context Statement. The Historic Preservation Board shall refer to Campbell's historic context statement when evaluating the historic significance of a resource. The City shall periodically update the historic context statement with new resources and information about Campbell's history.

C. Architectural Questionnaire. The architectural questionnaire for historical significance in Campbell shall be completed by the Historic Preservation Board to assess the resource's architectural features, materials, and historic setting, in accordance with the review criteria listed in section 21.33.060(B)(1) of this chapter.

D. Advice and guidance to property owners. The Historic Preservation Board may, upon request of the property owner, render non-technical advice on proposed work to an eligible resource. In rendering advice, the Historic Preservation Board shall be guided by the purposes and criteria in this chapter. This section shall not be construed to impose any regulations or controls upon any eligible resource.

E. Structures that are listed on the eligible resource list are not subject to the provisions of this chapter until such time that they are designated as a historic resource by the City Council, in compliance with section 21.33.060. The eligible resource list is maintained in the Community Development Department for planning purposes only.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.060 Designation or Rescission of a Historic Resource.

The purpose of designating a resource as a structure of merit, landmark, or historic district is to further the objectives of this chapter including, but not limited to, preserving, protecting and retaining culturally and historically significant resources in the city.

A. Initiation. Designation of a historic resource may only be initiated by the City Council, Civic Improvement Commission, Planning Commission, Community Development Director, or the owner(s) of the subject property. The proposed designation must be accepted by the property owner(s) in writing, prior to scheduling any public hearings on the matter. In the case of a proposed historic district, the property owner(s) of at least sixty percent of the properties under consideration must provide written acceptance of the proposed designation. The property owner(s) may withdraw his or her acceptance at any time prior to final approval of the designation of the property. Notice to the owner shall be by the U.S. postal certified mail service to the last known address as given in the county assessor's rolls.

1. Historic Evaluation Report. The proposed designation shall be supported by a current historic evaluation report prepared by a historian, historic architect, historic consultant, or similar professional, describing the structure (or district's) aesthetic, architectural, cultural, or engineering interest or historical value.

2. DPR 523 Forms. Following review of the historic evaluation report, the appropriate DPR 523 Forms shall be completed (or updated) if the structure is found to be historic. The form shall describe the resource, including its architectural style, construction history, locational setting, current condition, historic significance, and qualifying criteria and shall also include current and historic photographs of the resource. In the case of a historic district, the form shall be completed for all properties within the district.

B. Recommendation of Designation. The Historic Preservation Board and Planning Commission, respectively, shall each conduct a public hearing in compliance with chapter 21.64, with consideration to the review criteria below and the findings specified in subsection C.1 of this section, and shall provide to the City Council a recommendation of approval or denial of the proposed designation.

1. Designation Criteria for a Structure of Merit. The application to designate an eligible resource as a structure of merit shall be reviewed for conformance with the following criteria:

    a. The proposed resource is associated with events that have made an important contribution to the broad patterns of our history or cultural heritage;

    b. The proposed resource is associated with the lives of persons important to our history;

    c. The proposed resource yields, or has the potential to yield, information important to our prehistory or history;

    d. The proposed resource embodies the distinctive characteristics of a type, architectural style, period, or method of construction;

    e. The proposed resource represents the work of a notable architect, designer, engineer, or builder; or

    f. The proposed resource possesses significant artistic value or materially benefits the historic character of the neighborhood, community, or city.

2. Designation Criteria for a Landmark. The application to designate an eligible resource as a landmark shall be reviewed for conformance with the following criteria:

    a. The proposed resource represents a unique, rare, or extraordinary example of an architectural design, detail or historical type;

    b. The proposed resource identifies with a person or persons who significantly contributed to the history, culture, or development of the city, the state or the nation; or

    c. The proposed resource represents the site of a significant historic event.

3. Designation Criteria for a Historic District. The application to designate a group of eligible resources as a historic district shall be reviewed for conformance with the following criteria:

    a. The proposed resource encompasses a geographically definable area that possesses a significant concentration or continuity of structures or features that represent important events, persons, architecture, engineering, or culture in the city's history; or

    b. The proposed resource represents a collective value of structures in the defined area, which when taken together may be greater than the value of each individual structure.

C. Designation by the City Council. The City Council shall conduct a public hearing in compliance with chapter 21.64, consider the recommendation of the Historic Preservation Board and the Planning Commission and the supporting documents, and shall either approve or deny the designation of a historic resource.

1. Required Findings. The City Council shall approve the application to designate a historic resource if the following findings have been made:

    a. The proposed designation is consistent with the purposes of this chapter; and

    b. The historic resource meets one or more of the applicable criteria identified in subsection B.1 of this section; and

    c. The owner of the historic resource has accepted the designation; or

d. The owner(s) of at least sixty percent of the properties within the proposed historic district have accepted the designation.

2. Resolution. Designation of a structure of merit shall be by resolution of the City Council.

3. Ordinance. Designation of a landmark or historic district property shall be adopted by ordinance of the City Council. In designating a landmark or historic district, the ordinance shall also combine the base zoning district(s) of the landmark, or of all properties within the historic district, with the "H" overlay/combining zoning district in compliance with section 21.14.020.

D. Rescinding a Historic Resource from the Historic Resource Inventory. The decision to rescind the listing of a designated historic resource shall require approval by the City Council upon recommendation of the Historic Preservation Board and the Planning Commission.

1. Initiation.

a. Rescission of a historic resource, other than a historic district, may only be initiated by the City Council, Civic Improvement Commission, Planning Commission, Community Development Director, or the owner(s) of the subject property.

b. Rescission of a historic district may only be initiated by the City Council, Civic Improvement Commission, Planning Commission, Community Development Director, or the owner(s) of at least sixty percent of the properties within a historic district.

2. Recommendation of Rescission. The Historic Preservation Board and the Planning Commission, respectively, shall each conduct a public hearing in compliance with chapter 21.64 and shall provide to the City Council a recommendation of approval or denial of the proposed rescission, based on findings of fact in the record regarding the historic significance of the resource. In the case of disagreement as to the significance of a historic resource, a historic evaluation report and/or structural report shall be required pursuant to section 21.33.070.

3. Rescission by the City Council. The City Council shall conduct a public hearing in compliance with chapter 21.64, consider the recommendations of the Historic Preservation Board and the Planning Commission, and shall either approve or deny the rescission, based on substantial evidence and findings of fact in the record that the resource no longer has historic value with respect to the designation criteria identified in subsection B.1 of this section.

a. Resolution. Rescission of a structure of merit shall be by resolution of the City Council.

b. Ordinance. Rescission of a landmark or historic district property shall be adopted by ordinance of the City Council.

E. Procedures following Designation or Rescission of a Historic Resource. The following procedures are required following designation by the City Council:

1. Letter to Owner. The Secretary to the Historic Preservation Board shall mail a letter to the owner of the Historic Resource outlining the basis for the designation, and the regulations that result from the designation. The Secretary to the Historic Preservation Board shall also forward a copy of the letter to all city departments and to any other agency requesting notice or that the Secretary considers affected by the designation;

2. Owner Agreement. Upon designation as a historic resource, the property owner shall sign an agreement stating that they will keep the historic resource in good repair in compliance with the provision of section 21.33.100;

3. Update of City Records. The historic resource inventory shall be updated with the new designation (or rescission) and the associated DPR 523 Forms shall be updated with the criteria used for designation or the reason for the rescission;

4. Filing with County Recorder. The Secretary to the Historic Preservation Board shall record the designation (or rescission) with the County recorder's office, acknowledging the structure as a historic resource on the property's title deed. Landmarks and Historic Districts shall also be recorded as a historic overlay "H" zone change.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.070 Application for an Exterior Alteration to a Historic Resource.

A. Application Contents. An application and associated fees for an exterior alteration to a historic resource (including, but not limited to, replacement of windows, doors, columns, porches, chimneys, roofing, or siding materials) shall be filed with the Community Development Department. In addition to the fees and materials required by section 21.38.070, an application affecting a historic resource shall also include the following information:

1. Statement of Work. A clear statement of the proposed scope of work. Where the application is for demolition, the necessity for demolition shall be justified;

2. Historic Evaluation Report. As more specifically provided in the chapter, a historic evaluation report, paid for by the applicant and commissioned by the city, may be required describing the current condition of the structure(s) and its aesthetic, architectural, cultural, or engineering interest or historical value;

3. Other information. The Community Development Director or the Historic Preservation Board may require additional information as necessary to evaluate the proposal, including, but not limited to, a report from a structural engineer with an estimate of the cost of bringing the structure up to current building and fire codes for occupancy;

4. Site Visit. The Historic Preservation Board and/or the decision making body may request that a site visit be allowed to evaluate the proposed application as it relates to the site and the greater neighborhood.

B. Application Review. All historic resource alteration permit applications shall be reviewed by the Community Development Director or the Historic Preservation Board and acted upon by the decision making body identified in Section 21.33.030 or as otherwise described in this chapter.

1. Building Permit Applications. All building permit applications affecting a historic resource shall be reviewed by the Community Development Director. If the building permit involves an exterior alteration or material change, it shall be reviewed in accordance with the following provisions.

a. Structures of Merit: Any exterior alteration or material change to a structure of merit shall be reviewed by the Community Development Director. The "Design Guidelines for Historic Residential Buildings" shall be consulted when exterior changes to residential properties are proposed:

1) Expedited Process. If the Community Development Director determines that the application would not alter the character-defining features of the structure of merit, the application shall be reviewed in accordance with chapter 21.40 (Zoning Clearances);

2) Referral to the Historic Preservation Board. Any application that alters the character-defining features of a structure of merit shall be reviewed in accordance with section 21.33.080 (Tier 1 Permit) within 30 days from the date the application is found complete.;

b. Landmark or Historic District property. An application for an exterior alteration or material change to a landmark or historic district property shall be reviewed by the Historic Preservation

Board in accordance with section 21.33.080 (Tier 1 Permit) within 30 days from the date the application is found complete.

2. Discretionary Permit Applications. All discretionary applications affecting a historic resource shall be reviewed in accordance with section 21.33.080 (Tier 1 Permit) within 30 days from the date the application is found complete. If the project requires Site and Architectural Review by the Planning Commission, the Historic Preservation Advisor shall serve as an advisor to the Site and Architectural Review Committee, pursuant to section 21.54.050.D.

3. Significant Alterations. Any application that would result in a significant adverse impact to the historic resource shall be reviewed in conformance with the Tier 2 requirements of section 21.33.090. An alteration that is consistent with the Secretary of the Interior's Standards is not generally considered a significant adverse impact.

C. Interim Measure to Preserve the Historic Resource. The city may take steps as it determines are reasonable and necessary to preserve the historic resource in compliance with the purposes of this chapter. The steps may include:

a. Consulting with civic groups, public agencies, and interested citizens;

b. Acquiring the historic resource by private or public bodies or agencies;

c. Relocating the historic resource;

d. Salvaging parts of the historic resource that are not able to be retained on the historic resource.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.080 Historic Resource Alteration Permit (Tier 1).

A. Tier 1 Application Review. Pursuant to Section 21.33.070, a Tier 1 application shall be required for any alteration to a landmark or historic district property or for any alteration to a structure of merit that the Community Development Director finds to be inconsistent with its character-defining features. If the application conforms to the Secretary of the Interior Standards, it shall be reviewed in accordance with the provisions of this section. Any alteration that does not conform to the Secretary of Interior Standards shall be reviewed in compliance with the Tier 2 requirements of section 21.33.090.

B. Recommendation by the Historic Preservation Board. The Historic Preservation Board shall conduct a public hearing in compliance with chapter 21.64 and review the Tier 1 application for conformance with the findings specified in subsection C.1 of this section, and shall provide to the decision making body a recommendation of approval, approval with modifications, or denial.

1. Recommended Modifications. In recommending approval of a Tier 1 application, the Historic Preservation Board may suggest reasonable and necessary modifications to the architecture, materials, or relation to the street or public way or neighborhood context, intended to ensure that the application will comply with the required findings.

2. Recommended Voluntary Actions. The Historic Preservation Board may recommend voluntary actions, including, but not limited to, retaining and reusing materials or offering materials for salvage if the material(s) are not able to be retained in some capacity.

C. Action by the Decision Making Body. The decision making body, identified in Table A of section 21.33.030, shall consider the recommendation of the Historic Preservation Board, and shall either approve, approve with modification, or deny the Tier 1 application, based on the following findings:

1. The proposed action is consistent with the purposes of this chapter and the applicable requirements of the Municipal Code;

2. The proposed action is consistent with the applicable design guidelines, including, but not limited to, the Historic Design Guidelines for Residential Buildings;

3. The proposed action will not have a significant impact on the aesthetic, architectural, cultural, or engineering interest or historical value of the historic resource or district; and

4. The proposed action is consistent with the Secretary of the Interior's Standards, as follows:

    a. The proposed action will preserve and retain the historic character of the historic resource and will be compatible with the existing historic features, size, massing, scale and proportion, and materials.

    b. The proposed action will, to the greatest extent possible, avoid removal or significant alteration of distinctive materials, features, finishes, and spatial relationships that characterize the historic resource.

    c. Deteriorated historic features will be repaired rather than replaced to the greatest extent possible.

    d. New additions will be differentiated from the historic resource and will be constructed such that the essential form and integrity of the historic resource shall be protected if the addition is removed in the future.

D. Appeals. The decision shall be final unless the applicant or other interested party makes an appeal in writing within ten days of the decision, in compliance with chapter 21.62 (Appeals).

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.090 Historic Resource Alteration, Relocation, or Demolition Permit (Tier 2).

A. Tier 2 Application Review. An application that is found to be inconsistent with the Secretary of Interior Standards or that relocates or demolishes a historic resource shall be reviewed in accordance with this section, prior to issuance of a zoning clearance or discretionary permit. The applicant shall be required to submit fees for CEQA analysis for any Tier 2 application. The applicant shall submit sufficient documentation as necessary to complete a CEQA analysis, including but not limited to the information described in section 21.33.070.A.

B. Recommendation by the Historic Preservation Board. The Historic Preservation Board shall conduct a public hearing in compliance with chapter 21.64 and review the application for conformance with the findings specified in subsection C.1 or C.2 of this section, whichever is applicable, and shall provide to the decision making body a recommendation of approval, approval with modifications, or denial of the Tier 2 application.

C. Action by the Decision Making Body. The decision making body, identified in Table A of section 21.33.030, shall conduct a public hearing in compliance with chapter 21.64, shall consider the recommendation of the Historic Preservation Board, and shall either approve, approve with modification, or deny the Tier 2 application based on the following findings:

    1. Required Findings for a Tier 2 Alteration or Demolition.

        a. The resource no longer meets the historic designation criteria identified in subsection 21.33.060.B.1 of this chapter; or

        b. The Tier 2 alteration or demolition is exempt from CEQA, has been mitigated to a less than significant impact, or has otherwise complied with the CEQA statute; and

1) The applicant has demonstrated that the alteration or demolition is necessary to correct an unsafe or dangerous condition in compliance with Section 21.33.110 (Unsafe or Dangerous Conditions); or

2) The applicant has demonstrated that the denial of the application will result in immediate or substantial hardship in compliance with Section 21.33.140 (Showing of Hardship).

2. Required Findings for a Tier 2 Relocation.

a. The resource no longer meets the historic designation criteria identified in subsection 21.33.060.B.1 of this chapter; or

b. The relocation is exempt from CEQA, has been mitigated to a less than significant impact, or has otherwise complied with the CEQA statute; and

c. The relocation will avoid significant alteration or demolition of the historic resource to the greatest extent possible.

D. Appeals. The decision shall be final unless the applicant or other interested party makes an appeal in writing within ten days of the decision, in compliance with chapter 21.62 (Appeals).

E. Procedures for Demolition or Relocation of a Historic Resource.

1. Resolution. Demolition or relocation of a structure of merit shall be by resolution of the City Council.

2. Ordinance. Demolition or relocation of a landmark or historic district property shall be upon adoption of an ordinance by the City Council.

3. Update of City and County Records. Upon approval for demolition or relocation, all city and county records, including, but not limited to, the historic resource inventory, zoning map, DPR 523 Forms, etc. shall be updated accordingly.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.100 Duty to keep in good repair.

The property owner of a historic resource shall keep the historic resource in good repair as necessary to prevent its deterioration and decay. If the property owner allows a designated historic resource to suffer severe deterioration beyond the point of repair, the homeowner shall be subject to the provisions of chapter 6.10 (Nuisance Abatement and Administrative Penalties). Destruction from natural disasters beyond the control of the property owner are excepted from the property owner's duty to keep the historic resource in good repair.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.110 Unsafe or dangerous conditions.

Nothing in this chapter shall be construed to prevent any work to a historic resource when the building official or fire chief certifies that the action is required for the public safety due to an unsafe or dangerous condition. The Historic Preservation Board shall be notified of the work and the findings of the building official or fire chief certifying that the action was required to correct an unsafe or dangerous condition. The Historic Preservation Board shall also be notified if the action was rectified through the use of the California Historical Building Code.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.120 Maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of a historic resource so long as it does not change the design, material, or external appearance of an exterior architectural feature of a historic resource.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.130 California Historic Building Code.

The purpose of the California Historic Building Code (CHBC) is to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of historic resources. The intent of the CHBC is to facilitate the preservation and continuing use of qualified historic resources while promoting sustainability, providing access for persons with disabilities, providing a cost-effective approach to preservation, and providing for the reasonable safety of the occupants or users.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.140 Showing of hardship.

The Historic Preservation Board may recommend approval of work that does not meet the standards set forth in this chapter if the applicant presents facts clearly demonstrating that failure to receive the approval will cause an immediate and substantial hardship. In determining whether extreme hardship exists, the Historic Preservation Board may require additional information, documentation and expert testimony, the cost of which shall be paid by the applicant. If hardship is found to exist under this section, the Historic Preservation Board shall specify the facts relied upon in making the finding for approval.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.150 Incentives for preserving Historic Resources.

In order to carry out more effectively and equitably the purposes of this chapter, the City Council may, by resolution, approve one of the following incentives to support the preservation, maintenance and appropriate rehabilitation of a historic resource. The decision of whether or not to offer or grant any incentive shall rest in the sole and unfettered discretion of the City Council; and nothing contained in this section shall obligate the Council to offer or grant any incentive.

A. Economic Incentives.

1. Mills Act. To qualify for the Mills Act program, a structure must be designated as a historic resource on the city's historic resource inventory. Priority will be given to applications that substantially reduce the threat to the historic resource of demolition, deterioration, abandonment, and/or general neglect and that result in the greatest value of improvements to the historic resource thereby resulting in the greatest benefit to the public. One hundred percent of the estimated tax savings shall be used to finance the improvements and property maintenance of the historic resource.

2. Permit Fee Waivers. An individual may file a request for City Council consideration to grant a full or partial waiver of application processing fee(s) required under this chapter whenever the City Council finds that such waiver would advance the purposes of the Historic Preservation Ordinance and the General Plan.

B. Other Incentives.

1. Recognition. The city may issue awards and commendations (e.g., plaques) that recognize the outstanding contributions of individuals and organizations that further the city's preservation efforts, foster civic pride, and increase public awareness of the architectural and cultural heritage of the community.

2. Zoning Exception. The purpose of a zoning exception is intended to provide a degree of flexibility from the Zoning Ordinance as necessary to minimize impact to the historic character of a historic resource. The types of zoning exceptions that may be considered include relief from the required setbacks, residential parking, sign area, allowed uses, or permit requirements. The decision making body shall approve the zoning exception if the following findings have been made:

   a. The zoning exception will facilitate development and use of a historic resource in a manner that is more consistent with its historic character than would be possible under strict compliance with the Zoning Ordinance;

   b. The zoning exception will not adversely impact property or public rights-of-way in the surrounding neighborhood or within a historic district;

   c. The zoning exception will not negatively impact the integrity or historic characteristics of the historic resource;

   d. The zoning exception is the minimum departure from the requirements of the Zoning Ordinance; and

   e. The zoning exception is in conformance with the General Plan, adopted area plan, and applicable design guidelines.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.160 Conformance requirement.

Issuance of a permit in conformance with this chapter does not relieve anyone from compliance with the requirements of other standards and requirements of this Zoning Ordinance or those of the building and fire codes.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

21.33.170 Severability.

If any section, subsection, subdivision, sentence, clause, phrase or part of this chapter or any part thereof is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The City Council declares that it would have adopted this chapter and each section, subsection, subdivision, sentence, clause, phrase or part thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or parts be declared invalid or unconstitutional.

(Ord. No. 2230, § 3(Exh. A), 2-20-2018)

Chapter 21.34 WIRELESS COMMUNICATIONS FACILITIES[1]

21.34.010 Purpose.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the orderly development of wireless communications facilities and to reasonably regulate, to the extent permitted by California and federal law, the placement, affixing, attachment, mounting, construction, erection, installation, siting, collocation, modification, relocation, development, use, operation, maintenance, and removal of wireless communications facilities in the City of Campbell in a manner that protects and promotes public health, safety and welfare, and balances the benefits that flow from robust wireless services with the unique and historic character, aesthetics and local values of the City. The standards contained in this chapter are designed to minimize the adverse visual impacts and operational effects of these facilities using appropriate design, siting and screening techniques while providing for the communications needs of residents, local business and government of the City and the region.

These regulations are not intended to, and shall not be interpreted or applied to:

A. Prohibit or effectively prohibit personal wireless services; or

B. Unreasonably discriminate among providers of functionally equivalent personal wireless services; or

C. Regulate the installation, operation, collocation, modification or removal of wireless facilities on the basis of the environmental effects of RF emissions to the extent that such emissions comply with all applicable FCC regulations; or

D. Prohibit or effectively prohibit any collocation or modification that the City may not deny under California or federal law; or

E. Preempt any applicable California or federal law.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.020 Applicability.

This chapter applies to all wireless communications facilities including, without limitation, all new facilities, existing facilities, modifications to existing facilities, wireless transmission devices, support structures and related accessory equipment, unless exempted by Section 21.34.030 (Exemptions).

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.030 Exemptions.

The following uses shall be exempt from the provisions of this chapter:

[1]Editor's note(s)—Ord. No. 2226, § 4, adopted Sep. 19, 2017, repealed the former Ch. 21.34, §§ 21.34.010—21.34.230, and § 5(Exh. A-1) enacted a new chapter as set out herein. The former Ch. 21.34 pertained to wireless telecommunications facilities and derived from Ord. 1965, § 1, adopted in 1998; Ord. 2043, § 1, adopted in 2004; and Ord. 2070, § 1(Exh. A), adopted in 2006.

A. Any non-commercial communication service as defined in Section 21.34.200.

B. Facilities in public rights-of-way which are regulated by Title 11 of the Campbell Municipal Code.

C. Public safety communications facilities owned and operated by the City, County, State, or Federal Government.

D. Facilities owned and operated by the City for its use.

E. Over-the-air reception devices ("OTARDs") as defined in 47 Code of Federal Regulations (C.F.R.) Section 1.4000 et seq., as may be amended or superseded, which include without limitation, direct-to-home satellite antennas smaller than three feet in diameter.

F. All antennas and wireless communications facilities identified by the FCC or the California Public Utilities Commission (CPUC) as exempt from local regulations.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.040 Permits required.

A. Permit required. Wireless communications facilities shall not be installed or erected except upon approval of a use permit, an administrative site and architectural review permit, or zoning clearance.

B. Conflicting provisions. Use permits, administrative site and architectural review permits, and zoning clearances shall be processed in compliance with CMC Chapters 21.46 (Conditional Use Permits), 21.42 (Site and Architectural Review), and 21.40 (Zoning Clearances) of this title, respectively, and in compliance with the provisions of this chapter. In the event of any conflict between the provisions of this chapter and the provisions of CMC Chapters 21.46, 21.42, or 21.40, the provisions of this chapter shall govern and control.

C. Other Permits. A permit issued under this chapter is not in lieu of any other permit required under the CMC, except as specifically provided in this chapter. It does not create a vested right to occupy any particular location, and a permittee may be required to move, relocate and remove facilities at its expense consistent with other provisions of the CMC and applicable law.

D. Community development director's discretion. In any instance where a communications facility requires an administrative site and architectural review permit under this chapter, the community development director shall have the discretion to alternatively require a use permit.

E. Permit type. Table 3-6 identifies the type of permit required for each type of facility:

Table 3-6
Wireless Communications Facilities Required Permit Matrix

Type of Facility	Type of Permit
Concealed Facility; or A new wireless communications facility that is not eligible for an administrative site and architectural review permit or zoning clearance	Use Permit
Stealth Facility; or A collocation that is not eligible for a zoning clearance	Administrative Site and Architectural Review
Eligible Facility Requests	Zoning Clearance

F. Other permit requirements. In addition to any conditional use permit or administrative site and architectural review permit that may be required, the applicant must obtain all other required permits and/or other

approvals from other City departments, and/or state or federal agencies. Applicable building, plumbing or electrical permits (if applicable) will be required prior to construction.

G. Prohibited facilities. Any wireless communications facility that does not comply with the most current regulatory and operational standards and regulations (including, but not limited to RF emission standards) adopted by the FCC are prohibited.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.050 Application procedures.

An application for a wireless communications facility shall be filed and reviewed in compliance with CMC Chapter 21.38 (Application Filing, Processing and Fees), as may be amended from time-to-time, unless otherwise specified in this chapter.

A. Submittal/resubmittal meeting required. Applications for a wireless communications facility must be made in person by someone with authority to act on behalf of the applicant during the planning division public counter hours. Applications and any subsequent resubmittal that are not made in person by someone with authority to act on behalf of the applicant and during scheduled times shall not be accepted for filing and will be returned.

B. Pre-application or conceptual review. A pre-application in accordance with CMC Chapter 21.41 (Pre-Applications) and/or conceptual review are strongly recommended prior to submitting formal applications for new ground-mounted monopoles or towers, new building mounted facilities, or projects in less-preferred locations as set forth in Section 21.34.090 (Location of wireless communications facilities).

C. Revised applications. Unless waived by the community development director, resubmitted applications that result in a substantially revised facility design, size, height, or location such that a new or substantially different project, warranting a new round of completeness review, is proposed, shall be required to be withdrawn and a new application shall be filed for the substantially revised project.

D. Timeline for review. The timeframe for review of an application shall begin to run when the application is submitted in writing to the community development department, but may be tolled by mutual agreement or in cases where the City determines that the application is incomplete. The application processing time for applications subject to this chapter shall be in conformance with the time periods and procedures established by applicable FCC decisions, adjusted for any tolling due to incomplete application notices or mutually agreed upon extensions of time:

1. For an eligible facilities request, the City will act on the application within sixty calendar days of the community development department's receipt of such application packet.

2. For a collocation that does not constitute an eligible facilities request, the City will act on the application within ninety calendar days of the community development department's receipt of such application packet.

3. For new facilities (that are not a collocation and/or do not constitute an eligible facilities request subject to a shorter review period as provided above), the City will act on the application within one hundred and fifty calendar days of the community development department's receipt of such application packet.

E. Incomplete application notices. In the event that City staff determines that a permit application does not contain all the required materials, City staff may issue an incomplete notice consistent with this subsection. When applications are incomplete as filed, the timeframes for review set forth in Section

21.34.050(D) above do not include the time that the applicant takes to respond to the City's request for additional information.

1. First notice. City staff shall determine whether an application for a facility is complete within thirty calendar days of the City's receipt of the application and shall notify the applicant in writing when additional information is required to complete the application. The incomplete notice shall specify the incomplete or missing information and the publicly available information source that requires that missing or incomplete information. The applicable timeframe for review set forth in Section 21.34.050(D) shall be tolled until the applicant makes a supplemental submission, responding to the City's request for additional information. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
2. One Submittal. The applicant's response and submission of supplemental materials and information, responding to a notice of incompleteness must be given to the City in one submittal packet.
3. Subsequent notice(s). After an applicant responds to an incomplete notice and submits additional information, City staff will notify the applicant within ten calendar days of the City's receipt of the supplemental submission if the additional information failed to complete the application. In the case of second or subsequent notices of incompleteness, the applicable timeframe for review set forth in Section 21.34.050(D) shall be tolled until the applicant makes a supplemental submission, responding to the City's request for additional information.
4. The City may continue to issue notices of incompleteness until the applicant supplies all requested information required to deem the application as complete. Following each notice of incompleteness, the applicable timeframe for review set forth in Section 21.34.050(D) shall be tolled during time that the applicant takes to respond to the City's request for additional information.

F. Withdrawal; Extensions of time. To promote efficient review and timely decisions, applications deemed incomplete must be resubmitted within one hundred eighty calendar days after notification of incompleteness, or they shall be deemed automatically withdrawn. Following the applicant's request, the community development director may grant a one-time extension in processing time to resubmit, not to exceed one hundred fifty calendar days. If the application is deemed automatically withdrawn (and any applicable extension period, if granted, has expired), a new application (including, fees, plans, exhibits, and other materials) shall be required in order to commence processing of the project.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.060 Submittal requirements.

For all wireless communications facilities, the applicant shall provide the information listed below. Application for a wireless communications facility shall be made upon a form to be provided by and shall be submitted to the community development department in person. The form shall specify the number, size, and format of the project plans and application materials to be provided. The community development director may waive certain submittal requirements or require additional information based on specific project factors. Unless an exemption or waiver applies, all applications shall include all of the following and will not be accepted if any submittal material is missing or not fully completed:

A. Application. A fully completed and executed City application form for the type of approval sought (and all information, materials, and fees specified in such City application form), available on the City's website or from the community development department, as may be amended from time to time.

B. Application fees. Application fees, in a payment format accepted by the City finance department, as may be amended from time to time.

C. Reserved.

D. Written statement; type of approval sought. A written narrative describing the project in detail (including a summary of facility equipment) and asserting whether or not the request is a new facility, a collocation, or an eligible facility request, specifying the facility design approach (e.g. concealed, stealth, or eligible facility), and providing reasons why the permit should be granted. The application must also state what approval is being sought (i.e. use permit, administrative site and architectural review permit, or zoning clearance). If the applicant believes the project constitutes an eligible facility request, the applicant must provide a detailed explanation clarifying how this determination was made.

E. Preliminary title report. A preliminary title report (or other definitive evidence of property ownership satisfactory to the City) prepared in the last six months.

F. City-owned. If the proposed facility is to be located on a City-owned building, pole, or other structure, the application must be signed by an authorized representative of the City and accompanied by the license or other agreement authorizing applicant's use of such City-owned property. A permit issued under this chapter is not a franchise, license or other authorization to occupy the public rights-of-way, or a license, lease or agreement authorizing occupancy of any public property.

G. Independent consultant deposit. A fee deposit, if required, to reimburse the City for its costs to retain an independent consultant to review the technical aspects of the application.

H. Site and construction plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include, at a minimum, the following items.

1. A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.

2. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.

3. A depiction of all existing and proposed utility runs and points of contact.

4. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view and including legal boundaries of the leased, licensed or owned area surrounding the proposed facility and any associated access or utility easements.

5. For proposed collocations or modifications to towers, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the wireless tower as it existed on February 22, 2012, or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four elevations that depict the physical dimensions of the base station as it existed on February 22, 2012, or as approved if constructed after February 22, 2012.

6. A demolition plan (if applicable).

I. Visual simulations. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from the four most prominent angles, together with a full-color map that shows the location of each view angle; (2) a color and finished material palate for proposed materials juxtaposed against the existing material it seeks to match (if applicable); (3) a photograph of a completed facility of a similar design and setting as the proposed wireless communication facility (if applicable); and (4) a visual simulation showing the maximum

expansion of the facility which could occur as a result of a future eligible facility request pursuant to Section 6409(a) and FCC rules implementing Section 6409 of the Spectrum Act, codified at 47 U.S.C. 1455.

J. Prior permits. True and correct copies of all previously issued permits, including, without limitation, all required conditions of approval. For eligible facilities requests, the application must also include a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Section 6409(a) and the FCC's regulations implementing this federal law.

K. FCC compliance; Affirmation of radio frequency standards compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant and will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. The application shall include an RF report (or other documentation) acceptable to the City, evidencing that the proposed facility, as well as any collocated facilities, and cumulative conditions will comply with applicable FCC standards and regulations, (including, but not limited to, federal RF exposure standards and exposure limits). Documentation of FCC compliance shall be required for all wireless communications facility permits, including, without limitation, permit modifications.

L. Required Licenses or Approvals. Evidence that the applicant has all current licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies where such license(s) or registration(s) are necessary to provide wireless communication services utilizing the proposed wireless communication facility.

M. Structural analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless communications facility complies with all applicable building codes.

N. Other permits. An application for a wireless facility shall include all permit applications with all required application materials for each and every separate permit required by the City including, but not limited to, a building permit and an encroachment permit (if applicable). A permit issued under this chapter is not in lieu of any other permit required under the CMC, except as specifically provided in this chapter. Further, the applicant is hereby notified that all permit submittals are 'at risk', and that application materials may be required to be modified, and if denied, shall not be reimbursed application fees.

O. Statement of Purpose. A written statement that includes: (1) a description of the technical objectives to be achieved; (2) an annotated topographical map that identifies the targeted service area to be benefitted; (3) the estimated number of potentially affected users in the targeted service area; and (4) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.

P. Alternative Sites Analysis. The applicant must provide a list of all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The applicant must also provide a written explanation for why the alternatives considered were unacceptable or infeasible, unavailable or not as consistent with the development standards in this chapter as the proposed location. This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, infeasible, unavailable or not as consistent with the development standards in this chapter as the proposed location. If an existing facility is listed among the alternatives, the applicant must specifically address why the modification of such existing wireless communications facility is not a viable option. Stealth facilities shall not be required to provide an alternative site analysis.

Q. Noise Study. If the proposed facility (or any portion thereof or equipment thereon) will generate or omit noise, a noise study prepared and certified by an engineer for the proposed facility and all associated equipment including, but not limited to, all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the City's noise regulations. The noise study must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.

R. Other information. Such other information as the City may require, as specified in publically available materials, including, but not limited to, information required as stated on the City's website.

S. Construction Staging/Phasing Plan. A construction staging/phasing plan shall be provided indicating the location and duration of all associated construction activities.

T. Content Exemptions for Eligible Facilities Request Applications. Notwithstanding subsections (A) through (S) above, applications for an eligible facilities request are exempt from the requirements in subsections (E), (I), (O), (P), (Q), and (S) above.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.070 General requirements; standard conditions of approval.

In addition to any other conditions of approval permitted under federal and state law and that the decision-making body deems appropriate, all wireless communications facilities whether approved through a conditional use permit, an administrative site and architectural review permit, zoning clearance, or deemed granted by the operation of law, shall include and abide by the following conditions of approval:

A. All Facilities. The following standard conditions of approval apply to all facilities and shall be included in all conditional use permits and administrative site and architectural review permits approved under this Chapter:

1. Cessation of operations. The service provider shall provide written notification to the community development director upon cessation of operations on the site exceeding a ninety calendar day period. The service provider, permittee and/or property owner shall remove all obsolete or unused facilities from the site within one hundred eighty calendar days of termination of the lease with the property owner or cessation of operations, whichever comes earlier.

    a. New permit required. If a consecutive period of one hundred eighty calendar days has lapsed since cessation of operations, a new permit shall be required prior to use or reuse of the site.

2. Length of approval. A validly issued conditional use permit, or administrative site and architectural review permit shall be valid for a period of ten years from the effective date of the approval (or date the facility gains a "deemed granted" status) but may be reduced for public safety reasons or substantial land use reasons pursuant to Government Code Section 65964(b). Use permits and site and architectural review permits approved prior to the effective date of this ordinance shall expire pursuant to the previously approved permit term. If a request for a renewal of the required permits(s) is received before the permit expiration, the permit shall remain in effect until a decision on the renewal is made or the application is withdrawn. Communication facilities that exist on the effective date of this chapter without a specified expiration date (e.g. because the governing permit(s) contained no expiration date or due to non-conforming status), and which had not otherwise already expired (e.g. due to the previously established amortization period(s) contained in City Council Ordinance 2070, CMC Section 21.34.060(E), and/or CMC Section 21.58.040(F), as they existed prior to the effective date of this

Chapter), shall expire five years from the effective date of this chapter or ten years from the date of their establishment, whichever is greater. Nothing contained in this Chapter is intended to revive or extend any permit or use that expired on or prior to the effective date of this Chapter.

a. The permit may be renewed for subsequent time periods, subject to the following:

i. The renewal application is filed with the community development department prior to expiration, but no earlier than twenty-four months prior to expiration.

ii. The permit approval may be administratively extended by the community development director from the initial approval date for a subsequent ten years and may be extended by the community development director every ten years thereafter upon verification that the facility continues to comply with this chapter (as may be amended from time to time) and all conditions of approval under which the facility was approved. All costs associated with the review process shall be borne by the service provider, permittee and/or property owner.

iii. This provision shall not apply to conditional use permits or administrative site and architectural review permits granted prior to the effective date of this chapter. However, applications for use permits or site and architectural review permits to modify existing wireless communications facilities that are granted on or after the effective date of this chapter are subject to this subsection 21.34.070(A)(2)(a).

b. If a request for renewal of the required permit(s) is not timely received and the permit expires, the City may declare the facility(ies) abandoned or discontinued in accordance with Section 21.34.070(A)(16) (Abandonment).

3. Business license required. Each service provider with a wireless communications facility in the City shall obtain and maintain a City business license.

4. Impact on parking. The installation of wireless communication facilities shall not reduce required parking on the site. For the purposes of this requirement, routine maintenance activities shall not be considered to result in a measurable impact on parking. Applications for eligible facilities requests shall be exempt from this condition provided that any reduction in onsite parking spaces does not violate a prior condition of approval or applicable building or safety code.

5. Implementation and monitoring costs. The wireless communications permittee, service provider or its/their successor shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval, including, but not limited to, costs incurred by the community development department, the office of the city attorney or any other appropriate City department or agency, to the full extent such costs are recoverable or collectible under applicable state and/or federal law. The community development department shall collect costs on behalf of the City.

6. Development and operational standards. All facilities shall satisfy the development standards of the district in which they are proposed, as well as the Development and Operational Standards outlined in CMC 21.16 (e.g. Electrical Interference, Light and Glare, Noise, Odor, Vibration, Maintenance) and the Site Development Standards (e.g. as specified in CMC 21.18). Exceptions to development and operational standards shall only be permitted for (A) an eligible facility request to the extent required by law, (B) a subsequent collocation facility to the extent required by California Government Code section 65850.6(a), or (C) for a stealth facility when such exception is limited to maximum allowable heights, or minimum setbacks, and when such exception would not result in a perceivable visual impact.

7. Permits. All permits required for the installation of the facility and associated improvements, shall be completed prior to operation of the facility (or component of that facility).

8. Concealment. Every aspect of a stealth and/or concealed facility is considered an element of concealment including, but not limited to, the dimensions, bulk and scale, color, materials and texture. For all other facilities, elements such as dimension, scale, color, materials, and textures may be considered stealth and/or concealment elements of the facility. Any future modifications to the facility must not defeat concealment

9. Compliance with Applicable Laws. The permittee and service provider shall at all times comply with all applicable provisions of the CMC including, but not limited to, Title 21 (Zoning), any permit or approval issued under the CMC including, but not limited to, Title 21 (Zoning), and all other applicable federal, state and local laws, rules and regulations. Failure by the City to enforce compliance with applicable laws, rules or regulations shall not relieve any permittee of its obligations under the CMC including, but not limited to, Title 21 (Zoning), any permit or approval issued under the CMC, or any other applicable laws, rules and regulations.

10. Compliance with Approved Plans. The facility shall be built in compliance with the approved plans on file with the community development department.

11. Inspections; Emergencies. The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee in times of emergency. The permittee shall cooperate with all inspections. The City reserves the right to enter (or direct its designee to enter) the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

12. Contact Information for Responsible Parties. The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the community development director upon request.

13. General Maintenance. The site and the facility, including but not limited to all landscaping, fencing, concealment features, and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

14. Graffiti Removal. All graffiti on facilities must be removed at the sole expense of the permittee within forty-eight hours after notification from the City.

15. FCC (including, but not limited to, RF Exposure) Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate such facilities.

16. Abandonment.

    a. To promote the public health, safety and welfare, the community development director may declare a facility (or component of a facility) abandoned or discontinued when: (a) The permittee or service provider abandoned or discontinued the use of a facility (or component of a facility) for a continuous period of ninety calendar days; or (b) The permittee or service provider fails to respond within thirty calendar days to a written notice from the community development director that states the basis for the community development director's belief that the facility (or component of the facility) has been abandoned or discontinued for a continuous period of ninety calendar days; or (c) The permit expires and the permittee has failed to file a timely application for renewal.

b. After the community development director declares a facility (or component of a facility) abandoned or discontinued, the permittee shall have sixty calendar days from the date of the declaration (or longer time as the community development director may approve in writing as reasonably necessary) to: (a) reactivate the use of the abandoned or discontinued facility (or component thereof) subject to the provisions of this chapter and all conditions of approval; or (b) remove the facility (or component of that facility) and all improvements installed in connection with the facility (or component of that facility), unless directed otherwise by the community development director, and restore the site to a condition in compliance with all applicable codes and consistent with the then-existing surrounding area.

c. If the permittee fails to act as required in Section 21.34.070(A)(16)(b) within the prescribed time period, the City may (but shall not be obligated to) remove the abandoned facility (or abandoned component of the facility), restore the site to a condition in compliance with all applicable codes and consistent with the then-existing surrounding area, and repair any and all damages that occurred in connection with such removal and restoration work. The City may, but shall not be obligated to, store the removed facility (or component of the facility) or any part thereof, and may use, sell or otherwise dispose of it in any manner the City deems appropriate. The last-known permittee or its successor-in-interest and, if on private property, the real property owner shall be jointly liable for all costs and expenses incurred by the City in connection with such removal, restoration, repair and storage, and shall promptly reimburse the City upon receipt of a written demand, including, without limitation, any interest on the balance owing at the maximum lawful rate. The City may, but shall not be obligated to, use any financial security required in connection with the granting of the facility permit to recover its costs and interest. Until the costs are paid in full, a lien shall be placed on the facility, all related personal property in connection with the facility and, if applicable, the real private property on which the facility was located for the full amount of all costs for removal, restoration, repair and storage (plus applicable interest). The City Clerk shall cause the lien to be recorded with the County of Santa Clara Recorder's Office. Within sixty calendar days after the lien amount is fully satisfied including costs and interest, the City Clerk shall cause the lien to be released with the County of Santa Clara Recorder's Office.

d. After a permittee fails to comply with any provisions of this Section 21.34.070(A)(16) (Abandonment), the City may elect to treat the facility as a nuisance to be abated as provided in the CMC (including, but not limited to, Chapter 6.10).

17. Indemnities. The permittee, service provider, and, if applicable, the non-government owner of the private property upon which the tower and/or base station is installed (or is to be installed) shall defend (with counsel reasonably satisfactory to the City), indemnify and hold harmless the City of Campbell its officers, officials, directors, agents, representatives, and employees (i) from and against any and all damages, liabilities, injuries, losses, costs and expenses and from and against any and all claims, demands, lawsuits, judgments, writs of mandamus and other actions or proceedings brought against the City or its officers, officials, directors, agents, representatives, or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from and against any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits, judgments, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of, in connection with or relating to the acts, omissions, negligence, or performance of the permittee, the service provider, and/or, if applicable, the private property owner, or any of each one's agents, representatives, employees, officers, directors, licensees, contractors, subcontractors or independent contractors. It is expressly agreed that the City shall

have the right to approve (which approval shall not be unreasonably withheld) the legal counsel providing the City's defense, and the property owner, service provider, and/or permittee (as applicable) shall reimburse City for any and all costs and expenses incurred by the City in the course of the defense.

B. Eligible Facilities Requests/Zoning Clearances. In addition to the conditions in subsection (A) above, all eligible facilities requests shall comply with and all associated zoning clearances shall include the following standard conditions of approval:

1. No Permit Term Extension. The City's grant or grant by operation of law of a zoning clearance for an eligible facilities request constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City's grant or grant by operation of law of a zoning clearance for an eligible facilities request will not extend the permit term for any use permit, administrative site and architectural review permit or other underlying regulatory permit or approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station. If requested in writing by the applicant at the time of application submittal, the permit term for the underlying conditional use permit or administrative site and architectural review permit may be administratively extended by the community development director (at his/her discretion) from the initial approval date upon verification that the facility continues to comply with this chapter (as may be amended from time to time) and all conditions of approval under which the facility was approved. All costs associated with the review process shall be borne by the service provider, permittee and/or property owner.

2. No Waiver of Standing. The approval of a zoning clearance for an eligible facilities request (either by express approval or grant by operation of law) does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any eligible facilities request.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.080 Regulations for facilities subject to a zoning clearance.

This subsection shall be interpreted and applied so as to be consistent with the Telecommunications Act of 1996, Section 6409(a), and the applicable FCC decisions and FCC rules and regulations, and court decisions and determinations relating to the same, including, without limitation, 80 FR 1238 (January 8, 2015), 47 C.F.R. §§1.1306(c), 1.1307(a)(4)~~(ii)~~, 1.6100~~40001~~ et seq., In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd. 12865 (2014), and In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994 (2009). In the event that a court of competent jurisdiction invalidates all or any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for an eligible facilities request, then all modifications to existing facilities subject to this section that are proposed after such invalidation must be approved by a conditional use permit or administrative site and architectural review permit, as applicable, subject to the discretion of the community development director.

A. Findings. The community development director must approve a zoning clearance for an eligible facilities request when the director finds all of the following:

1. The proposed modification qualifies as an eligible facilities request and does not constitute a "substantial change" as defined in Section 21.34.200.

2. The applicant has provided all required submittal materials for the proposed modification.

B. Denial. In addition to any other alternative recourse permitted under federal law, the community development director may deny a zoning clearance upon finding that the proposed facility:

1. Defeats the effect of existing concealment elements of the support structure;
2. Violates any legally enforceable standard or permit condition related to compliance with generally applicable building, structural, electrical and/or safety codes;
3. Violates any legally enforceable standard or permit condition reasonably related to public health and/or safety; or
4. Does not qualify for mandatory approval under Section 6409(a) for any lawful reason.

C. Denial Without Prejudice. Any denial of an application for an eligible facilities request shall be without prejudice to the applicant, the real property owner or the project. Subject to the application and submittal requirements in this chapter, the applicant may submit a permit application (together with all required fees, costs and deposits) for a use permit, administrative site and architectural review permit, or zoning clearance, as appropriate.

D. Extensions. The approval of a zoning clearance for an eligible facilities request shall not automatically extend or renew the length or term of the underlying permit term or facility build out.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.090 Location of wireless communications facilities.

A. To the extent feasible and when doing so would not conflict with applicable federal or state law, wireless communications facilities subject to the review and approval of a conditional use permit or an administrative site and architectural review permit shall be located in the most preferred location as described in this section and the General Plan, according to the following order of priority (ordered from the most preferred to the least preferred):

More preferred areas:

1. City owned or controlled parcels; then
2. Industrial, research and development & public facilities designated parcels; then
3. General commercial, central business district, professional office, and mixed-use designated parcels; then
4. Neighborhood commercial and open space designated parcels; then

Less preferred areas:

5. Residential, historical, and other designated areas, districts and/or parcels; then
6. All other areas.

B. If an applicant proposes to locate a new facility or substantial change to an existing facility in a less preferred area, the applicant shall provide an additional alternative site analysis that, at a minimum, includes a meaningful comparative analysis of all the alternative sites in the more preferred locations that the applicant considered and states the underlying factual basis for concluding, and demonstrates, to the satisfaction of the decision-making body, why each alternative in a more preferred location(s) is/are (i) not technically feasible, (ii) not potentially available, and/or (iii) more intrusive. The decision-making body may authorize a facility to be established in a less preferred location if doing so is necessary to prevent substantial aesthetic impacts.

C. Notwithstanding any provisions of this Section 21.34.090 (Location of wireless communications facilities) to the contrary, facilities in the public-right-of way may be found preferable to a location on private property,

to the extent feasible and provided that the same order of priority, in consideration of the abutting land use(s), is maintained.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.100 Design requirements.

All wireless communications facilities subject to a conditional use permit or an administrative site and architectural review permit shall be designed as a stealth facility, or as a concealed facility, as defined in Section 21.34.200, and incorporate concealment measures and/or techniques appropriate for the proposed location and design. All facilities and modifications thereto (except those facilities which qualify as an eligible facilities request pursuant to Section 6409(a) or as a subsequent collocation facility that is a permitted use not subject to a city discretionary permit pursuant to California Government Code section 65850.6(a), for which these provisions shall serve only as guidelines) shall also comply with the Wireless Facility Design Requirements that have been adopted by the City. The cost or inconvenience to comply shall not provide justification to deviate from City design requirements.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.110 Special findings for wireless communications facilities.

Whenever a conditional use permit or administrative site and architectural review permit is required for a wireless communications facility, the decision-making body shall first find all of the following conditions, in addition to those findings identified in CMC Section 21.46.040 (Findings and decision) and Section 21.42.050 (Action by community development director) respectively, are satisfied in order to approve the permit application:

A. The proposed facility, or modification to an existing facility, as conditioned will be a stealth or concealed facility as defined in Section 21.34.200;

B. The proposed facility, or modification to an existing facility, as conditioned will comply with all requirements of Chapter 21.34 (Wireless Communications Facilities);

C. The proposed facility, or modification to an existing facility, as conditioned will comply with all applicable design guidelines; and

D. The proposed facility, or modification to an existing facility, as conditioned will be consistent with the general plan.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.120 Failure to act and remedies.

Under federal and/or state law, the City's failure to act on a wireless communications facility permit application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions, accounting for tolling periods, may result in the permit being deemed granted by operation of law. To the extent federal or state law provides a "deemed grant" remedy for wireless communications facility applications not timely acted upon by the City, no such application shall be deemed granted unless and until the applicant satisfies the following requirements:

A. For all facility applications:

1. Submits a complete application package, pursuant to the application procedures as specified in this chapter and applicable federal and state law and regulations.

2. Following the date by which the City must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide notice to the City that the application is deemed granted by operation of law.

B. For conditional use permits and administrative site and architectural review permit applications:

1. Completes all public noticing required pursuant to CMC Section 21.64.020 (Notice of hearing).

2. No more than thirty calendar days before the date by which the City must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide the following written notice to all recipients identified in CMC Section 21.64.020(B)(2) (Mailing) and to the City.

a. The notice shall be delivered to the City in person or by certified United States mail.

b. The notice must state that the applicant has submitted an application to the City, describe the location and general characteristics of the proposed facility, and include the following statement: "Pursuant to California Government Code Section 65964.1, state law may deem the application approved in thirty calendar days unless the City approves or denies the application, or the City and applicant reach a mutual tolling agreement."

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.130 Prohibited grounds for denial.

Notwithstanding any other provisions of this chapter, the denial of a conditional use permit, administrative site and architectural review permit, or zoning clearance may not be based on the environmental effects of RF emissions for wireless communications facilities that comply with FCC regulations, standards and guidelines concerning such RF emissions.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.140 Revocation of permit.

The City may revoke a permit for a wireless communications facility for noncompliance with any enforceable permit, permit condition, or law applicable to the facility. When the community development director finds reason to believe that grounds for permit revocation exist, the director shall notify the permittee that a violation exists and request compliance within a reasonable amount of time. Upon failure to comply, the community development director may schedule a public hearing before the planning commission at which the commission may modify or revoke the permit. A revocation by the planning commission may be appealed to the City Council. All hearings shall be noticed and conducted in compliance with the proceedings set forth in CMC Chapter 21.68 (Revocations and modifications).

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.150 Temporary wireless communications facilities.

A temporary wireless communications facility, such as a "cell-on-wheels" (COW) may be used during public emergencies, including when a local emergency is declared by the City Manager. A COW or similar temporary wireless communications facility or equipment shall not be permitted for maintenance activities or while awaiting an expected entitlement or pending plan review, and the temporary allowance of such equipment or facility during an emergency shall not be considered to establish a permanent use of such a facility or structure after the

emergency has ended, as declared by the City Manager. Once the emergency has ended, the temporary wireless communications facility shall be removed.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.160 Limited exemption from standards.

The applicant always bears the burden to demonstrate why an exemption should be granted. An applicant may request an exemption from one or more requirements of this chapter on the basis that a permit denial would effectively prohibit personal wireless services in the City. For the City to approve such an exemption, the applicant must demonstrate with clear and convincing evidence all of the following:

A. A significant gap in the applicant's service coverage exists; and

B. All alternative sites identified in the application review process are either technically infeasible or not potentially available.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.170 Independent consultant review.

A. Authorization. The City Council authorizes the community development director to, in his or her discretion, select and retain an independent consultant with expertise in telecommunications satisfactory to the community development director in connection with any permit application.

B. Scope. The community development director may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to:

1. Permit application completeness or accuracy;

2. Whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity;

3. Whether technically feasible and potentially available alternative locations and designs exist;

4. The applicability, reliability and/or sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within the scope of this Chapter; and

5. Any other issue that requires expert or specialized knowledge identified by the community development director.

C. Deposit. To the full extent such costs are recoverable or collectible under applicable state and/or federal law, the applicant must pay for the reasonable cost of such review and for the technical consultant's testimony in any hearing as requested by the community development director and must provide a reasonable advance deposit of the estimated cost of such review with the City prior to the commencement of any work by the technical consultant. Where the advance deposit(s) are insufficient to pay for the reasonable cost of such review and/or testimony, the community development director shall invoice the applicant who shall pay the invoice in full within ten calendar days after receipt of the invoice.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.180 Changes in law.

All facilities shall meet the current standards and regulations of the FCC, the California Public Utilities Commission, and any other agency of the federal or State government with the authority to regulate wireless communications providers and/or wireless communications facilities. If such standards and/or regulations are changed, the permittee and/or wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety calendar days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the permittee and/or wireless communications provider's expense.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.190 Severability.

In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause, or phrase in this section unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this section and shall not affect the validity of the remaining portions of this section. The City hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause, or phrases in this section irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this section might be declared unconstitutional, preempted, or otherwise invalid.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

21.34.200 Definitions.

As used in this chapter, the following terms shall have the meaning set forth below, unless the context clearly dictates a different meaning:

"Antenna" means a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission and/or receipt of electromagnetic waves.

"Applicable FCC decisions" means the same as defined by California Government Code Section 65964.1(d)(1), as may be amended, which defines that term as "In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994 (2009) and In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd. 12865 (2014)."

"Applicable law" means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

"Base station" means the same as defined by the FCC in 47 C.F.R. Section ~~1.40001~~1.6100(b)(1), as may be amended, which defines that term as follows: a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined as in this chapter or in 47 C.F.R. Section 1.6100~~40001~~(b)(9), or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under 47 C.F.R. §1.6100~~40001~~, supports or houses equipment described in paragraphs (b)(1)(i)-(iv~~ii~~) of 47 C.F.R. §1.6100~~40001~~ that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under 47 C.F.R. §1.6100~~40001~~, does not support or house equipment described in paragraphs (b)(1)(i)-(iv~~ii~~) of 47 C.F.R. Section 1.6100~~40001~~.

"Carefully placed facility" means a facility that is situated in a location which renders a facility virtually imperceptible to the public. As such, the emphasis for this category of stealth facility is on its location as opposed to its design. Carefully placed facilities require no camouflaging or screening, in that existing site features (e.g. buildings, walls, roof parapets, or existing equipment) render such a requirement unnecessary. Successful examples of carefully placed facilities may include those proposed within an existing building (requiring no alteration of existing materials), those sited on the roof of a particularly large or tall building, and those which are flush mounted to an existing high voltage lattice tower and treated to match.

"Cell site" means a parcel of real property on which a wireless communications facility is to be located.

"CMC" means the Campbell Municipal Code.

"Collocation" means:

(a) Except as provided in subsection (b), "collocation" means the same as defined in the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, 47 CFR pt. 1, App. B, and applicable FCC decisions (including, but not limited to, In re Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B), 24 FCC Rcd 13994 (2009)).

(b) Notwithstanding subsection (a), with respect to eligible facilities requests, "collocation" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(2), as may be amended, which defines that term as "[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes." As an illustration and not a limitation, the FCC's definition effectively means "to add" new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.

"Communications" means any transmission, emission or reception of signals, images and sound or information of any nature by wire, radio, visual or electromagnetic system that work on a "line-of-sight" principle.

"Community development director" or "director" means the community development director of the City of Campbell or his or her designee.

"Community development department" means the community development department of the City of Campbell.

"Completely integrated facility" means a facility that is incorporated into an existing structure or site in a manner which does not result in a new feature being added. This stealth category may result in the removal of existing siding, or materials to achieve RF transparency, provided that the replacement materials match, to the extent feasible, the existing or abutting material. Where an equivalent material match cannot be adequately demonstrated, a stealth facility could propose to completely remove and replace an existing material if doing so serves to achieve a more cohesive design and does not disrupt the design of the building (e.g. the replacement of all roof shingles, as opposed to simply removing/replacing a smaller impacted roof or wall section).

"Concealed facility" means any wireless communications facility which results in new site or architectural features being added to a property in a manner which complements, enhances, or seamlessly integrates into their surroundings. Examples of concealed facilities include, but are not limited to the construction of new rooftop, louver, chimney, silo, pole, railing, sign, window, parapets, dormers, steeples, penthouses, water towers, bell towers, artificial trees, and flag poles.

"Deemed granted" or "deemed granted status" means a wireless communications facility for which the applicant submitted an application in compliance with the procedures and requirements of this Chapter that was not acted upon within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions (accounting for tolling periods), and satisfied the requirements of CMC Section 21.34.120 (Failure to act and remedies), and as a result had its permit granted by operation of law in accordance with federal and/or state law.

"Electromagnetic field (EMF)" means the local electric and magnetic fields that envelop the surrounding space. The most ubiquitous source of electromagnetic fields is from the movement and consumption of electric power, (e.g., transmission lines, household appliances and lighting).

"Eligible facilities request" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(3), as may be amended, which defines that term as "[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

i. Collocation of new transmission equipment;

ii. Removal of transmission equipment; or

iii. Replacement of transmission equipment."

"Eligible support structure" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(4), as may be amended, which defines that term as "[a]ny tower or base station as defined in [47 C.F.R. Section 1.6100~~40001~~] provided that it is existing at the time the relevant application is filed with the State or local government under [47 C.F.R. Section 1.6100~~40001~~]."

"Existing" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(5), as may be amended, which provides that "[a] constructed tower or base station is existing for purposes of the [FCC rules implementing Section 6409 of the Spectrum Act, codified at 47 U.S.C. 1455] if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition."

"FCC" means the Federal Communications Commission or any successor to that agency, which has primary regulatory control over communications providers through its powers to control interstate commerce and to provide a comprehensive national system in compliance with the Federal Communications Act.

"MPE" means maximum permissible exposure.

"Non-commercial communication service" includes amateur (HAM) radio facilities licensed by the FCC, and satellite dish antennas (see CMC Section 21.36.190 (Satellite dish antennas)) and when used for non-commercial exchange of messages, private recreation and emergency communication, except when associated with a wireless communication facility.

"RF" means radio frequency.

"Section 6409(a)" means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.

"Significant gap" is a gap in the service provider's own wireless communications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.

"Service provider" means a wireless communications provider, a company or organization, or the agent of a company or organization that provides wireless communications services.

"Site" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(6), as may be amended, which provides in part that "[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground."

"Stealth facility" means facilities which result in no perceptible visual impact. As such, stealth facilities are generally preferable to concealed facilities except in rare circumstances when the concealment method serves to improve the aesthetic value or interest to a building or site. There are two primary categories of stealth facilities, those which are completely integrated into an existing structure or architectural feature and those which are imperceptible as a result of careful placement. Both stealth categories require the facility to remain integrated or imperceptible, even when the facility may be expanded upon under the provisions of an eligible facilities request.

"Substantial change" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. For clarity, the definition in this chapter organizes the FCC's criteria and thresholds for a substantial change according to the facility type and location.

1. For towers outside the public right-of-way, a substantial change occurs when:
    a. The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array not to exceed twenty feet (whichever is greater); or
    b. The proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or
    c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four cabinets; or
    d. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
2. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
    a. The proposed collocation or modification increases the overall height more than ten percent or ten feet (whichever is greater); or
    b. The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet; or
    c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four cabinets; or
    d. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no pre-existing ground cabinets associated with the structure; or
    e. The proposed collocation or modification involves the installation of any ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure; or
    f. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
3. In addition, for all towers and base stations wherever located, a substantial change occurs when:

a. The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the community development director; or

b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.

4. Interpretation of Thresholds.

a. The thresholds for a substantial change described above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur.

b. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).

"Support Structure" or "Support Structures" means a structure or structures designed to support antenna(s) or other wireless transmission equipment to facilitate the transmitting and/or receiving of radio frequency signals. Support structures include, but are not limited to, masts, monopoles, guyed structures, lattice towers, and other like structures used to support wireless transmission devices.

"Temporary wireless communications facility" means a wireless communications facility located on a parcel of land and consisting of a vehicle-mounted facility, a building mounted antenna, or a similar facility, and associated equipment, that is used to provide temporary coverage for a large-scale event or an emergency, or to provide temporary replacement coverage due to the removal of an existing permitted, permanent wireless communications facility necessitated by the demolition or major alteration of a nearby property.

"Tower" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(9), as may be amended, which defines that term as "[a]ny structure built for the sole or primary purpose of supporting any [FCC]- licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

"Transmission equipment" or "wireless transmission equipment" means the same as defined by the FCC in 47 C.F.R. Section 1.6100~~40001~~(b)(8), as may be amended, which defines that term as "equipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul."

"Visual impact" means the placement or design of a wireless communications facility such that it may be noticed by a person of average height when standing on the ground of a street, sidewalk or private property.

"Wireless communications facility" means a land use facility supporting antennas that sends and/or receives radio frequency signals, AM/FM, microwave, and/or electromagnetic waves for the purpose of providing voice, data, images or other information, including, but not limited to, cellular and/or digital telephone service, personal communications services, and paging services. Wireless communications facilities include antennas and all other types of equipment for the transmission or receipt of the signals; towers or similar structures built to support the equipment; equipment cabinets, base stations, generators, cables, conduit, and other accessory development and

support features; and screening and concealment elements. Also referred to as a "communication facility" or "facility".

"Wireless communications provider" means any company or organization that provides or who represents a company or organization that provides wireless communications services.

(Ord. No. 2226, § 5(Exh. A-1), 9-19-2017)

Chapter 21.36 PROVISIONS APPLYING TO SPECIAL USES

21.36.010 Purpose.

This chapter is intended to include regulations for special, unique, or newly created uses which may be allowed in one, several, or all zoning districts.

(Ord. 2043 § 1(part), 2004).

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 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. The Community Development Director 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 detached garages and carports, may be allowed in compliance with the following standards:

1. Accessory structures shall not exceed one story or fourteen 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 ten 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 one thousand 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 two hundred square feet;

6. When there is more than one accessory structure on a lot, there shall be a minimum separation of ten feet between each accessory structure;

7. An accessory structure shall be considered detached if they do not share a common interior wall with the main structure.

C. Design criteria. Accessory structures that exceed one hundred twenty 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.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2216, § 8, 12-12-2016; Ord. No. 2225, § 13, 8-15-2017; Ord. No. 2252 , § 21, 11-19-2019)

21.36.030 Reserved.

Ord. No. 2270 , § 15, adopted March 16, 2021, repealed § 21.36.030, which pertained to Beer and wine festivals and derived from Ord. 2043 § 1(part), 2004; Ord. 1706 § l (part), 1988.

21.36.040 Caretaker or employee housing.

This section provides requirements for the establishment of caretaker or employee housing in zoning; districts where they are allowed subject to the standards provided below.

A. The principal use of the property shall be an approved conforming use.

B. Caretaker/employee housing shall be occupied by the caretaker/employee, for the purpose of security for the allowed business or for the purpose of 24-hour healthcare, guardian, or other similar attendant services.

C. The caretaker or employee housing unit shall not exceed 640 square feet in area and the unit shall contain no more than one bedroom.

D. The architectural design of the housing unit shall integrated into and be compatible with the architectural design of the building.

(Ord. 2043 § 1(part), 2004).

21.36.050 Reserved.

Ord. No. 2270 , § 23, adopted March 16, 2021, repealed § 21.36.050, which pertained to Cargo storage containers and derived from Ord. 2043 § 1 (part), 2004.

21.36.060 Child care facilities.

This section establishes standards for the provisions of child care facilities in zoning districts where they are allowed in compliance with the provisions of Article 2 (Zoning Districts).

A. Applicable State law and licensing requirements. Child care facilities shall be in compliance with State law and in a manner that recognizes the needs of child care operators and minimizes the effects on surrounding properties. These standards apply in addition to other provisions of this Zoning Code and requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for child care facilities.

B. Types. Child care facilities include the following types:

1. Small family child care homes (eight or fewer children). Allowed within a single-family residence in zoning districts determined by Article 2 (Zoning Districts). Except for a clearance from the fire department, no city land use permits or clearances are required;

2. Large family child care homes (nine to 14 children). Allowed within a single-family residence in zoning districts determined by Article 2 (Zoning Districts). Except for a clearance from the fire department, no city land use permits or clearances are required ; and

3. Commercial child care centers (15 or more children). Allowed in the zoning districts determined by Article 2 (Zoning Districts), and the standards in Section 21.36.080 (Commercial Child Care Centers), below.

(Ord. 2043 § 1(part), 2004).

21.36.070 Reserved.

21.36.080 Commercial child care centers.

The following standards for commercial child care centers shall apply.

A. Parcel size. The minimum parcel size for a commercial child care center shall be 10,000 square feet.

B. Play areas. The center shall provide play areas as follows:

1. Indoor play areas. Indoor play areas shall be in compliance with State requirements requiring 35 square feet of unencumbered indoor space per child; and

2. Outdoor play areas. Outdoor play areas shall be in compliance with State requirements requiring 75 square feet of unencumbered outdoor space per child and shall be enclosed by a six-foot high fence or wall.

C. Hours of operation. Unless approved to operate for 24 hours, hours of operation shall be confined to between 6:00 a.m. and 10:00 p.m. In no case shall an individual child stay for a continuous period of 24 hours or more.

D. Signs. One sign shall be allowed in compliance with Chapter 21.30 (Signs).

E. Off-street parking. Off-street parking shall be provided in compliance with Chapter 21.28 (Parking and Loading), plus additional surface area shall be provided that is of sufficient size to accommodate off-street loading/unloading. The area used for parking shall not be used for both parking and as a play area at the same time.

F. Other requirements. The facilities may also be subject to other requirements (e.g., California Health and Safety Code, the California Administrative Code, State Fire Marshall, and the Uniform Building Code).

G. Noise.

a. Regardless of decibel level, and taking into consideration the noise levels generated by children, no noise generated from the commercial child care use shall unreasonably offend the senses or obstruct the free use of neighboring properties so as to unreasonably interfere with the comfortable enjoyment of the adjoining properties.

b. Mitigation measures may be required to minimize noise impacts (e.g., approved location of outside play areas, the provision of sound attenuation barriers, etc.).

c. In order to protect residents of adjacent residential dwellings from noise impacts, a facility within a residential zoning district may only operate up to 14 hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.

H. Traditional family environment. The development shall be designed so that normal residential surroundings are preserved and the integrity of the residential neighborhood is preserved.

a. The facility is the principle residence of the provider and the use is clearly incidental and secondary to the use of the property for residential purposes.

b. No structural changes are proposed which will alter the character of the single-family residence.

c. The fact that a home is used as a commercial child care center shall not, in and of itself, be construed to constitute a departure from the integrity of the residential neighborhood.

(Ord. 2043 § 1(part), 2004).

21.36.085 Emergency shelters.

A. Purpose. This section provides provisions for the establishment and operation of emergency shelters where they are allowed in compliance with the provisions of Article 2 (Zoning Districts).

B. Development Standards: The shelter shall conform to all development standards of the zoning district.

C. Operational Standards:

1. Maximum number of beds. The maximum number of beds shall be limited to the number of homeless persons in the City of Campbell based upon the most current homeless count for the City of Campbell at the time a request is made for the establishment of a homeless shelter or 50 beds, whichever is greater. The current homeless count shall be based upon the current Santa Clara County Homeless Census and Survey.

2. Waiting and intake area. The exterior and/or interior client waiting and intake area shall be sufficient in size to accommodate all persons waiting to be admitted to the facility. If an exterior client waiting and intake area is proposed, it shall be screened from the public right-of-way.

3. Length of stay. Residents may stay for thirty days. Extensions up to a total of one hundred eighty days may be provided by the on-site manager if no alternative housing is available.

4. Lighting. The shelter shall have adequate outdoor lighting for security purposes.

5. Management and Operation Plan. A Management and Operation Plan shall be submitted by the operator of the emergency shelter for review and approval by the Director of Community Development and Chief of Police prior to establishment of the use. The plan shall be approved if it sets forth the following:

a. The plan specifies that the shelter shall provide twenty-four-hour, professional on-site management;

b. The plan sets forth management experience of all staff; a procedure for responsiveness to neighborhood issues; transportation services that are provided; client supervision policies; client services provided; and food services provided;

c. The plan includes a floor plan that demonstrates compliance with the physical standards of this section;

d. The plan sets forth a security plan that shall be provided as part of the Management and Operation Plan. On-site security patrol and security devices, including security cameras, shall be provided at all times. The location, type and number of security devices shall allow for clear visibility of all exterior and interior portions of the emergency shelter.

e. The plan sets forth the maximum number of beds and persons to be served by the emergency shelter, the number of parking spaces to be provided, the size and location of the waiting and intake area, the length of stay of residents, the lighting plan, and the security measures and plan,

and the policies governing the management and operation of the emergency shelter, in compliance with the provisions of this section.

f. The operator of the emergency shelter shall submit an annual statement on or before each anniversary of the approval of occupancy of the shelter demonstrating that the facility is operating in compliance with the approved management plan, or shall submit an updated management plan, for review and approval by the Director of Community Development and Chief of Police, in accordance with this subsection, that reflects any changes from the approved version.

(Ord. No. 2182, § 3(Exh. C), 10-7-2014)

21.36.090 Garage and private yard sales.

This section provides locational and operational standards for the establishment of garage and private yard sales, in compliance with Article 2 (Zoning Districts), which shall be subject to the following criteria and standards:

A. No more than five garage and private yard sales are allowed in any calendar year, not including participation in the citywide community garage sale;

B. No garage and private yard sales can be conducted for more than three consecutive days; and

C. No garage and private yard sales shall be conducted in the public right-of-way or in the rear or side yard of the property.

(Ord. 2043 § 1(part), 2004).

21.36.095 Health and fitness centers/studios.

A. Purpose. This section is designed to provide for and to regulate the establishment of health and fitness center and studio (small and large) uses where they are allowed in compliance with the provisions of Article 2 (Zoning Districts).

B. Land use permits shall expire no later than five years from the date of approval for health and fitness center and studio (small and large) uses in the LI (Light Industrial) and RD (Research and Development) Zoning Districts. Notwithstanding the time limitations for the conditional use permit, nothing within this section shall prohibit the owner or authorized representative to re-apply for additional time limited approvals.

C. Development Standards. Except as specifically allowed in this section, the premises on which a health and fitness center or studio (small and large) use is located shall comply with the regulations and restrictions applicable to the zoning district in which it is located.

1. Parking and Loading. Parking and loading requirements shall be as identified in Chapter 21.28 (Parking and Loading). In addition, an area for the safe and acceptable means of drop-off and pick-up of persons using the health and fitness center use shall be provided.

2. Circulation. The location of the health and fitness center or studio (small and large) use and the on-site improvements shall provide for safe and efficient vehicular and pedestrian circulation. The decision-making body may require the presence of one or more parking attendants and/or police officers to ensure the safe operation of parking facilities, pedestrian circulation, and traffic circulation on the public right-of-way.

3. Hours of Operation. The decision-making body through the discretionary review process shall determine the allowable hours of operation of a health and fitness center or studio (small and large) use.

4. Noise. Regardless of decibel level, and taking into consideration the noise levels generated by health and fitness center and studio (small and large) uses, noise generated from a health and fitness center or studio (small and large) use shall not unreasonably offend the senses or obstruct the free use and comfortable enjoyment of neighboring properties. Mitigation measures may be required to minimize noise impacts (e.g., approved location of parking and loading areas, the provision of sound attenuation barriers, etc.).

5. Overconcentration. A health and fitness center or studio (small and large) use within the LI (Light Industrial) and RD (Research and Development) Zoning Districts shall not be located within three hundred feet of another existing public assembly, studio (small and large), or health and fitness center use unless the decision-making body grants an exception. The decision-making body, in granting an exception, shall find that the proposed concentration will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the proposed use.

6. Signs. Signs shall be allowed in compliance with Chapter 21.30 (Signs).

(Ord. 2101 § 1(part), 2008).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.36.100 Hobby car restoration.

This section provides locational and operational standards for the establishment of hobby car restoration, in compliance with Article 2 (Zoning Districts), which shall be subject to the following criteria and standards:

A. Hobby car restoration work shall not be conducted in the public right-of-way or in the front, side or rear yard of the property;

B. Hobby car restoration work shall be conducted within an approved enclosed structure on the property;

C. Parts, supplies, and equipment shall be stored within an approved enclosed structure on the property;

D. No more than three vehicles for hobby car restoration may be on the property at any given time;

E. The owner and/or occupant of the property shall own the vehicles being restored as a hobby;

F. Fluids shall be disposed of in an approved manner;

G. Painting shall not be conducted on the property unless approved by the Santa Clara County Fire Department and the Bay Area Air Quality Management District;

H. Sound, noise, vibrations, pedestrian, or vehicle traffic shall not be in excess of those normal to a residential use; and

I. Hours of work are limited to 8 a.m. to 9 p.m.

(Ord. 2043 § 1(part), 2004).

21.36.110 Liquor stores.

This section provides locational and operational standards for the establishment of off-site alcoholic beverage sales, in compliance with Article 2 (Zoning Districts), which shall be subject to the following criteria and standards, except for property located within an overlay combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit):

A. Conditional use permit required. Off-site alcoholic sales establishments shall be allowed by conditional use permit, in compliance with Chapter 21.46, (Conditional Use Permits), and subject to all of the restrictions of the applicable zoning district.

B. Plans. Plot plans, landscaping and irrigation plans, and floor plans shall be subject to the approval of the planning commission.

C. Proximity to sensitive receptors. All off-site alcoholic sales establishments, except grocery stores, shall be separated from a park, playground, or school a minimum distance of 300 feet measured between the nearest property lines.

D. Proximity to other establishments. All off-site alcoholic establishments, except grocery stores, shall be a minimum of 500 feet from another such use, either within or outside the city.

E. Additional conditions. The planning commission may add additional conditions required to protect the public health, safety, and general welfare of the community.

F. Proximity to payday lenders. All off-site alcoholic establishments, except grocery stores, shall be a minimum of five hundred feet from any payday lender, either within or outside the city.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2196, § 13, 2-2-2016; Ord. No. 2213, § 19, 11-1-2016)

21.36.115 Liquor establishments.

Whenever a Conditional Use Permit is required for a liquor establishment by this Zoning Code, the Planning Commission shall first find all the following conditions in addition those findings identified in Section 21.46.040, are satisfied in order to approve the Conditional Use Permit application, except for property located within an overlay combining zoning district subject to a master use permit authorized by section 21.14.030.C (Master use permit):

A. Over concentration of uses. The establishment will not result in an over concentration of these uses in the surrounding area;

B. Not create a nuisance. The establishment will not create a nuisance due to litter, noise, traffic, vandalism, or other factors;

C. Not disturb the neighborhood. The establishment will not significantly disturb the peace and enjoyment of the nearby residential neighborhood;

D. Not increase demand on services. The establishment will not significantly increase the demand on city services; and

E. Downtown Alcohol Beverage Policy. The establishment would be consistent with the Downtown Alcohol Beverage Policy, when applicable.

21.36.120 Live/Work units.

A. Purpose. This section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities. Live/work units are intended to be occupied by business operators who live in the same structure that contains the business activity. A live/work unit is intended to function predominantly as workspace with incidental residential accommodations that meet basic habitability requirements.

B. Applicability. The provisions of this section shall apply to live/work units where allowed in compliance with Article 2 (Zoning Districts) and the following criteria and standards.

C. Limitations on use. A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);

2. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

3. Other activities or uses, not compatible with residential activities and/or that have the possibility of affecting the health or safety of live/work unit residents, because of dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

D. Allowable density. One live/work unit shall be allowed for each 2,000 square feet of parcel area.

E. Development standards.

1. Floor area requirements. The minimum floor area of a live/work space shall be 1,000 square feet. All floor area other than that reserved for living space shall be reserved and regularly used for working and display space.

2. Street frontage treatment. Each live/work unit fronting a public street at the ground floor level shall have a pedestrian-oriented frontage that publicly displays the interior of the nonresidential areas of the structure. The first 50 feet of the floor area depth at the street-level frontage shall be limited to display and sales activity.

3. Access to units. Where more than one live/work unit is proposed within a single structure, each live/work unit shall be separated from other live/work units and other uses in the structure. Access to each unit shall be clearly identified to provide for emergency services.

4. Integral layout.

a. The living space within the live/work unit shall be contiguous with, and an integral part of the working/business space, with direct access between the two areas, and not as a separate stand-alone dwelling unit.

b. The residential component shall not have a separate street address from the business component.

5. Parking. Each live/work unit shall be provided with at least three off-street parking spaces. The decision making body may modify this requirement for the use of existing structures with limited parking.

F. Operating standards.

1. Occupancy. A live/work unit shall be occupied and used only by a business operator, or a household of which at least one member shall be the business operator.

2. Sale or rental of portions of unit. No portion of a live/work unit may be separately rented or sold.

3. Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other impacts associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. Noise and other standards shall be those applicable to commercial or industrial properties in the applicable zoning district.

4. On-premises sales. On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow open-studio programs and gallery shows.

5. Nonresident employees. Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the decision making body. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Uniform Building Code (UBC) requirements.

G. Changes in use. After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through conditional use permit approval.

H. Required findings. The approval of a conditional use permit for a live/work unit shall require that the decision making body first make all of the following findings, in addition to those findings required for conditional use permit approval:

1. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed;

2. The structure containing live/work units and each live/work unit within the structure has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and

3. Any changes proposed to the exterior appearance of an existing structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses.

(Ord. 2043 § 1(part), 2004).

21.36.130 Reserved.

(Ord. 2043 § 1 (part), 2004).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011)

21.36.140 Motor vehicle repair facilities.

This section provides locational and operational standards for the establishment of motor vehicle repair facilities, in compliance with Article 2, (Zoning Districts), which shall be subject to the following criteria and standards.

A. The motor vehicle repair facility shall provide adequate vehicular circulation to ensure free ingress and egress, and safe and unimpeded on-site circulation.

B. All work shall be performed within a fully enclosed structure.

C. Structures shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to the surrounding properties.

D. Artificial light shall be designed to reflect away from adjoining properties.

E. Screening and buffering.

1. A six-foot high solid masonry wall shall be maintained along the exterior boundaries of the motor vehicle repair facility, excluding the front yard setback area, those locations approved for ingress and egress, and areas adjoining a street, other than an alley.

2. All damaged or wrecked motor vehicles awaiting repair shall be effectively screened from view from any public street or highway, or adjoining properties, by a six-foot high decorative masonry wall or other opaque material approved by the Community Development Director.

F. Motor vehicles associated with the subject use shall not be parked or stored on a public street or alley.

G. Motor vehicles shall not be stored at the site for purposes of sale (unless the use is also a vehicle sales lot).

H. Noise from bells, loudspeakers, public address systems, or tools shall not be audible from residentially zoned or occupied parcels between the hours of seven p.m. and seven a.m. on weekdays and Saturdays, and before ten a.m. and after seven p.m. on Sundays and nationally recognized holidays.

I. Service bay doors shall not directly face or be viewable from adjoining public rights-of-way or a residential development or zoning district.

J. Residential uses shall not be allowed on a site containing a motor vehicle repair facility.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.36.150 Outdoor seating.

This section provides standards for the provision of outdoor seating/dining areas on private property where they are allowed in compliance with the provisions of Article 2 (Zoning Districts).

A. Applicability. These provisions are not applicable to outdoor seating in the CBD(Central Business District) zoning district.

B. General standards.

1. Buffer. The outdoor seating area shall be surrounded by a fence, landscape planters, or similar appropriate barrier as necessary to buffer the seating area from the adjoining outdoor uses. The fence, landscape planters, or other approved barrier shall be maintained in good appearance, function and vitality.

2. Noise. Noise generated from an outdoor dining and seating area (e.g., amplified music) shall not unreasonably offend the senses or interfere with the comfortable enjoyment of the adjoining properties and shall comply with the noise standards in Section 21.16.070, (Noise).

3. Litter control. The permit holder is responsible for picking up litter associated with the outdoor seating or display and shall maintain the area in a clean condition at all times.

4. Location of seating. Outdoor seating shall be located as indicated in the approved application and accompanying plans and shall not be placed within the area of disabled ramps, driveways, doorways or the public right-of-way.

5. Quality. Tables, chairs, umbrellas, and other furniture associated with the outdoor seating shall be of a commercial grade and uniform design.

6. Securing of tables, seating, and associated umbrellas. Tables, chairs, and associated umbrellas shall be secured so as not to be moved by the wind. However, they may not be bolted into the ground or secured to outdoor lights, trees, a building, or other furniture or objects.

7. Umbrella canopies. The canopies of umbrellas associated with outdoor tables shall provide a minimum vertical clearance of seven feet, unless the umbrella does not extend beyond the outside edge of the table, and shall not extend into walkways.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.36.160 Outdoor storage.

This section provides development and operational standards for the establishment of outdoor storage areas, in compliance with Article 2, (Zoning Districts), which shall be subject to the following criteria and standards.

A. Screening required. Outdoor storage areas shall be entirely enclosed and screened with a solid sight-obscuring wall not less than six feet, or more than eight feet, in height. The enclosure shall be of a type and design approved by the Community Development Director. The wall shall include sight-obscuring gates. The wall and gate(s) shall be landscaped and continuously maintained in good repair.

B. Height of materials. Material shall not be stored above the height of the screen wall.

C. Site operations. Site operations in conjunction with outdoor storage, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled area.

D. Incidental or primary use. Incidental outdoor storage shall be allowed, subject to the above standards. Outdoor storage that is a primary land use shall be subject to the applicable permitting requirements identified in Article 2, (Zoning Districts), and the above standards. Outdoor storage shall not be allowed within fifty feet of a residentially zoned property.

(Ord. 2043 § 1 (part), 2004).

21.36.170 Public assembly uses.

A. Purpose. This section is designed to provide for and to regulate the establishment of public assembly uses where they are allowed in compliance with the provisions of Article 2 (Zoning Districts).

B. Landuse permits shall expire no later than five years from the date of approval for public assembly uses in the LI (Light Industrial) Zoning District. Notwithstanding the time limitations for the conditional use permit, nothing within this section shall prohibit the owner or authorized representative to re-apply for additional time limited approvals.

C. Development Standards. Except as specifically allowed in this section, the premises on which a public assembly use is located shall comply with the regulations and restrictions applicable to the zoning district in which it is located.

1. Location. A public assembly use shall be located on a collector street or arterial street as designated in the city's General Plan.

2. Parking and Loading. Parking and loading requirements shall be as identified in Chapter 21.28 (Parking and Loading). In addition, an area for the safe and acceptable means of drop-off and pick-up of persons using the public assembly facility shall be provided.

3. Circulation. The location of the public assembly use and the on-site improvements shall provide for safe and efficient vehicular and pedestrian circulation. The decision-making body may require the presence of one or more parking attendants and/or police officers to ensure the safe operation of parking facilities, pedestrian circulation, and traffic circulation on the public right-of-way.

4. Hours of Operation. The decision-making body through the discretionary review process shall determine the allowable hours of operation of a public assembly use.

5. Noise. Regardless of decibel level and taking into consideration the noise levels generated by public assembly uses, noise generated from a public assembly use shall not unreasonably offend the senses or obstruct the free use and comfortable enjoyment of neighboring properties. Mitigation measures may

be required to minimize noise impacts (e.g., approved location of parking and loading areas, the provision of sound attenuation barriers, etc.).

6. Overconcentration. A public assembly use shall not be located within three hundred feet of another existing public assembly use or health and fitness center use unless the decision-making body grants an exception. The decision-making body, in granting an exception, shall find that the proposed concentration will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the proposed use.

7. Signs. Signs shall be allowed in compliance with Chapter 21.30 (Signs).

(Ord. 2101 § 1(part), 2008: Ord. 2043 § 1(part), 2004).

21.36.180 Residential care facilities.

This section provides development and operational standards for the establishment of residential care facilities, in compliance with Article 2 (Zoning Districts) subject to the following criteria and standards.

A. Purpose. This chapter is intended to regulate residential care facilities with seven or more residents in addition to the caregiver. Residential care facilities serving six or fewer residents, in addition to the caregiver, are allowed in all zoning districts that permit single-family residences and shall not be required to meet any requirement of this section.

B. Residential Care Facilities Criteria. When the proposed use meets the requirements of this section and all the following criteria, residential care facilities serving seven or more residents in addition to the caregiver may be allowed in compliance with Article 2 (Zoning Districts).

1. There shall be no other residential care facilities of any size within five hundred feet of the subject property, measured from property boundary line to property boundary line, of another existing residential care facility or a facility for wards of the juvenile court. The Community Development Director may require, as a reasonable condition of approval, that the facility be located farther than five hundred feet from the nearest similar facility, up to a distance of one mile.

2. Residential occupancy of residential care facilities for the elderly, other than by the caregiver and the immediate family, shall be limited to single persons over sixty years old or to married couples of which one spouse is over sixty years old, who are provided varying levels and intensities of care and supervision and personal care, and who have voluntarily chosen to reside in this type of group housing arrangement.

3. The proposed use shall be licensed by the State and shall be conducted in a manner that complies with applicable provisions of the California Health and Safety Code for this kind of occupancy. If the State license is suspended or revoked, the conditional use permit may also be suspended or revoked.

4. Facilities with persons in excess of 60 years of age or with physical disablements shall be specifically designed and adapted to include safety bars and rails in bedrooms and bathrooms, ramps, and other provisions required for elderly or disabled persons by State law or Federal regulations. In addition, facilities shall include a common dining area as well as adequate common living areas and amenities to facilitate program activities.

5. The use shall be specifically designed and maintained to have a residential appearance as determined by review of the Community Development Director and be compatible with the architectural character of the zoning district. In residential zoning districts, signs and any other "non-residential" features visible from the public right-of-way shall not be allowed.

6. The facility shall be reviewed annually by the Community Development Director to verify licensing, compliance with State standards, and compliance with the conditional use permit conditions. Community development department staff shall be entitled to enter the premises of the facility to conduct a review.

D. Density standards. Residential care shall have a total floor area that averages at least 350 square feet of floor area per resident, excluding parking. Where existing structural constraints preclude meeting this requirement, additional floor area to meet this requirement may be achieved through covered patios and decks.

E. Revocation of zoning permit. A conditional use permit for a residential care facility may be revoked at any time by the City Council, in compliance with Chapter 21.68. (Revocations and Modifications), provided that the City Council finds that the presence of the facility at its present location has resulted in the surrounding neighborhood sustaining a disproportionate and unreasonable level of vandalism, violence, or other acts of disruption.

F. Open space requirements.

1. Residential care facilities shall provide a minimum of one hundred square feet of common outdoor usable open space area per resident and live-in caregiver.

2. Open space areas to be counted toward the requirements of this section shall have a minimum dimension of not less than ten feet in any direction and be easily accessible to all residents.

3. Outdoor areas shall be designed to provide amenities and recreational areas compatible with the needs of the residents, including pathways and sitting areas, flower and vegetable gardens, shuffleboard courts, putting greens, and similar active recreation areas.

4. The proposed improvement of required open space shall be designated on the plans submitted with the application, and shall be considered a part of the conditional use permit.

G. Off-street parking.

1. Buildings constructed as residential care facilities serving from seven to fifteen residents shall be required to provide one parking space for each five residents, in addition to one parking space for each live-in caregiver. At least two of the parking spaces shall be covered.

2. Buildings constructed as residential care facilities serving more than fifteen residents shall be required to provide one parking space for each five residents in addition to one parking space for each caregiver, employee, or doctor on-site at any one time.

3. Existing single-family residences to be converted into residential care facilities shall maintain required covered parking. Additional parking to meet the requirement of Subsection (1) or (2) above may be enclosed or uncovered.

H. Development standards.

1. Residential care facilities shall provide a six-foot high solid fence or decorative block wall along all property lines, except in the front yard. Walls shall provide for safety with controlled points of entry.

2. Quality of landscaping shall be consistent with that prevailing in the neighborhood and shall be regularly maintained, including providing irrigation.

3. On-site lighting shall be stationary and shall be directed away from adjacent properties and public rights-of-way.

4. Outdoor activities shall be conducted only between the hours of 7:00 a.m. and 10:00 p.m.

5. Indoor furniture shall not be allowed outdoors.

(Ord. 2043 § 1(part), 2004).

21.36.190 Satellite dish antennas.

Satellite dish antennas of greater than three feet in diameter may be allowed in any zoning district subject to the following criteria and standards.

A. Residential zoning districts. Dish antennas to be erected in any residential zoning district shall conform to the following regulations:

1. Shall not be visible from a public or private street, unless adequately screened by landscaping and/or materials that harmonize with the elements and characteristics of the property;

2. Shall not be located in any front yard or any yard adjacent to a public or private street;

3. The maximum height shall be 14 feet;

4. Shall be set back from the property line a distance equal to the height of the antenna; and

5. Shall not be located in parking or driveway areas.

B. Nonresidential zoning districts. Dish antennas to be erected in any nonresidential zoning district shall conform to the following regulations:

1. Shall not be located in parking or driveway areas;

2. Shall not be located in any front yard, yard adjacent to any public or private street, or in any required setback;

3. Shall not be visible from any public or private street unless adequately screened by landscaping and/or materials that harmonize with the elements and characteristics of the property;

4. Shall not be higher than the maximum height allowed by the district.

C. Exceptions. Users of satellite dish antennas may be granted deviations from the regulations of this section as are necessary to ensure that the regulations will not:

1. Prevent or impose unreasonable limitations on the reception of satellite-delivered signals; or

2. Impose cost on the users of the antennas that are excessive in light of the purchase and installation cost of the equipment. The deviation allowed by this Subsection may not be any greater than is necessary to achieve the desired results.

D. Application for approval. Prior to installing a dish antenna regulated by this section, a site plan and elevations shall be submitted for approval of the Community Development Director, along with reasons for any requested deviation from the regulations. If no deviation is requested, the Community Development Director shall review the proposed placement for compliance with this section and approve, disapprove, or modify the proposed placement. A building permit application shall be obtained prior to installation.

(Ord. 2043 § 1(part), 2004).

21.36.200 Reserved.

Editor's note(s)—Ord. No. 2216, § 5, adopted Dec. 12, 2016, repealed § 21.36.200, which pertained to secondary dwelling units and derived from Ord. 2043, § 1(part), adopted in 2004.

21.36.205 Sexually oriented businesses.

Community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of sexually oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, parks, and residentially zoned districts or uses. The city council finds that it has been demonstrated in various communities that the concentration of sexually oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their close proximity to incompatible uses, while permitting the location of sexually oriented businesses in certain areas.

A. Definitions.

1. Municipal Code. As used herein, the terms and phrases shall have the same meaning as defined in Chapter 5.55 of the Municipal Code.

2. Establishment of sexually oriented business. As used herein, to "establish" a sexually oriented business shall mean and include any of the following:

a. The opening or commencement of any sexually oriented business as a new business;

b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business defined herein;

c. The addition of any of the sexually oriented businesses defined herein to any other existing sexually oriented business; or

d. The relocation of any such sexually oriented business.

B. Locational requirements. No sexually oriented business shall be established or located in any zone in the city other than the LI (Light Industrial) zoning district, and shall not be within certain distances of certain specified land uses or zones as set forth below:

1. Required distance from other sexually oriented businesses. No such business shall be established or located within three hundred feet of any other sexually oriented business;

2. Required distance from other specified uses. No such business shall be established or located within three hundred feet from any existing schools for minors, churches or religious institutions, parks, and residentially zoned districts or uses; and

3. Measurement of distance. The distances set forth above shall be measured as a radius from the primary entrance of the sexually oriented business to the property lines of the property so zoned or used without regard to intervening structures.

C. Amortization of nonconforming sexually oriented business uses. Any use of real property lawfully existing on July 1, 2019, which does not conform to the provisions of this section, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may remain indefinitely in accordance with CMC 21.58 (Nonconforming Uses and Structures) except as provided for by this section.

1. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as a sexually oriented business for a continuous period of sixty calendar days shall result in a loss of legal nonconforming status of such use without the need for formal revocation by the decision making body.

2. Annexed property. Any sexually oriented business which was a legal use at the time of annexation of the property and which is located in the city, but which does not conform to the provisions of subsection B of this section, shall be terminated within one year of the date of annexation unless an extension of time has been approved by the planning commission in compliance with the provisions of subsection D of this section.

3. Any nonconforming sexually oriented business in operation pursuant to this section shall obtain and maintain a sexually oriented business permit, in compliance with Chapter 5.55 of the Campbell Municipal Code.

D. Extension of time for termination of nonconforming use. The owner or operator of a nonconforming use as described in subsection C of this section, may apply under the provisions of this section to the planning commission for an extension of time within which to terminate the nonconforming use.

1. Time and manner of application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of subsection C of this section, may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the community development department at least ninety days but no more than one hundred eighty days prior to the time established in subsection C of this section, for termination of such use.

2. Content of application and required fees. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the city council.

3. Hearing procedure. A hearing shall set on the matter before the planning commission for within forty-five days of receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the planning commission shall be final and subject to judicial review in compliance with Code of Civil Procedure Section 1094.8.

4. Approval of extension and required findings. An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the planning commission makes all of the following findings or such other findings as are required by law:

a. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to the effective date of this section;

b. The applicant will be unable to recoup said investment as of the date established for termination of the use; and

c. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with subsection B of this section.

(Ord. 2106 § 2 (Exh. A), 2008: Ord. 2043 § 1(part), 2004).

(Ord. No. 2127, § 1, 12-1-2009; Ord. No. 2250 , § 17, 9-3-2019)

Note(s)—Formerly § 21.10.090.

21.36.207 Single-room occupancy facilities.

This section provides locational and operational standards for the establishment of single-room occupancy facilities, in compliance with Article 2 (Zoning Districts), which shall be subject to the following criteria and standards:

A. Unit Size. The minimum size of a unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet.

B. Bathroom Facilities. A single-room occupancy (SRO) unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor.

C. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. For the purposes of this section, a full kitchen includes a sink, a refrigerator, and a stove, range top, or oven and a partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

D. Closet. Each SRO shall have a separate closet.

E. Code Compliance. All SRO units shall comply with all requirements of the California Building Code.

21.36.210 Skateboard ramps.

This section establishes development and operational standards for skateBoard ramps in residential zoning districts.

A. Allowed ramps. Skateboard ramps that are not higher than four feet above finished grade or depressed not more than four feet below finished grade and are neither longer nor wider than four feet are allowed in all residential zones subject to the following criteria and standards.

B. Standard requirements.

1. Not more than one skateboard ramp conforming to the provisions of this section shall be allowed on any parcel of land within the city.

2. Skateboard ramps shall not be located in the public right-of-way.

3. The skateboard ramp shall be located in the rear yard and not in the front yard or side yard (including a street side yard). In no case shall a skateboard ramp be visible from any public street.

4. The skateboard ramp surface shall be covered with a smooth material (e.g., masonite to help reduce noise.

5. Any required building permits shall be obtained prior to construction of a skateboard ramp.

6. In no case may-noise generated from a skateboard ramp create a nuisance for an adjoining property owner or resident. For purposes of this paragraph, noise levels generated by the ramp and its users in excess of sixty decibels measured on an adjoining residential parcel are considered to be a nuisance.

7. In no case may a ramp be located closer than 10 feet to any property line.

C. Ramps requiring approval of a conditional use permit. Skateboard ramps that exceed the dimensions specified in Subsection (A) of this section may be allowed subject to the approval of a conditional use permit. Application for a conditional use permit shall comply with the requirements of Chapter 21.46 of this code. Applications for approval of a conditional use permit shall comply with the standards specified in subsection B of this section. In addition, skateboard ramps requiring approval of a conditional use permit shall also comply with the following conditions:

1. The underside of the skateboard ramp shall be enclosed and include foam or other suitable sound absorbing material.

2. The setback requirements for ramps requiring approval of a conditional use permit is ten feet from the rear and side property lines. The planning commission may require greater or lesser setbacks for any skateboard ramp if the commission finds that greater or lesser setbacks would adequately protect the surrounding properties from undue disturbance.

D. Exceptions.

1. Commercial and industrial areas. Skateboard ramps may be allowed in the commercial and industrial zoning districts of the city in conjunction with a commercial skateboard park, subject to approval of a conditional use permit.

2. Existing ramps. Skateboard ramps legally existing prior to January 1, 1990, may remain, provided:

a. A valid building permit was obtained if required by the applicable law; or

b. A building permit was not required, or the ramp complies with all of the standard requirements outlined in subsection B of this section. If the requirements outlined in subsection B of this section have not been complied with or a building permit has not been obtained, it will be presumed that the ramp is illegal and subject to enforcement powers of the city.

3. Portable ramps. One portable ramp less than two feet in height and less than four feet in either length or width may be allowed on a residential parcel of land and shall be exempt from the standards outlined in subsection B of this section.

(Ord. 2043 § 1 (part), 2004).

21.36.220 Solar energy systems.

This section establishes standards for the provision of solar energy panels in all zoning districts.

A. The use of solar energy collectors for the purpose of providing energy for heating and/or cooling is allowed within all zone districts, whether as a part of a structure or incidental to a group of structures in the nearby vicinity.

B. Use of solar energy collectors is subject to the development standards (e.g., height, setback, etc.) applicable to the zoning district where they are located.

C. Collection devices shall be integrated with the surface to which they are affixed, parallel with the wall or roof to which they are attached, and not projecting from that surface more than is necessary for attachment purposes.

D. Where the strict application of applicable development standards would prohibit or severely limit solar access, the Community Development Director may approve minimum adjustments to the standards necessary to achieve an adequate level of solar access. The decision to allow a modification to standards shall be based on the following criteria:

1. Different levels of solar access available with regard to height, setback, and related development standards;
2. Aesthetics of the specific area and project;
3. Characteristics of shading due to buildings and trees in determination of necessary solar access plane;
4. Identification of possible conflicts with development regulations and individual landowner preferences.

(Ord. 2043 § 1 (part), 2004).

21.36.230 Reserved.

Editor's note(s)—Ord. No. 2182, § 4, adopted Oct. 7, 2014, repealed § 21.36.230, which pertained to transitional housing and derived from Ord. 2070, § 1 (Exh. A)(part), adopted in 2006; Ord. 2043, § 1 (part), adopted in 2004.

21.36.240 Towing service and vehicle dismantling.

This section provides locational and operational standards for the establishment of towing and vehicle dismantling service uses, in compliance with Article 2, (Zoning Districts), which shall be subject to the following criteria and standards:

A. Location. The location of the proposed use shall not be detrimental to the adjoining area and shall not be located within one hundred feet of residentially zoned property.

B. Storage of vehicles. The storage of wrecked or abandoned vehicles shall be kept at all times within an area completely enclosed by a six-foot high solid wall. Any gate needed to access this area shall be a sight-obscuring gate. There shall be no stacking of wrecked or abandoned vehicles.

C. Enclosed building. All auto dismantling activities shall be conducted wholly within an enclosed building.

D. Fire access. Minimum gate opening of twelve feet in width shall be provided and a minimum of twelve feet to be maintained between rows of automobiles to provide room for fire equipment.

E. Paving required. Storage yard to be paved as required by Chapter 21.28, (Parking and Loading).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.36.243 Tutoring centers.

This section provides locational and operational standards for 'tutoring centers, large' and 'tutoring centers, small' (hereinafter collectively referred to as 'tutoring centers') in compliance with Article 2, (Zoning Districts):

A. Location. Tutoring centers shall satisfy all of the following standards:

1. The tenant space is located in a professional office and/or medical service building (e.g. the space does not have storefront windows, clear-span interiors, or service areas typically associated with a retail store);
2. The tenant space has not been occupied by a retail store in the past twelve months; and
3. The tenant space is located in an area without high pedestrian/vehicle visibility and access.

B. Operation. Tutoring centers established on or after the effective date of this ordinance, regardless of zoning district, shall abide by the following standards:

1. Appointment only. Instruction shall be provided by appointment only and scheduled at least one-day in advance of the instruction;

2. Outdoor activities. All instructional activity shall occur within the interior of the tenant space; and

3. Noise. Sound generated within the tenant space, regardless of decibel level, shall not create unreasonable noise which obstructs the free use of neighboring businesses or residences. Further, doors shall be kept closed at all times instruction is provided.

(Ord. No. 2240, § 3, 3-19-2019)

21.36.245 Collection Containers.

A. Purpose. The City has experienced a proliferation of Collection Containers and their placement in required parking stalls, required landscaped areas, in residential areas located in many zoning districts of city, often without property owner's permission. The proliferation of these containers in-and-of themselves contribute to visual clutter; and in areas throughout the State, collection containers have contributed blight due to graffiti, and the accumulation of debris and excess items outside of the collection containers.

They can also interfere with the proper collection of data concerning the diversion of waste within the City from landfills. The purpose of these regulations is to promote the health, safety, and/or welfare of the public, and protect the property rights of the owners of parcels on which the collection containers are located, by providing minimum blight- related performance standards for the operation of collection containers, including establishing criteria to ensure that (1) material is not allowed to accumulate outside of the collection containers, (2) the collection containers remain free of graffiti and blight, (3) the collection containers are maintained in safe and sanitary conditions, (4) the collection containers are not placed without the approval of the property owners, (5) contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns, and that operators properly report information concerning the diversion of materials from landfills. This section regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

B. Definition in Municipal Code. As used herein, the terms and phrases shall have the same meaning as defined in Chapter 21.72.020 of the Municipal Code.

C. Conflicting Provisions. Where a conflict exists between the regulations or requirements in this section and applicable regulations or requirements contained in other sections of the Campbell Municipal Code, the applicable regulations or requirements of this section shall prevail.

D. Permit Requirements.

1. Except as provided in paragraph 2. below, it is unlawful to place, operate, maintain or allow a collection container on any real property unless the property owner and operator of the collection container first obtain an annually renewable permit from the City.

2. Collection containers that satisfy the following standards are exempt from the permit requirements of this section:

a. Collection containers that are located within an entirely enclosed and lawfully constructed and permitted building, or that otherwise cannot be seen from outside of the boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements set forth in subsections I. through K.;

b. Cargo storage containers that are in compliance with Chapter 21.45 (Temporary Uses) of this Code;

c. Refuse or recycling containers that comply with the provisions of Chapter 6.04 of this Code.

3. Approval of collection containers on more than one parcel may be sought in a single application.

4. An application for a collection container shall be processed as ministerial action in accordance with this section. The Community Development Director shall be the decision maker.

E. Application Requirements. The permit application shall be made on a form provided by the Community Development Department, and shall include:

1. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;

2. A non-refundable application fee in an amount set by resolution of the City Council;

3. The name, address, email, website (if available) and telephone number of the operator of the collection container and property owner on which the collection container is to be located, including twenty-four-hour contact information;

4. A vicinity map showing (a) the proposed location of the collection containers; and (b) the distance between the site and all existing collection containers owned or controlled by the applicant within five-hundred feet of the proposed location for the collection containers;

5. Photographs of the location and adjacent properties;

6. A site plan containing:

a. Location and dimensions of all parcel boundaries;

b. Location of all buildings;

c. Proposed collection container location;

d. Distance between the proposed collection container and parcel lines buildings; and

e. Location and dimension of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/marking;

7. Elevations showing the appearance, materials, and dimensions of the collection container, including the information required in this section to be placed on the collection container and notice sign;

8. A description and/or diagram of the proposed locking mechanism of the collection container;

9. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container); and

10. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this section.

F. Permit Expiration and Renewal. A permit issued under this section shall expire and become null and void annually on the anniversary of its date of issuance, unless renewed prior to its expiration. An application for renewal must be submitted prior to the expiration of the permit on a form provided by the Community Development Department, and shall include:

1. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;

2. A non-refundable application fee in an amount set by resolution of the City Council;

3. Photographs of the location and adjacent properties taken within ten days of the submittal of the renewal application;

4. A detailed description of any information that is different from the information submitted on the previous application; and

5. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this section.

G. Decision on Application.

1. The Community Development Director shall approve or deny an application within sixty days of the receipt of a completed application. If the Community Development Director fails to take action on the application within the required sixty days, the application shall be deemed approved.

2. The Community Development Director shall approve the application if all of the following are true, otherwise the Director may deny the application:

a. The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;

b. The property on which the collection container is to be located has been free of graffiti (as defined in subsection (e) of California Government Code Section 53069.3 or any successor statute) for at least six months prior to the submission of the application;

c. The property on which the collection container is to be located has been free of any conditions constituting a public nuisance (as defined in Section 6.10.020 of this Code) for at least six months prior to submission of the application;

d. The applicant is neither currently in violation of, nor has been found in violation of this section or Chapter 6.10 of this Code within one year prior to submission of the application; and

e. The application will be in compliance with all of the applicable provisions of this section.

3. The Community Development Director shall mail written notice to the applicant of the Director's decision by First Class United States mail, addressed to the applicant at the address provided on the application. If the application is denied, or approved subject to conditions, the notice shall set forth the reasons for the denial or conditions, as well as the facts supporting the Director's reasons.

4. The decision of the Community Development Director shall be final, and not subject to administrative appeal.

H. Revocation. Any permit issued under this section may be revoked or modified as provided in Chapter 21.68 of this Code.

I. Location of containers.

1. Large collection containers shall be located in compliance with Article 2, (Zoning Districts).

2. Small collection containers shall be located in compliance with Article 2, (Zoning Districts).

3. No collection container shall be located within five-hundred feet from any other collection container, except those described in paragraph (2) of subsection (d) of this section.

4. No collection container shall be located within three-hundred feet of a residentially zoned parcel.

5. No collection container shall be located on or within: a. The public right-of-way (including sidewalks); b. Area designated for landscaping;

6. No collection container shall be located in or block or impede access to any:

    a. Required parking or driveway areas;

    b. Pedestrian routes;

    c. Emergency vehicle routes;

    d. Building ingress and egress;

    e. Required handicapped accessibility routes;

    f. Required easements; or

    g. Trash enclosure areas or access to trash bins or trash enclosures.

    h. Any place that would impede the functioning of exhaust, ventilation, or fire extinguishing systems.

7. No more than one collection container shall be located on any parcel, except for those described in paragraph (2) of subsection (d) of this section.

8. No large collection container shall be located within the designated setback space of any parcel.

J. Physical Attributes.

1. All collection containers, other than those described in paragraph 2. of subsection D. of this section shall:

    a. Be fabricated of durable and waterproof materials;

    b. Be placed on ground that is paved with a durable concrete surface and secured with appropriate supports, anchorages, or attachments;

    c. Have a tamper-resistant locking mechanism for all collection openings;

    d. Not be electrically or hydraulically powered or otherwise mechanized;

    e. Not be considered a fixture of the site or an improvement to real property.

2. A small collection container shall be no taller than seven feet above the finished grade of the parcel on which it is located.

3. Small collection containers shall have the following information conspicuously displayed in at least two-inch type visible from the front on the collection container:

    a. The name, address, twenty-four-hour telephone number, and, if available, the Internet Web address, and email address of the operator of the collection container and the agent for the property owner;

    b. The type of material that may be deposited; and

    c. A notice stating that no material shall be left outside the collection container.

4. Large collection containers shall have the following information conspicuously displayed in at least four-inch type visible on all sides of the collection container:

a. The name, address, twenty-four-hour telephone number, and, if available, the Internet Web address, and email address of the operator of the collection container and the agent for the property owner;

b. The type of material that may be deposited;

c. A notice stating that no material shall be left outside the collection container; and

d. A statement that no items may be left for collection unless an attendant is on duty.

K. Maintenance and Operation.

1. No overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within twenty feet of any collection container.

2. Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.

3. Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or nuisance condition as defined in Section 6.10.020 of this Code.

4. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.

5. Any conditions that are in violation of this section must be remedied or abated within forty-eight hours of being reported to the operator or property owner. Notice to the operator shall be provided telephone and/or email at the number or address that is required to be placed on the container pursuant to this Code section. Notice to the property owner shall be effective upon delivery of the notice by First Class United States Mail to the address listed on the last equalized County Assessor's role.

6. Collection containers cannot be used for the collection of solid waste and/or any hazardous materials except as authorized by Chapter 6.04 of this Code or other applicable law.

7. The operators of the collection containers shall report all tonnage collected within city limits on a annual basis by June 1st of the following year to the public works department (pursuant to the requirements of Integrated Waste Management Act, (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016] and SB 1016, the Per Capita Disposal Measurement System i) in order to properly account for the City of Campbell waste diversion and recycling efforts.

8. Large collection containers shall have an attendant present at the container at all times that items are being collected.

(Ord. No. 2222, § 8, 5-16-2017, eff. 6-15-2017)

21.36.250 Veterinary clinics and animal hospitals.

This section provides development and operational standards for the establishment of veterinary clinics and animal hospitals, in compliance with Article 2, (Zoning Districts), which shall be subject to the following criteria and standards.

A. Small animals only. Treatment at such clinic shall be confined to small animals, such as dogs, cats, birds, and the like.

B. Overnight Boarding. All animals shall be treated on an outpatient basis and no overnight Boarding shall be allowed except that three to five animals may be kept overnight on the premises for treatment purposes only, unless otherwise approved by the planning commission.

C. Noise mitigation. The entire clinic, including treatment rooms, cages or pens shall be maintained with a completely enclosed, soundproof building constructed of materials which will ensure that no sound exceeding sixty-five decibels shall be audible on the exterior of the building. The clinic shall also be provided with air-conditioning that is adequate to prevent the necessity of opening doors and windows for ventilation purposes.

D. Odor mitigation. The clinic shall be designed and operated in a manner so as to guarantee that no objectionable odors or noises shall be produced outside its walls, and provisions for the off-site disposal of all dead animals and of all waste materials shall be made in compliance with county health standards. The removal of waste material and dead animals shall be done so as to guarantee that no obnoxious odor is produced. There shall be no burning or other disposal of dead animals on the premises.

E. Location. The proposed operation shall be located no closer than fifty feet to any residentially zoned property.

F. Hours of operation. The planning commission shall have the authority to determine the normal hours of operation for each clinic dependent on location; however, emergency calls after hours shall not be prohibited.

G. Finding. The planning commission shall find that the use in the proposed location is compatible with other uses in the surrounding area.

H. Compliance with other regulations. Veterinary clinics and animal hospitals shall comply with other state, county, and city ordinances that pertain to the use or zone where they are conducted.

(Ord. 2043 § 1 (part), 2004).

21.36.260 Payday Lending Establishments.

This section provides development and operational standards for the establishment of payday lending establishments in compliance with Article 2, (Zoning Districts).

A. Locational Requirements. Payday lenders shall meet all of the following conditions:

1. No payday lenders shall be located within a low income census tract, as defined by the area inside San Tomas Expressway and South Winchester Boulevard, from the intersection of San Tomas Expressway and South Winchester Boulevard, north to the city limits.

2. No payday lenders shall be located within five hundred feet from any off-site alcoholic establishment, except grocery stores, either within or outside the city.

3. Except as provided in subsection C, in no event shall there be more than three payday lenders within the City.

4. Payday lenders may be permitted in the following commercial quadrants as indicated in Figure 3-15, upon filing an application for a Conditional Use Permit and satisfying the required findings to support such use. In no event shall there be more than one payday lender in each commercial quadrant.

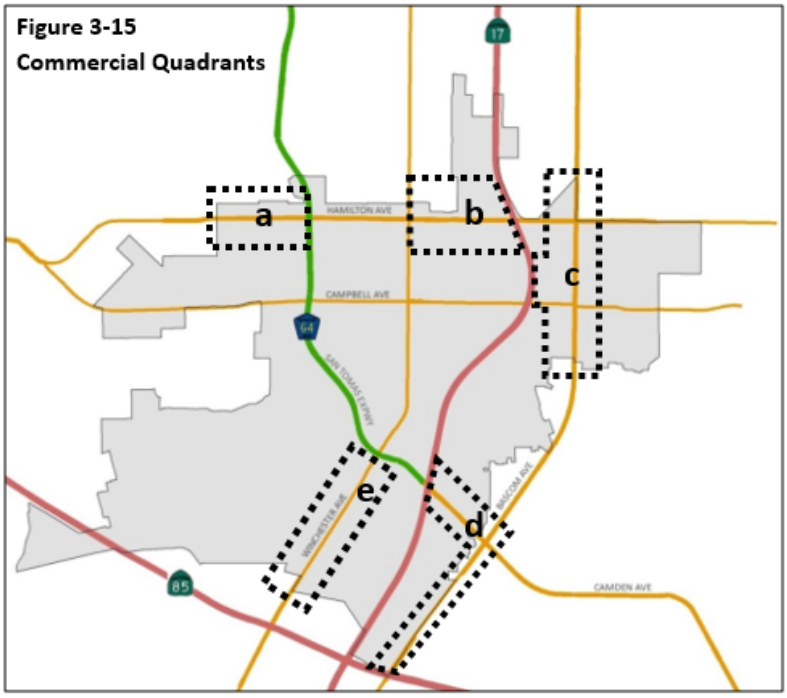
    a. West Hamilton Avenue, west of San Tomas Expressway;

    b. East Hamilton Avenue, east of South Winchester Boulevard and west of Highway 17;

    c. South Bascom Avenue, north of Dry Creek Road;

d. Camden Avenue and South Bascom Avenue, south of Camden Avenue;

e. South Winchester Boulevard, south of Sunnyoaks Avenue



B. Nonconforming Uses. Any use of real property lawfully existing on the effective date of this section, which does not conform to the provisions of this section, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use and may continue in compliance with the regulations of Section 21.58.040. Upon obtaining a Conditional Use Permit, a non-conforming payday lender that was in existence prior to the effective date of this section may relocate at any time into one of the commercial quadrants identified in paragraph 5 of subsection A even if the total number of payday lenders in the City exceeds three.

Notwithstanding the above provision, nonconforming uses shall come into compliance with the operational requirements of subsection D of this section within thirty days of the effective date of the ordinance enacting this section.

C. Operational Requirements. Payday lenders shall meet all of the following conditions:

1. Hours of operation must be between the hours of seven a.m. to seven p.m. daily.

2. No security bars shall be placed on doors or windows.

3. Notwithstanding any other provision of the Municipal Code, window signs shall not exceed ten percent of the window area per façade.

(Ord. No. 2196, § 14, 2-2-2016)

21.36.270 Massage Establishments.

A. Purpose. The City has broad control over land use regulation of massage establishments in order to manage such establishments in the best interests of the City of Campbell. This Section is designed to provide for and to regulate massage establishment uses where they are allowed in compliance with the provisions of

Campbell Municipal Code Article 2 (Zoning Districts) and Chapter 5.48 (Massage Establishments and Therapists).

B. Conditional Use Permit.

1. On and after April 5, 2016, a land use permit shall be required for massage establishment uses in compliance with the provisions of Campbell Municipal Code Article 2 (Zoning Districts).

2. Mandatory Concurrent Application for Massage Establishment Permit. A massage establishment permit, and any renewal thereof, shall be filed with the Chief of Police, pursuant to Section 5.48 (Massage Establishments and Therapists) of the Municipal Code. A land use permit shall not be granted until a massage establishment permit is issued by the Chief of Police.

C. Overconcentration / Location Requirements.

2. A massage establishment use shall not be located within three hundred feet of another existing massage establishment use, as measured from the edge of the property line of each property.

3. Massage Establishments may be permitted in only the following commercial quadrants as indicated in Figure 3, upon filing an application for a land use permitand satisfying the required findings to support such use. In no event shall there be more than two massage establishments in each commercial quadrant.

a. West Hamilton Avenue and South Winchester Boulevard—west of Winchester Boulevard;

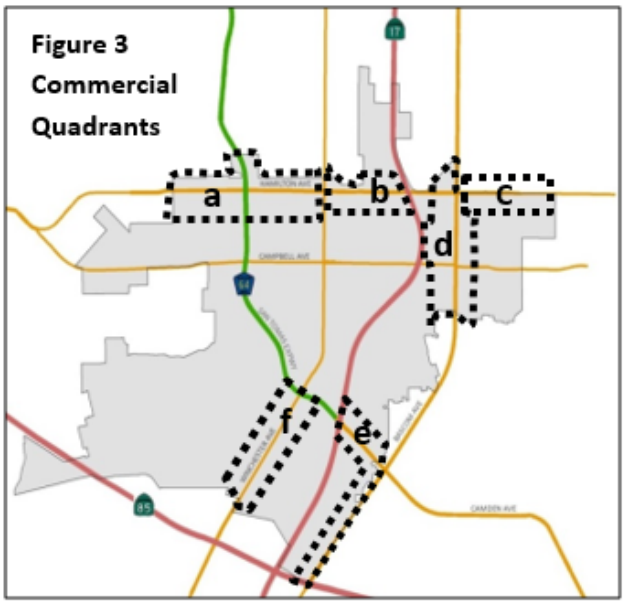
b. East Hamilton Avenue and South Winchester Boulevard—east of Winchester Boulevard and west of Highway 17;

c. East Hamilton Avenue, east of Bascom Avenue

d. Bascom Avenue, north of Dry Creek Road;

e. Camden Avenue and South Bascom Avenue, south of Curtner Avenue;

f. South Winchester Boulevard, south of San Tomas Expressway



D. Operational Standards. Except as specifically required in the Massage Establishment Permit issued by the Chief of Police and pursuant to the provisions of Chapter 5.48, all massage establishments shall comply with

the regulations and restrictions applicable to the zoning district in which it is located and with the following operating requirements:

1. Owner/Operator. It shall be unlawful for any operator to own, manage, or operate a massage establishment in or upon any premises within the city without having a current massage establishment permit issued by the Chief of Police pursuant to the provisions of Chapter 5.48;

2. Hours of Operation. No massage establishment shall be kept open for business and no massage therapist shall administer massages before the hour of seven a.m. or after the hour of ten p.m.;

3. Window Coverage. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception or waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this sub-section, there is an irrebuttable presumption that the visibility is impermissibly blocked if more than ten percent of the interior reception or waiting area is not visible from the exterior window.

4. Nonconforming uses shall come into compliance with the operational standards of this subsection within thirty days of the effective date of the ordinance enacting this Section.

E. Non-conforming Massage Establishments.

1. Any use of real property lawfully existing on the effective date of this section, which does not conform to the provisions of this Section, but which was established, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use and may continue at its existing location in compliance with the regulations of Section 21.58.040.

2. Discontinued Use. A nonconforming use that is abandoned, discontinued, or has ceased operations for a continuous period of at least twelve months shall not be re-established on the site and further use of the structure or parcel shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Zoning Code. Evidence of abandonment shall include, but is not limited to, the actual removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, the turning-off of the previously connected utilities, or where there are no business receipts/records available to provide evidence that the use is in continual operation;

3. Annexed property. Any massage establishment that is a legal use at the time of annexation of the property into the city, but which does not conform to the provisions of this Section, shall be terminated within one year of the date of annexation.

(Ord. No. 2199, § 2, 4-5-2016)

Chapter 21.38 APPLICATION FILING, PROCESSING, AND FEES

21.38.010 Purpose of chapter.

This chapter provides procedures and requirements for the preparation, filing, and processing of applications for land use permits and other entitlements required by this Zoning Code.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.38.020 Authority for land use and zoning decisions.

Table 4-1 (Decision-Making Body) identifies the city official or body responsible for reviewing and making decisions on each type of application, land use permit, and other entitlements required by this Zoning Code.

The Community Development Director may refer any request to the Planning Commission for a decision. Additional fees shall not be charged to the applicant in the event of a Community Development Director's referral.

Table 4-1
Decision-Making Body

Type of Permit or Decision	Decision-making body and Role (1)			
	Procedures are found in:	Community Development Director (2)	Planning Commission	City Council
Land Use Permits and other Development Entitlements				
Administrative Housing Development Permits	21.07	Decision	Appeal	Appeal
Administrative Site and Architectural Review Permits	21.42	Decision	Appeal	Appeal
Administrative Conditional Use Permits	21.46	Decision	Appeal	Appeal
Conditional Use Permits	21.46		Decision(5)	Appeal
Development Agreements	21.52		Recommend	Decision
Fence Exceptions	21.18.060	Decision	Appeal	
Home Occupation Permits	21.44	Issuance		
Major Housing Development Permit	21.07		Recommend	Decision
Minor Housing Development Permit	21.07		Decision	Appeal
Parking Modification Permit (3)	21.28.050	Decision	Decision/Appeal	Decision/Appeal

Pre-applications	21.41	Comments(4)	Comments(4)	
Reasonable Accommodations	21.50	Decision	Appeal	Appeal
Sign Permits	21.30	Issuance(2)	Decision(2)	Decision(2) Appeal(2)
Site and Architectural Review Permits	21.42		Decision(5)	Appeal
Temporary Use Permits	21.45	Decision	Appeal	Appeal
Tree Removal Permits	21.32	Decision	Appeal	Appeal
Variances	21.48		Decision	Appeal
Zoning Clearances	21.40	Issuance		
General Plan and Zoning Code Administration and Amendments				
General Plan Amendments	21.60		Recommend	Decision
Interpretations	21.02	Decision	Appeal	Appeal
Zoning Code Amendments	21.60		Recommend	Decision
Zoning Map Amendments	21.60		Recommend	Decision
Multi-Family Development and Design Standards Amendments	21.07		Recommend	Decision
Form-Based Zone Map Amendments	21.07		Recommend	Decision

Notes:

(1) "Recommend" means that the decision-making body makes a recommendation to a higher decision-making body; "issuance" means that the permit is a ministerial action that is issued by the decision-making body; "decision" means that decision-making body makes the final decision on the matter; "appeal" means that the decision-making body may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 21.62, (Appeals).

(2) A sign permit that meets the minimum requirements of the sign regulations (Chapter 21.30) shall be reviewed and issued by the Community Development Director. Off-site signs, readerboard signs and signs that exceed the minimum requirements of the sign regulations shall be reviewed by the Planning Commission and are appealable to the City Council. Freeway-oriented signs shall be reviewed by the City Council after recommendation by the Planning Commission. Signs for property located within an overlay combining zoning district subject to a Master Use Permit authorized by section 21.14.030.C (Master use permit) are reviewed as a Zoning Clearance.

(3) The decision-making body for a parking modification permit is the decision-making body established for the accompanying land use permit application.

(4) The pre-application process does not replace, but is ancillary to the land use application process and does not result in, nor can the Planning Commission or Community Development Director, render a decision with regard to land use entitlements, and nothing contained in the process precludes either the Community Development Director, Planning Commission or City Council from approving or denying a subsequent formal land use application.

(5) Decision-making authority for Site and Architectural Review Permits and Conditional Use Permits is granted to the Community Development Director for property located within an overlay combining zoning district subject to a Master Use Permit authorized by section 21.14.030.C (Master use permit).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

(Ord. No. 2122, § 1 (Exh. A), 10-20-2009; Ord. No. 2149, § 1(Exh. A), 6-7-2011; Ord. No. 2166, § 2(Exh. C), 5-7-2013; Ord. No. 2169, § 3(Exh. B), 6-4-2013; Ord. No. 2213, § 23, 11-1-2016; Ord. No. 2270 , § 16, 3-16-2021)

21.38.030 Application filing and fees.

Applications for land use permits, entitlements, amendments (e.g., General Plan, Zoning Code, and Zoning Map), and other matters pertaining to this Zoning Code shall be filed with the Community Development Department as follows:

A. Eligibility for filing. An application may be filed by owners of property, lessees authorized by written consent of the owners, or others who have contracted to purchase or lease the property contingent on the acquisition of necessary permits from the city, which application shall be accompanied by a copy of the contract, except as otherwise limited by Section 21.14.030.C.3 (Amendments). Any applicant may be represented by an agent authorized in writing to file on behalf of the applicant;

B. Application contents. The application shall include the forms provided by the Community Development Director, and all information and materials required by the Community Development Director;

C. Filing fees. The application shall be accompanied by the processing fees established by the city's schedule of fees and charges, and any additional fees or deposits required by this Zoning Code or the Municipal Code. All fees for new land development, private revitalization, and new occupancy approvals shall cover the costs of permit application processing, permit issuance, and administration;

D. Refunds.

1. Recognizing that filing fees cover the city's costs for public hearings, mailing, posting, transcripts, and the staff time required to process applications, no refunds due to a denial are allowed.

2. In the case of a withdrawal, the Community Development Director may, at the request of the applicant, authorize a partial refund based upon the pro-rated costs to-date and determination of the status of the application at the time of withdrawal.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2213, § 10, 11-1-2016)

21.38.040 Initial application review.

All applications filed with the Community Development Department in compliance with this Zoning Code shall be initially processed as follows.

A. Review for completeness. The Community Development Director shall review all applications for completeness and accuracy before being accepted as complete, in compliance with Section 21.38.030, (Application filing and fees). The Community Development Director will consider an application complete when:

1. All necessary application forms, documentation, exhibits, materials, and studies as established by the community development department, have been provided and accepted as adequate;

2. All necessary fees and deposits have been paid and accepted; and

3. Any required community meetings have been held.

B. Notification of applicant. The Community Development Director shall notify the applicant in writing within thirty calendar days of the filing of the application with the Community Development Department that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided.

C. Expiration of application. If the applicant does not provide the information and materials necessary for a pending application to be deemed complete within one hundred eighty (180) calendar days after notification of incompleteness, the application shall be deemed withdrawn. The Community Development Director may grant one (1) one hundred eighty (180) calendar day extension. After expiration of the application and extension, if granted, a new application, including fees, plans, exhibits, and other materials will be required to commence processing of any project on the same property.

D. Additional information. After an application has been accepted as complete, the Community Development Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 21.38.050 of this chapter.

E. Community Development Director's determination. If the Community Development Director determines that the application does not support a prima facie right to the granting of the application (e.g., a request for a zoning map amendment or tentative map that could not be granted in absence of a required general plan amendment application, or a request for a conditional use permit allowing a use that is not allowable in the subject zoning district, etc.), the city shall not accept the application.

F. Not within Community Development Director's scope. In cases where the Community Development Director considers the information identified in the application not to be within the scope of the Community Development Director's review and approval procedure, the applicant shall be so informed before filing, and if the application is filed, and the fees are accepted, the application shall be signed by the applicant acknowledging prior receipt of this information.

G. Filing date. The filing date of an application shall be the date on which the Community Development Department receives the last fees, submittal, map, plan, or other material required as a part of that application by subsection A of this section.

H. Referral of application. At the discretion of the Community Development Director, or where otherwise required by this Zoning Code, state, or federal law, any application may be referred to any city department, special district, or other public agency that may be affected by or have an interest in the proposed land use activity.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.38.050 Environmental assessment.

A. CEQA review. After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:

1. The proposed project is not a project as defined by CEQA;

2. The proposed project qualifies for a statutory or categorical exemption from the provisions of CEQA;

3. A negative declaration may be issued;

4. A mitigated negative declaration may be issued; or

5. An environmental impact report (E.I.R.) shall be required.

B. Compliance with CEQA. These determinations and, where required, the preparation of E.I.R.'s, shall be in compliance with CEQA.

C. Special studies required. A special study, paid for in advance by the applicant, may be required to supplement the city's CEQA compliance review.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

Chapter 21.39 MINISTERIAL APPROVALS

21.39.010 Purpose of Chapter.

The purpose of this Chapter is to:

A. Specify how the city will implement the review and approval requirements of California Government Code Sections 65650 et seq. ("State Supportive Housing Law"), 65660 et seq. ("State Low Barrier Navigation Centers Law"), and 65913.4 ("State Streamlined Ministerial Approval Process"); and

B. Facilitate the development of affordable housing consistent with the goals, objectives, and policies of the city's General Plan Housing Element as may be amended from time to time.

21.39.020 Definitions.

A. All terms used in this Chapter that are defined in in Chapter 21.72 (Definitions) shall have the meaning established in Chapter 21.72 (Definitions). Where terms defined in Chapter 21.72 (Definitions) are inconsistent with terms that are defined in the State Supportive Housing Law, State Low Barrier Navigation Centers Law, and the State Streamlined Ministerial Approval Process, the terms established by their respective sections shall prevail.

B. Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section:

1. "Applicant" means the owner of the property, or person or entity with the written authority of the owner, that submits and application for Ministerial Approval.

3. "Ministerial Approval" means any approval related to a housing development project or a Low Barrier Navigation Center that meet the requirements of the State Supportive Housing Law, the State Low Barrier Navigation Centers Law, and/or the State Streamlined Ministerial Approval Process and does not require the exercise of judgement or deliberation by the Community Development Director.

4. "Restricted Affordable Unit" means a dwelling unit within a housing development that will be available at an Affordable Rent or Affordable Housing Cost as specified in the State Supportive Housing Law and the State Streamlined Ministerial Approval Process.

5. "State Housing Density Bonuses and Incentives Law" means Government Code Section 65915 et seq. and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the city related to the provision of housing Density Bonus(es) and Incentives.

6. "State Low Barrier Navigation Centers Law" means Government Code 65660 et seq. and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the city related to Ministerial Approvals and Uses by Right.

7. "State Streamlined Ministerial Approval Process" means Government Code Section 65913.4 and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the city related to Ministerial Approvals.

8. "State Supportive Housing Law" means Government Code Sections 65650 et seq. and all amendments and additions thereto, now or hereinafter enacted, that impose requirements applicable to the city related to Ministerial Approvals and Uses by Right.

21.39.030 Ministerial Approval.

A. Ministerially Approved Developments. The city will ministerially approve a housing development project or Low Barrier Navigation Center that meets the requirements specified in the State Supportive Housing Law, the State Low Barrier Navigation Centers Law, and/or the State Streamlined Ministerial Approval Process when an Applicant submits an application as specified by this Chapter.

B. Restricted Affordability and Supportive Housing Calculations.

   1. If an Applicant seeks Ministerial Approval under the State Supportive Housing Law, the number of required Restricted Affordable Units, Supportive Housing Units, and Supportive Services floor area will be calculated in accordance with the State Supportive Housing Law.

   2. If an Applicant seeks Ministerial Approval under the State Streamlined Ministerial Approval Process, the number of required Restricted Affordable Units will be calculated in accordance with the State Streamlined Ministerial Approval Process.

C. Replacement of Pre-Existing Lower Income Units. A housing development project seeking Ministerial Approval under the State Supportive Housing Law shall replace any dwelling units on the site of the proposed housing development in the manner required by the State Supportive Housing Law.

D. Parking Ratios. The city shall not require parking beyond the maximum ratios specified in the State Streamlined Ministerial Approval Process if the project is Ministerially Approved under that section of state law.

E. Development Standards. Notwithstanding the State Supportive Housing Law, the State Low Barrier Navigation Centers Law, and the State Streamlined Ministerial Approval Process, Ministerially Approved housing developments and Low Barrier Navigation Centers shall meet all objective site, design, and construction standards included in Title 6 (Health and Sanitation), Title 11 (Streets and Sidewalks), Title 14 (Sewers), Title 17 (Fire Protection), Title 18 (Building Codes and Regulations), Title 20 (Subdivision and Land Development), and Title 21 (Zoning) of the Campbell Municipal Code, and shall also comply with all objective design requirements included in applicable planning approvals, or otherwise adopted by the City Council, and all administrative regulations adopted pursuant to Section 21.39.060 for the implementation of this Chapter.

21.39.040 Application Requirements and Timing.

Applications for Ministerial Approvals shall be submitted and processed in compliance with the following requirements:

A. Application Type. A proposed housing development project and/or Low Barrier Navigation Center shall be reviewed ministerially by the Community Development Director through consideration of a zoning clearance in compliance with Chapter 21.40 (Zoning Clearances). The permitting provisions of Chapter 21.07 (Housing Development Regulations) and 21.42 (Site and Architectural Review) and by reference any neighborhood plan or process established by an overlay/combining district (i.e., master use permit), shall not be applied.

B. Application Filing. A zoning clearance application for a proposed housing development project or Low Barrier Navigation Center, including the required application materials and fees, shall be filed with, and in a form prescribed by, the Community Development Department in compliance with Chapter 21.38 (Application Filing, Processing and Fees). No application shall be deemed received until the following have been provided:

   i. Fees. All fees for the application as set forth in the schedule of fees established by resolution of the City Council have been paid. No fee shall be deemed received until any negotiable instrument has been cleared and funds deposited on the city's account.

   ii. Documents. All documents and information specified in this Chapter and on the application form have been filed.

C. Application Requirements. A zoning clearance application may only be found complete if it satisfies the requirements of this Chapter, and the following:

a. Required signatures:

i. All owners of the real property included in the housing development or Low Barrier Navigation Center; or

ii. The person or entity with written authority of the owner(s) to apply for Ministerial Approval for a housing development or Low Barrier Navigation Center.

b. Required information:

i. A brief description of the proposed housing development or Low Barrier Navigation Center, including, as applicable, the total number of dwelling units, Restricted Affordable Units, Supportive Housing Units, and Low Barrier Navigation Center beds proposed.

ii. The current zoning district(s), form-based zone(s), and general plan land use designation(s) and assessor's parcel number(s) of the project site.

iii. A vicinity map and site plan, drawn to scale, including building footprints, driveway, and parking layout.

iv. Indication if the Applicant also seeks a density bonus, incentive, waiver, or modification.

v. A site plan showing location of, as applicable, Restricted Affordable Units, Supportive Housing Units, onsite Supportive Services, Low Barrier Navigation Center beds, and all other dwelling units within the proposed housing development or Low Barrier Navigation Center.

vi. If the Applicant submits an application under the provisions of the State Supportive Housing Law, a plan for providing supportive services, with documentation demonstrating that the onsite supportive services provided meet the requirements of the Supportive Housing Law.

vii. If a reduction in Supportive Housing Units is requested due to the termination of project-based rental assistance or operating subsidy through no fault of the project owner, an explanation of good faith efforts by the owner to find other sources of financial support, how any change in the number of Supportive Service Units is restricted to the minimum necessary to maintain the project's financial feasibility, and how any change to the occupancy of the Supportive Housing Units is made in a manner that minimizes tenant disruption and only upon the vacancy of Supportive Housing Units.

viii. Level of affordability of any Restricted Affordable Units and proposed method to ensure affordability.

ix. If the applicant submits an application under the provisions of the State Streamlined Ministerial Approval Process and it is not entirely a public work, certification that the project will pay prevailing wages.

x. If the applicant submits an application under the provisions of the State Streamlined Ministerial Approval Process and the project meets the conditions specified in the Process, certification that the project will employ a skilled and trained workforce.

21.39.050 Application Review and Decision Process.

A. General. An application for Ministerial Approval shall be acted upon by the Community Development Director.

B. Findings for Approval. Before approving an application for Ministerial Approval, the Community Development Director must make the following findings based on evidence in the record, as applicable, that:

1. The housing development or Low Barrier Navigation Center is eligible for Ministerial Approval.

2. If the Ministerial Approval is based all or in part on the provision of Supportive Housing, a finding that all the requirements for a Supportive Housing development that are specified in the State Supportive Housing Law have been or will be met.

3. If the Ministerial Approval is for a Low Barrier Navigation Center, a finding that all the requirements for a Low Barrier Navigation Center that are specified in the State Low Barrier Navigation Centers Law have been or will be met.

4. If the Ministerial Approval request is based all or in part on the State Streamlined Ministerial Approval Process, a finding that all the requirements for a housing development approval that are specified in the State Ministerial Approval Process have been or will be met.

5. If the application includes a request for a density bonus, incentive, waiver, or modification under Chapter 20.20 (Density Bonus and Other Housing Incentives), a finding that all the requirements for density bonuses and/or other incentives that are specified in Chapter 20.20 (Density Bonus and Other Housing Incentives) have been or will be met.

C. Findings for Denial.

1. The Community Development Director may deny an application for Ministerial Approval if the findings required by Subsection B above, as applicable, cannot be made.

2. The Community Development Director may deny a Ministerial Approval if doing so would be contrary to state and federal law, and this finding is made in writing.

3. Nothing in this Chapter 21.39 limits the city's right to deny an affordable housing project under Government Code Section 65589.5.

D. Permit Conditions.

1. Term. Unless otherwise required by state law, Ministerial Approvals shall automatically expire three years from the date of the final action establishing that approval, unless otherwise provided in the permit, from and after the date of issuance of the development permit if within such three-year period, pursuant to and in accordance with the provisions of the Ministerial Approval. The duration of the approval may be extended as provided for in state law.

2. Conditions. Following approval of an application under the Streamlined Ministerial Approval Process, but prior to issuance of a building permit for the development, the Community Development Director may require one-time changes to the development that are necessary to comply with the objective uniform construction codes (including, without limitation building, plumbing, electrical, fire, and grading codes), to comply with federal or state laws, or to mitigate a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without modifying the development. A "specific, adverse impact" has the meaning defined in Government Code section 65589.5(d)(2).

3. Failure to install public improvements. It shall be a violation of this title for any person who has signed the acceptance of a permit or approval issued pursuant to this chapter to fail to secure the completion of the public improvements required by the permit or approval within the time period specified. If no time period is specified, the time period for completion of improvements shall be deemed to be one year from the issuance of a building permit unless an extension has been granted in writing by the Community Development Director or, if no building permit is required, one year from the issuance of the permit or approval.

4. Construction clean-up. It shall be a violation of this title for any person responsible for construction including but not limited to the permit holder and any contractor thereof to fail to keep the public right-of-way free from construction dirt and debris. All on-site construction debris shall be removed at least weekly.

5. Window Glazing. Unless otherwise indicated on an approved plan or in the approved permit, all first-floor, ground floor windows for any commercial use shall consist of transparent glass.

6. Maintenance of Landscape. It shall be a violation of this title for any property owner or other person in control of any site to fail to install or maintain any landscaping required by a permit or approval issued pursuant to this chapter or otherwise in a manner that fails to fully comply with the provisions of this Code. Any vegetation, required by a permit or approval, or otherwise by this Code, which is dead or dying, shall be replaced within sixty days.

7. Hours of Construction. Hours of construction shall be as specified by Section 18.04.050 (Hours of construction – time and noise limitations)

8. All projects approved under this Chapter shall follow the stormwater management requirements listed in Chapter 14.02 (Stormwater Pollution Control) as applicable.

9. Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, all projects approved under this Chapter shall satisfy all applicable Public Works clearance and Building Division clearance requirements.

10. All projects approved under this Chapter shall, if required by the Zoning Ordinance, satisfy the performance standards of the applicable Zoning Districts.

D. Building Permits. Issuance of a zoning clearance shall be required prior to issuance of building permit(s) consistent with Section 21.56.050 (Issuance of building permits).

E. Appeals. As specified by Chapter 21.62 (Appeals), zoning clearances are ministerial and are not subject to an appeal.

21.39.060 Regulations.

The Community Development Director is hereby authorized to develop forms, policies, and regulations for the implementation of this Chapter.

Chapter 21.40 ZONING CLEARANCES

21.40.010 Purpose of chapter.

A zoning clearance is a ministerial permit that is used by the community development director to verify that a proposed structure or land use activity complies with the list of allowed activities allowed in the applicable zoning district, the development standards applicable to each type of use, and any conditions of approval of permits previously issued for the subject site.

Before commencing any work pertaining to the alteration, construction, conversion, erection, moving, or reconstruction of any structure, or any addition to any structure, a building permit shall be obtained from the building division and a zoning clearance from the community development department by an owner or agent. It is unlawful to commence any work until all required permits have been obtained.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.40.020 Applicability/clearance required.

A zoning clearance shall be required as part of the community development department's review of any construction permit, change in the type of use, business license (for a land use on the subject site), eligible facilities requests, or other authorization required by the Municipal Code for the proposed use.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.40.030 Procedure.

A. Community development director's action.

1. The community development director may issue a zoning clearance only after first determining that the request complies with all applicable standards and provisions for the category of use in the zoning district of the subject parcel, in compliance with this Zoning Code.

2. The zoning clearance may take the form of an authorized signature on the application (e.g., building permit, business license or zoning clearance) or on an approved set of plans, or a rubber stamp affixed to an application or set of plans.

B. Need for on-site inspections.

1. When not required. A site inspection is not required for zoning clearances for projects determined by the community development director to be uncomplicated and for which the submitted application materials clearly comply with all applicable requirements of this Zoning Code.

2. When required. For projects determined by the community development director to potentially not comply with all applicable requirements of this Zoning Code, or which are proposed on sites or in areas of the city with known problems, the community development director shall perform an on-site inspection before determining that the request complies with all applicable provisions of this Zoning Code.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.40.040 Post decision procedures.

Pursuant to Chapter 21.62, (Appeals) zoning clearances are ministerial and are not appealable.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

Chapter 21.41 PRE-APPLICATIONS

21.41.010 Purpose of chapter.

This chapter provides procedures and requirements for the preparation, filing, and processing of pre-applications for land use permits and other entitlements required by this zoning code. The intent of this process is to allow the review of significant development applications by the Planning Commission and/or Community Development Director earlier in the development review process to avail an applicant of the Planning Commission's and/or Community Development Director's comments and concerns prior to the formal submittal of the land use application. The pre-application process does not replace, but is ancillary to the land use application process and does not result in, nor can the Planning Commission or Community Development Director, render a decision with regard to land use entitlements.

(Ord. No. 2122, § 1 (Exh. A), 10-20-2009)

21.41.020 Pre-application required.

A. Mandatory pre-applications. Any land use proposal that falls into one of the categories listed in the threshold table shall be required to submit a pre-application to the Community Development Department for review and processing, including a mandatory study session before the Planning Commission or City Council, prior to submitting a formal land use application.

Threshold Table

Request	Planning Commission	City Council
1. Proposed privately initiated Zoning Map Amendments, Form-Based Zone Amendments, Area Plan Amendments, and/or General Plan Map Amendments.		X
2. Non-residential building(s) exceeding twenty thousand (20,000) gross square feet located adjacent to existing residential uses.	X	
3. Non-residential projects resulting in significant unavoidable environmental impacts.		X
4. Non-residential projects resulting in substantial fiscal impacts to the city.	X	

(Ord. No. 2122, § 1 (Exh. A), 10-20-2009)

21.41.025 Voluntary pre-application.

A. A prospective applicant is encouraged to request a pre-application study session with the City Council prior to formal submittal of a permit application for housing development projects subject to the Specific to Large Site standards, as established in Chapter 21.07 (Housing Development Regulations).

B. The purpose of this voluntary pre-application is to inform the applicant of requirements that apply to the proposed development project, provide early feedback, examine possible alternatives or modifications and identify any technical studies relating to future environmental or project permit review. A voluntary pre-application study session shall not be considered a hearing for the purposes of Government Code section 65905.

21.41.030 Procedure.

Application filing, processing, and review.

A. Filing. A pre-application shall be filed with the Community Development Department in compliance with Chapter 21.38 (Application Filing, Processing, and Fees.).

B. Application contents. The application shall include the information and forms provided by the community development department, and all information and materials required by the Community Development Department and Director.

C. Review by the community development director.

1. Mandatory pre-applications. Following receipt of a completed mandatory pre-application, the community development director shall make an investigation of the facts bearing on the project to provide the information necessary for the review of the proposal by the Planning Commission. The Community Development Department shall then schedule the pre-application as a study session item before the Planning Commission for review and comment within 60 days.

D. Study session: review by the planning commission.

1. The Planning Commission shall provide constructive review of the pre-application and provide feedback and direction to the applicant early in the design review process.

2. A public hearing shall not be required for the Planning Commission's review of a pre-application.

3. At the conclusion of the required study session, the applicant may file a formal application as defined under section 21.38.030.

E. Advisory comments: Community Development Director and Planning Commission. The pre-application process does not replace, but is ancillary to, the land use application process and does not result in, nor can the planning commission render a decision with regard to land use entitlements, and nothing contained in the process precludes either the Planning Commission or City Council from approving or denying a subsequent formal land use application. Because the pre-application process does not constitute a formal application review, comments are considered advisory recommendations for the use of the applicant. Any such review or recommendation shall not be binding upon the Planning Commission or the City Council as to any further determinations to be made with respect to the project.

(Ord. No. 2122, § 1 (Exh. A), 10-20-2009)

Chapter 21.42 SITE AND ARCHITECTURAL REVIEW

21.42.010 Purpose of chapter.

This chapter establishes review procedures and standards for proposed development and new land uses to: ensure compliance with the required standards, design guidelines, and ordinances of the city; minimize potential adverse effects on surrounding properties and the environment; implement the goals and policies of the general plan; and promote the general health, safety, welfare, and economy of the residents of the city. Therefore, it is the purpose of this chapter to:

A. Enhance the overall appearance of the city by improving the appearance of individual development projects within the city;

B. Promote open space around structures, for access to and around structures, and the establishment and maintenance of landscaping for aesthetic and screening purposes;

C. Promote areas of improved open space to protect access to natural light, ventilation, and direct sunlight, to ensure the compatibility of land uses, to provide space for privacy, landscaping, and recreation;

D. Ensure that new or modified use and development will complement the existing or potential development of surrounding neighborhoods, and to produce an environment of stable and desirable character;

E. Ensure that all new development builds on the city's character and does not have an adverse aesthetic impact upon existing adjoining properties, the environment, or the city in general;

F. Recognize the interdependence of land values and aesthetics and provide a method by which the city may implement this interdependence to the benefit of its constituents;

G. Promote the use of sound design principles that result in creative, imaginative solutions and establish structures of quality design throughout the city and which avoid monotony and mediocrity of development;

H. Further communication between building interiors and their surroundings, and contribute meaning and visual interest to the pedestrian environment;

I. Recognize that the greater the project (e.g., impact, location, size, etc.), the more important the need to look at projects in greater detail; and

J. Promote maintenance of the public health, safety, general welfare, and property throughout the city.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.42.020 Site and architectural review permit required.

A. Planning Commission Site and Architectural Review Permit required. No use or structure shall be constructed, created, enlarged, erected, installed, maintained, or placed on any property in any zoning district until a Site and Architectural Review Permit is approved by the Planning Commission, except as identified in subsections B and C of this section, and as otherwise specified by Section 21.14.030.C.4 (Administrative authority), or Chapter 21.07 (Housing Development Regulations).

B. Administrative Site and Architectural Review Permit required. An Administrative Site and Architectural Review Permit shall be required for the following:

1. Stealth wireless telecommunication facilities, pursuant to the requirements of Chapter 21.34, (Wireless Telecommunications Facilities); or

2. Properties located in the R-1-6 zoning district that are subject to the San Tomas Area Neighborhood Plan for:

    a. Construction of a building or structure on an undeveloped lot,

    b. Additions to the existing main residence, except additions that exceed 0.45 FAR which would require a full Site and Architectural Review Permit by the Planning Commission,

    c. The conversion of attic space to living area on an existing single-story single-family residence,

    d. The removal or reconstruction of more than fifty percent of the exterior walls of an existing single-family residence, and

    e. Reconfiguration of existing square footage to increase the number of bedrooms (not to exceed two (2) additional bedrooms) within an existing dwelling unit.

3. Properties located in the R-1-8 zoning district that are subject to the Campbell Village Neighborhood Plan, for the construction of a new single-family dwelling, or an addition to an existing single-family dwelling that is seven hundred fifty (750) square feet or greater in gross floor area or three hundred seventy-five (375) square feet or greater in gross floor area on a second-story.

C. Exceptions to Site and Architectural Review Permit Process. The following types of projects shall be exempt from Site and Architectural Review :

1. Properties located in the R-1-6 (Single-Family Residential) zoning district that are not subject to the San Tomas Area Neighborhood Plan;

2. Additions to existing single-family residences located on properties in the R-1-8 (Single-Family Residential) zoning district that are subject to the Campbell Village Neighborhood Plan when all of the following are satisfied:

    a. The gross floor area of the addition is less than seven hundred fifty (750) square feet and less than three hundred seventy-five (375) square feet in gross floor area on a second-story;

    b. The property is not subject to a previously approved site and architectural review permit (for which minor additions or alterations may be processed under subsection 4. below); and

    c. The addition would not result in a "new dwelling using portions of the original structure" as defined by Chapter 18.32.

3. Properties located in the LMDR (Low-Medium Density Residential) zoning district;

4. Minor additions or alterations to existing structures and minor changes in plans, as defined by Section 21.56.060 (Amendments to an approved project), that have previously been approved by the Planning Commission, provided that these minor changes are limited to modification in the plot plan and elevations that will not substantially change the overall appearance, character, and scale of the proposed development;

5. Reconfiguring of existing legal square footage in a single-family dwelling on land zoned for residential use to increase the number of bedrooms (not to exceed two (2) additional bedrooms) within an existing dwelling unit; and

6. Projects subject to a permit pursuant to Chapter 21.07 (Housing Development Regulations).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2129, § 1, 6-1-2010; Ord. No. 2213, § 11, 11-1-2016; Ord. No. 2220, § 2(Exh. A-1), 7-18-2017, eff. 8-16-2017)

21.42.030 Application filing, processing, and review.

A. Filing. An application for a Site and Architectural Review Permit or an Administrative Site and Architectural Review Permit shall be filed with the Community Development Department in compliance with Chapter 21.38, (Application Filing, Processing and Fees.)

B. Application contents.

1. Detailed and fully dimensioned information. The application shall be accompanied by detailed and fully dimensioned site development plan, floor plans, elevations, and/or any other data/materials identified in the Community Development Department application for a Site and Architectural Review Permit or Administrative Site and Architectural Review Permit.

2. Site development plan required. A site development plan shall be required to accompany the application. If development is to be carried out in phases or stages, each phase shall be shown on a master site plan of development.

3. Information required on site development plan. The site development plan shall indicate the site location and planning of all open spaces and structures to show that the development will be compatible with the general plan and will aid in the harmonious development of the immediate area. The plan shall include proposed and/or existing structures with elevations which clearly show appearance and materials of exterior walls, landscaping, walls or fences used for screening or separation, design of ingress and egress and off-street parking, and loading facilities.

4. Other information. The Community Development Director or the Planning Commission may also require other information, as it considers necessary in order to properly evaluate the proposal.

C. Applicant's responsibility. It is the responsibility of the applicant to establish evidence in support of the findings required by Sections 21.42.050(B), (Required findings) and 24.42.060(B), (Required findings).

D. Project review procedures. Following receipt of a completed application, the Community Development Director shall make an investigation of the facts bearing on the project to provide the information necessary for action consistent with the purpose of this chapter.

E. Notice and hearings.

1. Review by the Planning Commission. A public hearing shall be required for the Planning Commission's decision on a site and architectural review permit application. A public hearing shall be scheduled once the Community Development Director has determined that the application is complete. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 21.64, (Public Hearings).

2. Review by the Site and Architectural Review Committee. The Site and Architectural Review Committee shall review all applications for Site and Architectural Review Permits reviewed by the Planning Commission and shall make a recommendation to the Planning Commission regarding the application.

Review by the site and architectural review committee is conducted as a public meeting which is open to the public. The meeting shall not require radius noticing but shall be agendized and the agenda shall be posted at City Hall.

3. Review by the Community Development Director. A public hearing shall not be required for the Community Development Director's decision on an Administrative Site and Architectural Review Permit application. The notice and decision for an Administrative Site and Architectural Review Permit shall be subject to the administrative decision process as prescribed in Chapter 21.71, (Administrative Decision Process).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.42.040 Considerations in review of applications.

The Community Development Director, the Site and Architectural Review Committee, and the Planning Commission shall consider the following matters, and others when applicable to making the determinations required by this chapter, in their review of Site and Architectural Review Permit and Administrative Site and Architectural Review Permit applications:

A. Considerations relating to traffic safety, traffic congestion, and site circulation:

   1. The traffic generated from the development should not have adverse affects on traffic conditions on abutting streets;

   2. The layout of the site should provide adequate vehicular and pedestrian entrances, exit driveways, and walkways; and

   3. The arrangement of off-street parking facilities should prevent traffic congestion and adequately meet the demands of the users.

B. Considerations relating to landscaping:

   1. The location, height, and material of walls, fences, hedges and screen plantings should ensure harmony with adjacent development and/or conceal storage areas, utility installations, or other potentially unsightly elements of the project;

   2. The project should maximize open space around structures, for access to and around structures, and the establishment and maintenance of landscaping for aesthetic and screening purposes;

   3. The project should maximize areas of improved open space to protect access to natural light, ventilation, and direct sunlight, to ensure the compatibility of land uses, to provide space for privacy, landscaping, and recreation; and

   4. The project should minimize the unnecessary destruction of existing healthy trees.

C. Considerations relating to structures and site layout:

   1. The project should enhance the overall appearance of the city by improving the appearance of individual development projects within the city;

   2. The project should complement the surrounding neighborhoods and produce an environment of stable and desirable character;

   3. The project should enhance the city's character and should not have an adverse aesthetic impact upon existing adjoining properties, the environment, or the city in general;

4. The project should promote the use of sound design principles that result in creative, imaginative solutions and establish structures of quality design throughout the city and which avoid monotony and mediocrity of development;

5. The project should promote maintenance of the public health, safety, general welfare, and property throughout the city; and

6. The project should be consistent with the city's General Plan and all applicable design guidelines and special plans.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.42.050 Action by community development director.

A. Applications decided by the Community Development Director. The Community Development Director may review and decide applications for Administrative Site and Architectural Review Permit applications in compliance with the administrative decision process as prescribed in Chapter 27.71, (Administrative Decision Process).

B. Required findings. The Community Development Director shall approve the application if the following findings have been made:

1. The project will be consistent with the General Plan;

2. The project conforms with the Zoning Code;

3. The project will aid in the harmonious development of the immediate area; and

4. The project is consistent with applicable adopted design guidelines, development agreement, overlay district, area plan, neighborhood plan, and specific plan(s).

C. Referral to the Site and Architectural Review Committee. If the Community Development Director finds that the proposed development will have a substantial effect on the surrounding area or is of sufficient size to warrant the consideration of the planning commission, the Community Development Director shall refer the application first to the Site and Architectural Review Committee and the planning commission for processing in the same manner as all other applications for Site and Architectural Review Permit approval.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2225, § 14, 8-15-2017)

21.42.060 Action by planning commission.

A. Time and place agreeable to the applicant. Before the public hearing the Community Development Director shall arrange with the applicant a time and place of meeting between the applicant and the Site and Architectural Review Committee.

B. Required findings. The Planning Commission shall approve the application if the following findings have been made:

1. The project will be consistent with the General Plan;

2. The project will be consistent with the Zoning Code;

3. The project will aid in the harmonious development of the immediate area; and

4. The project is consistent with applicable adopted design guidelines, development agreement, overlay district, area plan, neighborhood plan, and specific plan(s).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2225, § 15, 8-15-2017)

21.42.070 Conditions and time limits.

The Community Development Director or the Planning Commission, as applicable, may take the following actions in approving a Site and Architectural Review Permit:

A. May impose conditions. The decision-making body may impose conditions, as it deems reasonable and necessary under the circumstances, to carry out the intent of this chapter and the general plan.

B. May impose time limits. The decision-making body may impose time limits within which the conditions shall be fulfilled and the proposed development started or completed.

C. Valid in ten days. The site and architectural review permit shall become valid ten days following the date of approval unless appealed, in compliance with Chapter 21.62, (Appeals).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.42.080 Notification of decision.

A. Written notification to applicant. The secretary of the Planning Commission shall give written notification of the decision of the Community Development Director or the Planning Commission to the applicant.

B. Shall include conditions and time limits. In the case of approval, the notification shall include all conditions and time limits imposed by the Community Development Director or the Planning Commission.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.42.090 Post decision procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5, (Zoning Code Administration) and those identified in Chapter 21.56, (Permit Implementation, Time Limits and Extensions) shall apply following the decision on a site and architectural review application and Administrative Site and Architectural Review Permit application.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

Chapter 21.44 HOME OCCUPATION PERMITS

21.44.010 Purpose of chapter.

The purpose of this chapter is to allow for the conduct of home occupations which are deemed incidental to and compatible with surrounding residential uses. A home occupation represents a legal commercial enterprise conducted by an occupant(s) of the dwelling. A home occupation permit is a ministerial permit that is issued by the Community Development Director.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.44.020 Applicability.

The home occupation permit is intended to allow for low-intensity commercial enterprises:

A. Incidental and secondary. That are conducted within a dwelling (exclusive of an attached or detached garage) located in a residential zoning district, and are clearly incidental and secondary to the use of the dwelling for residential purposes; and

B. Compatible. That are compatible with the surrounding residential uses.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.44.030 Allowed home occupations.

A. Where allowed. Home occupations are allowed in all residential zoning districts.

B. Allowed home occupations. Certain commercial enterprises are deemed appropriate when conducted by the resident(s) of a dwelling in a manner accessory to and compatible with the residential characteristics of the surrounding neighborhood. For purposes of this chapter the following uses are deemed compatible with residential activities, and shall be allowed upon issuance of a home occupation permit:

1. Consulting services. Consulting services whose function is one of rendering a service and does not involve the dispensation of goods or products;

2. Design services. Drafting, designing, and similar services, using only normal drafting equipment;

3. Salespersons. The home office of a salesperson when all sales are made by mail or internet order, or similar means, with no commodities or displays on the premises; and

4. Secondary business offices. Secondary business offices where the business has its principal office, staff, and equipment located elsewhere.

5. Cottage food Operation. Cottage food operations, as defined by Health and Safety Code Section 113758. Cottage food operations are allowed as home occupations when operating in compliance with the requirements for those operations contained in the California Government Code and the California Health and Safety Code, as amended. Where the provisions of State law pertaining to cottage food operations, or state regulations promulgated thereunder, conflict with the performance criteria set forth in this section, such state law or regulations shall govern and

control over the criteria set forth in this section. Cottage food operations are limited to the registered or permitted area by the County of Santa Clara Department of Environmental Health.

C. Incompatible home occupations. The following commercial uses are not incidental to or compatible with residential activities and are not permitted in residential zoning districts:

1. Barber and beauty shops;
2. Businesses which entail the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises;
3. Building trades contractor;
4. Seamstress;
5. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.), towing services, and painting. (This does not prohibit "mobile" minor repair or detailing at the customer's location); and
6. Any use not specifically listed in subsection B of this section.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.44.040 Application filing, processing and review.

A. Filing. An application for a home occupation permit shall be filed with the Community Development Department in compliance with Chapter 21.38, (Application Filing, Processing and Fees).

1. Prior to filing an application for a home occupation permit, cottage food operations must first obtain a cottage food license with the County of Santa Clara Department of Environmental Health.

B. Applicant's responsibility. It is the responsibility of the applicant to establish evidence in support of the operating standards required by Section 21.44.060, (Operating standards).

C. Project review procedures. Following receipt of a completed application, the Community Development Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter.

D. No public hearing required. A public hearing shall not be required for the Community Development Director's decision on a home occupation permit application.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.44.050 Action by community development director.

A. Approval by Community Development Director. A home occupation permit is a ministerial permit that is issued by the community development director. The Community Development Director, in concurrence with the Building Official, shall approve a home occupation permit that would be operated in compliance with this chapter and the operating standards identified in Section 21.44.060, (Operating standards).

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.44.060 Operating standards.

This section provides locational and operational standards for the conduct of home enterprises that are incidental to and compatible with surrounding residential uses. Home occupations shall comply with all of the following standards:

A. No outside employees. No person shall be employed nor shall any assistant or associate be used who is not residing on the premises, except for cottage food operators where one full-time employee may be allowed (as stipulated in Section 113758 of the Health and Safety Code).

B. No storage or mechanical equipment. There shall be no use or storage of materials or mechanical equipment not typically part of a normal household use.

C. Location of home occupation.

1. The home occupation business shall be carried on entirely within a dwelling and not in the yard surrounding the dwelling, an attached or detached garage or detached accessory structure.

2. No more than one room in the dwelling shall be used for the home occupation(s).

D. No display, sales, or storage. There shall be no retail or wholesale displays, sales, or storage of merchandise on the premises.

E. Use of commercial vehicles. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or other third-party home delivery/pick-up services.

F. No utilities or community facilities. The use shall not cause the increased use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

G. Not alter appearance of dwelling. There shall be no structural alterations for the purpose of conducting the home occupation, nor shall any decorative change be made on the premises (either by color, lighting, materials, or signs) of a nonresidential nature.

H. No hazards or nuisances.

1. The use shall not create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, or vibration that can or may be considered a hazard or nuisance.

2. Generation of pedestrian or vehicular traffic or parking demand in excess of that customarily associated with the residential zoning district in which it is located shall not be allowed.

3. Negative impacts that may be felt, heard, or otherwise sensed on adjoining parcels or public rights-of-way shall not be allowed.

I. Limited to one vehicle. Not more than one vehicle shall be used primarily in conjunction with the home occupation and the unladen weight of the vehicle shall not exceed five thousand pounds or twenty-two feet in overall length.

J. Permit nontransferable. A home occupation permit shall be limited to the specific business use for which it was approved, and shall not be transferable to any other use.

K. Pre-existing home occupations. Home occupations existing at the time this section becomes effective may be continued for a maximum period of twenty-four months. Thereafter all home occupations shall be conducted in compliance with this chapter.

L. Appropriate time limits. In approving a home occupation permit, the Community Development Director may establish time limits deemed appropriate for the subject use.

M. No clients on premises. No clients or patrons of the business or business operator shall come to the residence containing the home occupation for the purpose of the conduction of business, except one pupil at any one time for music instruction is allowed.

N. Business license required. A home occupation shall not be initiated until a current business license is obtained in compliance with Municipal Code Section 5.01.050, (Application).

O. No advertising. There shall be no form of advertising that identifies the home occupation by street address.

P. Special conditions. Any special condition(s) established by the Community Development Director shall be made part of the record of the home occupation permit, as deemed necessary to carry out the purpose of this chapter.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.44.070 Inspections.

The Community Development Director shall have the right at any time, upon reasonable notice, to enter and inspect the premises subject to a home occupation permit in order to verify compliance with the locational and operational standards identified in Section 21.44.060, (Operating standards) of this chapter.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.44.080 Post decision procedures.

Pursuant to Chapter 21.62, (Appeals) home occupation permits are ministerial and are not appealable.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

Chapter 21.45 TEMPORARY USES

Sections:

21.45.010 Purpose of Chapter.

This Chapter establishes allowance for short- and intermediate-term land use activities, commonly known as temporary uses. Those temporary uses that the City Council has determined would not adversely affect the public health, safety and welfare are permitted by right without specific City approval. All other temporary uses shall require approval of a temporary use permit in compliance with this Chapter to ensure the activity will not interfere with the primary uses authorized for a particular property. It is not the intent of this Chapter to restrict the reasonable and customary use of private property in a manner that does not interfere with the reasonable use and enjoyment of other properties.

(Ord. No. 2270 , § 3, 3-16-2021)

21.45.020 Definitions.

The meaning of the terms used in this Chapter shall be as defined by Chapter 21.72 (Definitions). Where a term is not defined, the most common dictionary definition shall be presumed to be correct as determined by the community development director.

(Ord. No. 2270 , § 3, 3-16-2021)

21.45.030 Exemptions.

This Chapter shall not apply to the following:

1. Special events approved by the City Council pursuant to Chapter 5.50, (Special Events Permit);
2. Property located within an overlay combining zoning district subject to a master use permit authorized by Section 21.14.030.C (Master use permit);
3. Private events not open to the general public occurring entirely within the interior of a commercial establishment, conducted in compliance with an existing City land use permit;
4. Fundraising and commercial activities conducted by minor children (e.g., cookie sales, lemonade stands, etc.);
5. Non-Commercial speech activity protected by the United States or California constitutions (e.g., the distribution of political or religious materials, initiative/petition signings, voter registration drives, etc.); and
6. Entertainment performances conducted on private property (e.g., busking, "First Friday" musical performances, etc.), provided that such performances do not constitute a public nuisance as defined by Section 6.10.020 (Nuisance conditions).

(Ord. No. 2270 , § 3, 3-16-2021)

21.45.040 Temporary uses allowed without a permit.

A. Allowed uses. The following temporary uses are permitted by right without the need to obtain a temporary use permit and without cost, when located on a non- residentially zoned private property, in compliance with Article 2, (Zoning Districts), subject to the specified general standards.

1. Activity occurring on private property in association with a special event permit approved pursuant to Chapter 5.50, (Special Events Permit);
2. Beer and wine festivals/walks occurring within the CB-MU Zoning District, held by a chamber of commerce or incorporated business association, and subject to issuance of a Daily (Special One-day Event Permit) from the California Department of Alcoholic Beverage Control;
3. Blood drives;
4. Grand opening and ribbon cutting events sponsored by a chamber of commerce;
5. Halloween pumpkin sales lots occurring from September 1st to October 31st;
6. Holiday tree sales lots occurring from November 1st to December 25th;
7. Parking lot/sidewalk sales conducted by an on-site retail business, provided that no more than five parking stalls are utilized for a period of no more than six hours;
8. Placement of on-site construction trailers on a property subject to an active building permit;
9. Placement of up to two cargo containers on a property subject to an active building permit;
10. Sales offices located on a property subject to an active building permit; and
11. Social and/or fundraising events conducted on the property of a public assembly use (as defined by section 21.72.020.p) for a period not exceeding six hours, provided that such events do not occur more than twelve times per year.

B. General standards. Temporary uses shall be conducted in compliance with the following general standards:

1. Advanced notice. An individual or organization intending to conduct a temporary use as allowed by this section shall provide advanced written notice to the community development director forty-eight hours prior to commencing the temporary use.
2. Hours of operation. All activity, including preparation and clean-up, shall occur between the hours of six a.m. to eleven p.m.
3. Fire Lanes. Required emergency vehicle access lanes shall not be blocked.
4. Parking lots. Activity within a parking lot shall maintain adequate vehicular or pedestrian circulation.
5. Accessibility. Activities shall be made accessible to individuals with disabilities to the extent required by State and Federal law.
6. Health and Sanitation. Appropriate health and sanitation facilities shall be provided in accordance with the standards of the Santa Clara County Department of Environmental Health.
7. Fire Safety. Appropriate permits shall be obtained from the Santa Clara County Fire District for use of tents and/or open flames.
8. Noise. Regardless of decibel level, and taking into consideration the surrounding noise environment, no noise shall obstruct the free use of neighboring properties and/or adjacent businesses so as to unreasonably interfere with the comfortable enjoyment of neighboring residents or employees.
9. Permits. Building permits shall be required as specified by the California Building Code.

C. Termination. If necessary to protect against an immediate threat to the public peace, health, or safety, the city manager and authorized designees, including the community development director, chief of police, and fire chief, may order the immediate termination of the temporary use under the authority granted by Campbell Municipal Code Section 6.10.150 (Procedure in Case of Emergency).

(Ord. No. 2270 , § 3, 3-16-2021)

21.45.050 Temporary uses allowed by permit.

A. Temporary use permit required. The following temporary uses may be allowed subject to approval of a temporary use permit when located on a non-residentially zoned property, in compliance with Article 2, (Zoning Districts).

1. Any activity requiring issuance of a Daily (Special One-day Event Permit) from the California Department of Alcoholic Beverage Control, except those specified by Section 21.45.030.
2. Art, craft, car, and/or antique shows;
3. Beer and wine festivals/walks (except those occurring within the CB-MUZoning District);
4. Fairs and carnivals;
5. Food truck events;
6. Late night holiday business hours;
7. Night markets;
8. Off-site construction staging yards;
9. Outdoor music shows;
10. Placement of cargo containers placed on a property not subject to an active building permit;
11. Short-term valet parking programs;
12. Use of a vacant property subject to an active or approved development application for an interim activity pending completion of the project; and
13. Other uses determined by the community development director to be of the same general character as the above uses, in compliance with Section 21.02.020.F (Allowable uses of land).

B. Application filing. An application for a temporary use permit, including the required materials and application fee, shall be filed with the community development department in compliance with Chapter 21.38, (Application Filing, Processing and Fees), at least ninety days prior to the date of the proposed temporary use.

C. Approval authority. The community development director shall review applications for a temporary use permit, impose conditions of approval, and establish time limits, in compliance with the administrative decision process as prescribed in Chapter 21.71, (Administrative Decision Process).

D. Findings. An application for a temporary use permit may only be approved if the community development director finds that:

1. The temporary use is allowable by this Chapter and within the applicable zoning district, upon approval [of] a temporary use permit;
2. The temporary use would not conflict with restrictions of an existing Conditional Use Permit or similar entitlement applicable to the subject property;

3. The temporary use is consistent with the Campbell General Plan and the purpose of this Chapter;

4. The temporary use is compatible with existing land uses on the subject property;

5. The subject property is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the temporary use would be expected to generate;

6. The subject property has adequate parking to reasonably accommodate the demand the temporary use would be expected to generate; and

7. The conditions and time limits imposed by the community development director are sufficient to ensure that the temporary use will not, under the circumstances of the particular application, be detrimental to the health, safety or general welfare of persons residing or working near the subject property.

E. Duration. Temporary uses authorized by this Chapter shall not be approved to occur for a period exceeding ninety days within any calendar year, except for the placement of construction trailers, cargo storage containers, and sales offices on properties subject to an active building permit, which may remain until the completion of construction activity.

F. Reoccurrence. If requested by the applicant and approved by the community development director, approval of a temporary use permit may incorporate an allowance for the approved temporary use to reoccur at a specified interval within a single calendar year (e.g., every Friday, monthly, etc.) without additional approval by the City or payment of additional fees, subject to compliance with previously established conditions of approval. However, if circumstances have changed, the community development director may still require a new temporary use permit.

G. Fees. The City Council, by resolution, may adopt a reduced application filing fee for proposed temporary uses sponsored by a non-profit organization. Other organizations may request use of the reduced application filing fee if the city manager determines that the proposed temporary use would benefit the public good. The city manager may refer such requests to the City Council for consideration.

H. Appeals. A decision of the community development director may be appealed within ten calendar days of the date of the notice of decision, in compliance with Chapter 21.62, (Appeals).

(Ord. No. 2270 , § 3, 3-16-2021)

21.45.060 Other approvals required.

Nothing in this Chapter eliminates the need for obtaining any permit, approval, or entitlement that may be required to comply with the regulations of any county, regional, State, or Federal agency.

(Ord. No. 2270 , § 3, 3-16-2021)

21.45.070 Recourse.

Where a disagreement with the community development director's application or understanding of this Chapter occurs, the procedures for an Interpretation provided in Campbell Municipal Code Section 21.020.030 (Procedures for Interpretations) shall be followed, including the provisions for an appeal.

(Ord. No. 2270 , § 3, 3-16-2021)

Chapter 21.46 CONDITIONAL USE PERMITS

21.46.010 Purpose of chapter.

A. Special impact or uniqueness. Conditional uses are those that have a special impact or uniqueness so that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

B. Protect the integrity and character of the city. This chapter provides a process for reviewing Conditional Use Permit applications to allow for specified activities and uses as identified in the various zoning districts as requiring a Conditional Use Permit. These provisions are intended to protect the integrity and character of the residential, commercial, industrial, and mixed-use areas of the city, consistent with the objectives, policies, general land uses, and implementation programs of the General Plan. This chapter also ensures adequate review and input for development projects that potentially impact the community, and adequate review to ensure that development in each zoning district protects the integrity of that district.

C. Weighing the public need and benefit. A project requiring Conditional Use Permit approval is reviewed as to its location, design configuration, and potential impacts by comparing the project to established standards. The purpose of the review is to determine whether the permit should be approved by weighing the public need for, and the benefit to be derived from, the project, against any impacts it may cause.

(Ord. 2043 § 1 (part), 2004).

21.46.020 Conditional use permit required.

A. No use shall be established in any structure or on real property, nor shall any structure be constructed, created, enlarged, erected, installed, or placed on any site for which a Conditional Use Permit is required, in compliance with Article 2, (Zoning Districts), until the Conditional Use Permit has been granted, except as otherwise specified by Section 21.14.030.C.4 (Administrative authority).

(Ord. 2043 § 1 (part), 2004).

(Ord. No. 2213, § 12, 11-1-2016)

21.46.030 Application filing, processing, and review.

A. Filing. An application for a Conditional Use Permit shall be filed with the Community Development Department in compliance with Chapter 21.38, (Application Filing, Processing and Fees).

B. Contents. The application shall be accompanied by detailed and fully dimensioned site plans, and/or any other data/materials identified in the Community Development Department handout for Conditional Use Permit applications.

C. Applicant's responsibility. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 21.46.040, (Findings and decision), below.

D. Project review procedures. Following receipt of a completed application, the Community Development Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter.

E. Notice and hearings.

1. A public hearing shall be required for the Planning Commission's decision on a conditional use permit application.

2. A public hearing shall be scheduled once the Community Development Director has deemed the application complete.

3. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 21.64 (Public Hearings).

4. A Notice of Decision shall be provided for Administrative Conditional Use Permits in compliance with Chapter 21.38 (Application Filing, Processing, and Fees).

(Ord. 2043 § 1 (part), 2004).

21.46.040 Findings and decision.

A. Approval may be granted by the appropriate decision-making body, of an Administrative Conditional Use Permit or Conditional Use Permit application in accordance with this Chapter if all of the following findings are made:

1. The proposed use is allowed within the applicable zoning district with Conditional Use Permit approval, and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code;

2. The proposed use is consistent with the General Plan;

3. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area;

4. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate;

5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property; and

6. The establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

(Ord. 2043 § 1 part), 2004).

21.46.050 Site and architectural review.

Applications for Conditional Use Permits that include development plans shall not require a separate site and architectural review permit application but are subject to site and architectural review in compliance with Chapter 21.42, which is herein incorporated by reference.

(Ord. 2043 § 1 (part), 2004).

21.46.060 Action by the Community Development Director or Planning Commission.

In approving an Administrative Conditional Use Permit or Conditional Use Permit application, the Community Development Director or Planning Commission (or City Council, upon appeal) may impose reasonable and necessary specific design, locational, and operational conditions relating to both on- and off-site improvements, which are intended to ensure that:

A. Compliance with findings. The project will comply with all of the findings listed in Section 21.46.040, above;

B. On- or off-site improvements. On- or off-site improvements (e.g., fire hydrants, streets, street lighting, traffic control devices, etc.) are provided to carry out the purpose and requirements of the applicable zoning district; and

C. Time limits. Any time limits on the duration of the use are provided as determined to be necessary by the Community Development Director or Planning Commission.

(Ord. 2043 § 1(part), 2004).

21.46.070 Reserved.

21.46.080 Notification of decision.

A. Written notification to applicant. The Community Development Director shall give written notification of his or her decision or the decision of the Planning Commission to the applicant.

B. Shall include conditions and time limits. In the case of approval, the notification shall include all conditions and time limits imposed by the Community Development Director or the Planning Commission.

(Ord. 2043 § 1(part), 2004).

21.46.090 Post decision procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5 (Zoning Code Administration) and those identified in Chapter 21.56 (Permit Implementation, Time Limits, and Extensions) shall apply following the decision on an Administrative Conditional Use Permit or Conditional Use Permit application.

(Ord. 2043 § 1(part), 2004).

Chapter 21.48 VARIANCES

21.48.010 Purpose of chapter.

The planning commission is empowered to grant Variances in order to prevent or to lessen practical difficulties and unnecessary physical hardships inconsistent with the objectives of the Zoning Code as would result from a strict or literal interpretation and enforcement of certain regulations prescribed by the Zoning Code. This chapter may not be applied to allow a use that is not in conformity with the uses specified by this Zoning Code for the zoning district in which the land is located.

(Ord. 2043 § 1(part), 2004).

21.48.020 Action by the planning commission.

The planning commission may grant a Variance to any development standard of this Zoning Code; except that a Variance shall not allow a use of land not otherwise allowed in the applicable zoning district by Article 2 (Zoning Districts).

(Ord. 2043 § 1(part), 2004).

21.48.030 Application filing, processing, and review.

A. Filing. An application for a Variance shall be filed with the community development department in compliance with Chapter 21.38 (Application Filing, Processing, and Fees.)

B. Contents. The application shall be accompanied by detailed and fully dimensioned site plans, and/or any other data/materials identified in the community development department handout for Variance applications.

C. Applicant's responsibility. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 21.48.040 (Findings and Decision), below.

D. Project review procedures. Following receipt of a completed application, the community development director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter.

E. Notice and hearings.

1. A public hearing shall be required for the planning commission's decision on a Variance application.

2. A public hearing shall be scheduled once the community development director has deemed the application complete.

3. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 21.64 (Public Hearings).

(Ord. 2043 § 1 (part), 2004).

21.48.040 Findings and decision.

A. Planning commission action on a Variance. The planning commission may approve a Variance application, with or without conditions, only after first making all five of the findings identified in Subsection (B) (Variance findings) below.

B. Variance findings.

1. The strict or literal interpretations and enforcement of the specified regulation(s) would result in a practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Zoning Code;

2. The strict or literal interpretations and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

3. There are exceptional or extraordinary circumstances or conditions applicable to the subject property (i.e. size, shape, topography) which do not apply generally to other properties classified in the same zoning district;

4. The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and

5. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

C. Planning Commission shall deny. Following the public hearing, the planning commission (or the City Council, upon appeal) shall deny the application where information submitted by the applicant and/or presented at the public hearing fails to satisfactorily support the findings identified in subsection (B), above.

(Ord. 2043 § 1 (part), 2004).

21.48.050 Conditions and time limits.

In approving a Variance application, the planning commission (or City Council, upon appeal) may impose reasonable and necessary specific design and locational conditions relating to both on- and off-site improvements, which are intended to ensure that:

A. Compliance with findings. The project will comply with all of the findings listed in Section 21.48.040, above;

B. On- or off-site improvements. On- or off-site improvements (e.g., fire hydrants, streets, street lighting, traffic control devices, etc.) are provided to carry out the purpose and requirements of the applicable zoning district; and

C. Time limits. Any time limits are provided as determined to be necessary by the planning commission.

(Ord. 2043 § 1(part), 2004).

21.48.060 Notification of decision.

A. Written notification to applicant. The secretary of the planning commission shall give written notification of the decision of the planning commission to the applicant.

B. Shall include conditions and time limits. In the case of approval, the notification shall include all conditions and time limits imposed by the planning commission.

(Ord. 2043 § 1(part), 2004).

21.48.070 Post decision procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5 (Zoning Code Administration) and those identified in Chapter 21.56 (Permit Implementation, Time Limits, and Extensions) shall apply following the decision on a Variance application.

(Ord. 2043 § 1(part), 2004).

Chapter 21.50 REASONABLE ACCOMMODATIONS

21.50.010 Purpose of chapter.

It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of its zoning laws pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "fair housing laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

(Ord. 2043 § 1(part), 2004).

21.50.020 Application filing, processing, and review.

A. Form to be provided by the community development director. Any person who requires reasonable accommodation, because of a disability, in the application of a zoning law and building regulations which may be acting as a barrier to fair housing opportunities may do so on a form to be provided by the community development director.

B. Filed with application for other permit or approval. If the project for which the request is being made also requires some other land use permit or approval, then the applicant shall file the request together with the application for the permit or approval.

C. Review. The community development director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings provided by 21.50.040 (Notice of request for accommodation). Exception: If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

(Ord. 2043 § 1(part), 2004).

21.50.030 Required information.

The applicant shall provide the following information:

A. Name. Applicant's name, address, and telephone number;

B. Address. Address of the property for which the request is being made;

C. Use of property. The current actual use of the property;

D. Relevant provision or regulation. The Zoning Code provision, regulation, or policy from which accommodation is being requested; and

E. Basis for claim. The basis for the claim that the individual is considered disabled under the Fair Housing Act and why the accommodation is necessary to make the specific housing available to the individual.

(Ord. 2043 § 1(part), 2004).

21.50.040 Notice of request for accommodation.

Written notice that a request for reasonable accommodation shall be given as follows:

A. Mailed to all immediately adjacent property owners. In the event that there is no approval sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties which are immediately adjacent to the property which is the subject of the request.

B. Mailed in compliance with Chapter 21.64 (Public Hearings). In the event that the request is being made in conjunction with some other process, the notice shall be mailed along with the notice of the other proceeding, in compliance with Chapter 21.64 (Public Hearings).

(Ord. 2043 § 1(part), 2004).

21.50.050 Grounds for accommodation.

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;

B. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;

C. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction; and

D. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction’s land use and zoning or building program.

(Ord. 2043 § 1(part), 2004).

21.50.060 Notice of proposed decision.

A. Notice of decision. Notice of the proposed decision shall be made in the same manner as provided in Section 21.50.040 (Notice of Request for Accommodation), above. Such notice shall inform property owners that within 10 days of the date the notice is mailed, any person may make a written request for a community development director's hearing.

B. Decision shall become final. If no request for hearing is received, the proposed decision shall become a final community development director's decision.

C. Community development director's hearing. If someone requests a hearing, the community development director shall conduct a hearing on the request for reasonable accommodation at which all reasonable evidence and credible testimony shall be considered.

(Ord. 2043 § 1 (part), 2004).

21.50.070 Notice of community development director's decision.

A. Decision notice. The community development director shall issue a notice of decision either granting the request, including any reasonable conditions, or disapproving the request after the required noticing period has ended or a community development director's hearing has been held.

B. Notice shall contain findings. The notice of decision shall contain the community development director's factual findings, conclusions, and reasons for the decision.

C. Mailing of notice. The notice of decision shall be mailed in the same manner as identified in Section 21.50.040 (Notice of Request for Accommodation), above.

(Ord. 2043 § 1(part), 2004).

21.50.080 Appeal to planning commission.

A. May appeal within thirty (30) days. Within thirty (30) after the notice of community development director's decision, any person may appeal in writing to the planning commission in compliance with Chapter 21.62 (Appeals).

B. Grounds for appeal. All appeals shall contain a statement of the grounds for the appeal in compliance with Chapter 21.62 (Appeals).

C. Other remedies. Nothing in this section shall preclude an aggrieved individual from seeking any other state or federal remedy available.

(Ord. 2043 § 1(part), 2004).

21.50.090 Information identified as confidential.

Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

21.50.100 Deemed granted.

If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted, the request shall be deemed granted.

Chapter 21.52 DEVELOPMENT AGREEMENTS

21.52.010 Purpose of chapter.

This chapter establishes procedures and requirements for the review and approval of development agreements consistent with the provisions of State law.

(Ord. 2043 § 1(part), 2004).

21.52.020 Application.

A. Owner's request. An owner of real property may request and apply through the community development department to enter into a development agreement; provided, that:

1. The status of the applicant as property owner or bona fide representative of the owner is established to the satisfaction of the community development director; and

2. The application is accompanied by all documents, information, and materials required by the community development department.

B. Community development director's review. the community development director shall receive, review, process, and prepare recommendations for planning commission and City Council consideration on all applications for development agreements.

C. Concurrent processing and public hearings. All development related applications shall be processed and scheduled for public hearing concurrently with the application for a development agreement. The City Council shall be the decision-making body for the development agreement and all associated applications.

D. Fees. The application for approval of a development agreement shall include the processing fee established by the city's schedule of fees and charges. Additionally, appropriate fees shall be established and collected for periodic reviews conducted by the community development director in compliance with Section 21.52.070(A) below.

(Ord. 2043 § 1(part), 2004).

21.52.030 Content of development agreement.

A. Mandatory contents. A development agreement entered into in compliance with this chapter shall contain the mandatory provisions (e.g., conditions, requirements, restrictions, and terms) specified by State law (Government Code Section 65865.2 [Agreement Contents]).

B. Permissive contents. A development agreement entered into in compliance with this chapter may contain the permissive provisions (e.g., conditions, requirements, restrictions, and terms) specified by State law (Government Code Section 65865.2 [Agreement Contents]), and any other terms determined to be appropriate and necessary by the City Council, including provisions for the payment to the city of monetary consideration.

(Ord. 2043 § 1(part), 2004).

21.52.040 Public hearings.

A. Notice and hearings required.

1. Public hearings shall be required for the planning commission's recommendation and the City Council's decision on a development agreement application.

2. The public hearing shall be scheduled once the community development director has determined the application complete.

3. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 21.64 (Public Hearings).

4. The notice shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with State law (Government Code Section 65867).

B. Planning commission hearing. Following conclusion of a public hearing, the planning commission shall adopt a resolution and make a written recommendation to the City Council that it approve, conditionally approve, or deny the application with appropriate findings in compliance with Subsection (E) (Required findings), below.

C. City council hearing.

1. Upon receipt of the planning commission's recommendation, the city clerk shall set a date for a public hearing before the City Council in compliance with Chapter 21.64 (Public Hearings). Following conclusion of the public hearing, the City Council shall approve, conditionally approve, or deny the application with appropriate findings in compliance with Paragraph (E), (Required findings), below.

2. If the City Council proposes to adopt a substantial modification to the development agreement not previously considered by the planning commission during its hearings, the proposed modification shall be first referred back to the planning commission for its recommendation, in compliance with State law (Government Code Section 65857).

3. Failure of the planning commission to report back to the City Council within 40 days after the referral, or within a longer time set by the City Council, shall be deemed a recommendation for approval of the proposed modification.

D. Adopting ordinance. Should the City Council approve or conditionally approve the application, it shall, as a part of the action of approval, direct the preparation of a development agreement embodying the conditions and terms of the application as approved or conditionally approved by it, as well as an ordinance authorizing execution of the development agreement by the City Council, in compliance with State law (Government Code Section 65867.5).

E. Required findings. The ordinance shall contain the following findings and the facts supporting them. It is the responsibility of the applicant to establish the evidence in support of the required findings. The development agreement:

1. Is in the best interests of the city, promoting the public interest and welfare;

2. Is consistent with all applicable provisions of the General Plan and this Zoning Code;

3. Does not:

a. Adversely affect the comfort, health, peace, or welfare, or valuation of property, of persons residing or working in the vicinity of the proposed development; or

b. Endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or general welfare.

4. Is in compliance with the conditions, requirements, restrictions, and terms of Sections 21.52.030(A) (Mandatory contents) and 21.52.030(B) (Permissive contents), above.

F. Referendum. The ordinance is subject to referendum in compliance with State law (Government Code Section 65867.5).

(Ord. 2043 § 1(part), 2004).

21.52.050 Execution and recordation.

A. Effective date. The city shall not execute any development agreement until on or after the date on which the ordinance approving the agreement becomes effective, and until it has been executed by the applicant.

B. Agreement deemed withdrawn. If the applicant has not executed the development agreement and returned the executed agreement to the city clerk within 30 days of the effective date of the entitlement, the development agreement application shall be deemed withdrawn. If this occurs, the mayor shall not execute the agreement. The City Council may extend the 30-day period if a written request is filed before the expiration.

C. Other permits or entitlements. The provisions of this chapter shall not be construed to prohibit the community development director, planning commission, or City Council from conditioning approval of a discretionary permit or entitlement on the execution of a development agreement where the condition is otherwise authorized by law.

D. Recordation. A development agreement shall be recorded with the county recorder no later than 10 days after it is executed, in compliance with State law (Government Code Section 65868.5).

(Ord. 2043 § 1(part), 2004).

21.52.060 Environmental review.

The approval or conditional approval of a development agreement in compliance with this chapter shall be deemed a discretionary act for purposes of the California Environmental Quality Act (CEQA).

(Ord. 2043 § 1(part), 2004).

21.52.070 Periodic review.

A. Periodic review. Every development agreement approved and executed in compliance with this chapter shall be subject to periodic review by the community development director during the full term of the agreement. Appropriate fees to cover the city's costs to conduct the periodic reviews shall be collected from the contracting party in compliance with Section 21.52.020.D (Fees), above.

B. Purpose of periodic review. The purpose of the periodic review shall be to determine whether the contracting party or the successor-in-interest has complied in good faith with the terms and conditions of the development agreement. The burden of proof shall be on the applicant or contracting party or the successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the city.

C. Result of periodic review. If, as a result of a periodic review in compliance with this section, the community development director finds and determines, on the basis of substantial evidence, that the contracting party or the successor-in-interest has not complied in good faith with the terms or conditions of the development agreement, the community development director shall notify the planning commission which may recommend to the City Council that the development agreement be terminated or modified.

D. Pubic hearing and notice required. The procedures for the termination or modification hearing shall comply with Section 21.52.040 (Public Hearings), above.

(Ord. 2043 § 1(part), 2004).

21.52.080 Amendment or cancellation of development agreement.

A. Compliance required. A development agreement may be amended or canceled, in whole or in part, by mutual consent of all parties to the agreement, or their successor-in-interest, in compliance with State law (Government Code Section 65868), or as identified in the agreement.

B. Processed in same manner. The requested amendment or cancellation shall be processed in the same manner specified by this chapter for the adoption of a development agreement.

(Ord. 2043 § 1(part), 2004).

21.52.090 Effect of development agreement.

A. Rules in force at the time of execution. Unless otherwise provided by the development agreement, the policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the policies, regulations, and rules in force at the time of execution of the development agreement.

B. Application of new rules. In compliance with State law (Government Code Section 65866), a development agreement shall not prevent the city, in subsequent actions applicable to the property, from applying new policies, regulations, and rules which do not conflict with those policies, regulations, and rules applicable to the property, nor shall a development agreement prevent the city from conditionally approving or denying any subsequent development project application on the basis of existing or new policies, regulations, and rules.

(Ord. 2043 § 1(part), 2004).

21.52.100 Approved development agreements.

Development agreements approved by the City Council shall be on file with the city clerk.

(Ord. 2043 § 1(part), 2004).

Chapter 21.54 ADMINISTRATIVE RESPONSIBILITY

21.54.010 Purpose of chapter.

This chapter describes the authority and responsibilities of City staff and appointed officials in the administration of this Zoning Code.

(Ord. 2043 § 1(part), 2004).

21.54.020 Planning Agency defined.

As provided by State law (Government Code Section 65100), the Campbell City Planning Commission, Historic Preservation Board, Site and Architectural Review Committee, Community Development Director, and Community Development Department shall perform the functions of a Planning Agency.

(Ord. 2043 § 1(part), 2004).

21.54.030 Planning Commission.

A. Appointment. The seven member Campbell Planning Commission is appointed and serves in compliance with Municipal Code Chapter 2.24 (Planning Commission).

B. Duties and authority. The Planning Commission shall perform the duties and functions prescribed by municipal code Chapter 2.24 (Planning Commission) and the duties and functions prescribed in Article 4 (Land Use/Development Review Procedures), and other applicable provisions of this Zoning Code.

(Ord. 2043 § 1(part), 2004).

21.54.040 Historic Preservation Board.

A. *Appointment.* The five member Historic Preservation Board is appointed and serves in compliance with Municipal Code Chapter 2.38.

B. *Community Development Director's role.*

1. The Community Development Director or designee shall act as secretary to the Board and shall be the custodian of its records, conduct official correspondence, and generally supervise the clerical and technical work of the Board in administering Chapter 21.32, (Tree Protection Regulations).

2. The Community Development Director shall assist and staff the Board.

(Ord. 2113 § 1(C), 2008: Ord. 2043 § 1(part), 2004).

(Ord. No. 2117, § 1A, 12-8-2008)

21.54.050 Site and Architectural Review Committee.

A. Establishment. The Campbell Site and Architectural Review Committee, referred to in this Zoning Code as the "Committee," is established.

B. Appointment and membership. The Site and Architectural Review Committee shall consist of two members of the Planning Commission to be appointed by, and to serve at the discretion of, the chairperson of the Planning Commission.

C. Appointment of an architectural advisor.

1. An architect or licensed building designer shall be appointed by the Planning Commission to serve as an advisor to the Site and Architectural Review Committee.

2. The advisor shall serve at the discretion of the Planning Commission for a period of twelve months.

D. Appointment of an Historic Preservation Advisor.

1. An Historic Preservation Board member shall be appointed by the Historic Preservation Board to serve as an advisor to the Site and Architectural Review Committee for projects involving a City of Campbell listed historic resource.

2. The Advisor shall serve at the discretion of the Historic Preservation Board for a period of twelve months.

E. Duties and authority. It shall be the duty of the Site and Architectural Review Committee to review all applications for site and architectural approval (other than administrative site and architectural approval) as required by this zoning code and to make reports and recommendations on each application to the Planning Commission. The Site and Architectural Review Committee shall not review any projects subject to Chapter 21.07 (Housing Development Regulations), Chapter 21.30 (Signs), or Appeals (21.62).

(Ord. 2113 § 1(D), 2008: Ord. 2043 § 1(part), 2004).

21.54.060 Community Development Director.

A. Appointment. The Community Development Director is appointed and serves in compliance with Chapter 2.08, (Officers) and Section 2.08.120, (Community Development Director) of the Municipal Code.

B. Duties and authority. The Community Development Director shall perform the duties prescribed in Municipal Code Section 2.08.120, (Community Development Director) and shall:

1. Have the responsibility to perform all of the functions designated by state law (Government Code Section 65103 [Planning Agency Functions]); and

2. Perform the duties and functions prescribed in this Zoning Code.

C. Supervision. The responsibilities of the Community Development Director may be temporarily delegated to a designated Community Development Department staff person as follows:

1. Except where otherwise provided by this Zoning Code, the responsibilities of the Community Development Director may also be carried out by Community Development Department staff under the supervision of the Community Development Director; and

2. When the Community Development Director designates a Community Development Department staff person to act in place of the Community Development Director, the staff person shall perform the duties assigned by the Community Development Director in addition to those listed in subsection B of this section, as appropriate to the personnel title of the staff designee.

(Ord. 2043 § 1(part), 2004).

Chapter 21.56 PERMIT IMPLEMENTATION, TIME LIMITS AND EXTENSIONS

21.56.010 Purpose of chapter.

This chapter provides requirements for implementing or "exercising" the permits or entitlements approved in compliance with this Zoning Code, including time limits, and procedures for granting amendments and extensions of time.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.56.020 Effective date of permits.

A. Discretionary decisions by community development director or planning commission. Discretionary decisions made by the community development director or the planning commission shall become effective on the eleventh calendar day following the date a decision is rendered, unless an appeal is filed in compliance with Chapter 21.62, (Appeals). Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed. A decision shall be considered rendered as follows:

   1. Decisions made by the community development director. When a permit, including plans and conditions is approved by the community development director; or

   2. Decisions made by the planning commission following a public hearing. When a resolution is adopted by the planning commission without changes or with changes that are read into the record, if applicable.

B. Ministerial permits. Ministerial community development director decisions shall be effective immediately upon being stamped and signed by the community development director, or his/her designee.

C. Decisions by City Council.

   1. Development agreements and amendments to this Zoning Code and the zoning map shall become effective on the thirtieth day following the adoption of an ordinance by the City Council.

   2. A general plan amendment shall be effective on the thirtieth day following the adoption of a resolution by the City Council.

   3. A resolution adopted by the City Council, without changes or with changes that are read into the record, shall be effective immediately following the decision.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.56.030 Permit time limits and extensions.

A. Permit time limits.

   1. Shall expire in twelve months. To ensure continued compliance with the provisions of this chapter, each approved permit shall expire twelve months after its effective date set by Section 21.56.020, (Effective date of permits), of this section or other date specified in the permit or approval, if the project has not been established on the site. Time extensions may be granted in compliance with subsection C of this section.

2. Failure to establish project. If the project authorized by a permit has not been established within the required time, and a time extension is not granted, the permit shall expire and be deemed void, without any further action by the city.

3. Phasing.

   a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the decision-making body has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the pre-existing base zoning district and then develop the remaining phases in compliance with this section, without prior decision-making body approval.

   b. Pre-approved phases.

      (1) If a project is to be built in pre-approved phases, each subsequent phase shall have twelve months from the previous phase's date of establishment to the next phase's date of establishment to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void, without any further action by the city.

      (2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit or approval shall be established before the expiration of the companion tentative map.

B. Project established. An approved project shall be deemed to have been established when:

1. Issuance of building permit. A building permit has been issued;

2. Commencement of use. An approved use that did not require construction has commenced and has been diligently continued, including issuance of a business license, if applicable; or

3. Recordation of a map. A map required by the Subdivision Map Act related to the project has been filed and recorded.

C. Extensions of time.

1. The applicant may request an extension of the permit expiration date by filing a written request for an extension no later than thirty days before the expiration of the permit, together with the filing fee required by the city's schedule of fees and charges.

2. The permittee has the burden of proof to establish, with substantial evidence that the applicant has made a good faith effort to fulfill all the requirements of the permit approval, the justification for extension of the permit.

3. The applicable decision-making body identified in subsection D of this section may grant an extension for a period of time that is deemed commensurate with the justification for the extension presented by the applicant, but in no event for more than an aggregate total extension of twenty-four months beyond the original approval time limit, unless conditions of approval authorize longer extensions.

4. A request for an extension of time for property located within an overlay combining zoning district shall be reviewed pursuant to the terms of a master use permit as specified by Section 21.14.030.C.10 (Extensions).

D. Decision-making body.

1. Upon good cause shown, the first extension may be approved, approved with modifications, or denied by the community development director for a maximum period of twelve months beyond the original approval time limit. The community development director may defer action on the extension and refer the application to the planning commission. This provision shall not apply to property located within an overlay combining zoning district, as specified by Section 21.14.030.C.10 (Extensions).
2. Subsequent extensions of permits approved by the planning commission, beyond those allowed by the community development director, may only be approved, approved with modifications or denied by the planning commission.
3. Subsequent extensions of permits approved by the City Council, beyond those allowed by the community development director, may only be approved, approved with modification, or denied by the City Council.
4. Permit extension decisions may be appealed in compliance with Chapter 21.62, (Appeals).

E. Public notice for extensions. Notice of a requested permit extension that requires approval by the planning commission or City Council shall be given in compliance with Chapter 21.64, (Public Hearings).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2213, §§ 15, 16, 11-1-2016)

21.56.040 Performance Guarantees.

A. Guarantee faithful performance. The applicant or owner may be required by a permit's conditions of approval or by action of the community development director to provide adequate security to guarantee the faithful performance of any or all conditions of approval imposed by the decision-making body.

B. Reasonable amount of security. The community development director shall set the amount of the required security at a level that is reasonable in relation to the specific conditions being guaranteed.

(Ord. 2070 § 1 (Exh.A) (part), 2006: Ord. 2043 § 1 (part), 2004).

21.56.050 Issuance of building permits.

Building permits for a project that is required to be authorized through the approval of a land use permit in compliance with this Zoning Code may be issued only after:

A. Appeal period has expired. The appeal period provided by Chapter 21.62, (Appeals) has expired without an appeal being filed, or an appeal has been concluded by the appeal body approving the project; and

B. All conditions of approval have been completed. All conditions of approval prerequisite to construction have been completed, or the community development director has authorized their deferral on the basis of a performance guarantee (see Section 21.56.040, Performance guarantees, of this chapter).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.56.060 Amendments to an approved project.

An approved development or new land use shall be established only as specified by the approved land use permit, and subject to any conditions of approval. An applicant may request, in writing, to amend the approved permit, and shall furnish appropriate supporting materials and an explanation of the reasons for the request.

A. Minor changes. Minor changes may be approved, modified, or denied by the community development director.

B. Community development director's determination. The community development director shall determine whether a proposed change is minor or major.

C. Minor changes. The community development director may authorize minor changes to an approved site plan and elevations that will not change the overall character of the proposed development, and only if the changes:

1. Are consistent with all applicable provisions of this Zoning Code and the spirit and intent of the original approval; and

2. Do not involve a feature of the project that was:

a. A basis for findings in a negative declaration or environmental impact report for the project,

b. A basis for conditions of approval for the project, or

c. A specific consideration by the decision-making body (e.g., the community development director, planning commission or City Council) in granting the permit or approval.

D. Major changes.

1. Major changes include changes to the project involving features specifically described in subsection (C)(2) of this section, and as specified by a master use permit authorized by Section 21.14.030.C (Master use permit) and shall only be approved, modified, or denied by the decision-making body that originally approved the permit.

2. A major change request shall be processed in the same manner as the original permit or approval.

E. Legacy Permits. Legacy permits, including Planned Development Permits and Administrative Planned Development Permits, may not be amended and must be revoked in accordance with Section 21.68.030 (Permit revocation) in order to be modified in accordance with current zoning regulations.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2213, § 17, 11-1-2016)

21.56.070 Permits to run with the land.

Except for a home occupation permit, any land use permit or approval granted in compliance with the provisions of this Zoning Code shall run with the land and continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.56.080 Resubmittals.

A. Resubmittals prohibited within twelve months. For a period of twelve months following the date of denial of a discretionary permit, approval, or amendment, no application for the same or substantially similar discretionary permit, approval, or amendment for the same site shall be filed, except if the denial was

without prejudice, or on the grounds of substantial new evidence or proof of changed circumstances to an extent that further consideration is deemed warranted.

B. Denial without prejudice. There shall be no limitation on subsequent applications for a site on which a project was denied without prejudice.

C. Community development director's determination. The community development director shall determine whether the new application is for a discretionary permit, approval, or amendment which is the same or substantially similar to the previously approved or denied permit, approval, or amendment.

D. Appeal. The determination of the community development director may be appealed to the planning commission, in compliance with Chapter 21.62, (Appeals).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

tChapter 21.58 NONCONFORMING USES AND STRUCTURES

21.58.010 Purpose of chapter.

A. Purpose. This chapter establishes regulations for legal nonconforming uses and structures. These are uses and structures within the city that were lawfully established and constructed before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Code or future amendments thereto.

B. Intent. It is the intent of this chapter to limit the number and extent of nonconforming structures by prohibiting their being altered, enlarged, expanded, intensified, moved, or replaced; and, by prohibiting their restoration after destruction. Eventually, all nonconforming structures are to be eliminated or altered to conform to the zoning district standards in which they are located.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

21.58.020 Applicability.

A. Nonconforming uses and structures. Nonconforming uses and structures within the city may continue to be used, and may be altered, maintained, expanded, reconstructed, or replaced only as allowed by this chapter.

B. City properties. Any property with a nonconforming structure owned in whole or in part by the city of Campbell may continue to be used, and may be altered or expanded if the alterations, additions, or extensions do not extend beyond the boundaries of the original site. Nothing in this chapter shall be construed to require the discontinuance, or removal of a city-owned nonconforming structure.

C. Status of designated cultural resource. Designated cultural resources shall not be considered nonconforming or illegal for purposes of maintenance and upkeep.

D. Illegal uses, structures, and signs. Uses and structures which did not comply with the applicable provisions of the Municipal Code or the Santa Clara County regulations when originally established, are in violation of this Zoning Code and are subject to the provisions of Chapter 21.70, (Enforcement). This chapter does not grant any right to continue the use or occupancy of property containing an illegal use or structure, or any use or structure that was not legally created.

E. Nuisance abatement. In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action may be taken by the city, in compliance with Municipal Code Chapter 6.10, (Nuisance Abatement and Property Maintenance Regulations), or other applicable provisions of law.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

21.58.030 Definitions.

Nonconformities are defined as follows:

"Nonconforming structures" means a structure the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Zoning Code, but which fails by reason of such adoption, revision or amendment to conform to the current requirements of this Zoning Code.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of this Zoning Code, but which fails by reason of such adoption, revision or amendment to conform to the current use regulations for the zoning district in which it is located. Existing residential uses that do not fall between the minimum or maximum density range of their assigned General Plan land use designation(s) shall not be considered a nonconforming use.

"Nonconformity upon annexation" means a use, structure, or parcel that legally existed in the unincorporated territory and after annexation does not comply with the provisions of this Zoning Code.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

21.58.040 Restrictions on nonconforming uses.

A. Purpose. This section is intended to limit the number and extent of nonconforming uses by prohibiting expansion, enlargement, or intensification, re-establishment after abandonment, alteration of the structures they occupy, and restoration after destruction.

B. Continuation of Use.

1. The nonconforming use of a structure, lawfully established before the enactment of rezoning, reclassification, or change of regulations, may be continued only in compliance with the provisions of this chapter.

2. Notwithstanding anything contained in this chapter to the contrary, any motor vehicle repair facility that is nonconforming with regard to the requirements of Section 21.36.140, (Motor vehicle repair facilities), shall come into compliance with all applicable regulations of Section 21.36.140 of this title within twenty-four months of the latter of:

a. The effective date of the ordinance codified in this chapter adopting this provision; or

b. The date that the use became nonconforming. Nothing contained in subsection (B)(2) of this section shall be construed as prohibiting a lawfully established motor vehicle repair facility that is presently nonconforming solely due to the fact that it is not currently a permitted use in the zoning district in which is located from continuing to operate so long as the use complies with the operational requirements of Section 21.36.140 of this title.

3. Any late-night activity nonconforming with regard to the requirements of Chapters 21.08 through 21.14, shall come into compliance by obtaining an administrative planned development permit subject to Section 21.12.030 (Planned development zoning district) within twenty-four months of the effective date of City Council Ordinance 2093 or by obtaining a Conditional Use Permit subject to Section 21.46 (Conditional Use Permits) within twenty-four months of the effective date of City Council Ordinance 2002.

C. Change in Use.

1. The nonconforming use of a site or structure may be changed to a use of the same or more restricted classification as determined by the community development director.

2. Where the nonconforming use of a site or structure is changed to a use of a lesser intensity, it shall not thereafter be changed to a use of greater intensity.

D. Enlargement or Expansion Prohibited. A nonconforming use shall not be enlarged or increased to occupy a greater floor area or portion of the site than it lawfully occupied before becoming a nonconforming use.

E. Discontinued Use.

1. A nonconforming use that is abandoned, discontinued, or has ceased operations for a continuous period of at least twelve months shall not be re-established on the site and further use of the structure or parcel shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Zoning Code.

2. Evidence of abandonment shall include, but is not limited to, the actual removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, the turning-off of the previously connected utilities, or where there are no business receipts/records available to provide evidence that the use is in continual operation.

F. Nonconforming Use of Land. The nonconforming use of land, on which no main structure is located, which was lawfully established before the enactment of zoning, rezoning, reclassification, or change of regulations, may be continued for a period of not more than five years from when it first became nonconforming; provided:

1. No nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.

2. The nonconforming use of land may be changed to a use of the same or lesser intensity (as determined by the community development director) but where the nonconforming use of land is changed to a use of lesser intensity it shall not thereafter be changed to a use of greater intensity.

3. A nonconforming use of land that is abandoned or discontinued for a continuous period of at least twelve months shall not be re-established. Any further use of the site thereafter shall comply with all applicable provisions of this Zoning Code.

G. Nonconforming Due to Lack of Conditional Use Permit. A use that is nonconforming due to the lack of a conditional use permit may continue only to the extent that it previously existed (e.g., floor or site area occupied by the use, hours of operation, type or intensity of use). Any change shall require conditional use permit approval.

H. Previous Conditional Use Permits in Effect. A use that was established with conditional use permit approval but is a use no longer allowed by this Zoning Code within the applicable zoning district may continue in operation, but only in compliance with all of the provisions of the original conditional use permit. If the conditional use permit specified a termination date, the use shall be discontinued in compliance with that termination date.

I. Nonconformance Due to Reclassification. The foregoing provisions of this Zoning Code shall also apply to uses and structures which thereafter become nonconforming due to any reclassification of zoning districts, in compliance with Chapter 21.60, (Amendments) or any subsequent change in the regulations of this chapter; provided, where a period of years is specified in this section for the removal of nonconforming uses or structures the period shall be computed from the date of the reclassification or change.

(Ord. 2093 § 1(part), 2007; Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1(part), 2004).

21.58.050 Restrictions on nonconforming structures.

A. Purpose. This section is intended to limit the number and extent of nonconforming structures by prohibiting their being altered, enlarged, or moved, and by prohibiting their restoration after destruction. Eventually, all nonconforming structures are to be altered or eliminated to conform to all applicable provisions of this Zoning Code.

B. Continuation of structure. A nonconforming structure, lawfully constructed before the enactment of rezoning, reclassification, or change of regulations may be continued only in compliance with the provisions of this chapter.

C. Maintenance, repairs and minor alterations. Except as otherwise provided in this chapter, a nonconforming structure may be maintained, repaired, and minor alterations made; provided no structural alterations shall be made except those required by law or ordinance.

D. Additions, enlargements and moving.

1. A nonconforming structure shall not be added to or enlarged in any manner, except as identified in subsection F of this section.

2. A structure that does not comply with the height or area regulations shall not be added to or enlarged in any manner, except as identified in subsection F of this section.

3. A structure lacking sufficient off-street parking spaces may be altered or enlarged; provided the required additional parking spaces are provided, in compliance with Chapter 21.28, (Parking and Loading).

4. No nonconforming structure shall be moved in whole or in part to any other location on the parcel unless every portion of the structure is made to conform to all applicable provisions of this Zoning Code.

E. Reconstruction after damage or destruction. A nonconforming structure that is involuntarily damaged or partially 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, may be reconstructed in compliance with the building code, only as follows:

1. Cost does not exceed seventy-five percent. A nonconforming structure which is involuntarily damaged or partially destroyed to the extent that the cost of restoration does not exceed seventy-five percent of the cost of construction of a comparable new structure (as determined by the building official) may be restored or reconstructed; provided, the restoration is started within twelve months of the date of damage, and the restoration is completed within twelve months thereafter;

2. Cost exceeds seventy-five percent. In the event the cost to repair the damage or destruction exceeds seventy-five percent of the cost of construction of a comparable new structure (as determined by the building official) no repairs or reconstruction shall be made unless every portion of the structure is made to conform to all applicable provisions of this Zoning Code;

3. Exceeds seventy-five feet in height. In compliance with the intent of Section 21.18.050, (Exceptions to height provisions), and notwithstanding any provisions to the contrary, a nonconforming structure that equals or exceeds seventy-five feet in height shall be allowed to be reconstructed or restored if it becomes involuntarily damaged or destroyed, in whole or in part, in the manner identified in subsection (E)(1) of this section.

4. Residential structures.

a. Nonconforming single- and multi-family residential dwelling units involuntarily damaged or destroyed due to a catastrophic event may be reconstructed or replaced with a new structure(s) using the same development standards of the zoning title that applied to the damaged or destroyed structure(s) (e.g., building envelope and footprint standards) at the time that it was originally constructed or modified.

b. A complete application for reconstruction shall be submitted within twelve months of the date of damage, reconstruction shall be commenced within one hundred eighty days of land use permit/building permit approval, and must be diligently pursued to completion.

c. The new construction shall comply with current building and fire code requirements.

F. Exceptions. The following exceptions apply to all lawfully constructed structures, including 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 subject to the San Tomas Area Plan and located 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 for projects subject to the San Tomas Area Plan.

3. Campbell Village Neighborhood Plan.

    a. Extensions along existing non-conforming building walls as provided by the Campbell Village Neighborhood Plan.

    b. The Campbell Village Neighborhood Plan is incorporated herein by reference.

    c. The map outlining the boundaries of the Campbell Village Neighborhood Plan is maintained at the community development department.

    d. In the case of conflict between the Campbell Village Neighborhood Plan and the requirements contained in this chapter, the Campbell Village Neighborhood Plan shall prevail.

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.).

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004; Ord. No. 2225, § 16, 8-15-2017; Ord. No. 2252 , § 15, 11-19-2019; Ord. No. 2286 , § 15, 8-16-2022)

Chapter 21.60 AMENDMENTS (GENERAL PLAN, ZONING CODE, AND ZONING MAP AMENDMENTS)

21.60.010 Purpose of chapter.

The purpose of this chapter is to provide procedures for processing and reviewing the following amendments, whenever the public necessity, convenience, and the general welfare require the amendment:

A. General Plan. General plan amendment that may include revisions to, goals, policies, actions, land use designations, or text;

B. Zoning Code. Zoning code amendment that may modify any procedures, provisions, requirements, or standards, applicable to the development, and/or use of property within the City; and

C. Zoning Map. Zoning map amendment that has the effect of rezoning property from one zoning classification to another.

(Ord. 2043 § 1(part), 2004)

21.60.020 Initiation of amendment.

A. General Plan. An amendment to the General Plan may be initiated only by the City Council or City Manager.

B. Zoning Code. An amendment to this Zoning Code may be initiated only bythe City Council, City Manager, Community Development Director, or Planning Commission.

C. Zoning Map. An amendment to the Zoning Map may be only initiated by the City Council, City Manager, Community Development Director, Planning Commission, by a written application of a person having a legal or equitable interest in the subject property, or by a majority of the property owners when an area is being considered for amendment.

(Ord. 2043 § 1(part), 2004)

21.60.030 Application filing, processing, and review.

When initiated by a property owner(s) or an interested party, application filing, processing, and review for the amendment shall be conducted in the following manner:

A. Filing. An application for an amendment shall be filed with the community development department in compliance with Chapter 21.38 (Application Filing, Processing, and Fees.)

B. Contents. The application shall be accompanied by detailed data and materials identified in the community development department handout for amendment applications.

C. Applicant's responsibility. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 21.60.070 (Findings and Decision), below.

D. Project review procedures. Following receipt of a completed application, the community development director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter.

E. General Plan and Zoning Map Amendments. Where an amendment to the General Plan and/or Zoning Map will introduce, or change, a residential or mixed-use land use designation or zoning district designation, an amendment to the Form-Based Zoning Map (FBZM) as set forth in Chapter 21.07 shall be required.

(Ord. 2043 § 1(part), 2004)

21.60.040 Notice and hearings.

A. Public hearing required. Public hearings shall be required for the planning commission's recommendation and the City Council's decision on an amendment application.

B. Determination of completeness. The public hearing shall be scheduled once the community development director has deemed the application complete.

C. Notice and conduct of hearing. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 21.64 (Public Hearings).

(Ord. 2043 § 1(part), 2004)

21.60.050 Planning Commission action on amendments.

A. Planning Commission recommendation. The Planning Commission shall make a written recommendation to the City Council whether to approve, approve in modified form, or deny the proposed amendment, based on the findings contained in Section 21.60.070 (Findings and Decision), below.

B. Planning commission resolution. The recommendation shall be by resolution carried by the affirmative vote of the majority of the planning commission.

C. Transmittal within 40 days. The resolution shall be transmitted to the City Council within 40 days after its date of adoption.

(Ord. 2043 § 1(part), 2004)

21.60.060 City Council action on amendments.

A. City council's action on amendment. Upon receipt of the planning commission's recommendation, the City Council shall approve, approve in modified form, or deny the proposed amendment based on the findings contained in Section 21.60.070 (Findings and Decision), below.

B. Referral to planning commission. If the City Council proposes to adopt a substantial modification to the amendment not previously considered by the planning commission during its hearings, the proposed modification shall be first referred back to the planning commission for its recommendation, in compliance with State law (Government Code Sections 65356 [General Plan Amendments] and 65857 [Zoning Code/Map Amendments]).

C. Failure to report back to the City Council. Failure of the planning commission to report back to the City Council within 45 days for General Plan amendments or 40 days for Zoning Code/map amendments after the referral, or within a longer time set by the City Council, shall be deemed a recommendation for approval of the modification.

(Ord. 2043 § 1(part), 2004)

21.60.070 Findings and decision.

A. Findings for General Plan Amendments. An amendment to the General Plan may be approved only if all of the following findings are made:

1. The amendment is deemed to be in the public interest;

2. The amendment is consistent and/or compatible with the rest of the General Plan;

3. The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

4. The amendment has been processed in accordance with the applicable provisions of the California Government Code, the California Environmental Quality Act (CEQA), and the City's Municipal Code.

B. Findings for Zoning Code and Zoning Map Amendments. An amendment to this Zoning Code or the zoning map may be approved only if the decision-making body first makes the following findings, as applicable to the type of amendment.

1. Findings required for all Zoning Code and zoning map amendments:

a. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and all applicable development agreements, overlay district, area plans, neighborhood plans, and specific plan(s); and

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.

2. Additional Finding for Zoning Code Amendments. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

3. Additional Finding for Zoning Map Amendments. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation(s) and anticipated land uses/project.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2225, § 17, 8-15-2017)

21.60.080 Notification of decision.

The city clerk shall give written notification of the decision of the City Council to the applicant.

(Ord. 2043 § 1(part), 2004).

21.60.090 Interim ordinance.

A. Adoption of an urgency measure. The City Council may take appropriate action to adopt an urgency measure, as an interim ordinance, in compliance with State law (Government Code Section 65858).

B. Prohibiting uses in conflict with recommendations. If the community development department or the planning commission in good faith is conducting, or resolves to conduct, studies within a specified time for the purpose of holding a hearing(s) in order to provide recommendations to the City Council related to the adoption or amendment of this Zoning Code, or in the event that new property may be annexed to the city, the City Council, in order to protect the public health, safety, and welfare, may adopt as an urgency measure

a temporary interim ordinance prohibiting uses which may be in conflict with the adopted or amended Zoning Code.

(Ord. 2043 § 1(part), 2004)

21.60.100 Prezoning.

A. Prezoning of unincorporated property. The city may prezone unincorporated property adjoining the city for the purpose of determining the zoning that will apply to the property in the event of subsequent annexation to the city.

B. Procedures for prezoning. The procedures for accomplishing the prezoning shall be as provided by this chapter for a zoning map amendment for property within the city.

C. Effective date. The zoning shall become effective at the same time that the annexation becomes effective.

(Ord. 2043 § 1 (part), 2004).

Chapter 21.62 APPEALS

21.62.010 Purpose of chapter.

This chapter provides procedures for filing appeals of determinations or decisions rendered by the Community Development Director or the Planning Commission.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

21.62.020 Appeals from administrative decisions.

A. Appeal of Community Development Director's or city official's interpretation. The applicant or any other interested party may file an appeal to the Planning Commission from an administrative interpretation made by the Community Development Director or any city official in compliance with this Zoning Code.

B. Appeal of Community Development Director's decisions. The applicant or any other interested party may file an appeal to the Planning Commission from any of the following decisions made by the Community Development Director:

1. Administrative Conditional Use Permits;
2. Administrative Planned Development Permits;
3. Administrative Site and Architectural Review Permits;
4. Architectural Modification (in compliance with Section 21.14.030.C.4 (Administrative authority);
5. Conditional Use Authorization (in compliance with Section 21.14.030.C.4 (Administrative); authority);
6. Fence Exceptions;
7. Notice of Intent to record;
8. Parking Modification Permits;
9. Reasonable Accommodation;
10. Temporary Use Permits; and
11. Tree Removal Permits.

C. Appeal filed with the Community Development Department. The appeal shall be filed with the Community Development Department and accompanied by a filing fee in compliance with the city's schedule of fees and charges, no part of which is refundable.

D. Ministerial actions. Ministerial actions granting or denying a building permit, zoning clearance, home occupation permit, or any other ministerial action pursuant to this Zoning Code are final and not subject to appeal.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2143, § 1, 2-15-2011; Ord. No. 2149, § 1(Exh. A), 6-7-2011; Ord. No. 2213, § 18, 11-1-2016; Ord. No. 2270 , § 17, 3-16-2021)

21.62.030 Appeals from decisions of the Planning Commission.

A. Appeal of Planning Commission Decision. The applicant or any other interested party may file an appeal to the City Council from any decision of the Planning Commission rendered in compliance with this Zoning Code.

B. Appeal Filed with the City Clerk. The appeal shall be filed with the City Clerk and accompanied by a filing fee in compliance with the city's schedule of fees and charges, no part of which is refundable.

C. Council Initiated Review: Notwithstanding any other provision of this section, the City Council may review any decision of the Planning Commission as follows:

1. The City Council may initiate the review by vote of a majority of its members at any time prior to the expiration of the appeals period set forth in Section 21.62.040;

2. The review shall be treated the same as an appeal, except that no application need be filed with the City Clerk.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2143, § 1, 2-15-2011)

21.62.040 Filing and processing of appeals.

A. Timing and form of appeal.

1. Appeals shall be submitted in writing and filed with the Community Development Department or City Clerk within ten days after the date the Community Development Director or the Planning Commission renders the decision, respectively.

2. The number of days shall be construed as calendar days. Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed.

3. Appeals shall be accompanied by the filing fee set by the city's schedule of fees and charges, no part of which is refundable.

B. Effect of filing. The filing of an appeal in compliance with this chapter shall have the effect of suspending the effective date of the decision being appealed, and no further actions or proceedings shall occur in reliance on the decision being appealed except as allowed by the outcome of the appeal.

C. Required statement and evidence.

1. Applications for appeals shall include a statement specifying the basis for the appeal and the specific aspect of the decision being appealed.

2. Appeals shall be based upon an error in fact, dispute of findings, or inadequacy of conditions to mitigate potential project impacts.

3. Appeals shall be accompanied by supporting evidence substantiating the basis for the appeal.

D. Notice to applicant. If the appellant is not the applicant, a copy of the appeal shall be sent to the applicant, by first class United States mail or comparable delivery service, postage prepaid, to the address listed on the application within seven days of its filing.

E. Report and scheduling of hearing.

1. When an appeal has been filed, the Community Development Director shall prepare a report on the matter, and schedule the matter for consideration by the appropriate appeal body, with notice provided in compliance with subsection F of this section.

2. All appeals shall be considered in public hearings.

3. The city may consolidate hearings on all timely filed appeal applications for the same project.

F. Notice requirements.

1. Public notice for a hearing on an appeal shall be provided in the same manner as required for the decision being appealed.

2. The content of the notice shall comply with Chapter 21.64, (Public Hearings).

G. Withdrawal of appeal. Once filed, an appeal may only be withdrawn by a written request submitted to the City Clerk with the signatures of all persons who originally filed the appeal.

H. Decision shall be final after ten days. Any determination or decision not appealed within the ten-day period shall be final.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2169, § 5(Exh. D), 6-4-2013)

21.62.050 Action on appeals.

A. Action. At the hearing, the decision-making body may consider any issue involving or related to the matter that is the subject of the appeal, in addition to the specific grounds for the appeal, and shall conclude the proceedings with one of the following actions.

1. Affirmation or reversal. The appeal body may, by resolution, affirm, affirm in part, or reverse the action that is the subject of the appeal.

2. Additional conditions. When reviewing an appeal on a permit, the appeal body may adopt additional conditions of approval involving or related to the subject matter of the appeal.

3. Deny the permit. Deny the permit approved by the previous decision-making body, even though the appellant only requested a modification or elimination of one or more conditions of approval.

4. Referral. If new or different evidence is presented in the appeal, the Planning Commission or City Council, may, but shall not be required to, refer the matter back to the Community Development Director or Planning Commission, as applicable, for further consideration. Any new evidence shall relate to the subject of the appeal.

5. Required findings. The appeal body shall make the required findings in support of its final action.

B. Deadlock Vote.

1. By Planning Commission. In the event an appeal from an action of the Community Development Director results in a deadlock vote by the Planning Commission, the determination, interpreting decision, judgment, or similar action of the Community Development Director shall be recognized as final, unless appealed to the City Council.

2. By City Council. In the event that an appeal from an action of the Planning Commission results in a deadlock vote by the City Council, the action of the Planning Commission shall become final.

C. Effective Date of Decision.

1. Final action by Planning Commission. An action of the Community Development Director appealed to the Planning Commission shall not become effective until the time for an appeal to the City Council has expired without an appeal.

2. Final action by City Council. An action of the Planning Commission appealed to the City Council shall not become effective until final action by the City Council.

(Ord. 2070 § 1 (Exh. A)(part), 2006: Ord. 2043 § 1 (part), 2004).

(Ord. No. 2143, § 1, 2-15-2011)

21.62.060 Exhaustion of appeals.

A. Except as provided in subsection B of this section, no action challenging a decision made pursuant to this title may be commenced unless all of the appeals afforded under this title have been exhausted.

B. Notwithstanding subsection A, no one shall be required to exhaust the appeal rights afforded under this title prior to commencing an action to challenge any decision that violates free speech rights protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

(Ord. No. 2143, § 1, 2-15-2011)

Chapter 21.64 PUBLIC HEARINGS

21.64.010 Purpose of chapter.

A. This chapter provides procedures to be followed by the city in noticing public hearings.

B. When public notice is required, it shall be given as provided by this chapter, whether or not this Zoning Code requires a public hearing.

C. By following these procedures, it is intended that interested individuals and groups will be aware of the proposals under consideration and may offer their input into the decision-making process.

(Ord. 2043 § 1(part), 2004)

21.64.020 Notice of hearing.

When a land use permit, amendment, or appeal, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094, and 66451.3 and Public Resources Code 21000 et seq.), or as otherwise required in this Zoning Code.

In the event of a conflict between the provisions of this chapter and other provisions in this Zoning Code, the provisions of this chapter shall prevail.

A. Content of Notice. Notice of a public hearing shall include:

1. Date, Time, and Place. The date, time, and place of the hearing; the name of the hearing body; a general explanation of the matter to be considered; a general description, in text or by diagram, of the location of the property that is the subject of the hearing; and the phone number of the community development department for additional information; and

2. Environmental Document. If a proposed negative declaration or final environmental impact report has been prepared for the project in compliance with the CEQA guidelines, the hearing notice shall include a statement that the hearing body will also consider granting the proposed negative declaration or certification of the final environmental impact report.

B. Method of Notice Distribution. Notice of a public hearing required by this chapter for a land use permit, amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091):

1. Publication. Notice shall be published at least once in a local newspaper of general circulation in the city at least ten days before the hearing;

2. Mailing. Notice shall be mailed first class at least ten days before the hearing to the following:

a. Applicant and Owner. The applicant and the owner of the property being considered, or the owner's agent at the address shown on the application form;

b. Local Agencies. Each local agency expected to provide water, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

c. Surrounding Property Owners. All owner(s), as shown on the last equalized assessment roll adopted by the County of Santa Clara before the date the application was filed, of the

parcels of land which either in their entirety or in part are situated within 300 feet of any part of the parcel(s) of land which is the subject of the application. Notice to the owners shall be sent to their addresses as shown on the assessment roll; and

d. Persons Requesting Notice. Any person who has filed a written request for notice with the community development director and has paid the fee set by the current city's schedule of fees and charges for the notice.

C. Zoning Code Text Amendments. For public hearings involving a Zoning Code text amendment where no specific properties are the subject of the application, notice shall be given as prescribed in Subsection B. (Method of notice distribution) above, with the exception of subparagraph B. 3., (or B. 2. c.) mailing of notices to all property owners within 300 feet of the subject property.

D. Posting in a public place. A notice shall be posted in a public place in the offices of the city at least three days before the hearing.

E. Alternative notice. If the number of property owners to whom notice would be mailed is greater than one thousand, the community development director, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in a newspaper of general circulation in the city in compliance with State law (Government Code 65091).

F. Additional notice. In addition to the methods of noticing required by Subsection b. above, the community development director may provide any additional notice using any distribution method (e.g., the internet) that the community development director determines is necessary or desirable.

G. Official responsible for preparing notices.

1. Planning commission public hearings. The community development director shall prepare all notices for planning commission public hearings.

2. City council public hearings. The city clerk shall prepare all notices for City Council public hearings.

(Ord. 2043 § 1(part), 2004)

21.64.030 Failure to mail or receive notice.

Failure of the community development director or city clerk to mail a notice required by this chapter or the failure of any person to receive the notice shall not affect, in any way whatsoever:

A. Validity of any proceeding. The validity of any proceedings taken under this chapter;

B. Any action or decision. Any action or decision of the community development director, planning commission, or City Council made or taken in any proceedings; or

C. Proceeding with the hearing. The planning commission or City Council from proceeding with any hearing at the time and place identified in the notice.

(Ord. 2043 § 1(part), 2004)

21.64.040 Hearing procedure.

A. Holding of hearing. Public hearings as provided for in this chapter shall be held at the time and place for which notice has been given in compliance with this chapter.

B. Hearing may be continued. A hearing may be continued without additional mailed notice, provided that the chairperson announces the time and place to which the hearing will be continued, before the adjournment or recess.

(Ord. 2043 § 1(part), 2004)

21.64.050 Record of decision.

A. Timing of decision. The decision-making body may announce and record the decision at the conclusion of a scheduled hearing, or defer action, take specified items under advisement, and continue the hearing.

B. Contents of record.

1. Findings and monitoring requirements. The record of the decision-making body shall contain applicable findings, all conditions and time limits, and the reporting or monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City.

2. Mailing of record. Following the hearing, the record of the decision shall be mailed to the applicant at the address shown on the application.

a. Official responsible for preparing the notification to the applicant.

(1) The secretary of the planning commission shall give written notification of the action (e.g., recommendation or decision) of the planning commission to the applicant.

(2) The city clerk shall give written notification of the decision of the City Council to the applicant.

b. Shall include conditions and time limits. In the case of approval, the notification shall include all conditions and time limits, and the reporting or monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the city.

(Ord. 2043 § 1(part), 2004)

21.64.060 Finality of decision.

The decision of the community development director or planning commission is final unless appealed in compliance with Chapter 21.62 (Appeals).

(Ord. 2043 § 1(part), 2004)

21.64.070 Recommendation by planning commission.

A. Planning commission's recommendation. At the conclusion of a public hearing on a proposed amendment to the General Plan, this Zoning Code, the zoning map, or a development agreement the planning commission shall forward a recommendation, including all required findings, to the City Council for final action.

B. Mailing of recommendation. Following the hearing, a notice of the planning commission's recommendation shall be mailed to the applicant in compliance with Subparagraph 21.64.050(B)(2) (Mailing of record).

(Ord. 2043 § 1(part), 2004)

21.64.080 Record of City Council decision.

A. City council's action. For applications requiring City Council approval, the City Council shall announce and record its decision at the conclusion of the public hearing.

B. Findings and monitoring requirements. The record of the decision shall contain the findings of the City Council, any conditions of approval, and reporting or monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the city.

C. Mailing of decision. Following the hearing, a notice of the decision shall be mailed to the applicant in compliance with Subparagraph 21.64.050(B)(2) (Mailing of record).

(Ord. 2043 § 1(part), 2004)

Chapter 21.68 REVOCATIONS AND MODIFICATIONS

21.68.010 Purpose of chapter.

This chapter provides procedures for securing revocation or modification of previously approved permits and entitlements.

(Ord. 2043 § 1(part), 2004)

21.68.020 Hearing and Notice.

A. Notice of noncompliance. The community development director may issue a notice of noncompliance for any failure to comply with a condition of a permit or for failure to comply with any code, law, ordinance, regulation, or statute of the city, State, or Federal governments, or if the use creates a nuisance.

B. Failure to comply with notice. If the noncompliance or nuisance is not abated, corrected, or rectified, in compliance with Municipal Code Chapter 6.10 (Nuisance Abatement and Property Maintenance Regulations) within the time specified in the notice, the community development director may set a date for a public hearing.

C. Appropriate decision-making body. The decision-making body that originally approved the permit may hold a public hearing to revoke or modify any permit granted in compliance with the provisions of this Zoning Code.

D. 10 days before hearing. Notice shall be delivered in writing to the applicant and owner of the property for which the permit was granted at least 10 days before the public hearing.

E. Deemed delivered. Notice shall be deemed delivered two days after being mailed, first class, to the owner as shown on the last equalized assessment roll adopted by the County of Santa Clara and to the project applicant, where the applicant is not the owner of the subject property.

F. Stay on further approvals. Should the community development director convene a public hearing pursuant to this chapter for a property located within an overlay combining zoning district subject to a master use permit authorized by section 21.14.030.C (Master use permit), no further land use approvals shall be granted until all proceedings under this chapter have concluded or the instigating violation has been resolved.

(Ord. 2043 § 1(part), 2004).

(Ord. No. 2213, § 22, 11-1-2016)

21.68.030 Permit revocation.

A permit may be revoked by the decision-making body that originally approved the permit, or the decision-making body currently authorized to grant such a permit, if any one of the following findings can be made:

A. Circumstances under which the permit was granted have been changed by the city or applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner, and/or the public convenience, health, interest, safety, or welfare require the revocation;

B. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit;

C. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

D. The improvement authorized in compliance with the permit is in violation of a code, law, ordinance, regulation, or statute of the city, State, or Federal governments; or

E. The improvement or use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance, as determined by the decision-making body.

(Ord. 2043 § 1(part), 2004)

21.68.040 Permit modification.

A. Effect of Modification.

1. The city's action to modify a permit, rather then to revoke it, shall have the effect of changing the operational aspects of the permit.

2. The changes may include the operational aspects related to buffers, duration of the permit, hours of operation, landscaping and maintenance, lighting, noise, odors, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, and similar aspects.

B. Required findings. A land use permit and any of its conditions of approval may be modified by the decision-making body that originally approved the permit, without the consent of the property owner or operator, if the decision-making body first determines that:

1. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require the modification;

2. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit;

3. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

4. The improvement authorized in compliance with the permit is in violation of a code, law, ordinance, regulation, or statute of the city, State, or Federal governments; or

5. The improvement or use allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance, as determined by the decision-making body.

(Ord. 2043 § 1(part), 2004)

21.68.050 Variance revocation or modification.

A variance may be revoked or modified by the decision-making body which originally approved the application, if any one of the following findings can be made.

A. Findings for revocation.

1. Special circumstances applicable to the property upon which the variance was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the approval;

2. The variance was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the Variance; or

3. One or more of the conditions of the variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the approval.

B. Findings for modification.

1. Special circumstances applicable to the property upon which the variance was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has substantially exercised the rights granted by the approval;

2. One or more of the conditions of the variance have not been met, or have been violated, and the grantee has substantially exercised the rights granted by the approval; or

3. The conditions of approval are found to be inadequate to mitigate the impacts of the project allowed by the variance.

(Ord. 2043 § 1 (part), 2004).

Chapter 21.70 ENFORCEMENT*

* Prior ordinance history: Ord. 2043.

21.70.010 Purpose of chapter.

This chapter is intended to indicate the responsibilities for the enforcement of the Zoning Code and the penalties for violations.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.70.020 Permits, certificates and licenses.

All departments, officials and employees of the city vested with the duty or authority to issue permits, certificates or licenses shall comply with the provisions of this title, and shall issue no permit, certificate or license which conflicts with the provisions of this title. Any permit, certificate or license issued in conflict with the provisions of this title shall be void.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.70.030 Duties of the community development director.

The community development director or such other person as the community development director may designate is authorized to enforce this title. The community development director may serve notice requiring removal of any structure or use in violation of this title. The community development director may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this title, and the city attorney is authorized to institute appropriate action to that end. The community development director may call upon the chief of police and his authorized agents to assist in the enforcement of this title.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.70.040 Penalties.

A. Infractions. It is unlawful for any person, firm or corporation to violate any provision, or fail to comply with any mandatory requirement of this title. Except as otherwise provided in subsection B of this section, any entity violating any provision, or failing to comply with any mandatory requirement of this title, is guilty of an infraction, and upon conviction shall be punished by a fine of not more than one hundred dollars.

B. Misdemeanors. Notwithstanding any provision to the contrary, any person, firm or corporation committing any act made unlawful pursuant to subsection A of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars and/or imprisonment of not more than six months, if any of the following circumstances exists:

1. The violation was committed willfully or with knowledge of its illegality;
2. The violator does not cease, or otherwise abate the violation after receiving notice of such violation;
3. The violator has previously been convicted of violating the same provision of this title within two years of the currently charged violation; or

4. The provision violated specifies that such violation shall be a misdemeanor.

C. Violations. Each person, firm or corporation violating any provision, or failing to comply with the mandatory requirements of this title shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided in this section. Any use not specifically permitted under the provisions governing the zone in which such use is located shall be considered a violation of this title.

D. Recordation of violation. The community development director or his or her authorized representative may issue a twenty-day notice of intent to record the violation. The notice of intent is appealable pursuant to Section 21.62.020(B) of this title. Absent an appeal and after twenty days from issuance of the notice of intent, the violation may be recorded with the county recorder by parcel number.

E. Unlawful use or structure. Any use or structure that is altered, enlarged, erected, established, maintained, moved, operated, or allowed to exist or continue in a manner contrary to the provisions of this Zoning Code, or any applicable condition of approval, is declared to be unlawful, and shall be subject to the remedies and penalties identified in this chapter, and the revocation procedures initiated in compliance with Chapter 21.68, (Revocations and Modifications).

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.70.050 Remedies are cumulative.

All remedies contained in this Zoning Code for the handling of violations or enforcement of the provisions of this Zoning Code shall be cumulative and not exclusive of any other applicable provisions of local, state, or federal law.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.70.060 Inspections.

A. Allow access to property. Every applicant seeking an application, approval, permit, or any other action in compliance with this Zoning Code shall allow appropriate city officials access to any premises or property that is the subject of the application. If the permit or other action is approved, the owner or applicant shall allow appropriate city officials access to the premises to determine continued compliance with the approved permit and any conditions of approval.

B. Failure to allow inspections. Failure to allow inspection of an approved use shall be grounds for revocation of any city issued permit and/or business license.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.70.070 Code enforcement fees.

A. Purpose. Code enforcement fees are intended to compensate for administrative costs for repeated city inspections, and not as a penalty for violating this Zoning Code or the Municipal Code.

B. Initial inspections. Code enforcement fees shall not apply to the original inspection to document the violations and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, whether or not the correction has been made.

C. Zoning entitlement required. If a zoning entitlement is required to correct a violation (e.g., to legalize the establishment of a land use; or to alter, construct, enlarge, erect, maintain, or move a structure), the applicant shall pay the additional permit processing fee established by the city's schedule of fees and charges to process the application.

D. Reinspection fee. A reinspection fee shall be imposed on each property owner who receives a notice of violation, notice and order, or letter of correction of any provision of the Municipal Code, adopted building code, or state law. The code enforcement reinspection fee amount shall be established by the city's schedule of fees and charges. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled or conducted and the violations have not been fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of the law, or costs incurred by the city for the abatement of a public nuisance.

E. Continuing violation. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the law for less than one hundred eighty days, the violation shall be deemed a continuation of the original case and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

Chapter 21.71 ADMINISTRATIVE DECISION PROCESS

21.71.010 Purpose of chapter.

The purpose of this chapter is to provide procedures for processing and reviewing discretionary permits through a staff level administrative decision process. By following these procedures, it is intended that interested individuals and groups will be aware of the proposals under consideration by the Community Development Director and may offer their input into the decision-making process.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.71.020 Approval authority and process.

A. Approval authority. The Community Development Director is the approval authority for the following discretionary permits processed through the administrative decision process:

1. Administrative Conditional Use Permits;
2. Administrative Housing Development Project Permit;
3. Administrative Site and Architectural Review Permits;
4. Architectural Modification (in compliance with Section 21.14.030.C.4 (Administrative authority);
5. Conditional Use Authorization (in compliance with Section 21.14.030.C.4 (Administrative authority);
6. Fence Exceptions;
7. Temporary Use permits; and
8. Tree Removal Permits;

B. Notice. Excepting applications for a Tree Removal Permit filed in compliance with Chapter 21.32, (Tree Protection Regulations), the Community Development Director shall mail a notice to owners of record within a three hundred-foot (300) radius of the subject property indicating that an application has been filed with the Community Development Department. The notice shall be mailed a minimum of ten (10) calendar days before a decision is rendered. The notice shall provide a brief description of the project, the project location, and the starting and ending dates for the ten calendar day (10) comment period during which the city will receive comments on the project. The notice shall also require that any comments submitted from any interested individuals or groups shall be submitted to the planning division in writing prior to the end of the given comment period.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

(Ord. No. 2149, § 1(Exh. A), 6-7-2011; Ord. No. 2169, § 4(Exh. C), 6-4-2013; Ord. No. 2213, § 14, 11-1-2016; Ord. No. 2270 , § 18, 3-16-2021)

21.71.030 Findings and decision.

An application may be approved only if all the applicable findings located in each respective chapter relating to each type of application are made by the Community Development Director.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.71.040 Conditions and time limits.

The Community Development Director may take the following actions in approving an application:

A. May impose conditions of approval. The Community Development Director may impose conditions of approval, as deemed reasonable and necessary under the circumstances, to carry out the intent of this chapter and the general plan.

B. May impose time limits. The Community Development Director may impose time limits within which the conditions of approval shall be fulfilled and the proposed development started or completed.

C. Valid in ten (10) calendar days. The decision shall become valid ten (10) calendar days following the date of approval in compliance with Chapter 21.56, (Permit Implementation, Time Limits, and Extensions) unless appealed, in compliance with Chapter 21.62, (Appeals).

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.71.050 Notification of decision.

A. Written notification to applicant. Written notification of the decision of the Community Development Director shall be provided to the applicant following a decision.

B. Shall include conditions and time limits. In the case of approval, the notification shall include all conditions and time limits imposed by the Community Development Director.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

21.71.060 Post decision procedures.

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 5, (Zoning Code Administration) and those identified in Chapter 21.56, (Permit Implementation, Time Limits, and Extensions) shall apply following the decision.

(Ord. 2070 § 1 (Exh. A)(part), 2006).

Chapter 21.72 DEFINITIONS

21.72.010 Purpose.

This chapter provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code, except those specified by a master use permit authorized by section 21.14.030.C (Master use permit). If a word is not defined in this chapter, or other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

(Ord. 2043 § 1 (part), 2004).

(Ord. No. 2213, § 25, 11-1-2016)

21.72.020 Definitions of specialized terms and phrases.

The following "land use" definitions are in alphabetical order.

A. DEFINITIONS, "A."

"Accessory structure" means a structure that is physically detached from any other structure and subordinate to, a main building occurring on the same lot and which satisfies the provisions of Section 21.36.020 (Accessory structures). Examples of such structures include sheds, garages, gazebos, arbors, trellises, and pergolas. No structure designed, intended, or used for dwelling purposes, containing a sleeping quarters, or a kitchen, shall be considered an accessory structure. Fences, retaining walls, and garages and carports attached to a dwelling unit, are excluded from this definition. "Addition" means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

"Adult day care facilities" means facilities of any capacity that provide programs for frail elderly and developmentally disabled and/or mentally disabled adults in a day care setting. The establishments shall be licensed by the State of California Department of Social Services.

"Alley" means a passageway that affords a secondary means of access to abutting property and not intended for general traffic circulation.

"Alteration, structural" means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

"Alternative fuels and recharging facilities" means a commercial facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric powered vehicles.

"Ambulance service" means a commercial facility where ambulances are stored, and from which ambulances and emergency personnel are dispatched to emergencies.

"Ancillary retail uses serving industrial uses" means the retail sales of various products within an industrial area for the purpose of serving the employees and businesses.

"Apartment" means a single structure or complex of multiple structures incorporating five or more living units that are independent of each other with each one having a kitchen and direct access to the outside or to a common hall. Does not include "Rooming and Boarding Houses," "Townhouse," "Condominiums," "Duplex," "Triplex," or "Fourplex."

"Arcades" means establishments providing three or more arcade machines within an indoor amusement and entertainment facility. Two or less arcade machines are not considered a land use separate from the primary use of the site. This land use does not include arcade games or other activities located within private entertainment facilities.

"Artisan products, small-scale assembly" means commercial establishments manufacturing and/or assembling small products primarily by hand, including jewelry, ceramics, quilts, and other small glass and metal arts and crafts products.

Assembly Use. (See "Public assembly use").

"Assisted living facilities" means a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms and/or living quarters, where the emphasis of the facility remains residential. The facilities shall be licensed by the State of California Department of Social Services.

"Automated teller machines (ATM's)" means a pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals, and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Zoning Code.

B. DEFINITIONS, "B."

"Banks and financial services" means financial institutions including:

1. Banks and trust companies;
2. Credit agencies;
3. Holding (but not primarily operating) companies;
4. Lending and thrift institutions;
5. Other investment companies;
6. Securities/commodity contract brokers and dealers;
7. Security and commodity exchanges;
8. Vehicle finance (equity) leasing agencies.

But "Banks and financial services" does not include "Check cashing or Payday lending.

"Banquet facilities" means a facility or hall available for lease by private parties and engaged in providing single event-based food services (e.g., graduation parties, wedding receptions, business or retirement luncheons, trade shows, etc.) The facility may have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premise site. Banquet halls with catering staff are included in this industry. Does not include restaurants ("Restaurants").

"Basement" means a space in a structure that is partly or wholly below grade and where the vertical distance from grade to a finished floor directly above such space is less than or equal to two feet. If the finished floor directly above the space is more than two feet above grade at any point, such space shall be considered a story, and the entire space shall be included in the calculation of gross floor area. As used in this

definition, the term "grade" shall mean finished grade adjacent to the exterior walls of the structure. Light wells and exterior stairwells for basements shall meet any required setbacks.

Figure 6-1
Basement

When the vertical distance ("A") is less than or equal to two feet from grade to the finished floor directly above, then the space described by "A" and "B" combined is considered a basement.

"Bay window" means a window or series of windows jutting out from the wall of a building and forming an alcove that does not contain a walkable surface or living area constituting part of a floor.

"Bed and breakfast inn" means a residential structure with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided. A bed and breakfast room with more than five guest rooms is considered a hotel or motel. Does not included room rental in a "Boarding house" situation ("rooming and Boarding houses").

"Bedroom" means any habitable area, within a dwelling, with an area not less than 70 square feet, designed as and meeting the standards of a sleeping area as described by California Building Code section 1208.3.

"Beer and wine festivals/walks" means a fair, exhibition, ceremony, art show, program, celebration, or other public assemblage of people for the conduct of a festivity involving the sale and consumption of beer or wine. Beer and wine festivals shall comply with the provisions of Chapter 21.45 (Temporary Uses).

"Blueprinting shop" means an establishment primarily engaged in reproducing text, technical drawings, architectural plans, maps, or other images by blueprinting, photocopying, or other methods of duplication. Does not include printing and publishing services ("printing and publishing") or other business support services ("business support services").

"Bookstore" means a retail establishment primarily engaged in the sale, rental, or other charge-for-use of books, magazines, newspapers, and other printed conveyed information or media, excluding sexually oriented bookstores as defined in Campbell Municipal Code Section 5.55.020 (Definitions).

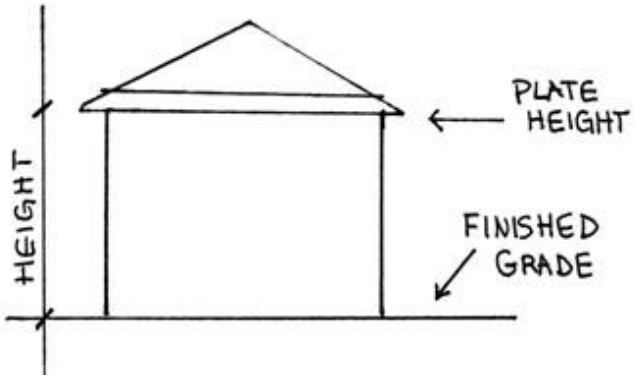
"Building" means any structure having a roof supported by columns or walls and intended for any shelter, housing or enclosure of any individual, animal, process, equipment, goods, use, occupancy, or materials. When any portion of a structure is completely separated from every other portion of the structure by a masonry division or firewall without any window, door or other opening and the masonry division or

firewall extends from the ground to the upper surface of the roof at every point, such portion shall be deemed to be a separate building.

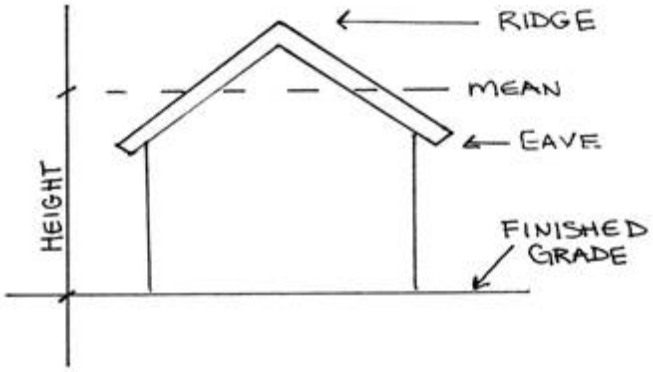
"Building Height" means the vertical distance from the lowest finished grade adjacent to the building to the building's highest roof surface.

"Building wall height" means the vertical distance (to be used for the purpose of determining setbacks) from the finished grade adjacent to the building to the highest point of the roof surface for a flat roof, top of the deck line for a mansard roof, top of the plate height for a hipped roof, and the mean height level between the eave and the ridge for a gabled or gambrel roof.

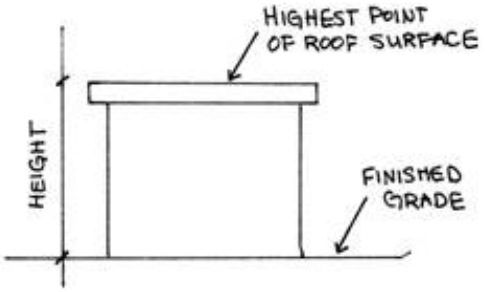
Hipped Roof



Gabled Roof



Flat Roof



Mansard Roof

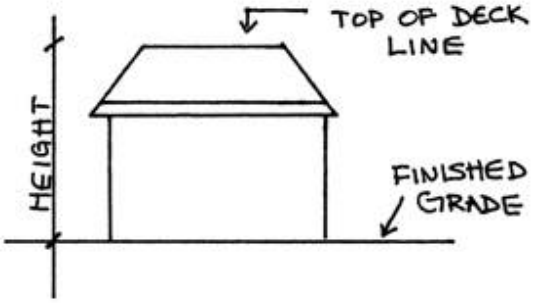


Figure 6-2
Building Wall Height

"Business support services" means establishments primarily within structures, providing other businesses with services including maintenance, repair, and service, testing, rental, etc., also includes:

1. Business equipment repair services (except vehicle repair);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying and quick printing services;
5. Equipment rental businesses within structures;
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Other "heavy service" business services;
11. Outdoor advertising services;
12. Photo developing/finishing/printing;

13. Protective services (other than office related);

14. Rental, repairs and distribution of office or business equipment;

15. Soils and materials testing laboratories;

16. Window cleaning.

C. DEFINITIONS, "C."

Cafe. See "restaurants."

"Caretaker/employee housing" means a structure constructed to residential occupancy standards in compliance with the Uniform Building Code that is accessory to a nonresidential primary use and required for security, or 24-hour care or supervision. Caretaker/employee housing shall comply with the provisions of Section 21.36.040.

"Carport" means an accessory structure or portion of a main structure designed for the shelter or storage of automobiles and having a permanent roof and open on at least two sides.

"Cat Boarding facilities" means the keeping of cats for overnight or extended periods of time for commercial purposes.

"Cat and dog day care facilities" means facilities that provide nonmedical care and supervision of cats and/or dogs for periods of less than twenty-four consecutive hours per day. Does not include overnight stays ("Cat Boarding facilities" or "Dog Boarding facilities").

"Cat and dog grooming facilities" means facilities where cats and dogs are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged. Includes self-service cat- and dog-washing facilities where the customers provide the labor.

"Catering businesses" means a use, independent of a restaurant, which involves the preparation and delivery of food and beverages for off-site consumption.

"Catering businesses," only when ancillary to a restaurant, means an ancillary use to a restaurant, which involves the preparation and delivery of food and beverages for off-site consumption. No additional vehicles or equipment (e.g. outside barbeques) are permitted to be stored on-site.

"Cemeteries" means establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Also includes animal cemeteries, cinerarium, columbarium, and mausoleum operations.

"Check cashing" means a business that serves only to exchange cash or money orders for checks from a third party.

"Chemical products manufacturing" means manufacturing establishments that produce or use basic chemicals and establishments creating products predominantly by chemical processes. Establishments classified in this major group manufacture three general classes of products: (1) basic chemicals including acids, alkalis, salts, and organic chemicals; (2) chemical products to be used in further manufacture, including dry colors, pigments, plastic materials, and synthetic fibers; and (3) finished chemical products to be used for ultimate consumption including cosmetics, drugs, and soaps; or to be used as materials or supplies in other industries, including explosives, fertilizers, and paints.

"Child day care facilities" means facilities that provide non-medical care and supervision of minor children for periods of less than twenty-four consecutive hours per day. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. "Family child day care homes, large" means a day care facility located in a residence where an occupant of the residence provides care and supervision for seven to twelve children. A large

family day care home may provide care for two additional children (up to a maximum of fourteen children) in compliance with Section 1597.46 of the Health and Safety Code. Children under the age of ten years who reside in the home count as children served by the day care facility. Large family child day care homes shall comply with the provisions of Section 21.36.060 (Child Care Facilities).

2. "Family child day care homes, small" means a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for six or fewer children. A small family day care home may provide care for two additional children (up to a maximum of eight children) in compliance with Section 1597.44 of the Health and Safety Code. Children under the age of ten years who reside in the home count as children served by the day care facility. Small family child day care homes shall comply with the provisions of Section 21.36.060 (Child Care Facilities).

3. "Commercial child day care centers" means a commercial or non-profit child day care facility not operated as a small or large child day care home. Includes infant centers, preschools, sick child centers, and school-age day care facilities. These may be operated in conjunction with a business, school, or religious facility, or as an independent land use. Commercial child day care centers shall comply with the provisions of Section 21.36.080.

"Clothing products manufacturing" means manufacturing establishments producing clothing, and fabricating products by cutting and sewing purchased textile fabrics, and related materials including furs, leather, plastics, and rubberized fabrics. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("Retail stores, general merchandise") are instead included under "Personal services, general."

"Collection container" means a drop-off box, container, receptacle, trailer or similar facility that accepts textiles, shoes, books and/or other salvageable items of personal property.

"Collection container, small" means a collection container that occupies no more than eighty-four cubic feet.

"Collection container, large" means a collection container that occupies more than eighty-four cubic feet.

"Columbarium, Crematorium, Mausoleum"

"Columbarium" means a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

"Crematorium" means a location containing properly installed, certified apparatus intended for use in the act of cremation.

"Mausoleum" means a structure containing aboveground tombs.

"Commercial child day care center." See "Child care facilities."

"Commercial schools" means an establishment providing specialized trade or vocational classes as a part of a certificate or degree granting program, including but not limited to various construction trades, the practice of law, auto mechanics, and real estate licensure.

"Community/cultural/recreational centers" means multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen, and/or outdoor barbecue facilities, that are available for use by various groups for activities including dances, meetings, parties, receptions, exhibits, etc.

"Community apartment project" means an undivided interest in land coupled with the right to exclusive occupancy of the apartment located on the land.

"Community housing project" means and includes any of the following: a condominium development, a community apartment project, a membership association, or a stock cooperative.

"Common lot" means a parcel of land that is owned and maintained by a homeowners association or other entity responsible for managing and maintaining the shared improvements and facilities within a subdivision. Common lots are governed by a set of rules and regulations, known as the Covenants, Conditions, and Restrictions (CC&Rs), which outline the rights and responsibilities of the homeowners association and individual property owners.

"Condominiums" means a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map. The area within the boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to any land except by easements for access and, if necessary, support.

"Conservation or natural resource land" means land that possesses or encompasses conservation or natural resources.

"Conservation of natural resource" means and includes, but is not necessarily limited to ground water, natural vegetation, recharge, soils, special land forms, streams, watersheds, and wildlife habitat as defined below.

"Construction equipment rentals" means retail establishments renting heavy construction equipment, including cranes, earth moving equipment, heavy trucks, etc.

"Contractor's equipment yards" means storage yard operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and structures for uses including offices and repair facilities.

"Convalescent/rest homes," also known as nursing homes, means these are facilities licensed by the California State Department of Health Services. These facilities house one or more individuals in a single room with bathroom facilities and provide intensive medical and nursing care, including twenty-four hour availability of licensed nursing personnel. Residents are often convalescing from serious illness or surgery and require continuous observation and medical supervision, or will reside in the facility as a long-term resident. Does not include residential care facilities ("Residential Care Facilities") or assisted living facilities ("Assisted Living Facilities").

"Convenience markets/stores" means an establishment that includes the retail sale of food, beverages, and small personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and in a relatively small building; but excluding delicatessens and other specialty food shops and also excluding establishments which have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat. These stores can be part of a gasoline station or an independent facility.

"Conversion" means a proposed change in the ownership of a parcel of land, together with the existing attached structures, to a community housing project, regardless of the present or prior use of the land and structures and or whether substantial improvements have been made to the structures.

"Conversion, commercial converted from residence" means a structure or use originally designed, constructed, or intended for residential use that is converted to a commercial use.

"Conversion, industrial converted from residence" means a structure or use originally designed, constructed, or intended for residential use that is converted to an industrial use.

"Covered area" means the total horizontal area within a lot that is covered or partially covered by structures, buildings, beams, slats, or projections when viewed from above. Covered area does not include

cornices, eaves, sills, canopies, bay windows, and chimneys cumulatively measuring less than 30-inches in depth as measured to the outside surface of exterior walls, or any basements, ground level paving, pools, spas and decks, landscape features, or light wells.

D. DEFINITIONS, "D."

"Dancing and/or live entertainment establishment" means a commercial facility that offers a venue intended to allow patrons to dance and/or listen to live entertainment, as defined by Section 5.24.010(b). Does not include non-commercial expressive activity protected by the United States or California constitutions or the listening of recorded music without a dancing venue.

"Density bonuses" means a density bonus, as defined by California Government Code Section 65915 et seq., is an increased residential density over the maximum density allowed under the General Plan land use diagram which is granted to an owner/developer of a housing project agreeing to construct a prescribed percentage of units to lower income households (e.g., very-low, low-, and/or moderate) or restricted housing types (e.g., senior housing) as set forth by the statute.

"Department store" means a retail store offering a full line of general merchandise items.

"Detached" means any structure that does not have a wall and roof in common with another structure.

"Dog Boarding facilities" means the keeping of dogs for overnight or extended periods of time for commercial purposes. May include ancillary dog grooming for customers.

"Drive-in theater" means a theater providing a large outdoor movie screen where patrons view the movie from the comfort of their private motor vehicles.

"Drive-in/drive-in service" means the act of serving food and beverages by a restaurant to occupants in motor vehicles for on-site consumption.

"Drive-through/drive-up service/drive-up window" means the rendering of services or the selling of food and beverages or other products for consumption or use off-site, to occupants in motor vehicles. Businesses with this type of activity include but are not limited to restaurants, cafes, pharmacies/drug stores, and banks.

"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.

"Dry cleaning" means an establishment maintained for the pickup and delivery of dry cleaning and/or laundry.

"Duplex" means a residential structure containing two dwelling units designed exclusively for occupancy by two families living independently of each other.

"Dwelling unit" means one or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. A dwelling unit may not have more than one kitchen.

E. DEFINITIONS, "E."

"Electrical transmission line, major" means a public utility transmission line utilized for the transmission of electrical energy for sale to multiple customers (e.g., residential, commercial, industrial, government, etc.) that cannot be installed underground due to technical constraints, safety constraints, or industry standards.

"Electronics and equipment manufacturing" means establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and use of electrical energy, including:

1. Appliances (e.g., stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines);
2. Aviation instruments;
3. Electrical transmission and distribution equipment;
4. Electronic components and accessories, and semiconductors, integrated circuits, related devices;
5. Electronic instruments, components and equipment (e.g., calculators and computers);
6. Electrical welding apparatus;
7. Lighting and wiring equipment (e.g., lamps and fixtures, wiring devices, vehicle lighting);
8. Industrial apparatus;
9. Industrial controls;
10. Instruments for measurement, testing, analysis and control, associated sensors and accessories;
11. Miscellaneous electrical machinery, equipment and supplies (e.g., batteries, x-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines);
12. Motors and generators;
13. Optical instruments and lenses;
14. Photographic equipment and supplies;
15. Pre-recorded magnetic tape;
16. Radio and television receiving equipment (e.g., television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies);
17. Surveying and drafting instruments;
18. Telephone and telegraph apparatus;
19. Transformers, switch gear and switchboards;
20. Watches and clocks.

Does not include testing laboratories (soils, materials testing, etc.)

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

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

"Equipment rental establishments" means service establishments which offer a wide variety of materials and equipment for rent, including business equipment (e.g., computers, copiers, desks, projectors, etc.) and equipment and supplies for parties and other social events (e.g., chairs, fountains, glassware, linens, tables, etc.), all available within an enclosed structure.

F. DEFINITIONS, "F."

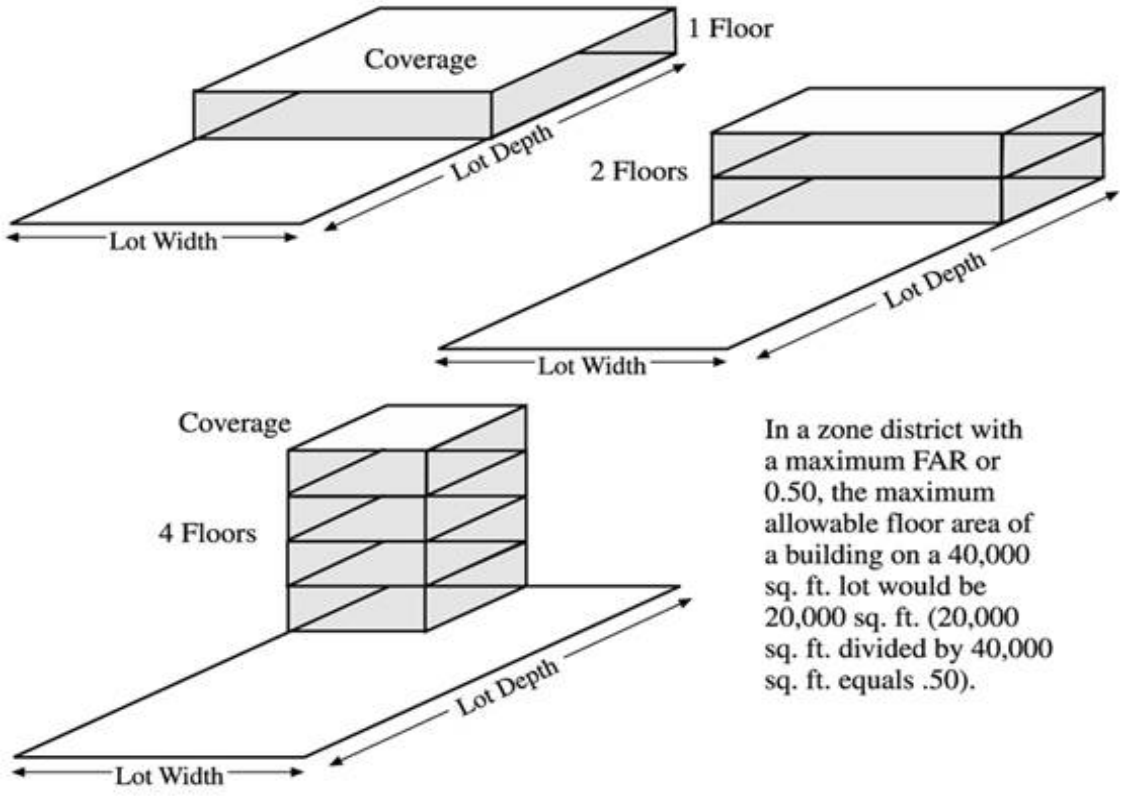
"Family" means an individual or group of persons living together who constitute a bonafide single housekeeping unit in a dwelling unit. "Family" shall not be construed to include a fraternity, sorority, club or other group of persons occupying a hotel, lodging house, or institution of any kind.

"Family child care homes, small and large." See "Child day care facilities."

"Fence" means an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas that does not contain any horizontal feature.

"Floor area, gross" means the total horizontal floor area in square feet of all stories of all buildings measured to the outside surface of exterior walls. Stairways and elevator shafts shall be included on all floors.

"Floor area ratio" means the ratio of gross floor area to the net lot area. Floor area ratio shall include the floor area of all stories of all buildings and accessory structures and shall be measured to the outside surface of exterior walls. Floor area ratio does not include uninhabitable attic space, basements, below-grade parking, nonresidential or multi-family building area devoted to structured or covered parking (i.e., parking garage, or ancillary utility rooms or elevators serving the parking garage), trash enclosures, unenclosed accessory structures (e.g., trellis), bay windows and covered porches.



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

Figure 6-3
Floor Area Ratio

"Food and beverage product manufacturing" means manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes:

1. Alcoholic beverages;
2. Bakeries;
3. Bottling plants;
4. Breweries;
5. Candy, sugar and confectionery products manufacturing;
6. Catering services separate from stores or restaurants;
7. Coffee roasting;
8. Dairy products manufacturing;
9. Fats and oil product manufacturing;
10. Fruit and vegetable canning, preserving, related processing;
11. Grain mill products and by-products;
12. Meat, poultry, and seafood canning, curing, byproduct processing;
13. Miscellaneous food item preparation from raw products;
14. Soft drink production.

Also may include tasting and accessory retail sales of beverages produced on site.

"Fourplex" means a single structure for four living units that are independent of each other with each one having a kitchen and direct access to the outside or to a common hall. Does not include "rooming and Boarding houses."

"Frontage" means all the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, and/or dead-end street, or city boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

"Furniture/cabinet shops" means manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, lockers, shelving and store furniture; and miscellaneous drapery hardware, window blinds and shades. Also includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "lumber and wood products."

"Furniture, furnishings, and equipment stores" means retail stores primarily selling: home furnishings including draperies, floor coverings, furniture, glass and chinaware, refrigerators, stoves, other household electrical and gas appliances including televisions and home sound systems and outdoor furniture including lawn furniture, spas, and hot tubs. Also includes the retail sale of office furniture and pianos.

G. DEFINITIONS, "G."

"Garage, private" means an accessory building or portion of the main building designed for the shelter or storage of automobiles having a permanent roof and enclosed on all sides.

"Garage, public" means a building other than a private garage used for the shelter or storage of automobiles.

"Garage/yard sale, private" means a sale held for the purpose of selling, trading, or otherwise disposing of household furnishings, personal goods, or tangible property of a resident of the premises on which the

sale is conducted on a residential property. The annual frequency and maximum number of days for garage sales are regulated by Section 21.36.090 (Garage and Private Yard Sales).

"Garden centers/plant nurseries" means commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of houseplants or other nursery products entirely within a building is also included under "retail stores, general merchandise." Home greenhouses are included under "Accessory Uses and Structures."

"Gasoline stations" means a retail business selling gasoline or other motor vehicle fuels, which may also provide very limited motor vehicle repair and maintenance that are incidental to fuel services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces. Includes alternative fuels and recharging facilities which are commercial facilities offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric powered vehicles.

"Glass products manufacturing" means manufacturing establishments producing flat glass and other glass products which are blown, pressed, or shaped from glass produced in the same establishment. Also includes large-scale artisan and craftsman type operations producing primarily for the wholesale market.

"Golf courses" means public and private golf courses, with or without country clubs, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges (driving ranges separate from golf courses are instead classified under "golf driving ranges"); "pro-shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities. Does not include miniature golf courses ("miniature golf course").

"Golf driving ranges" means public and private facilities providing an opportunity for driving golf balls and practicing one's golf swing. May be a separate stand-alone facility or in conjunction with a golf course.

"Government offices and facilities" means facilities owned or operated by a governmental entity (e.g., city, county, State, or Federal government).

"Grade, finished" means the final elevation of the ground surface after completion of construction on the site.

"Grade, natural" means the elevation of the ground surface in its natural state, prior to any disturbance related to construction on the site.

"Grocery stores" means an establishment which sells staple food items (e.g., coffee, sugar, flour, etc.) and usually meats and other foods (e.g., fruits, vegetables, dairy products, etc.) and household supplies (e.g., soap, matches, paper napkins, etc.); a minor portion of the food sold may be processed on site (e.g., deli or bakery services). Food stores specializing in a single type of these items (e.g., candy stores, produce only shops, coffee and tea shops, etc.) are not classified as grocery stores.

"Gross floor area." See "Floor area, gross."

"Gross lot area." See "Lot area, gross."

"Groundwater recharge facilities" means a public facility or place that is part of or supports the local, regional, or State water distribution, supply, or treatment system and where water is allowed to collect in order to recharge the underground water supply.

H. DEFINITIONS, "H."

"Half story." See "story, half."

"Handicraft industries, small scale assembly" means manufacturing establishments not classified in another major manufacturing group, including: jewelry, musical instruments, pens, pencils, sporting and

athletic goods, toys, and other artists' and office materials; brooms and brushes, buttons, costume novelties, and other miscellaneous small-scale manufacturing industries.

"Hardware store" means a facility of ten thousand or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery; if a facility is greater than ten thousand square feet, it is a building materials supply store/yard ("building materials stores/yards").

"Hazardous material" means a material that can be harmful to human health and to the environment if handled improperly. A material can be considered hazardous if it exhibits one of the following characteristics:

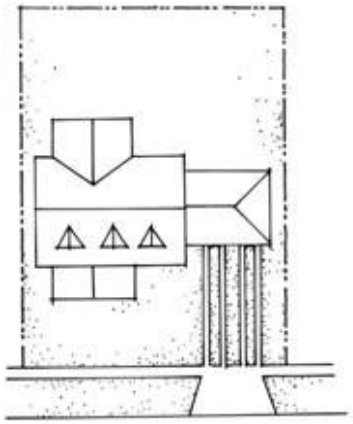
1. "Ignitability" means a material that is determined to be flammable under certain conditions.
2. "Corrosivity" means a material that corrodes metals or has a very high or low pH.
3. "Reactivity" means a material that readily explodes or undergoes violent reactions.
4. "Toxicity" means a material that is known to be harmful or fatal when ingested and is known to leach into ground water at certain levels. For example, materials with high levels of arsenic, lead, or mercury.

"Health/fitness centers" means membership based fitness facilities, gymnasiums, athletic clubs, and similar establishments requiring membership for access.

"Historic structure" means a structure listed on the city's historic resources inventory.

"Hobby car restoration" means an activity in which resident owners engage in the restoration or modification of a motor vehicle and in compliance with the provisions of Section 21.36.100 (Hobby Car Restoration).

"Hollywood drive" means a type of driveway that consists of two strips of concrete or similar material leading from the street to an accessory garage or carport. The strips of concrete may be separated by turf or other similar vegetation that can be maintained at a very low height or by mulch, gravel, or similar decorative landscaping material. The strips are spaced approximately the width of a passenger vehicle's tires.



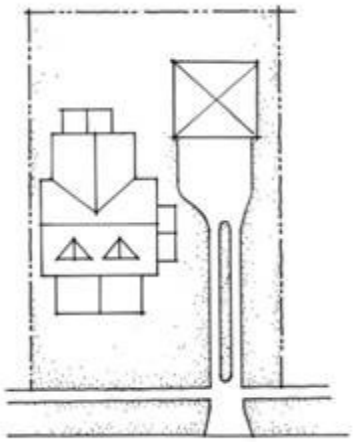


Figure 6-4
Hollywood Drive

"Home occupations" means an accessory business conducted in a residential dwelling unit, only by residents of the unit, in a manner clearly incidental to the residential character of the site and surrounding neighborhood, and in compliance with the provisions of Chapter 21.44 (Home Occupation Permits).

"Hospitals" means an institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

"Hotels" means guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (for up to thirty days). Access to the individual guest rooms are generally from an interior hallway. Also includes accessory guest facilities (including accessory retail uses, elevators, indoor athletic facilities, swimming pools, and tennis courts).

"Housing development project" means any project meeting the criteria of Section 65589.5 of the California Government Code, applying under the provisions of the Housing Accountability Act (HAA) or similar law intended to limit the discretionary review authority of the local jurisdiction, with the added clarification that for the purposes of determining whether at least two-thirds of the square footage of a mixed-use development containing residential and non-residential uses is designated for residential use, the gross floor area of any shared areas (e.g., mail rooms, trash rooms, lobbies, elevators) shall be calculated and assigned proportionally to the uses which share the area based on the gross floor area of their non-shared areas. Example: A lobby with 100 square feet of gross floor area which is shared by residential and nonresidential uses which non-shared areas respectively represent 50% of the gross floor area of the project, excepting shared areas, shall be proportionally assigned 50 square-feet of area of the shared lobby to each use (i.e., 50 square assigned to the residential component, 50 square feet to the nonresidential component). For the purposes of this code, the definition of a housing development project shall also mean to include projects meeting the above requirements and involving an activity meeting the criteria of a development as provided by Section 65927 of the California Government Code.

I. DEFINITIONS, "I."

"Indoor amusement/entertainment/recreation centers" means indoor establishments providing amusement/entertainment/recreation services for a fee or admission charge, including: arcades emphasizing coin operated amusements and/or electronic games; bowling alleys; card rooms; dance halls, clubs and ballrooms, and billiard parlors and pool halls, that are principal uses rather than being subordinate to a bar or restaurant; ice skating, and roller skating; skateboard ramps, and trampoline centers. Does not include " sexually oriented businesses" as defined in Campbell Municipal Code Section 5.55.020 (Definitions).

J. DEFINITIONS, "J."

"Junkyard" means the use of more than one hundred square feet of the area of a lot for the storage of junk, including scrap materials and metals, or wrecked or inoperable vehicles and machinery, whether or not sale of junk is made or proposed.

K. DEFINITIONS, "K."

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

L. DEFINITIONS, "L."

"Laboratories" means an establishment providing medical or dental laboratory services; or an establishment providing photographic, analytical, or testing services.

"Landscaping" means the replacement of developed or excavated areas of a parcel of land with landscape.

"Landscape" and “landscaping” means the area(s) of a parcel of land containing living vegetation, consisting of turf, ground cover, shrubs, trees, and combinations thereof meeting the requirements of Chapter 21.26 (Landscaping).

"Late night activities" means land use activities operating between the hours of 11:00 p.m. and 6:00 a.m., including, but not limited to, the provision of goods and services to the public and all ancillary activities such as property maintenance, janitorial services, street and parking lot sweeping, deliveries, and similar activities. "Late night activities" do not include the lawful, reasonable and customary use of residential uses or professional offices in a manner that does not interfere with the reasonable use and enjoyment of other properties.

"Laundries/dry cleaning plants" means service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial), carpet/rug and upholstery cleaners, diaper service, garment pressing and dry cleaning, industrial laundries, and linen supply. Does not include "laundromat, self-service" or "dry cleaning."

"Laundromat, self-service" means an establishment that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

"Library" means a public facility for the use, but not sale, or literary, musical, artistic, or reference materials.

"Light rail lines" means permanent light rail tracks that service the Valley Transportation Authority (VTA) light rail system and links Campbell to several other cities in the south bay, including Santa Clara, San Jose and Mountain View.

"Light rail passenger terminals" means passenger terminals that provide rider access to the valley transportation authority (VTA) light rail system and links Campbell to several other cities in the south bay, including Santa Clara, San Jose and Mountain View.

"Limited equity housing cooperative" means as defined in California Health and Safety Code Section 33007.5).

"Liquor establishments" means a retail activity that is primarily devoted to the selling of alcoholic beverages as a stand-alone bar or tavern, or in conjunction with a restaurant or nightclub facility, for consumption on the premises.

"Liquor stores" means a retail activity that is primarily devoted to the selling of alcoholic beverages, including beer and wine, for consumption off the premises. Liquor stores shall comply with the provisions of Section 21.36.110.

"Live/work units" means a structure that is intended to function predominantly as workspace with incidental residential accommodations that meet "basic habitability requirements" means live/work units are intended to be occupied by business operators who live in the same structure that contains the business activity. Live/work units shall comply with the provisions of Section 21.36.120.

"Living Unit" means a room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one kitchen, which constitutes an independent living unit.

"Loading area" means an open area, other than a street or alley, used for the loading or unloading of vehicles.

"Loading space" means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street or other appropriate means of access.

"Lodging houses" means a structure or a portion of a structure, other than a hotel or motel, where lodging for five or more persons is provided for compensation. Also includes rooming houses ("rooming and Boarding houses").

"Lot" means any land occupied or to be occupied by a building, or unit group of buildings, and accessory buildings together with such yards and/or open spaces and lot area as are required by this Zoning Code, and having its principal frontage upon a street, or a place approved by the decision-making body. The terms lot, plot, and parcel are interchangeable for the purposes of this code.

"Lot, corner" means a lot located at the intersection of two or more streets, where the streets intersect at an interior angle of not more than 175 degrees.

"Lot, cul-de-sac" means a lot at the end of a dead end street.

"Lot, flag" means a lot having access from the building site to a public street by means of a narrow private strip of land that is owned in fee.

"Lot, interior" means a lot other than a corner lot.

"Lot, line(s)" means the line(s) bounding a lot as defined herein, with the following specific classifications and criteria for determining setbacks:

1. The front lot line means any lot line or combination of lot lines abutting the same side of a street except as follows:
    a. Corner lots. Corner lots shall have one front lot line and one or more street lot lines. The front lot line of a corner lot shall mean the line or combination of lines on the same side of the property abutting the public right of way with the shortest cumulative length and having a combined interior angle of not more than 135 degrees.
    b. Rear lots. The front lot line of a rear lot (i.e., flag lot) shall mean the line or combination of lines on the same side of a property abutting the interior terminus of any access area with the shortest cumulative length and having a combined interior angle of not more than 135 degrees.
    c. Through lots. The front lot line of a through lot shall mean:
        i. For low-density residential, low-medium density residential, medium density residential, and medium-high density residential land uses, the lot line, or combination of lot lines, abutting the same side of a street with the least

intensive street classification (i.e., where abutting a residential collector instead of a Class I Arterial); and

ii. For all other land uses other than low-density residential, low-medium density residential, medium density residential, and medium-high density residential land uses, the lot line, or combination of lot lines, abutting the same side of a street with the most intensive street classification (i.e., Class I Arterial instead of a residential collector) pursuant to the Roadway Network Classifications Diagram of the General Plan (Figure T-1.)

Exception: For any legal residential development or residential project with a planning or building permit application submitted prior to June 2, 2023, the front lot line shall mean the lot line, or combination of lot lines, abutting the same side of the street (or in the case of a flag lot, those lines on the same side of a property abutting the interior terminus of any access area) that will result in the least number of non-conforming development standards for the property.

2. The 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. The street lot line means any line or combination of lines abutting the same side of a public street that is not determined to be a front lot line.
4. The rear lot line is the line or combination of lines that are most distant and opposite the front lot line and yielding the greatest lot width. On a lot where the side lot lines converge to a point at the rear of the lot (i.e., triangle lot), a line 10 feet long within the , 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 setback.

"Lot area, pre-dedication" means the total area within the lot lines of a lot, plus that area between the centerline of adjacent public right-of-way and the property lines.

"Lot, reverse corner" means a corner lot in which the rear property line abuts the side property line of an adjoining interior lot (as opposed to the rear property line of another corner lot).

"Lot, through" means a lot having frontage on two parallel or approximately parallel streets.

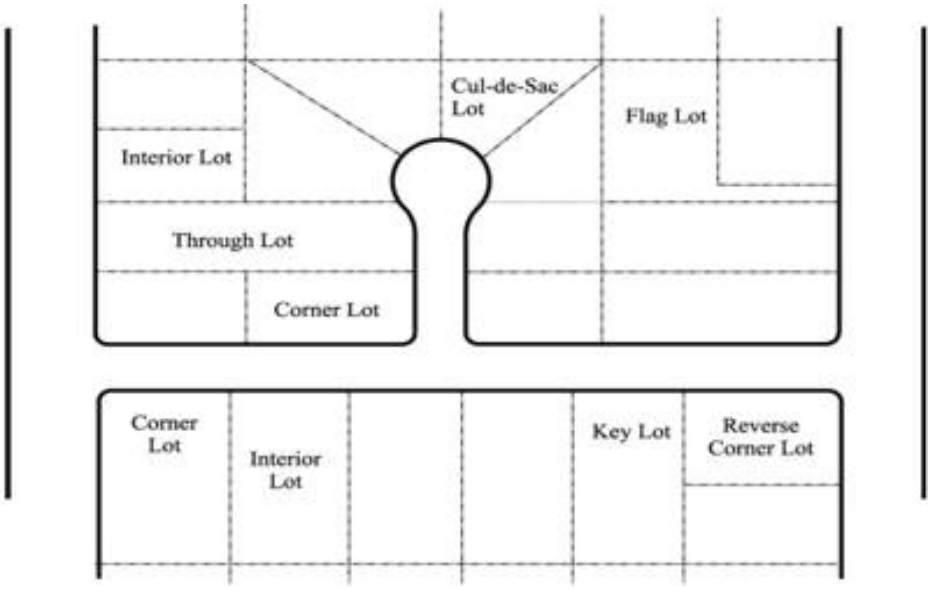


Figure 6-5
Lot Types

"Lot area, net" means the total area within the lot lines of a legal parcel, after any public right-of-way dedication and not including land reserved as public right-of-way.

"Lot area, gross" means the total area within the lot lines of a legal parcel (or contiguous parcels) prior to public right-of-way dedication and not including land reserved as public right-of-way . "Lot coverage" means the ratio of covered area to net lot area. See definition of “Covered area”. "Lot depth" means the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines. On a lot where the side lot lines converge to a point at the rear of the parcel (i.e., triangle lot), the rear lot line measurement shall be taken from the point of intersection of side lot lines most distant and opposite the front lot line.

"Lot width" means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. On a lot where the side lot lines converge to a point at the rear of the parcel (i.e., triangle lot), a line 10 feet long within the parcel, 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 lot width.

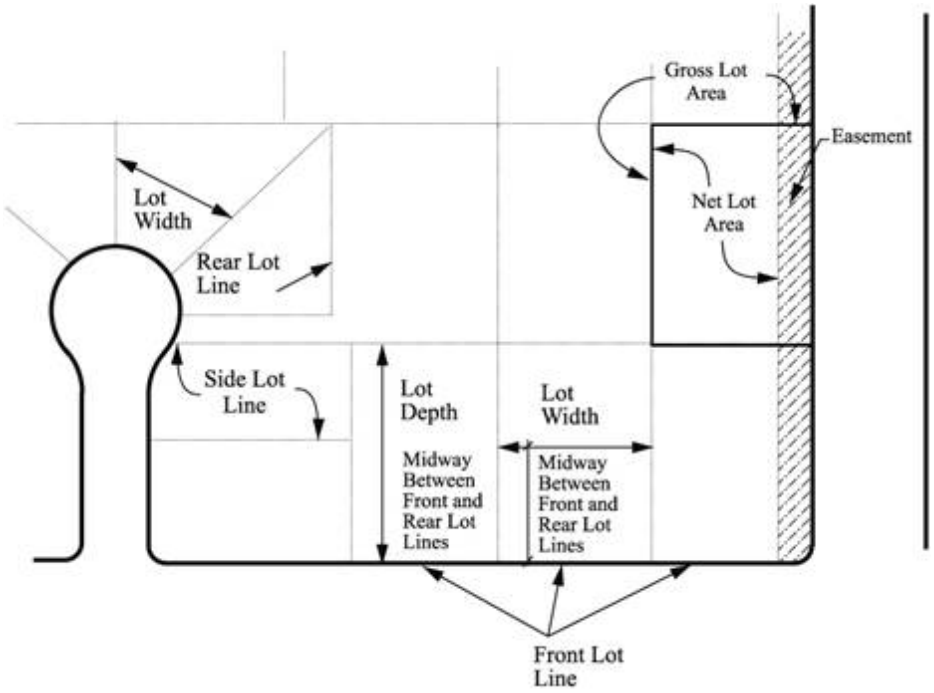


Figure 6-7
Lot Lines and Lot Areas

"Lumber and wood products" means manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Also includes the following processes and products:

1. Containers, pallets and skids;
2. Milling operations;
3. Trusses and structural beams;
4. Turning and shaping of wood products;
5. Wholesaling of basic wood products;

6. Wood product assembly.

"Craft-type shops" are included in "Handcraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture/Cabinet Shops." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores/Yards."

M. DEFINITIONS, "M."

"Machinery manufacturing" means the manufacturing of machinery and equipment for purposes and products including the following:

1. Construction;
2. Conveyors;
3. Die casting;
4. Dies;
5. Dredging;
6. Engines and turbines;
7. Farm and garden;
8. Food products manufacturing;
9. Gear cutting;
10. Heating, ventilation, air conditioning;
11. Industrial molds;
12. Laundry and dry cleaning;
13. Materials handling;
14. Mining;
15. Paper manufacturing;
16. Passenger and freight elevators;
17. Pistons;
18. Printing;
19. Pumps;
20. Refrigeration equipment;
21. Textile manufacturing.

"Main structure" means a structure that accommodates the primary use of the site.

Major Electrical Transmission Line. See "Electrical Transmission Line, Major."

"Manufactured housing" means a housing unit that is either wholly or partially constructed or assembled off the site in compliance with California Health and Safety Code Section 18551, and certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.).

"Marine sales" means retail establishments selling and/or renting new and/or used boats, and associated marine equipment (e.g., jet skis, trailers, etc.) Also includes parts sales or service facilities only when part of a dealership selling new marine equipment on the same site.

"Massage establishment" means an establishment having a fixed place of business where any person, firm, association, or corporation practices or otherwise permits massage for compensation. "Massage establishment" shall include any establishment providing off-premises massage services and establishments that offer services such as relaxation, hot tub, towel wraps, baths, health treatments, tanning, or any service where the essential nature of the interaction between the employee and the customer involves a massage.

"Massage therapy" means therapeutic (non-sexual) rubbing or kneading of parts of non-specified anatomical areas of the body to aid circulation or to relax muscles, provided by a licensed professional.

"Medical services, clinics" means facilities primarily engaged in furnishing outpatient medical, mental health, surgical, and other personal health services. These include: medical, dental, and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under "offices"); outpatient care facilities; emergency room services; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included.

"Medical services, extended care" means residential facilities providing nursing and health-related care as a principal use with in-patient beds, including: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; Board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in "residential care homes."

"Medical services, laboratories" means facilities primarily engaged in furnishing medical and dental laboratory services.

Meeting halls. See "Public assembly uses."

"Membership organization facilities" means permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations, civic and social organizations, labor unions and similar organizations, political organizations, private clubs, professional membership organizations, private clubs, and other membership organizations.

"Metal products fabrication" means the assembly of metal parts, including blacksmith and welding shops, machine shops, sheet metal shops, and boiler shops, that produce metal duct work, cabinets and enclosures, metal doors and gates, tanks, towers, and similar products.

"Miniature golf course" means a theme-oriented recreational facility, typically comprised of nine or eighteen putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

"Mixed-use developments" means a combination of uses in a single building or on a single lot that contain residential and commercial uses that are part of an integrated development project with a significant functional inter-relationship. Residential and commercial uses may be mixed horizontally or vertically provided they are on a single parcel. Mixed-use development shall comply with the provisions of Section 21.36.130.

"Mobile home parks" means any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Monastery, Convent, Parsonage, or Nunnery.

"Monastery, convent, or nunnery" means the dwelling units of a religious order or congregation.

"Parsonage" means the official residence usually provided by a religious institution for its minister, parson, rabbi, etc.

"Mortuaries or funeral parlors" means establishments where deceased are prepared for burial or cremation, and funeral services may be conducted. Includes crematoriums, funeral homes, and funeral parlors.

"Most Common Dictionary Definition" means a definition from the Merriam-Webster Dictionary online, or next most common dictionary definition when a term or phrase is not defined.

"Motels" means guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (for up to thirty days). Access to the individual guest rooms are generally from an exterior walkway. Also includes accessory guest facilities (including accessory retail uses, elevators, indoor athletic facilities, swimming pools, and tennis courts).

Motor Vehicle Related Land Uses.

1. "Motor vehicle cleaning, washing, and detailing" means facilities specializing in the cleaning, washing, detailing and polishing of motor vehicles.
2. "Motor vehicle dismantling" means customarily outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including wreckers engaged in dismantling motor vehicles for scrap and the incidental wholesale or retail sales of parts from vehicles. Includes light and heavy processing facilities for recycling. Does not include: places where these activities are conducted entirely within structures; pawnshops and other secondhand stores; or the sale of operative used cars. Motor vehicle dismantling shall comply with the provisions of Section 21.36.240.
3. "Motor vehicle leasing" means retail establishments leasing motor vehicles (e.g., automobiles, trucks and vans).
4. "Motor vehicle oil change facilities" means these facilities are limited to performing only oil changes and very limited incidental maintenance and only on light duty motor vehicles (e.g., automobiles, light duty trucks and vans).
5. "Motor vehicle painting" means motor vehicle repair facilities dealing with entire vehicles, but only within a completely enclosed and soundproofed structure. These establishments customarily provide towing, collision repair, other body work, and painting services.
6. "Motor vehicle parking facilities" means and includes short-term commercial garages, parking lots, and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by the Zoning Code.)
7. "Motor vehicle parts and supplies" means retail stores that sell new motor vehicle parts, tires, and accessories. May also include very limited vehicle maintenance and parts installation connected with the retail sales.
8. "Motor vehicle renting" means retail establishments renting motor vehicles (e.g., automobiles, trucks, recreational vehicles and vans).
9. "Motor vehicle repair and maintenance, minor and major" means major vehicle repair facilities deal with the entire vehicle; minor repair facilities generally specialize in limited aspects of repair (e.g., muffler and radiator shops, tire shops.) All repair activities (minor and major) are conducted within a completely enclosed and soundproofed structure. Does not include: motor vehicle dismantling yards which are included under "motor vehicle dismantling." Motor vehicle repair facilities shall comply with the provisions of Section 21.36.140.

10. "Motor vehicle repair and maintenance, minor only" means minor repair facilities generally specialize in limited aspects of repair (e.g., muffler and radiator shops, oil change shops, smog shops, tire shops, tune up shops, window tinting.) All repair activities are conducted within a completely enclosed and soundproofed structure. Does not include: motor vehicle dismantling yards which are included under "motor vehicle dismantling." Motor vehicle repair facilities shall comply with the provisions of Section 21.36.140.

11. "Motor vehicle sales" means retail establishments selling new and/or used motor vehicles (e.g., automobiles, trucks, and vans). May also include service and repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership.

12. Motor vehicle tune-up. See "motor vehicle repair and maintenance, minor only."

13. Motor vehicle tune-up, limited to light duty only. See "motor vehicle repair and maintenance, minor only;" however, these shops are limited to performing only tune ups and only on light duty motor vehicles (e.g., automobiles, light duty trucks and vans).

14. Motor vehicle window tinting. See "motor vehicle repair and maintenance, minor only."

"Multi-family dwelling" means an apartment, townhome, or condominium development.

"Museums, public" means public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, museums, and planetariums, which are generally non-commercial in nature.

"Music (recordings) store" means an establishment primarily engaged in retailing new prerecorded audio and video tapes, compact discs (CDs), digital video discs (DVDs), and phonograph records.

N. DEFINITIONS, "N."

"Nature preserves" means areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

"Nightclubs" means commercial establishments, with or without food service, providing opportunities for dancing, music, and other related forms of entertainment, including cabarets. These establishments may be part of a restaurant, where the food service is subordinate to the dancing and entertainment.

"Nonconforming building" means a building or structure the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of this Zoning Code.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision, or amendment of this Zoning Code, but which fails, by reason of such adoption, revision or amendment, to conform to the use regulations for the zoning district in which it is located.

"Nonresidential" means a property, use, or building that is not used as a place of residence. Exception: Mixed-use development not meeting the definition of a “Housing development project” are included in this definition. The terms nonresidential and non-residential are interchangeable for the purposes of this code.

"Nontransient" with respect to occupancy of a residential or residentially zoned property means the occupancy of, or the legally binding commitment to occupy a unit by the same natural person for one year or longer.

"Nuisance per se" means an activity that in and of itself is inherently considered to be a nuisance. Examples of activities that are nuisances per se include water pollution by discharge, structures which

amount to a fire hazard, noise, air pollution, weeds, rubbish and refuse, junkyards, earth movement, and illegal signs. See "Public Nuisance."

O. DEFINITIONS, "O."

"Offices, professional" means professional or government offices including:

1. Administrative;
2. Accounting, auditing and bookkeeping services;
3. Advertising agencies;
4. Architectural, engineering, planning, and surveying services;
5. Attorneys;
6. Counseling services;
7. Court reporting services;
8. Data processing and computer services;
9. Detective agencies and similar services;
10. Educational, scientific and research organizations;
11. Employment, stenographic, secretarial and word processing services;
12. Insurance agencies;
13. Government offices including agency and administrative office facilities;
14. Management, public relations and consulting services philanthropic enterprises;
15. Philanthropic enterprises;
16. Photography and commercial art studios;
17. Public utilities;
18. Real estate services;
19. Travel agencies;
20. Writers and artists offices outside the home.

Does not include: medical offices, which are allowed under "medical services—clinics," financial institutions, or offices that are incidental and accessory to another business or sales activity that is the principal use" means Incidental offices that are customarily accessory to another use are allowed in any non-residential zoning district as part of an approved principal use.

"Oil change facilities." See "Motor vehicle oil change facilities."

"Open space" means that portion of a lot or property which is required to be open and unobstructed by structures, except as specifically provided by law, from the ground to the sky.

"Open space, required for multiple-family dwelling units" means a private or common space serving multiple-family dwelling units that is specifically designed for recreational use, whether active or passive, and shall not be occupied by driveways, parking spaces, or walkways between structures.

"Open space, usable private" means the area shall exclude the required front setback between the structure and the street property line. 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.

"Open space land" means any parcel or area of land essentially unimproved in its natural state; devoted to an open space use; and which is designated in the open space element in the General Plan for open space.

"Open space zoning district" means any area of land or water designated O-S (open space) and subject to all of the terms and regulations of this Zoning Code.

"Open space use" means the use of land for:

1. Containment and structuring of urban development;
2. Conservation or use of natural resources;
3. Enjoyment of scenic beauty;
4. Production of food or fiber;
5. Protection of man and his artifacts (property, structures, etc.); and
6. Public recreation.

"Outdoor "active" activities" means an accessory activity to an allowed commercial retail or service land use that is active in nature (e.g., drive-up windows, sales stations, etc.)

"Outdoor amusement/entertainment/recreation centers" means facilities for various outdoor participant sports, entertainment, and most types of recreational activities where a fee is charged for use, including: amusement and theme parks; drive-in theaters; golf driving ranges; miniature golf courses (golf courses are included under the definition of "golf courses"); skateboard ramps and parks and water slides; recreation equipment rental (for example, bicycles, roller skates); health and athletic clubs with predominately outdoor facilities; tennis courts, swim and tennis clubs; zoos. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, (e.g., bars and restaurants [both table service and counter service], and video game arcades.)

"Outdoor retail sales and activities" means permanent outdoor sales and rental establishments including auction yards, flea markets, flower stands, lumber and other material sales yards, newsstands, outdoor facilities for the sale or rental of vehicles/equipment, and other uses where the business is not conducted entirely within an enclosed structure. Does not include the sale of automobiles and recreational vehicles ("motor vehicle sales").

"Outdoor seating" means an outdoor dining area provided by a restaurant for its customers that is furnished with tables, chairs, umbrellas, and other items necessary for the consumption of food and beverages served by the restaurant, either with or without waiter service. Outdoor seating shall comply with the provisions of Section 21.36.150.

"Outdoor storage" means the storage of various materials, including contractors' equipment, outside of a structure other than fencing, either as an accessory or principal use, suitably screened from public view, but not within fifty feet of a residentially zoned parcel. Outdoor storage shall comply with the provisions of Section 21.36.160.

"Owner's Association" means an organization established under State law operated in compliance with adopted covenants, codes, and restrictions (CCR's) or comparable instrument, which collectively represents individuals with fee interest in property within a subdivision, planned development, or condominium.

P. DEFINITIONS, "P."

"Paper products manufacturing" means the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including boxes, envelopes, paper bags, wallpaper, etc.

"Parking lots/structures, public" means service establishments in the business of storing operative cars, buses, recreational vehicles, trucks, vans, and other motor vehicles for clients. Includes day use commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by the Zoning Code.) Also includes sites where vehicles are stored for rental or leasing.

"Parking space" means an area off the street or highway for the temporary storage of an automobile or other motor vehicle. A parking space shall not include space needed for driveway or loading area.

"Parks, public" means and includes public parks, play lots, playgrounds, and non-professional/ noncommercial athletic fields, including park and playground equipment, accessory structures, and facilities.

"Payday lender" means a retail business owned or operated by a "licensee" as that term is defined in California Financial Code section 23001(d), as amended from time to time.

"Personal services" means establishments providing non-medical services as a primary use, including:

1. Barber and beauty shops;
2. Clothing rental;
3. Dry cleaning pick-up stores with limited equipment;
4. Home electronics and small appliance repair;
5. Laundromats (self-service laundries);
6. Nail shops;
7. Shoe repair shops;
8. Tailors;
9. Palm and psychic readers.

The term "personal services" does not include massage establishments. The term "personal services" does not include body piercing, tattoo parlors, or any of the other uses listed under "Personal services, limited."

"Personal services, limited" means establishments providing nonmedical services of a very limited and restricted nature as a primary use, including body piercing, and tattoo parlors.

Pet Clinics. See "Veterinary clinics and animal hospitals."

"Pet store" means a retail sales establishment primarily engaged in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

"Pharmaceutical manufacturing" means establishments engaged in the production of drugs and related therapeutical products for distribution to clinics, hospitals, medical-related facilities, and pharmacies drug stores.

"Pharmacies/drug stores" means a retail store where a licensed pharmacist prepares prescription medicines for sale, which may also sell over-the-counter medicines, personal care products, and other miscellaneous products.

Pharmacies/Drug Stores, With Drive-Up Service. See (Pharmacies/drug stores;" however these facilities sell their products either through over-the-counter sales or drive-up window service.

"Philanthropic enterprise" means an organization or institution engaged in collecting donations of money, goods, or services in order to provide humanitarian or charitable assistance.

"Philanthropic collection trailer" means a portable trailer that is parked on private property for the purpose of collecting donations of household goods (e.g., clothing, books, toys, furniture, kitchen utensils, bedding, lamps, rugs, etc.) from area residents. An attendant from the sponsoring philanthropic enterprise is usually present at the trailer during prescribed hours to assist donors in placing their donations in the trailer, to dispense tax receipts, and to maintain the cleanliness of the area surrounding the trailer.

"Photocopying" means an establishment (except private mail centers) engaged in providing a range of office support services (except printing services), such as document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales.

"Photography studio/supply shop" means an establishment primarily engaged in providing still, video, or digital portrait photography services. Also an establishment primarily engaged in either retailing new cameras, photographic equipment, and photographic supplies or retailing new cameras and photographic equipment in combination with activities, such as repair services and film developing.

"Plastics and rubber products" means the manufacture of rubber products including: rubber footwear; mechanical rubber goods; heels and soles; flooring; and rubber sundries from natural, synthetic, or reclaimed rubber. Also includes: establishments engaged in molding primary plastics for the trade, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services.

"Primary dwelling unit" means a building that is the principle use of the lot on which it is situated. This definition does not include accessory dwelling units or junior accessory dwelling units as provided for by Chapter 21.23 (Accessory Dwelling Unit), or caretaker or employee housing as provided by Section 21.36.040 (Caretaker or employee housing.).

"Printing and publishing" means establishments engaged in printing by gravure, letterpress, lithography, offset, screen, or other common process, including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade including bookbinding, electrotyping, engraving, photoengraving, silk screening, and typesetting. This use also includes establishments that publish books, newspapers, and periodicals; and establishments manufacturing business forms and binding devices.

"Public assembly uses" means a facility or place where groups of people gather for civic, educational, political, religious, or social purposes. "Public assembly uses" include the following:

1. Auditoriums;
2. Conference centers;
3. Convention and exhibition halls;
4. Lecture halls;
5. Meeting halls;
6. Religious institutions.

Does not include banquet facilities ("Banquet Facilities"), movie theaters, performing arts theaters, or concert halls ("Theaters, Movie or Performing Arts, and Concert Halls"). Also does not include "sexually oriented businesses" as defined in Campbell Municipal Code Section 5.55.020 (Definitions). Public assembly uses shall comply with the provisions of Section 21.36.170.

"Public nuisance" means an act or omission that interferes with the interests of the community or interferes with the public health, safety, and welfare. A public nuisance affects an entire community or neighborhood, or any considerable number of persons at the same time, although the extent of the annoyance or damage inflicted upon individuals may be unequal. California Civil Code Section 3480.

"Public utility structures and service facilities" means fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

1. Corporation and maintenance yards;
2. Electrical substations and switching stations;
3. Natural gas regulating and distribution facilities;
4. Public water system wells, treatment plants and storage;
5. Service uses/structures;
6. Telephone switching facilities;
7. Wastewater treatment plants, settling ponds and disposal fields.

"Public works maintenance facilities and storage yards" means publicly owned or operated structures and open storage yards designed to accommodate motor vehicles, construction equipment, and the storage of materials used by the governmental agency. Also includes enclosed structures designed to warehouse space parts and service the above listed equipment.

R. DEFINITIONS, "R."

"Radio or television transmitter" means usually a tall, fabricated structural metal tower designed and equipped to receive and transmit radio and television signals.

"Radio station" means a commercial facility that serves as the base-of-operations for an on-air radio broadcasting company. These facilities may also contain administrative offices and equipment of the type and scale customarily associated with wireless telecommunications facilities.

"Recreation land" means any area of land or water suitable for recreational purposes.

"Recreational vehicle" means the same as set forth in California Health and Safety Code section 18010, as that section exists and may be amended and decodified in the future.

"Recycling facilities" means a variety of facilities involved with the collection, sorting, and processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

1. "Collection facilities (large and small)" means a center where the public may donate, redeem, or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:
    a. Large collection facilities which occupy an area of more than eight-four cubic feet, including but not limited to large collection containers and/or permanent structures;
    b. Small collection facilities which occupy an area of eighty-four cubic feet or less and may include:
        (1) A mobile unit;
        (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than eighty-five cubic feet;
        (3) Kiosk-type units, which may include permanent structures; and

(4) Small collection container.

c. Reverse vending machine(s);

2. "Processing facilities" means a structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by means of baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding. Processing facilities include the following types:

a. Light processing facility occupies an area of under forty-five thousand square feet of collection, processing, and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not bale, compact, or shred ferrous metals other than food and beverage containers; and

b. A heavy processing facility is any processing facility other than a light processing facility.

3. "Recycling or recyclable material" means reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials.

4. "Reverse vending machines" means an automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than eighty-five cubic feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

"Regional Commercial Center" means a group or cluster of retail businesses, offices, and hotel(s) sharing common pedestrian and off-street parking, and which are located on parcel(s) of land having the following characteristics:

1. Minimum area of twenty acres uninterrupted or undivided by public streets; and

2. Abutted on at least two sides by public streets that intersect at one corner of the commercial center, and by a freeway on one other side.

May consist of one or more legal parcels tied together by a binding legal agreement providing rights of reciprocal vehicular parking and access, and one or more ownerships.

"Repair and maintenance, consumer products" means service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; furniture repair; television and radio and other appliance repair; reupholstery; and watch, clock and jewelry repair. Does not include shoe repair (included under "Personal services, general"). Does not include heavy equipment repair businesses, which are included under "Business support services."

"Research and development" means indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies, soils and other materials testing laboratories, or medical laboratories.

"Residential care homes, small (serving six or fewer persons)" means a facility licensed by the State of California where care, services, or treatment is provided to persons living in a community residential setting.

The facilities are designed for and limited to six or fewer residents and are usually housed in a private residential home setting.

"Residential care homes, large (serving seven or more persons)" means a facility licensed by the State of California where care, services, or treatment is provided to persons living in a community residential setting. The facilities are designed for seven or more residents and are usually housed in a private residential home setting. Residential care homes shall comply with the provisions of Section 21.36.180.

"Residential service facility, small (six or fewer)" means a residential facility serving six or fewer natural persons, other than a residential care facility or single housekeeping unit, where the operator receives compensation for the provision of personal services, in addition to housing including protection, supervision, assistance, guidance, training, therapy, or other nonmedical care.

"Residential service facility, large (seven or more)" means a residential facility serving seven or more natural persons, other than a residential care facility or single housekeeping unit, where the operator receives compensation for the provision of personal services, in addition to housing including protection, supervision, assistance, guidance, training, therapy, or other nonmedical care.

"Residential recreational facilities, private" means playground equipment, swimming pools and spas, tennis and other sport courts, and similar facilities and accessory structures that are operated for the residents of a specific residential development and their invited guests, and are not open to the general public. Does not include these facilities for individual homes, which are defined as "accessory uses and structures."

Restaurants.

1. Restaurants, drive-through. (See "drive-through/drive-up service/drive-up window").
2. Restaurants, drive-in. (See "Drive-in/drive-in service").
3. "Restaurants, fast food" means establishments whose primary business is the sale of food and beverages to customers for consumption on-site or off-site. Customarily less than fifty percent of the total gross floor area is used for customer seating. Interior furnishings include standardized floor plans, stationary seats, and tables. Food is primarily pre-packaged rather than made to order. Plates and cutlery are disposable. Condiment bars and trash disposal are self-service.
4. "Restaurants or cafes" means establishments whose primary business is the sale of food and beverages to customers for their consumption within the restaurant or restaurant patio area. Customarily at least fifty percent of the total gross floor area is used for the seating of customers. The restaurant may be open for breakfast, lunch, and/or dinner. Alcoholic beverages and carry-out food service are allowed if they are incidental to the primary purpose of consumption of food and beverages in the restaurant.
5. "Restaurants, standard" means any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
    a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages on tableware by a restaurant employee at the same table or counter at which said items are consumed.
    b. A cafeteria-type operation where foods, desserts, or beverages generally are consumed within the restaurant building.

"Retail stores, general merchandise" means retail trade establishments selling many lines of merchandise. These stores and lines of merchandise include:

1. Art stores/ galleries;

2. Antiques;
3. Artists' supplies;
4. Bakeries (retail only);
5. Boat supplies;
6. Beauty supply;
7. Bicycles;
8. Cameras and photographic supplies;
9. Candy stores;
10. Clothing and accessories;
11. Collectibles;
12. Drug and discount stores;
13. Fabrics and sewing supplies;
14. Florists and houseplant stores (indoor sales only—outdoor sales are "garden centers/plant nurseries");
15. Gifts, novelties and souvenirs;
16. Delicatessens;
17. Handcrafted items (stores may include crafting preparations subordinate to retail sales);
18. Hobby materials;
19. Jewelry;
20. Luggage and leather goods;
21. Meat market;
22. Newsstands;
23. Orthopedic supplies;
24. Photography studio/supply shops;
25. Shoes;
26. Small wares;
27. Specialty shops;
28. Sporting goods and equipment;
29. Stationery;
30. Toys and games;
31. Variety stores.

"Rooming and Boarding houses" means houses with individual bedrooms that are rented to between three to five persons for profit, whether or not meals are provided.

Rugs and Upholstery Cleaning. See "Laundries/dry cleaning plants."

S. DEFINITIONS, "S."

Satellite Television or Personal Internet Broadband Dishes/Antenna. See "wireless telecommunications facilities"; however these facilities shall be less than three feet or two meters in diameter. Satellite television or personal internet broadband dishes/antenna shall comply with the provisions of Section 21.36.190.

"Scenic land" means any area of land or water that possesses scenic qualities suitable for preservation.

"Schools, commercial." See "Commercial schools."

"Schools—K—12, private." See "Schools—K—12, public;" however, these schools are privately owned and operated, and also may include denominational and sectarian, Boarding schools, and military academies.

"Schools—K—12, public" means an institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the State Education Code. Includes elementary, middle, junior high, and high schools serving kindergarten through 12th grade students. Pre-schools and child day care are included under the definitions of "Child day care facilities."

"Secondhand/thrift stores" means indoor retail establishments that buy and sell used products, including books, clothing, furniture, and household goods. The sale of cars and other used vehicles is included under "Motor Vehicle Sales."

"Senior citizen housing" means housing reserved for senior citizens or other qualified residents as defined by California Civil Code Section 51.3 et seq.

"Service bay" means a space within a motor vehicle related land use (herein defined), where a motor vehicle can be located for maintenance or repairs.

"Setback" means the distance by which a structure, parking area, or other development feature must be separated from a lot line. Setbacks from private streets are measured from the edge of the easement. See also "Yard." Figure 6-8 (Setbacks) shows the location of front, side, street side, rear, and interior setbacks.

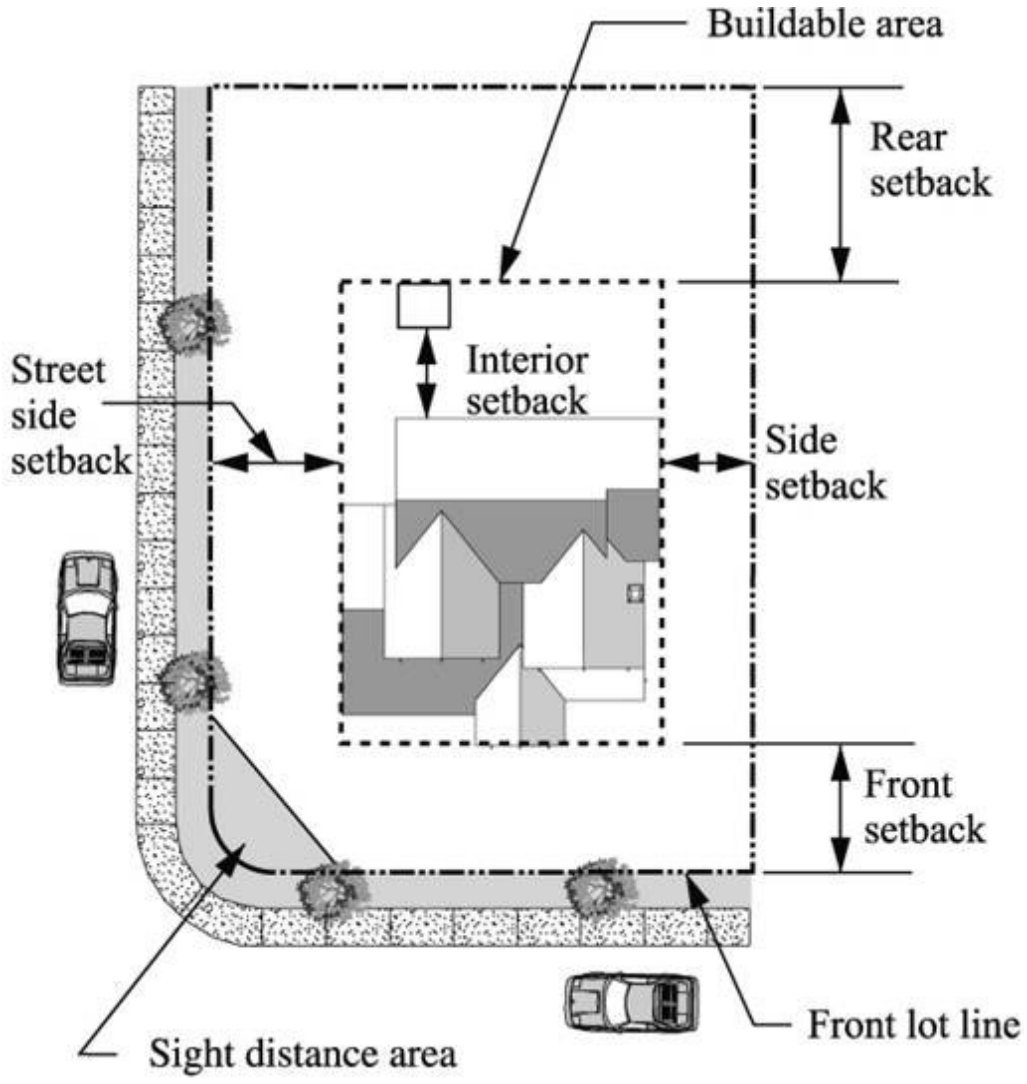


Figure 6-8
Setbacks

"Sexually oriented businesses" has the same meaning as defined in Campbell Municipal Code Section 5.55.020 (Definitions).

"Shopping centers" means a group or cluster of retail businesses and offices sharing common pedestrian and off-street parking, and which are located on parcel(s) of land having the following characteristics:

1. Minimum area of three acres uninterrupted or undivided by public streets;
2. Abutted on at least two sides by public streets that intersect at one corner of the shopping center;
3. May consist of one or more lots tied together by a binding legal agreement providing rights of reciprocal vehicular parking and access, and one or more ownerships;
4. Combination of commercial and office use with commercial uses to be at least seventy-five percent of gross floor area.

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

"Sign" means any structure, device, figure, painting, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide data or information in the nature of advertising, to direct or attract attention to an object, person, institution, business, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

"Sign shops" means commercial establishments that market and design signs and create banners. Does not include assembly, fabrication, installation, repair, or service of signs.

"Sign manufacturing" means industrial establishments that market, design, assemble, fabricate, install, repair, and service signs of all types, sizes, and materials.

"Single-family dwellings" means a structure designed for and/or occupied exclusively by one family and containing only one kitchen. Also includes factory-built housing (modular housing) units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/ manufactured housing on permanent foundations. May include the rental of rooms within a dwelling also occupied by the property owner or a primary tenant.

"Single housekeeping units" means a functional equivalent of a traditional family; whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas in sharing household activities and responsibilities such as meals, chores, and expenses.

"Single Room Occupancy facility" means a residential facility providing dwelling units where each unit has a minimum floor area of one hundred fifty square feet and a maximum floor area of two hundred twenty square feet, and are rented to a one- and/or two-person household. These dwelling units may have kitchen and/or bathroom facilities, and are provided for a weekly or monthly period of time, in exchange for an agreed payment of a fixed amount of money or other compensation based on the period of occupancy.

"Small-lot single-family dwelling" means a single-family dwelling (as defined herein) constructed on a lot of less than six thousand square feet in net lot area, located within the P-D (Planned Development) zoning district.

"Spa Services/Health Spa" means an establishment that provides a combination of hair, nail, and/or skin care; waxing; facials; massage; and other similar services to customers for financial compensation and may include a sauna, whirlpool, and other similar amenities for the incidental use of patrons. Spa Services / Health Spa shall not mean a beauty shop, nail shop, barber shop, or massage establishment where the active primary use of the establishment does not encompass a full range of services identified in the preceding sentence, but is focused on only one or two of the uses listed in this sentence.

"Stock cooperative" means a corporation which is formed or availed of primarily for the purpose of holding a title to, either in fee simple or for a term of years, improved real property. All, or substantially all, of the shareholders of the corporation must receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share(s) of stock in the corporation held by the persons having the right of occupancy.

"Storage facilities" means a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand. Includes personal-, self-, or mini-storage."

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

"Story, half" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

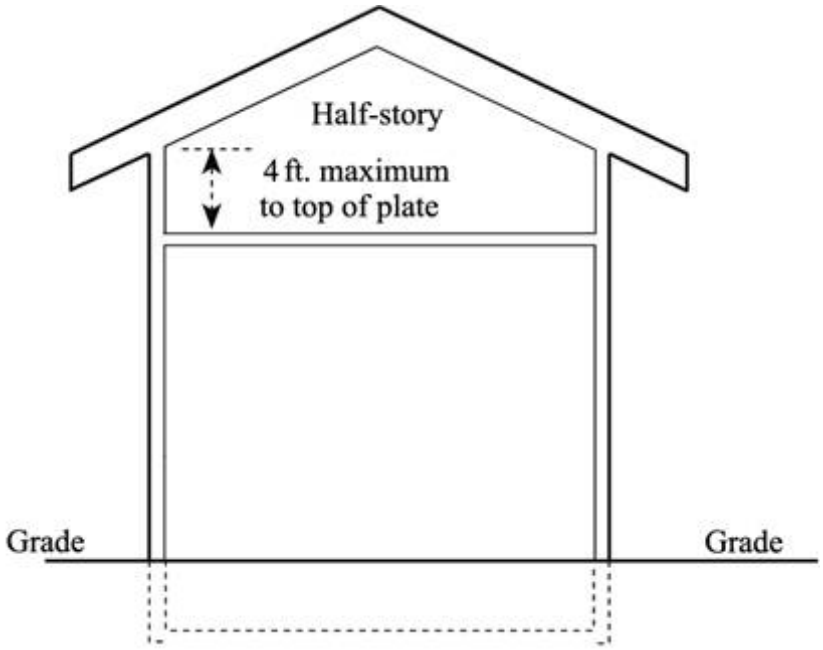


Figure 6-9
Half Story

"Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

"Structure" means anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground.

"Studios, small" means an establishment that offers instruction to twelve or fewer participants at any one time, involving physical or artistic skills and techniques, including but not limited to dance, music, fitness training, martial arts and fine arts.

"Studios, large" means an establishment that offers instruction to more than twelve participants any one time, involving physical or artistic skills and techniques, including but not limited to dance, music, fitness training, martial arts and fine arts.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

T. DEFINITIONS, "T."

"Tanning studio" means an establishment that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes health and fitness centers ("Health/fitness center").

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5

(commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

"Temporary use" means a land use activity described in Chapter 21.45, whether profit or non-profit, conducted solely on private property for a limited period of time.

"Tennis courts, private" means one or more tennis courts designed and maintained for the sole and exclusive use of the residents/tenants of a specific unit or portion of the site and their invited guests.

"Textile products manufacturing" means manufacturing establishments engaged in performing any of the following operations: Preparation of fiber and subsequent manufacturing of braids, threads, twine cordage, yarn; manufacturing woven fabric and carpets and rugs from yarn; dying and finishing fabric, fiber, yarn, and knit apparel; coating, waterproofing, or otherwise treating fabric; the integrated manufacture of knit apparel and other finished products from yarn; the manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles; and upholstery manufacturing.

"Theaters, movie or performing arts, and concert halls" means indoor facilities for public assembly and group entertainment, other than sporting events, including public and semi-public auditoriums; civic theaters, and facilities for "live" theater and concerts; motion picture theaters; and similar public assembly uses. Does not include uses categorized as "sexually oriented businesses" as defined in Campbell Municipal Code Section 5.55.020 (Definitions) or as "Public Assembly Uses."

"Towing services" means service establishments where the primary function is the dispatching of tow trucks to motorists in need of a tow to a third location. The facility provides space for the parking of the tow trucks and the private motor vehicles of the tow truck drivers. Also includes administrative offices for the tow truck company and indoor accommodations for servicing (minor maintenance and repair) the tow trucks.

Does not include the short-term storage of towed vehicles ("Motor vehicle parking facilities") or the long-term storage of towed vehicles ("Motor vehicle storage facilities"). Also does not include motor vehicle repair of towed vehicles ("Motor vehicle repair and maintenance, minor and major"). Towing services shall comply with the provisions of Section 21.36.240.

"Townhouse" means a single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

"Trailer sales" means an open paved area, other than a public street, used for the display, sale, or rental of new or used trailers. Also includes minor incidental repair and service of the trailers displayed or sold on the premises.

"Transit-Oriented Development (TOD)" means a residential or mixed-use development, located within ¼ mile of a light rail passenger terminal (defined herein).

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

"Travel agency" means an establishment primarily engaged in acting as an agent in selling travel, tour, and accommodation services to the general public and commercial clients.

"Triplex" means a single structure for three living units that are independent of each other with each one having a kitchen and direct access to the outside or to a common hall. Does not include "Rooming and Boarding Houses."

"Trucking/freight terminals" means this land use consists of transportation establishments furnishing services incidental to air, motor freight, and rail transportation including:

1. Freight forwarding services;
2. Freight terminal facilities;
3. Joint terminal and service facilities;
4. Packing, crating, inspection and weighing services;
5. Postal service bulk mailing distribution centers;
6. Transportation arrangement services;
7. Trucking facilities, including transfer and storage.

"Tutoring center, small" means an establishment providing instruction to twelve or fewer students at any one time, for personal or professional enrichment, involving scholastic, non-physical pursuits, including but not limited to academics, language instruction, wine appreciation, and computer training.

"Tutoring center, large" means an establishment providing instruction to more than twelve students at any one time, for personal or professional enrichment, involving scholastic, non-physical pursuits, including but not limited to academics, language instruction, wine appreciation, and computer training. Establishments providing instruction as a part of a certificate or degree granting program are included under the definition of "commercial school."

U. DEFINITIONS, "U."

Universities/colleges, private. See "universities/colleges, public"; however, these universities/colleges are privately owned and operated.

"Universities/colleges, public" means and includes community colleges, public colleges, universities, and technical schools granting associate arts degrees, certificates, undergraduate, and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training.

V. DEFINITIONS, "V."

"Vending machine" means an unattended self-service device that, upon insertion of coin(s) or token(s) or by similar means, dispenses anything of value including food, beverages, goods, wares, merchandise, or services.

"Veterinary clinics and animal hospitals" means office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. A maximum of five animals may be kept overnight only if they are receiving medical treatment at the clinic/hospital. Veterinary clinics and animal hospitals shall comply with the provisions of Section 21.36.250.

"Video rental store" means an establishment primarily engaged in the retail rental or lease of videotapes, films, CD-ROMs, laser discs, DVDs, electronic games, cassettes, or other electronic media. Sales of videotapes, films, CD-ROMs, laser discs, DVDs, electronic games, cassettes, or other electronic merchandise associated with VCR's, video cameras, DVD players, and electronic games are permitted accessory uses.

W. DEFINITIONS, "W."

"Warehouse retail stores" means retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and structures are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing, wholesaling, and distribution facility, incidental. See "warehousing, wholesaling, and distribution facilities," primary; however, these facilities are only incidental to a manufacturing facility, and serve only as the warehouse for that facility. These incidental facilities do not exceed fifty percent of the total gross floor area of the manufacturing facility that it serves.

Warehousing, wholesaling, and distribution facilities, primary.

1. Warehousing. Warehouse facilities provide for the storage of furniture, household goods, or other commercial goods of any nature. Also includes cold storage. Does not include: warehouse, storage, or personal or mini-storage facilities offered for rent or lease to the general public. For these see "Storage facilities."
2. Wholesaling and distribution facilities. Wholesaling and distribution facilities include establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to these persons or companies. Includes the following establishments:
    a. Agents, merchandise or commodity brokers, and commission merchants;
    b. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
    c. Merchant wholesalers;
    d. Stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

"Wildlife habitat" means any area of land or water valuable or necessary to or suitable for the preservation or enhancement of wildlife resources.

"Width, Public Right-of-Way" means the horizontal width of the area of real property in which the city has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways, bike lanes or boulevards dedicated or acquired as right-of-way.

Wireless Telecommunications Facilities—Non-Stealth. See wireless telecommunications facilities—stealth; however, these facilities do not meet the definition of a stealth facility, defined below.

"Wireless telecommunications facilities—stealth" means a land use facility supporting antennas that sends and/or receives radio frequency signals.

1. Wireless telecommunications facilities. Wireless telecommunications facilities include antennas and all other types of equipment for the transmission or receipt of these signals; telecommunication towers or similar structures built to support the required equipment; equipment cabinets, Base Transceiver Stations, and other accessory development. Also referred to as a "Telecommunication facility."

"Stealth facility" means any telecommunications facility which is designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade mounted antennas painted and treated as architectural elements to blend with the existing structure. Also known as "Concealed telecommunications facilities."

Y. DEFINITIONS, "Y."

"Yard" means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code.

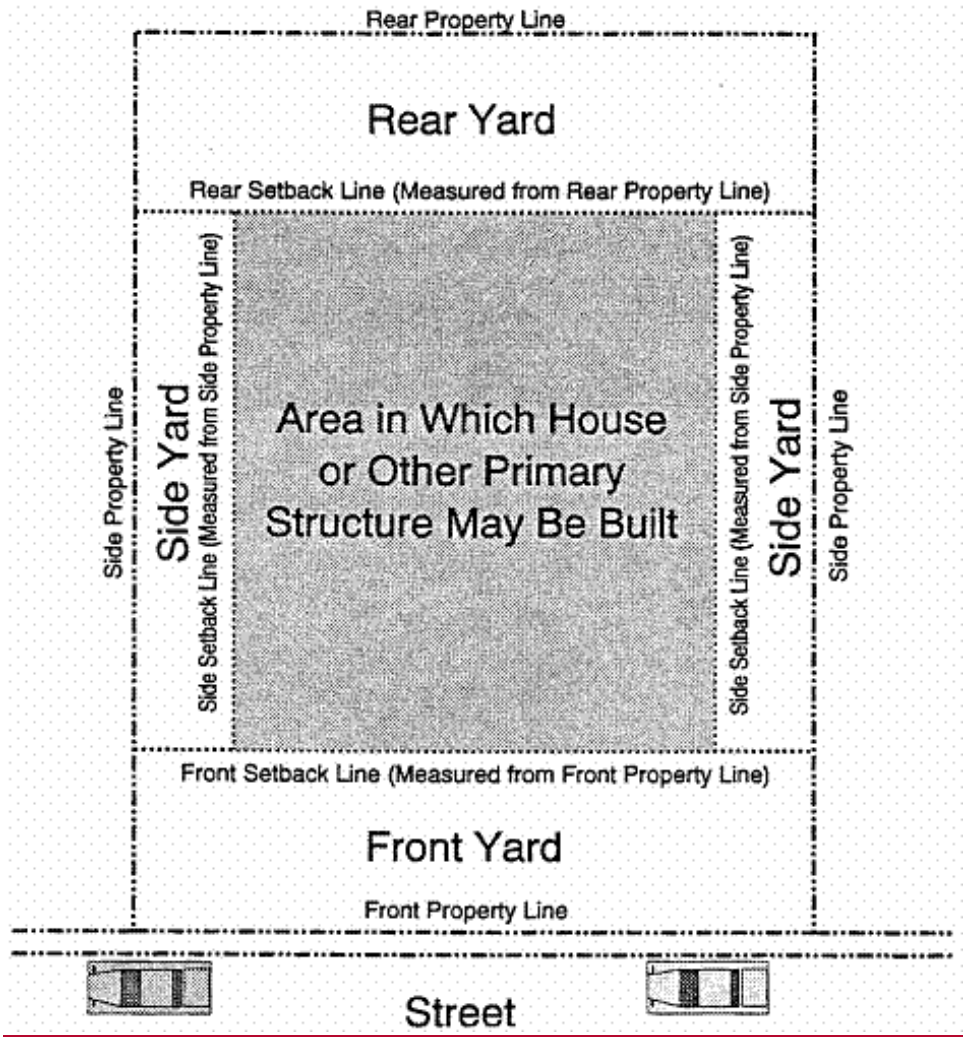


Figure 6-10. Yards

"Yard, front" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto to the lot.

"Yard, rear" means a yard extending across the full width of the lot between the most rear main building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the main building.

"Yard, side" means a yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of a main building.

"Yard sale." See "garage/yard sales, private."

"Year" means 365 calendar days.

(Ord. 1617 Sl(part), 1986; Ord. 2093 § 1(part), 2007; Ord. 2043 § 1(part), 2004; Ord. No. 2149, § 1(Exh. A), 6-7-2011; Ord. No. 2182, § 5(Exh. D), 10-7-2014; Ord. No. 2196, §§ 15, 16, 2-2-2016; Ord. No. 2199, §§ 3, 4, 4-5-2016; Ord. No. 2213, §§ 26, 27, 11-1-2016; Ord. No. 2216, § 13, 12-12-2016; Ord. No. 2222, §§ 9, 10, 5-16-2017, eff. 6-15-2017; Ord. No. 2250 , §§ 18—22, 9-3-2019; Ord. No. 2251 , § 5, 10-15-2019; Ord. No. 2252 , §§ 17, 18, 11-19-2019; Ord. No. 2266 , § 6, 9-1-2020; Ord. No. 2270 , §§ 14, 19, 3-16-2021; Ord. No. 2286 , § 9, 8-16-2022)