

ORDINANCE NO. 2319

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL ESTABLISHING TITLE 19 (HOUSING) OF THE CAMPBELL MUNICIPAL CODE. FILE NO. PLN-2023-85.

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

WHEREAS, the subject Ordinance will establish Title 19 (Housing) of the Campbell Municipal Code.

WHEREAS, Title 19 (Housing) serves to establish guidelines, regulations, and policies related to the provision of housing, including affordable housing, and housing services in the City of Campbell.

WHEREAS, Title 19 (Housing) of the Campbell Municipal Code includes additional findings in support of its adoption which are included herein by reference.

WHEREAS, the establishment of commercial linkage fees, methodology for collection, and use as specified in Title 19 (Housing) is supported by the Affordable Housing Nexus Study prepared by BAE Urban Economics and dated July 15, 2024 (hereinafter "Affordable Housing Nexus Study").

WHEREAS, the City Council adopted the Affordable Housing Nexus Study as a separate, and prior action, at its meeting of August 20, 2024.

WHEREAS, the proposed amendments would be consistent with the 2040 General Plan and 2023-2031 Housing Element of the City of Campbell including, but not limited to, the following:

2040 General Plan

Goal LU-3: Employ creative approaches to providing a range of affordable housing options in Campbell while protecting the character of established neighborhoods.

LU-3.a: Implement the programs in the Housing Element in order to achieve the city's housing goals.

2023-2031 Housing Element

Program H-1b: Commercial Linkage Fee: Establish an affordable housing impact fee that will apply to nonresidential development to provide an additional local source of revenue to support production of affordable housing.

Policy H-5.5: Rights of Tenants and Landlords: Assist in educating tenants and landlords, and settling disputes between the two parties.

Program H-5a: Education on Fair Housing Laws: Ensure landlords and renters understand their rights and responsibilities under fair housing law.

WHEREAS, the legislature of the State of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

WHEREAS, the review and adoption of the proposed amendments is done in compliance with California Government Code Sections 65853 through 65857, which require a duly noticed public hearing of the Planning Commission whereby the Planning Commission has provided its written recommendation to the City Council for its consideration.

WHEREAS, adoption of the proposed Ordinance is considered a "project" under Section 15378(a)(1) of the California Environmental Quality Act (CEQA).

WHEREAS, the proposed Ordinance may be found exempt from environmental review under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that there is no possibility that the proposed changes to the City's Municipal Code may have a significant effect on the environment.

WHEREAS, the legislature of the State of California has, in Article XI, Section 7 of the California Constitution, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

WHEREAS, the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.

WHEREAS, Title 19 (Housing) is internally consistent with other applicable provisions of the Campbell Municipal Code.

WHEREAS, in consideration of the adoption of the subject Ordinance, the City Council provided due consideration of all evidence presented and provided in the entire administrative record.

THEREFORE, the City Council of the City of Campbell does ordain as follows:

Section 1. Title 19 (Housing) of the Campbell Municipal Code is hereby established as set forth in **Exhibit A-2**.

Section 2. If any section, sentence, clause, phrase, word, or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance, shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. The proposed Ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) as there is no possibility that the proposed changes to the City's Municipal Code may have a significant effect on the environment.

Section 4. The City Council further finds and determines that the proposed Ordinance is consistent with the goals, policies, and actions of the 2040 General Plan and the 2023-2031 Housing Element.

Section 5. That this Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, or summary thereof, one time within fifteen (15) days upon passage and adoption in the Metro Silicon Valley, a newspaper of general circulation for the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this 3rd day of September, 2024, by the following roll call vote:

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

APPROVED: _____
Susan M. Landry, Mayor

ATTEST: _____
Andrea Sanders, City Clerk

**Title 19
HOUSING**

Chapter 19.01 GENERAL PROVISIONS

19.01.010. Title.

Title 19 of the Campbell Municipal Code shall be known and cited as the "Housing Code."

19.01.020. Purpose

The City of Campbell desires to preserve, protect, and provide housing, including affordable housing, and housing related services to its residents. The purpose of this title is to set forth guidelines, regulations, and policies related to the provision of housing, including affordable housing, and housing services in the City of Campbell.

19.01.030. Severability of provisions.

If any provision or clause of the Housing Code or the application thereof is held to be invalid, such invalidity shall not affect the other provisions or applications of the Housing Code which can be given effect without the invalid provision or application, and to this end, the provisions of the Housing Code are declared to be severable.

19.01.040. Responsibility for administration.

The Housing Code shall be administered by the Community Development Director or its designee.

19.01.050. Interpretation of provisions.

This section provides rules for resolving questions about the meaning or applicability of the Housing Code. The provisions of this section are intended to ensure consistent interpretation and application of the requirements of the Housing Code with other sections of the Campbell Municipal Code and General Plan, and to the extent necessary, to provide authority to temporarily suspend the enforcement of, or harmonize the application of, the Housing Code with federal and state law, or relevant court decisions.

- A. Authority. The Community Development Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of the Housing Code.
 - B. Rules of Interpretation.
 1. Minimum requirements. The provisions of the Campbell Housing Code shall be strictly interpreted and applied as minimum requirements (unless stated as maximums) for the promotion of public health, safety, convenience, and general welfare.
 2. Terminology. When used in this Housing 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."
 - C. 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.
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- D. Existing Agreements. It is not intended that the requirements of this Housing Code shall interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed when this Housing Code became effective.

19.01.060. Appeals.

- A. Appeal of a decision or interpretation. Any interested party may file an appeal to the City Council regarding a discretionary decision or interpretation made by the Community Development Director, or its designee, in compliance with this Housing Code. Ministerial actions made pursuant to this Housing Code are final and not subject to appeal.
 - B. 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.
 - C. 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.
 - D. 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.
 - E. Notice to applicant. If the appellant is not the applicant, a copy of the appeal shall be sent to the applicant by the City, 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.
 - F. 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 City Council, with notice provided in compliance with subsection E 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.
 - 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.
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- I. Action. At the hearing, the City Council 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 City Council may, by resolution, affirm, affirm in part, or reverse the action that is the subject of the appeal.
 - 2. Deny the appeal. The City Council may deny the appeal.
- J. Deadlock Vote. If an appeal from an action of the Community Development Director results in a deadlock vote by the City Council, the action of the Community Development Director shall become final.
- K. Effective Date of Decision. An action of the Community Development Director appealed to the City Council shall not become effective until an action by the Council as set forth in Section 19.01.060.I (Action) has been taken or a deadlock vote as set forth in Section 19.01.060.J. (Deadlock Vote) has occurred.
- L. Exhaustion of Appeals. No action challenging a decision made pursuant to this title may be commenced unless all the appeals afforded under this title have been exhausted, except that 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.
- M. Council Initiated Review: Notwithstanding any other provision of this section, the City Council may review any decision or interpretation of the Community Development Director, or its designee, 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 subsection B of this section;
 - 2. The review shall be treated the same as an appeal, except that no application need be filed with the City Clerk.

Chapter 19.02 HOUSING PROGRAM

19.02.010. Housing agreements and loans.

The City Manager, or its designee, is authorized to enter into housing agreements and loans as well as subordinate any covenant, condition, or restriction regarding a housing requirement for the City's benefit or in furtherance of the requirements and purpose of the Housing Code.

Chapter 19.03 BELOW-MARKET RATE UNIT RENT CONTROL

19.03.010. Applicability.

This Chapter shall apply to housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing.

19.03.020. Rent increases.

An owner of residential real property shall not, over the course of any 12-month period, increase the gross rental rate for a below-market rate dwelling or a below-market rate unit more than 5 percent plus the percentage change in the cost of living, or 10 percent, whichever is lower, of the lowest gross rental rate charged for that dwelling or unit at any time during the 12 months prior to the effective date of the increase. In determining the lowest gross rental amount, any rent discounts, incentives, concessions, or credits offered by the owner of such unit of residential real property and accepted by the tenant shall be

excluded. The gross per-month rental rate and any owner-offered discounts, incentives, concessions, or credits shall be separately listed and identified in the lease or rental agreement or any amendments to an existing lease or rental agreement.

19.03.030. Frequency of rent increases.

If the same tenant remains in occupancy of a unit of residential real property over any 12-month period, the gross rental rate for the unit of residential real property shall not be increased in more than two increments over that 12-month period.

19.03.040. New tenancy.

For a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the residential real property, the owner may establish the initial rental rate without regard to this Chapter 19.03 (Below-Market Rate Rent Control).

19.03.050. New agreements.

Provisions of this section shall be incorporated into any deed, agreement with a government agency, or other recorded document serving to restrict housing as affordable housing after the effective date of the Ordinance establishing this Chapter.

Chapter 19.04 COMMERCIAL LINKAGE FEE

19.04.010. Purpose and findings.

- A. The purpose of this Chapter is to facilitate the development and availability of housing affordable to a broad range of households with varying income levels within the City of Campbell by adopting a Commercial Linkage Fee that will supplement other public funding sources for affordable housing.
 - B. The City's Housing Element recognizes that Affordable Housing is a critical component to the City's economic and social health. Establishing a Commercial Linkage Fee to assist in financing Affordable Housing production is consistent with and will implement the City's Housing goals, policies, and programs for Affordable Housing which include, but are not limited to, the following:
 - 1. Goal 1: Improve Housing Affordability in Campbell – Encourage the Production of Affordable Housing;
 - 2. Program H-1b (Commercial Linkage Fee); and
 - 3. Program H-1a (Inclusionary Housing Ordinance Implementation).
 - C. Providing Affordable Housing for new employees in lower- and moderate- income jobs locally (rather than leaving those employees to obtain housing in lower cost areas far from Campbell employment centers and transit corridors) helps minimize housing's contribution to greenhouse gas emissions and locating housing to reduce vehicle miles traveled and auto dependency. If the increased demand for Affordable Housing is not addressed within Campbell it will cause such housing to be built elsewhere, in areas with lower land values that are far from city employment centers and transit corridors, and the resulting commuting will cause increased traffic and transit demands and consequent noise and air pollution.
 - D. If the increased demand for Affordable Housing is not addressed within Campbell it may also impact economic growth in that businesses within the city may find it more difficult to attract and retain the variety of workers that they need.
 - E. Development of Affordable Housing using Commercial Linkage Fee funds to increase the supply of Affordable Housing also implements policies of the State of California to: (1) provide sufficient
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capacity for new housing affordable at all income levels necessary to accommodate the State's future economic growth; and (2) by providing housing for lower- and moderate- income retail and service workers, long commutes from less expensive housing markets can be avoided and thus contribute to the implementing the Global Warming Solutions Act of 2006 and the Sustainable Communities and Climate Protection Act of 2008.

- F. State housing policy requires the City to assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate- income households. There is a significant shortage of housing affordable to low- and moderate- income households, which will only increase as the finite number of residentially zoned parcels within the city are purchased and developed for market rate residential developments. This loss of residential land available for Affordable Housing is another impact of market rate residential development.
- G. The requirements of this Chapter are based on a number of factors including, but not limited to, the City's long-standing commitment to economic diversity; the serious need for Affordable Housing as reflected in local and State housing laws, regulations, and policies; the demand for Affordable Housing created by Non-Residential Development; and the impact that the lack of Affordable Housing production has on the health, safety, and welfare of the City's residents including its impacts on traffic, transit and related air quality impacts, and the demands placed on the regional transportation infrastructure. Imposing a fee that is reasonably related to the burdens created by new Non-Residential Development on the City's need for Affordable Housing will enable the City to fund development of Affordable Housing units that will contribute to addressing these impacts and fulfilling these goals.
- H. The City has prepared a Nexus Study which shows, and the City Council finds, that there is a reasonable relationship between the purpose for which the fees established by this Chapter are to be used and the type of development projects on which the fees are imposed, between the need for affordable housing and Non-Residential Development and between the amount of the fees and the cost of the Affordable Housing units or portion of the units attributable to the development on which the fees are imposed. The Nexus Study complies with the requirements of California Government Code section 66001(A)(4) by establishing the reasonable relationship between the need for affordable housing and Non-Residential Development.
- I. It is the intent of the City Council that the fee required by this Chapter shall be supplementary to any conditions imposed upon a development project pursuant to other provisions of the Municipal Code, the City Charter, the Subdivision Map Act, the California Environmental Quality Act, and other state and local laws, which may authorize the imposition of project specific conditions on development.

19.04.020. Commercial linkage fee requirement.

- A. Fee established. The Commercial Linkage Fee shall be specified by resolution of the City Council and shall be exempted, reduced, or adjusted in accordance with the provisions of this Chapter.
 - B. Fee adjustments. To account for inflation in Affordable Housing development costs, the Commercial Linkage Fee specified in Section 19.04.020.A. (Fee established.) shall be increased by the DGS California Construction Cost Index (CCCI) as published by the California Department of General Services Real Estate Service Division, or its successor, on July 1 of every year, to account for the annual percentage increase in the preceding year.
 - C. Imposition of fee. Compliance with this Chapter is a requirement for Non-Residential Projects, whether or not a condition of approval is expressly included in the land use permit where a land use permit was required.
 - D. Payment. Unless otherwise specified by the City Council in its resolution adopting the schedule of fees, the Commercial Linkage Fee shall be paid prior to the issuance of a building permit for new Non-Residential Projects in the city. The Applicant shall pay the amount due based on the fees in the fee schedule:
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- a. In effect on the date the fee is paid for a ministerial permit application;
- b. The date an application was deemed complete for a development project application; or
- c. The date the complete preliminary application was submitted for a project submitted pursuant to California Government Code Section 65941.1, as automatically adjusted in accordance with Subsection 19.04.020.B. (Fee adjustments).

If a permit meets more than one of the above criteria, the fee shall be based on the fee schedule in effect on the date that results in the lowest fee from the list above.

- E. Failure to Pay. Failure to pay the Commercial Linkage Fee within the time specified in this Chapter shall result in the imposition of additional charges as set forth by resolution of the City Council.

19.04.030. Applicability of fee.

The regulations, requirements, and provisions of this Chapter and Council resolutions adopted pursuant to this Chapter shall apply to any Non-Residential Project submitted one year following the effective date of this Chapter.

19.04.040. Fee calculation.

The Commercial Linkage Fee charged pursuant to Section 19.04.020.A (Fee established) shall be calculated for all Non-Residential Projects by multiplying the Commercial Linkage Fee by the useable commercial area.

19.04.050. Fee reductions and exemptions.

The Applicant may request, and upon such request receive, a reduction or exemption from the Commercial Linkage Fee established by Section 19.04.020.A (Fee established.) as follows:

- A. Fee reductions. The following fee reductions may be combined to reduce the Commercial Linkage Fee obligation for a project:
 1. Small projects. The fee shall be reduced by 50% for projects that result in 5,000 sq. ft. or less of net new non-residential floor area after accounting for any useable commercial area to be removed in accordance with Section 19.04.50.A.3 (Existing building areas.) or recently demolished useable commercial area in accordance with Section 19.04.050.A.4 (Recently demolished building areas.).
 2. Large projects. The fee shall be reduced by 50% for any non-residential floor area over 100,000 square feet in a project.
 3. Existing building areas. Legally existing useable commercial areas that are proposed for removal as part of a Non-Residential Project shall be deducted from the total commercial and covered commercial areas specified in Section 19.04.040 (Fee calculation.).
 4. Recently demolished building areas. Recently demolished legal useable commercial areas shall be deducted from the total commercial and covered commercial areas specified in Section 19.04.040 (Fee calculation.) provided that less than three years elapses between the date of demolition permit final and the date of fee payment.
 - B. Fee exemptions. The following fee exemptions may be:
 1. Commercial Component of Mixed-Use Projects. Fifteen percent (15%) of the useable commercial area, cumulatively, in a mixed-use building with residential units on upper floors shall be exempt from the Commercial Linkage Fee. The area exempted by this section shall not, however, be excluded from other calculations used to determine eligibility for fee reductions specified in this Chapter.
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19.04.060. Fee refunds.

- A. Request for refund. If a Commercial Linkage Fee is collected on a Non-Residential Project and the permit for that Project later expires, is vacated, or voided before commencement of construction, the Applicant shall, upon request, be entitled to a refund of the unexpended housing commercial linkage fee paid, less a portion of the fee sufficient to cover costs of collection, accounting for and administration of the fee paid. Any request for a refund shall be submitted in writing to the Community Development Director within one (1) year of the date that the permit expires or is vacated or voided. Failure to timely submit a request for a refund shall constitute a waiver of any right to a refund.
- B. Unexpended fees. Fees collected pursuant to this Chapter which remain unexpended or uncommitted for five (5) or more fiscal years after deposit into the Commercial Linkage Fee Fund shall be accounted for or may be refunded as provided by State law.

19.04.070. Fee revision by resolution.

The amount of the Commercial Linkage Fee and the formula for the automatic annual adjustment established by this Chapter may be reviewed and revised periodically by resolution of the City Council. This Chapter shall be considered enabling and directive in this regard.

19.04.080. Fee revenue fund.

- A. There is hereby created and established the Commercial Linkage Fee Fund.
- B. The fees paid to the City pursuant to the provisions of this Chapter shall be deposited into the Commercial Linkage Fee Fund and used solely for the purpose described in this Chapter.
- C. All interest which accrues from monies in the Commercial Linkage Fee Fund shall be credited to this fund.
- D. Any repayments of loans made from the Commercial Linkage Fee Fund shall be deposited into the Commercial Linkage Fee Fund.
- E. The Commercial Linkage Fee Fund, shall be subject to all of the applicable provisions of California Government Code section 66000 et seq.

19.04.090. Expenditure of commercial linkage fee fund.

All monies in the Commercial Linkage Fee Reserve Fund shall be expended solely on the production or refurbishment of Affordable Housing to help fulfill the need identified in the Nexus Study to increase the supply of housing affordable to households of extremely low, very low, low, or moderate income, or such other report as may be prepared from time to time to document the reasonable fair share of the costs to mitigate the increased need for Affordable Housing that is created by new Non-Residential development. Such expenditures may include, but are not necessarily limited to the following:

- A. Reimbursement of or payment for, for all direct and indirect costs incurred by the City to fund the production of Affordable Housing pursuant to this Chapter, including but not limited to, the cost of land and right-of-way acquisition, planning, legal advice, engineering, design, construction, construction management, materials and equipment, or issuing loans to nonprofit Affordable Housing developers to acquire land and/or to rehabilitate existing buildings or build new developments to increase the supply of Affordable Housing units.
 - B. Costs of issuance or debt service associated with bonds, notes or other security instruments issued to fund Affordable Housing.
 - C. Reimbursement for the reasonable and necessary administrative costs incurred by the City in establishing or maintaining the Commercial Linkage Fee Fund, including but not limited to the cost of studies to establish the requisite nexus between the fee amount and the use of fee proceeds and yearly accounting and reports.
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- D. No portion of the Commercial Linkage Fee Fund may be diverted to other purposes by way of loan or otherwise.

19.04.100. Definitions.

The meaning of terms used in this Chapter shall be as defined by Section 19.04.100 (Definitions) and Chapter 19.07 (Definitions). Where a conflict may exist between these sections, the definitions provided in Section 19.04.100 (Definitions) shall prevail.

"Applicant" means any person or entity who is an applicant, developer, owner, or appellant with a property interest in a Non-Residential Project subject to the terms of this Chapter, and the authorized representative of any such person or entity.

"Building Permit" includes full structural building permits as well as partial permits such as foundation-only permits.

"Commercial Linkage Fee" means the fee adopted by the City Council pursuant to this Chapter to be paid to the City.

"Construction Cost Index" means the California Construction Cost Index (CCCI) published by the California Department of General Services, Real Estate Service Division. 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.

"Useable Commercial Area" means the total horizontal floor area in square feet of all stories of all non-residential building areas measured to the inside surface of exterior walls as well as any covered non-residential area outside of the building envelope that is covered or partially covered by structures, beams, slats, or projections when viewed from above. This area specifically includes hallways, lobbies, elevators, stairwells, and mechanical rooms. This definition specifically excludes parking areas (including covered parking areas), areas shared with residential use in a mixed-use development, as well as areas covered by cornices, eaves, sills, and canopies cumulatively measuring less than 30-inches in depth as measured to the outside surface of exterior walls, as well as ground level paving, pools, spas and decks, landscape features, and light wells.

"Nexus Study" means the fee study entitled: "Affordable Housing Nexus Study" prepared by BAE Urban Economics, dated July 15, 2024, accepted by the City Council on August 20, 2024, and on file with the City Clerk.

"Non-Residential Project" means any development having a non-residential use component and gross new or additional floor area or that applies for a permit to change an existing residential use to a different non-residential use category that increases the demand for Affordable Housing.

"Uninhabitable" means areas that are not considered habitable as defined by the California Building Code.

Chapter 19.06 TENANT PROTECTIONS

19.06.010. Purpose.

This chapter serves to implement state mandated residential tenant protections, tenant notification requirements, and tenant relocation benefits for occupants of protected units in the City of Campbell. This chapter does not apply to occupants of units rented for less than thirty days or serve to confer additional legal protections upon unlawful occupants of residential units.

19.06.020. Tenant notification.

The project proponent must provide written notice to residential tenant(s) to be displaced by a planned demolition at least six months in advance of the date that existing tenants must vacate. The

notice must provide the date the tenant must vacate and their rights under Section 66300.6 of the Government Code. Compliance with the requirements of this Section shall be demonstrated by the project proponent by sending a copy of the form on file with the Community Development Department to each residential tenant to be displaced by certified mail as well as by providing a list of addresses provided, or to be provided, the written notice required by this Section as part of the application for a development project permit or demolition permit.

19.06.030. Tenant protections.

Any existing occupants must be allowed to occupy their units until six months before the start of construction activities. Further, existing occupants who are required to leave their units shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

19.06.040. Tenants right of first refusal.

A right of first refusal for a comparable unit available in the new housing development, or in any required replacement units for lower income households, shall be provided to protected units displaced by demolition.

19.06.050. Tenant relocation benefits.

Relocation benefits, equivalent to those required by public entities pursuant to Chapter 16 of Division 7 of Title 1 of the California Government Code must be provided to existing occupants of protected units who are lower income households. This section shall not apply to development projects that consist of a single residential unit replacing a single protected unit.

19.06.060. Definitions.

The meaning of terms used in this Chapter shall be as defined by Section 19.06.060 (Definitions) and Chapter 19.07 (Definitions). Where a conflict may exist between these sections, the definitions provided in Section 19.06.060 (Definitions) shall prevail.

“Comparable unit” shall have the same meaning as in Section 66300.6 of the Government Code.

“Protected units” shall have the same meaning as in Section 66300.6 of the Government Code.

Chapter 19.07 DEFINITIONS

19.07.010. Purpose.

This chapter provides definitions of terms and phrases used in the Campbell Housing 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. Unless otherwise expressly defined in this title, words and phrases used herein shall have the same meaning as those found in Title 21 (Zoning) of the City of Campbell Municipal Code.

19.07.020. Definitions.

The following definitions are in alphabetical order.

"Affordable housing" means housing that includes housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes. For the purposes of this definition, housing that is provided at even lower levels of affordability, or at affordability levels that fall between the specified income levels specified, that otherwise satisfy the requirements of the definition, shall also be included.

"Below-market rate dwelling" or "Below-market rate unit" means a residential housing unit that is restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing in the City of Campbell.

"Government code " means the California Government Code.

"Housing guidelines" means guidelines, manuals, or procedures, that may be developed by the Community Development Director, or designee, from time to time.

"Percentage change in the cost of living" means the percentage change from April 1 of the prior year to April 1 of the current year in the regional Consumer Price Index for the San Francisco Area (San Francisco-Oakland-Hayward) as published by the United States Bureau of Labor Statistics. If the regional index is discontinued or otherwise not available, the California Consumer Price Index for All Urban Consumers for all items, as determined by the Department of Industrial Relations, shall apply.

