

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTERS 18.06 (“DEFINITIONS”), 18.10 (“REGULATIONS FOR R1-8L – SINGLE-FAMILY, LARGER LOT AREA ZONING DISTRICTS”), 18.12 (“REGULATIONS FOR R1-6L – SINGLE-FAMILY ZONING DISTRICTS”) AND 18.76 (“ARCHITECTURAL REVIEW”) OF TITLE 18 (“ZONING”) OF THE “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA” TO REGULATE THE NUMBER OF RENTERS IN A RESIDENCE IN SINGLE FAMILY RESIDENTIAL ZONES

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City Council of the City of Santa Clara (the “Council”) has the authority to take action to protect the public welfare, health and safety of its citizens;

WHEREAS, the City of Santa Clara (the “City”) has received complaints from residents that single-family homes are being utilized in a commercial manner that is inconsistent with the environment for which residential neighborhoods were created and designed;

WHEREAS, the rental of single-family homes with three or more bedrooms and to five or more individuals constitutes a commercial activity of multi-family rentals;

WHEREAS, most residential neighborhoods are not designed for situations in which significant numbers of adults live in the same home in terms of garage space, street parking, storage space and other factors;

WHEREAS, problems arising from numerous adult renters co-habiting in the same single-family home include excessive night-time noise, additional neighborhood traffic and a lack of street parking;

WHEREAS, the purpose of this Ordinance is to preserve the residential character of the City’s residential neighborhoods;

WHEREAS, boarding houses are presently not permitted uses in R-1 residential zones;

WHEREAS, since boarding houses have multiple occupants and have potentially significant impacts on the quality of life in residential neighborhoods, these uses should be explicitly prohibited in R-1 residential zones; and,

WHEREAS, in order to encourage the orderly and harmonious appearance of structures and property; maintain the public health, safety and welfare; maintain the property and improvement values throughout the City and to encourage the physical development of the City as intended by the general plan, all applications for structures within R-1 residential zones that contain four (4) or more bedrooms should be subject to the architectural review process.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That a new section 18.06.010(b)(3) of “The Code of the City of Santa Clara, California” (“SCCC”) shall be added to read as follows and the current SCCC 18.06.010(b)(3) definition of “Block” be renumbered to SCCC 18.06.010(b)(4):

“(b)(3) “Bedroom” means any rented, leased, let or hired room, living space or other square footage within the building or structure that is used, designed or intended to provide sleeping accommodations for one or more persons. Examples include rooms designated as a den, study, loft, library, bonus, game, or other extra room.”

SECTION 2: That the current SCCC 18.06.010(b)(4) definition of “Boarding house” shall be renumbered to SCCC 18.06.010(b)(5) and amended to read as follows, with the remaining definitions to be consecutively renumbered:

“(b)(5) “Boarding house” or “rooming house” shall mean a residence or dwelling structure, or part thereof, wherein three (3) or more rooms, with or without individual or group cooking/dining

facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence. This definition also applies where there is only one rental agreement or lease and three or more individuals who are not members of the same family sign the same agreement or subleases and rent is paid separately by each of the individuals or where rent is paid by a single individual collectively for all residents. It shall not include the rental of a single-family dwelling or the rental of one (1) or two (2) rooms within a single-family dwelling.”

SECTION 3: That SCCC 18.06.010(f)(1) shall be deleted in its entirety and a new SCCC 18.06.010(f)(1) shall be added to read as follows:

“(f)(1) “Family” shall mean an individual or two (2) or more persons related by blood, marriage or adoption, living together or a group of not more than five (5) persons, not all of whom are related by blood, marriage or adoption, but all of whom are living together as a single housekeeping unit within a dwelling that all persons within the unit maintain free access to all living spaces within the dwelling. This includes State or County licensed residence programs that comply with State law. “Family” shall not be construed to include a fraternity, sorority, club, or other group of persons occupying a hotel, boarding house or similar institution.”

SECTION 4: That SCCC 18.10.035 shall be added to read as follows:

“18.10.035 Boarding houses prohibited.

No boarding house shall be permitted in the R-1-8L residential zone.”

SECTION 5: That SCCC 18.12.035 shall be added to read as follows:

“18.12.035 Boarding houses prohibited.

No boarding house shall be permitted in the R-1-6L residential zone.”

SECTION 6: That SCCC 18.76.020(b) shall be deleted in its entirety and a new SCCC 18.76.020(b) shall be added to read as follows:

“(b) Before action is taken on an application for the issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zone district, plans and drawings of such sign, building or alteration shall be submitted, in such form and detail as the Director of Planning and Inspection may prescribe, to the architectural committee for approval. All applications for the issuance of a permit for any building, structure or alteration of the interior or exterior of a structure located within an R-1 residential zone and containing, or proposing, four or more bedrooms shall be submitted to the architectural committee for approval.”

SECTION 7: The City Council finds that single-family residential neighborhoods in which single-family homes are currently being utilized in a commercial manner as described and defined above have been and are experiencing adverse impacts associated with such commercial use including, but not limited to, traffic, noise, parking and related nuisance and code enforcement issues, and that such impacts are inconsistent with the single-family residential character of such neighborhoods and the enjoyment of the same by the residents thereof, particularly in the R-1 residential zones.

SECTION 8: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 9: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____, 2014, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
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