

ORDINANCE NO. NS-1200.387

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING CHAPTER 3.75 OF APPENDIX I, ZONING, OF THE COUNTY OF SANTA CLARA ORDINANCE CODE TO AMEND PROVISIONS RELATED TO THE SIXTH CYCLE HOUSING ELEMENT UPDATE

Summary

This ordinance amends Chapter 3.75 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, to make nonsubstantive clarifications to the -os combining district applicable to housing opportunity sites identified in the County's sixth cycle Housing Element update.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1. Chapter 3.75 of 2.10, Article 3 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

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CHAPTER 3.75 -OS HOUSING OPPORTUNITY SITES COMBINING DISTRICT

Sections

- § 3.75.010 Purpose**
- § 3.75.020 Applicability**
- § 3.75.030 Development Standards**
- § 3.75.040 Streamlined Project Review and Approval**
- § 3.75.050 Discretionary Project Review and Approval**
- § 3.75.060 Community Notification**

§ 3.75.010 Purpose

The purpose of the -os Housing Opportunity Sites combining district is to facilitate the production of housing units affordable to all levels of household income on housing opportunity sites identified in the Housing Element of the County General Plan (Housing Element). Except where otherwise provided in this chapter, development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development in furtherance of the Housing Element, as updated periodically, and in compliance with applicable state laws.

The -os combining district specifies standards for development, which supersede the lot area and development standards specified for the base zoning district. The -os combining district consists of parcels, or designated portions of parcels, listed in the housing sites inventory of the Housing Element and may be amended to accommodate future Housing Element updates or otherwise include sites determined to be appropriate for this designation. Any of the requirements or prohibitions set forth in this Chapter may be superseded by a development agreement approved by the Board of Supervisors pursuant to § 5.20.230.

This section and all other provisions of the zoning ordinance and Ordinance Code are intended to be consistent with, and shall be interpreted in a manner consistent with, state housing laws, as those laws may be amended periodically. If any provisions of the Zoning Ordinance or Ordinance Code are in conflict with state law, then those provisions shall be void to the extent of the conflict and state law shall apply.

§ 3.75.020 Applicability

The regulations set forth in this chapter shall apply as indicated and shall supersede any conflicting regulations of the base zoning district. Alternate standards may only be applied through a variance, pursuant to chapter 5.70, or development agreement approved by the Board of Supervisors, pursuant to § 5.20.230. The designator -os is added to the base zoning designation for properties to which this combining district applies.

The County has evaluated parcels in the unincorporated County to determine locations best suited for multi-family housing development and to facilitate the production of new units to meet the County's obligations under the Regional Housing Needs Allocation (RHNA). Parcels included in the "Housing Opportunity Sites Inventory" in the adopted Housing Element shall

serve as the basis for the applicability of these provisions to specified parcels or portions thereof. Such parcels are delineated below in Table 3.75-1.

All development on parcels with the -os designator shall provide the minimum number of affordable units assigned in Table 3.75-1 in compliance with all provisions of this chapter, which shall count toward the development's fulfillment of the requirements of the inclusionary housing ordinance in § 4.20.130.

At the property owner's request, the County Board of Supervisors in its discretion may approve one or more alternative means of compliance with Table 3.75-1, including but not limited to financial contributions (e.g., grants), land dedication, off-site construction, acquisition and rehabilitation of existing structures, or a reduction in affordable housing unit counts by income category, provided the Board of Supervisors finds, based on a preponderance of the evidence in the record, that the alternative means requested by the property owner meets all of the following requirements:

- (i) The alternative means shall actually result in the development, in unincorporated Santa Clara County, of the minimum number of affordable units by income category listed for the relevant parcel(s) in Table 3.75-1, or as determined pursuant to an affordable housing nexus study pursuant to (ii);
- (ii) If a reduced affordable housing unit count (in total or by income category) is proposed, the unit count shall be supported by an affordable housing nexus study prepared for the proposed development that complies with the criteria for affordable housing nexus studies established by the Planning Office and approved by the Board of Supervisors. In addition, for residential development within the Stanford University Community Plan area to count toward the Linkage Policy in the Community Plan, the nexus study shall be based on all development proposed by Stanford University pursuant to a Stanford General Use Permit application and shall include analysis of all Stanford students, faculty, and other workers, at all income levels;
- (iii) The development of all affordable housing units shall be located within or contiguous to moderate, high, or highest resource areas as defined by the most recently adopted opportunity maps published by the California Tax Credit Allocation Committee (TCAC) and California Department of Housing and Community Development (HCD);
- (iv) The development of all affordable housing units shall be located within an urban service area and have adequate access to water and sewer; and
- (v) No final building permits shall be issued for any market-rate housing units or other development on the parcel(s) with the -os designator until final building permits have been issued for all of the affordable housing units to be constructed.

To better align development in the City of San José's urban service area (USA) with the City's development standards, the County has categorized parcels in the USA as Transit Residential

(TR), Urban Residential (UR), or Urban Village (UV), which roughly correlate to the City of San José's Zoning Ordinance. Sites within the Stanford University Community Plan area are categorized as SCP. These categories have applicable development standards delineated in § 3.75.030.

Table 3.75-1
ELIGIBLE PARCELS
as of January 1, 2024

Site Number	APN ²	Minimum number of affordable units ¹		Minimum required density ³	Development Category
		Very Low-Income	Low-Income		
1	282-03-016	130	48	20 units/acre	TR
2	282-02-037	56	21	20 units/acre	TR
3	649-23-001	141	70	20 units/acre	UR
4	649-24-013	87	44	20 units/acre	UR
5	245-01-003	276	159	20 units/acre	TR
6	245-01-004	49	28	20 units/acre	TR
7	277-06-025	-	-		UV
8	277-12-029	-	-		UV
9	277-12-027	-	-		UV
10	277-07-028	-	-		UV
11	277-07-027	-	-		UV
12	277-07-029	-	-		UV
13	277-08-029	-	-		UV
14	277-08-030	-	-		UV
15	277-08-031	-	-		UV
16	601-25-119	-	-		UR
17	601-07-066	-	-		UR
18	612-21-004	-	-		UR
19	599-39-047	-	-		UR
20	599-01-064	-	-		UR
21	419-12-044	-	-		UV
22	142-04-036 (a)	84	63	20 units/acre	SCP
23	142-04-036 (b)	112	84	20 units/acre	SCP

Table 3.75-1**ELIGIBLE PARCELS
as of January 1, 2024**

Site Number	APN ²	Minimum number of affordable units ¹		Minimum required density ³	Development Category
		Very Low-Income	Low-Income		
24	142-04-036 (c)	140	105	20 units/acre	SCP

NOTES:

1. The definition of each level of affordability is determined by the State and represent a percentage of the average median income for the area, based on family size.
2. The -os designator applies to limited portions of the APNs identified for site numbers 1, 2, 22, 23, and 24, as shown on the official County Zoning Maps. If a parcel listed in Table 3.75-1 is subdivided or otherwise modified (e.g., lot line adjustment, lot merger), the County will apportion the required number of units to the successor APN(s).
3. The minimum density requirement only applies to sites with very low- and low-income affordability requirements in Table 3.75-1.
4. Eligible parcels that are annexed by a city before the County has issued a building permit shall be subject to the annexing city's land use jurisdiction.

§ 3.75.030 Development Standards

Development on parcels with the -os designator is subject to all requirements of this section. The development standards in this section may be modified pursuant to a development agreement approved by the Board of Supervisors pursuant to § 5.20.230.

- A. The following table lists the minimum lot area, maximum building height, and applicable setbacks for each category of parcels as identified in Table 3.75-1:

Table 3.75-2**STANDARD DEVELOPMENT STANDARDS:
LOT AREA, HEIGHT, AND SETBACKS**

Development Category ¹	Maximum Building Height ²	Setbacks		
		Front	Side	Rear
TR	270 ft.	10 ft.	10 ft.	10 ft.
UR	135 ft.	10 ft.	10 ft.	10 ft.
UV	150 ft.	10 ft.	10 ft.	10 ft.

Table 3.75-2

**STANDARD DEVELOPMENT STANDARDS:
LOT AREA, HEIGHT, AND SETBACKS**

Development Category ¹	Maximum Building Height ²	Setbacks		
		Front	Side	Rear
SCP	Note 3	Note 3	Note 3	Note 3

NOTES:

1. For the TR, UR, and UV parcels, the minimum lot size shall be as provided in the applicable city's general plan designation for the particular parcel. The County may modify the minimum lot size in the context of a development application to facilitate the production of housing units.
 2. Maximum heights are expressed in feet above the natural grade of the property; there is no maximum number of stories.
 3. Height, setback, and minimum lot size requirements, if any, for sites on Stanford University Campus are determined by the Stanford University Community Plan and the General Use Permit.
- B. Parcels with the -os designator are exempt from any development standards of the base zoning district, including but not limited to FAR and lot coverage requirements.
- C. The minimum required density shall be as required by Government Code § 65583.2(h), specifically, 20 units per acre for all sites listed in Table 3.75-1 that are required to accommodate housing for very low- and low-income households.
- D. Affordable units in the development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, have the same type or quality of appliances, fixtures, and finishes, and have equal access to shared amenities in the development.
- E. Exterior walls adjoining a street or public right-of-way shall not have a continuous wall plane of more than 100 feet horizontally unless visually broken up by a minimum of a 3-foot deep offset façade (recession or protrusion) or architectural feature, on either 50 percent of all floors or alternating floors, to create architectural variation.
- F. Front and main entrances of each building shall be offset from the building façade by a minimum depth of 3 feet to clearly designate building entrances and provide additional wall plane variation.
- G. All buildings shall provide either a patio or balcony for each unit, or commonly accessible open space(s) (including courtyards, parklets, playgrounds, usable landscaped areas, rooftop common areas, and sport courts) consisting of a minimum of ten percent of the lot size.
- H. All projects shall include either in-unit or on-site laundry for each residential building.

- I. All units shall be provided a separate secured storage space or cabinet on a private patio/balcony or on a designated building floor, including a parking garage level, unless a private garage is provided for each unit.
- J. Bicycle storage shall be provided on-site, no less than one storage space per four residential units.
- K. Guest parking and short-term drop-off/delivery parking shall be provided on site, no less than 1 space of each type for projects over 25 units, and an additional 1 space of each type per 600 residential units, unless prohibited by state law.
- L. Development projects are restricted to multi-family housing and limited mixed-use residential development, and may include other ground floor uses, which shall be limited to on-site parking, *Retail, Restaurants and Bars, Banks, Health Clubs, Medical Clinics, Personal Services*, or community benefit uses such as libraries and government offices providing services to the public. Mixed-use residential development projects on the SCP sites may also include any additional development or use as permitted by the Stanford University Community Plan and General Use Permit, as amended from time to time. For sites with Very Low-Income and Low-Income units in Table 3.75-1, any development projects including nonresidential uses shall comply with all requirements in Government Code § 65583.2(h), including that 100 percent residential use is allowed and residential use shall occupy a minimum of 50 percent of the total floor area of a mixed-use project.
- M. Projects in the TR, UR, and UV development categories may include *Retail, Restaurants and Bars*, or shared gathering space on the rooftop level.

§ 3.75.040 Streamlined Project Review and Approval

Development on parcels with the -os designator is restricted to multi-family housing and limited mixed-use residential development and is subject to approval by ministerial, nondiscretionary planning clearance, pursuant to § 5.20.240, if all of the following conditions and other requirements in this chapter are met.

- A. The project meets one of the following criteria:
 - 1. All of the project's dwelling units are rental units and a minimum of 10 percent of the total number of units (before calculating any density bonus) are subject to enforceable restrictions requiring those units to be occupied only by households making at or below 50 percent of the area median income.
 - 2. All of the project's dwelling units are for-sale units and a minimum of 10 percent of the total number of units (before calculating any density bonus) are subject to enforceable restrictions requiring those units to be occupied only by households making at or below 80 percent of the area median income.
 - 3. At least 20 percent of the project's total number of rental and for-sale dwelling units (before calculating any density bonus) are subject to enforceable restrictions requiring

those units to be occupied only by lower-income households as defined in Health and Safety Code section 50079.5, or will be provided at rents or sales prices affordable to such lower-income households, as supported by substantial evidence provided at the time of application and would count toward the County's Regional Housing Needs Allocation pursuant to written confirmation from the California Department of Housing and Community Development.

- B. The project conforms to all objective County standards for private driveways, design for parking and loading areas, and access to public rights-of-way.
- C. The proposed site development meets all objective development standards adopted by the Board of Supervisors.
- D. Installation and continued maintenance of proposed landscaping complies with the County's Sustainable Landscape Ordinance as detailed in Division B33 of the Ordinance Code.
- E. The project conforms to all stormwater management requirements of the applicable regional water control board.
- F. The project conforms to all applicable provisions of the Zoning Ordinance and building and fire codes.
- G. The project would not produce noise levels exceeding what is allowed in the Noise Ordinance as detailed in Sections B11-150 through B11-158 of the Ordinance Code.

Multi-family residential or limited mixed-use residential development projects that meet the criteria of this section shall only be denied if the Building Official makes site-specific written findings that a significant adverse impact to public health, safety, or the environment would be created by the project, and there is either no feasible way to satisfactorily mitigate or avoid the impact or the applicant does not agree to mitigate or avoid the impact.

This section incorporates by reference any applicable state laws that may require streamlined project review and approval for housing opportunity sites identified in a jurisdiction's housing

element, including but not limited to those in the Housing Element Law, Government Code §65580 et seq.

§ 3.75.050 Discretionary Project Review and Approval

Projects that do not meet the criteria for ministerial streamlined approval in § 3.75.040 are subject to approval through the architectural and site approval and/or use permit processes, pursuant to Chapters 5.40 and 5.50, respectively.

§ 3.75.060 Community Notification

Upon receipt and initial processing of any application for development on a parcel in the -os combining district, the County shall mail notices to all property owners of any parcel located within 1,000 feet of the boundaries of the subject property.


PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on NOV 05 2024 by the following vote:

ARENAS, CHAVEZ, ELLENBERG
AYES: **LEE, SIMITIAN**
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE




SUSAN ELLENBERG, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.
ATTEST:



CURTIS BOONE
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



LIZANNE REYNOLDS
Lead Deputy County Counsel