

Ordinance No. NS-1200.330

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA AMENDING APPENDIX I, ZONING,
OF THE COUNTY OF SANTA CLARA ORDINANCE CODE
REGARDING LOS ALTOS-AREA DEVELOPMENT STANDARDS**

SUMMARY

This ordinance revises Los Altos-area (-n1) development standards relating to basements and floor area, and expands the applicability of design review beyond underlying lots to all new two-story houses in the -n1 zoning district.

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

SECTION 1: Section 1.30.030 of Chapter 1.30, Article 1 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows:

§ 1.30.030 Definition of Terms

Accessory structure: A structure or building that is auxiliary and subordinate to the main structure or building on a lot, except as otherwise provided herein. Any building that is incidental to the conduct of any agricultural use shall be considered to be an agricultural accessory building. No building designed, intended or used for dwelling purposes shall be considered to be an accessory structure.

Accessory use: A use related to, but auxiliary and subordinate to the primary use on a lot.

Agriculture-serving use: A use that supports the agricultural industry including but not limited to shipping and trucking operations, manufacturing and sales of farm and nursery equipment and supplies, large animal hospitals, and other service providers catering specifically to the agriculture industry.

Alley: Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians or vehicles, or both, that affords only a secondary means of access to abutting property.

Animal, large: Animals characterized by their relative size to other animals and including but not limited to horses, cattle, bison and donkeys. Variants of species (e.g. miniature horses) may be reclassified as medium or small animals at the discretion of the zoning administrator.

Animal, medium: Animals characterized by their relative size to other animals and including but not limited to sheep, goats, pigs, ostriches, emus, llamas and alpacas.

Animal, small: Animals characterized by their relative size to other animals and including but not limited to chickens, ducks, geese, turkeys, pheasants, mink and rabbits.

Architectural value: Representing one (1) or more periods or styles of architecture typical of one (1) or more eras in the history of the county.

Attic: The unconditioned part of a building immediately below the roof situated wholly within the roof framing (see “story, half” for conditioned “attic” space).

Basement: That portion of a building that is partially or entirely below grade, that is so situated where both of the following apply:

1. The finish floor level immediately above such under-floor space shall not be more than six (6) feet above grade for more than 50 percent of the under-floor area; except that on lots where the “-n1” combining designation applies, a basement threshold of four (4) feet (instead of six (6) feet) shall apply (see §3.40.030).
2. The finish floor level above such under-floor space shall not be more than 12 feet above grade at any point.

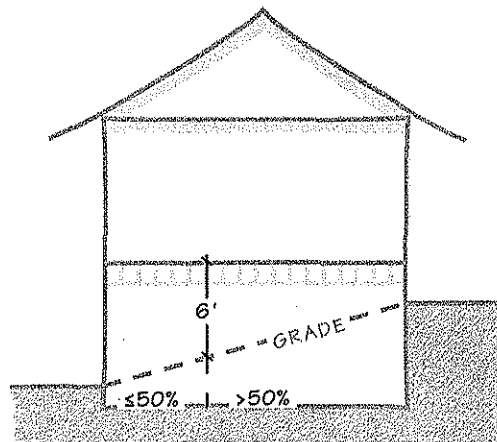


Fig. 1.30-1
Basement Threshold

For the purpose of this definition, “grade” shall be final grade at the building’s perimeter, and shall be projected through the subject basement space when appropriate.

Bay window: A window or series of windows jutting out from the wall of a building and forming an alcove within.

Boarding house: Any residential building used for the renting of rooms or providing of table board, or both, for three (3) to six (6) persons over the age of 16 years who are not related by blood or marriage to the resident-operator thereof.

Breezeway: A covered passageway open on two (2) or more sides, joining two (2) or more detached buildings.

Building: Any structure having a roof supported by columns or walls, or both, and intended for the shelter, housing or enclosure of any person, animal or personal property. 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 envelope: The three-dimensional space within which a building or structure may be built, as defined by setbacks and height regulations. Building envelopes may also be delineated for portions of lots on an approved subdivision map, cluster subdivision approval, or conditions of the subdivision or other land use approval. In such cases, the line segments delineating the building envelope shall function as setback lines for residences, and may confine the location of certain other buildings or structures if so stated on the approved map, or as a condition of subdivision approval that more specifically defines the purposes of the building envelope.

Building footprint: That portion of a property vertically below the maximum extensions of the enclosed structure(s) thereon, including covered decks, uncovered decks over thirty (30) inches above grade, and carports, but excluding roof projections of two and one-half (2.5) feet or less.

Building, main: A building or buildings in which the lot's principal use is conducted.

Centerline: The centerline of a street as established by the County Surveyor of the County or by the city engineer of any city within the county or by the California Department of Transportation. If no such center line has been established, the center line of a street shall be a line midway between the side lines of the right-of-way thereof; provided, however, that if only a part-width right-of-way exists for any portion of any street, the center line for such part-width portion shall be determined by prolonging the center lines on each side of such part-width portion parallel to the side lines of such part-width portion. If the foregoing method of establishing the centerline is not feasible, the zoning administrator shall designate the centerline.

Development area: That portion of a property within which buildings, accessory structures, and associated improvements are proposed and delineated on site plans or subdivision maps in accordance with applicable policies of the general plan or the zoning ordinance. Associated improvements include, but are not limited to driveways, parking areas, turnarounds, septic systems, patios, pools and recreational facilities.

Dwelling purposes: The use of a building for human habitation, which is designed, intended or used for sleeping, cooking, eating, and sanitation.

Dwelling unit: A building or portion thereof that is designed, intended or used for dwelling purposes for one family, as defined in this section.

Family: One or more persons occupying a premises and living as a single, nonprofit household, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary domestic help.

Fee access corridor: That portion of a flag lot used for access that is owned in fee simple.

Floor area, gross: The sum of the gross horizontal areas of the several floors of a building, as measured from the rough exterior faces of the exterior walls, or (if applicable) from the centerline of a common wall between two attached buildings.

“Floor area, gross” also includes the total area of any attached garage, and includes any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50% enclosed by perimeter walls. It includes the horizontal area of an interior stairway at each of the two or more stories to which the stairway provides access. Any attic space that has a minimum clearance of seven (7) feet in each of three (3) dimensions for at least 70 contiguous square feet shall be included. Basement space that has a minimum clearance of seven (7) feet in each of three (3) dimensions for at least 70 contiguous square feet shall be included in floor area when determining: (a) required nonresidential parking spaces as stipulated in §4.30.040; (b) floor area limitations applicable to secondary dwellings; (c) cumulative floor area that may be subject to building site approval (Ordinance Code Division C12, Chapter II); and (d) floor area that may be subject to regulations of the Department of Environmental Health, County Fire Marshal, or other government department or agency.

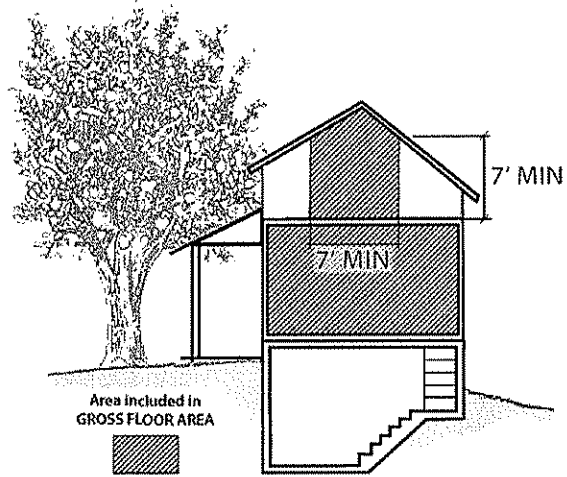
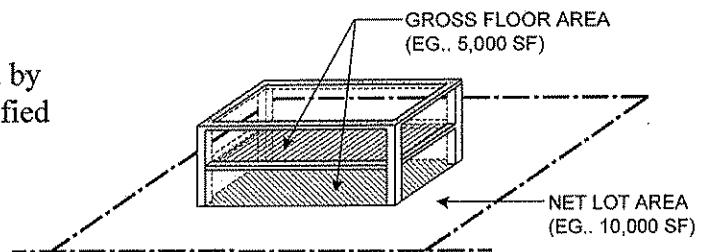


Fig. 1.30-2

Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.

Except where the provisions of § 3.40.030 apply, basements shall be excluded when calculating residential floor area or floor area ratio where provisions are intended to either: (a) stipulate maximum building size, or; (b) categorize a project under the provisions of §3.20.030, 5.50.050 or 5.50.060 for procedural purposes.

Floor-area ratio (FAR): Determined by dividing the gross floor area of a specified building(s) on a lot by the net lot area; provided, however, that on flag lots, all portions of fee access corridors which are less than 25 feet in width shall be excluded from floor area calculations.



$$\text{FAR} = \frac{\text{GROSS FLOOR AREA}}{\text{NET LOT AREA}}$$

$$\text{(EG. } \frac{5,000}{10,000} = \text{FAR } 0.5)$$

Fig. 1.30-3
Floor Area Ratio

Future width line:

A line representing the maximum planned width of a right-of-way, as shown on maps included in any officially adopted report or ordinance. This includes the 1971 Ruth and Going Future Width Line Study.

Guest room: A room within a dwelling which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which there are no cooking facilities.

Height: The dimension measured by the vertical distance from the final grade to the top of a building or structure. On sloping lots or lots with irregular topography, height shall be measured vertically upward from a hypothetical surface representing the final grade as projected through the structure site (see Figure 1.30-4b for measurement details).

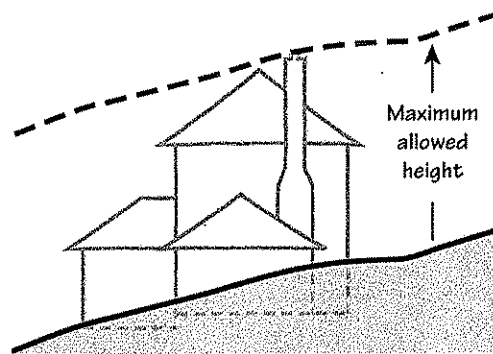


Fig. 1.30-4a
Building Height

Legal-nonconforming use, lot, or structure: A use, lot, building or structure that was lawful when brought into existence, but does not comply with the currently effective use provisions, permitting requirements or development standards of this zoning ordinance. See Chapter 4.50.

Livestock: Domestic animals kept on a farm or ranch and raised for sale and profit.

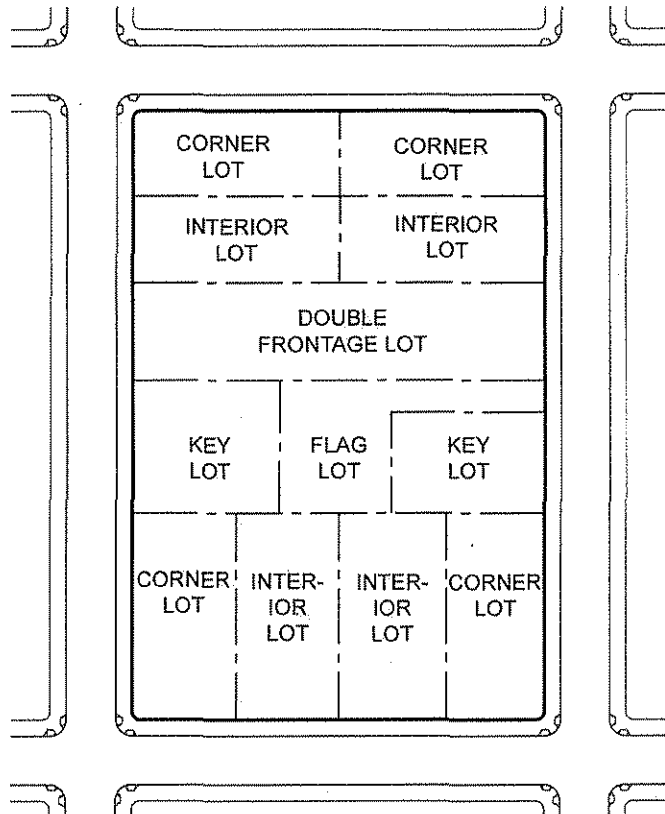
Lot: A fundamental unit of land that may be lawfully sold as a separate parcel in conformance with the applicable lot-legality provisions of Division C12 of the County Ordinance Code and the applicable subdivision and lot-legality provisions of state law.

Lot area, gross: The area specified as gross lot area on a recorded parcel map, tract map or record of survey. Also, the total area of any lot whose deed contains a legal description that includes land underlying public or private rights-of-way as fee-title portions of the lot.

Lot area, net: The net area of a lot specified as such on a recorded parcel map, tract map or record of survey, or the total land area of any lot exclusive of land underlying public or private rights-of-way.

Lot, corner: A lot situated at the intersection of two (2) or more streets, or bounded on two (2) or more adjacent sides by street lines. If the interior angle of the intersecting street lines is 135 degrees or wider, the lot shall not be deemed a corner lot.

Fig. 1.30-5
Classification of Lots



Lot coverage: The footprint of all buildings and structures over 30 inches in height. Covered patios, carports, arbors, and similar structures are counted in lot coverage. Eaves are excluded provided they do not project more than two and one-half feet.

Lot depth: The average distance from the front property line (or edge of right-of-way) to the rear line measured in the general direction of the side lines of the lot.

Lot frontage: The boundary of a dedicated public or private road right-of-way as it fronts along a lot. To determine the front lot line for setback purposes, see "lot lines."

Lot, flag: A lot, generally located to the rear of another lot, whose frontage to a street is provided by a fee access corridor, or whose access is provided by an easement through the parcel with actual frontage along such street. [See Fig. 1.30-5]

Lot, interior: A lot with street frontage and whose side lot lines are the side lot lines of adjacent lots that front on the same street. [See Fig. 1.30-5]

Lot, key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts. [See Fig. 1.30-5]

Lot lines: The lines bounding a lot as defined herein, with the following specific classifications and criteria for determining setbacks. For purposes of this definition, "street" shall mean "right-of-way," as defined herein.

1. The **front lot line** is normally the line that abuts a street.
2. The **front lot line of a corner lot** is normally the shorter line (representing the narrower lot dimension) of the two lines abutting a street. If a corner lot's overall depth-to-width dimensions are more strongly representative of the lot's orientation such that an alternate frontage determination would yield a larger building envelope, the right-of-way line that corresponds to the lot width (longer line in that case) shall be deemed the front lot line for setback purposes. In the case of a curved corner, a determination may be made by the zoning administrator that an appropriately situated point along that curve shall demarcate the front lot line from the exterior side lot line.
3. The **front lot line of a flag lot** shall be based on the lesser dimension (width/length) of the main portion of the lot (portion that excludes access corridor). The line abutting the interior terminus of the access corridor that corresponds to that lesser lot dimension shall be deemed the front lot line. When a fee access corridor exceeds 25 feet in width, the front lot line shall be the street frontage at the access corridor. For a variable-width access corridor the front lot line shall be considered the width line at the point at which the access corridor exceeds 25 feet.

4. The **side lot line** is the line that intersects the front lot line, the rear lot line, and any other side lot line.
5. The **side exterior lot line** of a corner lot is the (generally) longer of the two lines abutting a street (see Paragraph 2 above).

6. The **rear lot line** is generally the line that is most distant and opposite the front lot line. On a triangular lot or other lot where no logical rear lot line exists, the rear setback may be taken as a radius from the point of intersection of side lines most distant and opposite the front lot line. Multiple line segments that logically fit the intent of this definition may also be considered rear lot lines

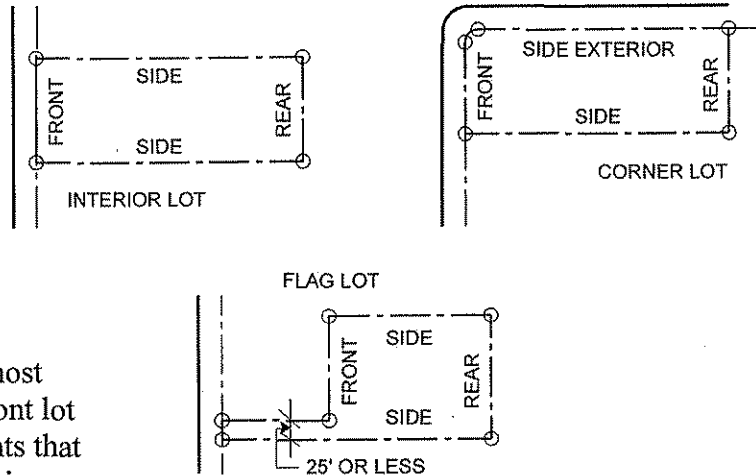
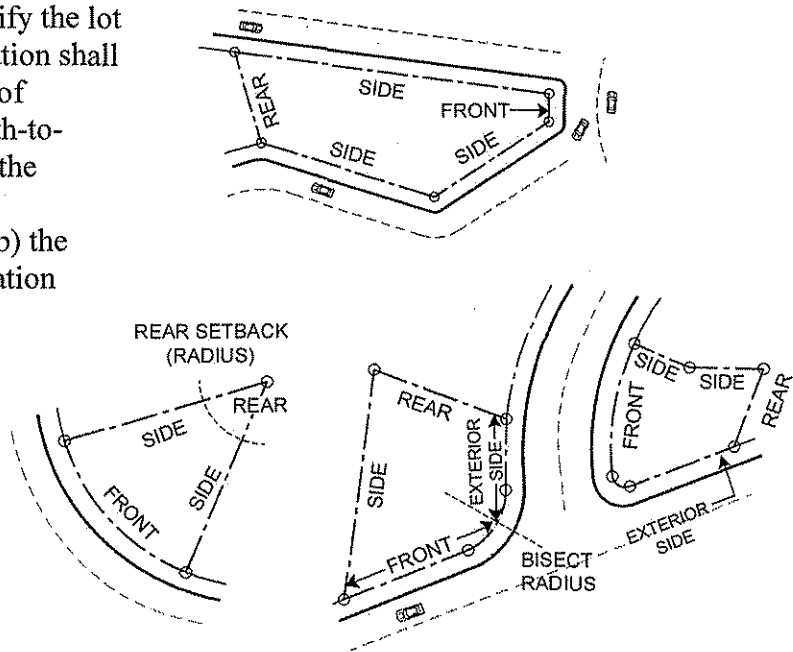


Fig. 1.30-6
Lot Lines and
Lot Frontage

Where the above provisions are inadequate to address an unusually configured lot, the zoning administrator shall classify the lot lines on that lot. The determination shall consider in the following order of importance: (a) the general depth-to-width orientation of the lot and the establishment of a practical and reasonable building envelope, (b) the orientation of the lot and orientation of the determined building envelope as it would most harmoniously concur with development and/or building envelopes on the adjacent lots, (c) the existing development on the subject lot and the degree to which it may conform to more than one possible determination, and (d) other factors specific to the lot that would affect the practicality and reasonableness of a determined building envelope. See § 4.20.020 for additional lot-line and setback criteria for accessory buildings on lots with unusual configurations.



Manufactured home: A factory-built single-family structure as defined in Section 19971 of the California Health and Safety Code or a manufactured home as defined in Section 18007 of the California Health and Safety Code. Mobilehomes, which are structures transportable in one or more sections, designed to be used as a residential dwelling unit and not having wheels or axles permanently attached to their body or frame, are considered manufactured homes if they are built in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC Section 5401) and located on a foundation system pursuant to Section 18551 of the California Health and Safety Code. Manufactured homes or mobilehomes do not include recreational vehicles, or commercial coaches, as defined in Section 19971 of the California Health and Safety Code.

Marginal agricultural lands: Lands that may be considered unsuitable for agricultural use because of proximity to incompatible non-agricultural uses, inadequate water availability; or marginal soil type such as Class III or poorer.

Mine, idle: A mining operation that is curtailed for one (1) or more year(s) by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Mobilehome: See "manufactured home."

Nonconforming use, lot, or structure: The term "nonconforming" shall mean legal-nonconforming. See "legal-nonconforming use, lot or structure."

Official plan line: A line representing the maximum planned width of a right-of-way, including future right-of-way, as defined in Section C12-700 of the County Ordinance Code.

Open land historic: The unimproved or undeveloped portion of the land on which the historic buildings or structures exist and which is essential to the integrity of the historical site or place.

Open space land: Any parcel(s) or portion of a parcel that is essentially unimproved and devoted to an open space use. This term includes land(s) designated for permanent open space preservation as shown on a recorded subdivision map, approved site plan, or other development plan, and which may be the subject of an easement or other permanent conveyance of development rights restricting the use and development potential of the open space in accordance with applicable general plan policies, zoning regulations, mitigations, or conditions of approval.

Person: Any individual, firm, association, corporation, organization or partnership, or any city, county, district or state, or any public entity or department or agency thereof.

Public water supply: Water service furnished by a public utility, a county water company or district, a municipal water company or district, a community service district or other public water district.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining uses so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and pose no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, or other measures.

Reclamation plan: A plan providing for reclamation of lands upon which surface mining operations either have been or will be conducted.

Registered historic cultural resource: A registered historic cultural resource is any building, site, structure, object, or district which is registered in the National Register of Historic Places, California Historical Landmarks Program, California Register of Historical Resources, California Points of Historical Interest Program, or formally designated as such by a resolution of the Santa Clara County Board of Supervisors.

Right-of-way: The total (improved and unimproved) area of land within the bounds of a dedicated public or private road. Also includes any ingress-egress easement that provides the right to pass over one property to access another.

Riparian: That area within and adjacent to waterways, water bodies and areas with special underground wetness characteristics which support a special type or lush condition of vegetation not found in the general area.

Sanitary sewers: Sanitary sewers shall mean those sewer systems operated and maintained by a county, a municipality, or a sanitary sewer district.

Setback: The horizontal separation required between lot lines (and/or rights-of-way, see below), and the nearest point of a building or structure, including below-grade walls. The setback line shall be deemed to mean a line parallel to the lot line separated by the required setback distance.

The measurement shall be taken from the rough exterior building walls (structural wall components; excluding trim, exterior siding, stucco or other such finishing materials), or other vertical structural components, to the nearest lot line, exclusive of those architectural features listed in Section 4.20.110 as exempt. Setbacks shall also be taken from the edge of any right-of-way that abuts or passes through the subject lot. In situations where the property line lies within the right-of-way, the setback shall be taken from the edge of such right-of-way. However, if an official plan line or future width line has been established for the abutting right-of-way, setback measurement shall be taken from such official plan line or future width line.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

An attic, regardless of its interior dimensions, shall not be considered a story provided it remains unconditioned space, is accessible by nothing more substantial than a pull-down stairway or ladder, and contains no dormers with the exception of minimal vent features.

A basement shall not be considered a story.

Determination of a building's number of stories shall be based on qualifying floor area being situated directly above other qualifying floor area.

Story, half: A portion of a building within a hip, gable or similar sloping roof containing space that meets the dimensional criteria for habitable space (70 square feet or larger with a minimum seven (7) feet clearance in each of three (3) dimensions), but is limited such that the wall plates on at least two (2) opposite exterior (vertical) walls, which constitute at least 50 percent of the perimeter wall area at that floor level, are not more than two (2) feet above rough floor level.

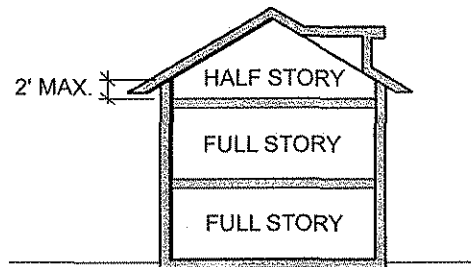


Fig. 1.30-7
Half Story

Structural alterations: Any change in the supporting members of a building, such as bearing walls, foundation, roof, columns, beams or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term "structure" includes "building."

Urban service area: Land within the sphere of influence of a particular city, which is served by urban facilities, utilities and services, or which is proposed to be served by urban facilities, utilities and services through a city-adopted capital improvement program. In addition to being regulated by the County zoning ordinance, unincorporated land within a city's urban service area is subject to the land use policies of that city's general plan. The urban service area boundary shall be established by the Santa Clara County Local Agency Formation Commission in accordance with the applicable provisions of Sections 56300, 56301 and 56425 of the California Government Code.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained. When used as a verb, standard dictionary definitions of "use" shall apply.

Watercourse: A running stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular

direction (though it need not flow continuously) in a definite channel, having a bed or banks and usually discharging into some stream or body of water.

Yard: An open space, adjacent to a dwelling or other main building, that is generally unoccupied and unobstructed from the ground upward, except as otherwise provided in Chapter 4.20. The following are types of yards:

1. The front yard extends across the full width of the lot lying between the front lot line and the nearest line of the dwelling.
2. The side yard lies between the side lot line and the side wall(s) of the dwelling and extends from the front yard to the rear yard.
3. The rear yard extends across the full width of the lot lying between the rear lot line and the nearest line of the primary dwelling.

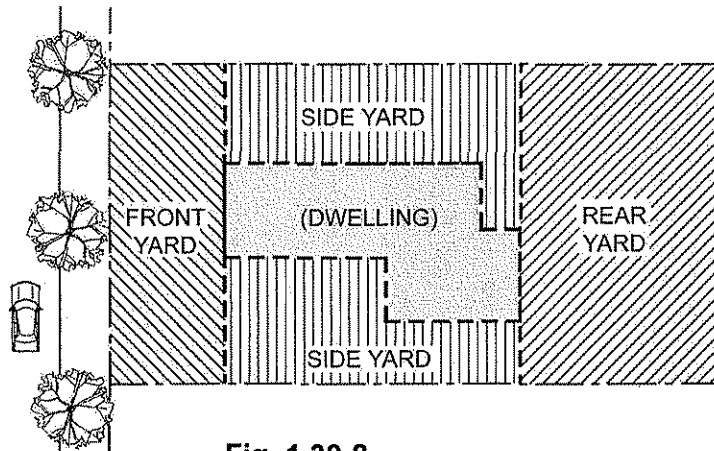


Fig. 1.30-8

SECTION 2: Section 3.40.030 of Chapter 3.40, Article 3 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows:

§ 3.40.030 -n₁ District (Los Altos)

To minimize the differences between the development standards of the County and those of the adjoining City of Los Altos, and to encourage residential development that better complements the character of existing development, the following regulations shall apply to residential development in zoning districts that contain the -n₁ designator.

A. Floor Area.

1. Except where the provisions of subsection C below are applicable, the following floor area limitations shall apply.
 - a. Lots of 10,000 square feet (net) or less: a floor area ratio not to exceed 0.35; and

- b. Lots larger than 10,000 square feet (net): 3,500 square feet of floor area, plus one additional square foot of floor area per 10 square feet of lot area over 10,000 square feet, to a maximum of 5,700 square feet.
2. For the purposes of this section, floor area shall include:
- a. The gross floor area (defined in Section 1.30.030) of dwellings, including secondary dwellings, if applicable;
 - b. Any exposed portions of basements where finish floor level immediately above is more than four (4) feet above grade (see Fig. 3.40-1), and;
 - c. All accessory buildings on any lot where the cumulative area of accessory buildings exceeds 500 square feet.

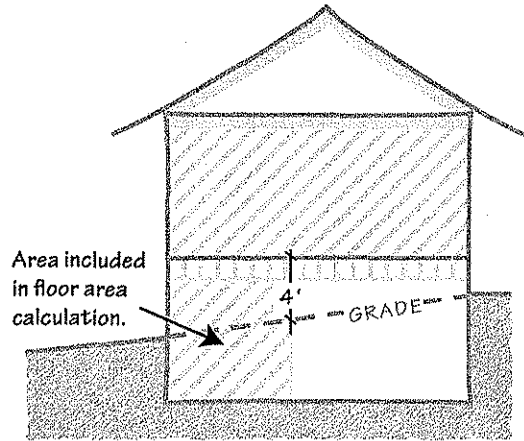


Fig. 3.40-1
Basement Floor Area

3. Floor area calculations shall be noted on building permit site plans. These computations must be calculated, verified, signed and stamped by a registered civil engineer, a licensed land surveyor, or a licensed architect.

B. Height of Dwellings. The maximum height of dwellings shall be 27 feet.

C. Special Development Standards for Underlying Lots.

1. For the purposes of this subsection, “underlying lot” means any lot that meets all of the following criteria:
- a. was contiguous to a lot under common ownership as of May 5, 1998;
 - b. was neither separately developed nor approved as a single building site as of May 5, 1998; and
 - c. does not meet the minimum lot size of the applicable zoning district.

This definition shall also apply to lots resulting from the lot line adjustment of underlying lots, unless the resulting lot(s) meet(s) or exceed(s) the minimum size required by the zoning district. For the purposes of this provision, the term “lot line adjustment” includes adjustments that result in fewer lots than the original configuration.

2. Development of any individual underlying lot shall conform to the following special requirements:

- a. Floor area ratio shall not exceed 0.25, except that any underlying lot larger than 16,660 square feet shall be subject to the standard floor area ratio formula of subsection A.1.b of this section.
- b. Design review shall be required for any two-story house proposed. The review shall emphasize general neighborhood compatibility and impacts on adjacent properties.
- c. Accessory buildings 500 square feet or smaller that would not be included in floor area calculations per subsection 3.40.030(A)(2)(c) shall only be excluded from floor area calculations if they are designed and used as garage or storage buildings exclusively. Such exempt buildings shall not contain integral heating, ventilation or air conditioning systems, and shall not include bathrooms.

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SECTION 3: This ordinance shall take effect on November 1, 2010. This ordinance shall not apply to discretionary land-use applications that include house plans (floor plans and elevations) that have been deemed complete or approved prior to

November 1, 2010, nor to projects for which a building permit application has been accepted by the Building Inspection Office prior to November 1, 2010.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on SEP 28 2010 by the following vote:

AYES: ~~CORTESE, GAGE, KNISS, SHIRAKAWA, YEAGER~~

NOES: None

ABSENT: None

ABSTAIN: None



Ken Yeager, President
Board of Supervisors

SIGNED AND CERTIFIED that a copy of this document has been delivered by electronic or other means to the President of the Board of Supervisors.

ATTEST:



Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Lizanne Reynolds
Deputy County Counsel