

ORDINANCE NO. NS-1200-338

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
AMENDING APPENDIX 1 OF THE COUNTY OF SANTA CLARA ORDINANCE
CODE TO IMPLEMENT MINOR TEXT CORRECTIONS AND PROCESS
IMPROVEMENTS TO THE COUNTY ZONING ORDINANCE CHAPTER 5.45
FOR CLUSTER DEVELOPMENT PLAN**

Summary

This ordinance implements minor text corrections and process improvements for the Cluster Development Plan.

**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 1, Zoning of the County of Santa Clara Ordinance Code, is amended as follows:

CHAPTER 5.45 CLUSTER DEVELOPMENT PLAN

Sections

§ 5.45.010	Purpose
§ 5.45.020	Applicability
§ 5.45.030	Approval Authority
§ 5.45.040	Cluster Development Plan Procedures
§ 5.45.050	Standards and Findings
§ 5.45.060	Modification of Cluster Development Plan Following Approval

§ 5.45.010 Purpose

The purpose of the cluster development plan and development regulations is to provide for flexibility in the location of dwelling units within a subdivision, to implement applicable policies of the general plan, to promote efficiency of access, and to reduce the overall amount and extent of physical improvements required for residential development. It is furthermore intended to preserve open space, conserve natural resources and features of the land, and to avoid or mitigate potential adverse environmental impacts.

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§ 5.45.020 Applicability

Cluster development plan may be allowed in the R1, R1E, RHS, R1S, HS, RR and A1 districts. An application for a cluster development plan shall be processed as a supplement to, and concurrently with, an application for subdivision.

§ 5.45.030 Approval Authority

The Planning Commission shall be the approval authority for cluster development plan applications.

§ 5.45.040 Cluster Development Plan Procedures

In addition to those procedures common to all land use applications, the following provisions shall apply to cluster development plan applications.

- A. **Pre-Application Meeting.** A pre-application meeting shall be required as for any prospective subdivision application.
- B. **Preliminary Development Plan.** An application for a cluster development plan requires the submittal and review of a preliminary development plan. Such submittal is based upon that which was provided for the mandatory subdivision pre-application meeting, and it shall reflect the staff recommendations deriving from the pre-application meeting.
 - 1. **Content.** The content of a preliminary development plan shall include a map drawn to scale of the proposed development, owner's and preparer's name(s), file number, date, north arrow, perimeter boundary line, adjacent ownerships, easements, unusual or noteworthy topographic features, water bodies, water courses and drainage swales, existing utilities and sanitation facilities, proposed street layouts, proposed parcel boundary configuration(s) and building envelopes, areas designated for open space dedication, areas designated for physical improvements or public uses, including trails, vicinity map, and any other spatial information pertinent to the proposal and necessary for the preliminary review of the application. Tabular summary information shall also be provided for all areas of existing and proposed street rights-of-way in such cases where the minimum lot size of the applicable zoning district is less than one acre gross, for the amount and percentage of all development areas and of all open space, and the overall density of development.
 - 2. **Review process.** The review process for a preliminary development plan submittal shall include a staff report with recommendations and a public hearing by the Planning Commission for the purpose of evaluating whether the preliminary development plan substantially conforms with the applicable goals, policies, and standards of the general plan and zoning ordinance. The Planning Commission may find the preliminary development plan consistent

with the general plan and zoning ordinance and recommend processing of the cluster development plan application or find the preliminary development plan inconsistent with the general plan and zoning ordinance. An applicant may make modifications to the preliminary development plan to address findings of inconsistency and resubmit plans to the Planning Commission for reconsideration.

- C. **Cluster Development Plan and Tentative Map.** Following the Planning Commission's finding of consistency and recommendation to process the cluster development plan application, the applicant shall submit a cluster development plan and tentative subdivision map to be processed concurrently. The subdivision application shall be subject to all applicable processing requirements as described in Section 5.20 Common Procedures and those of the County Subdivision Ordinance, Division C12 of the Ordinance Code.
1. **Content.** The content of a cluster development plan and tentative map shall be as described for the preliminary development plan, with the inclusion of all content required of a tentative subdivision map by the County Subdivision Ordinance and (state) Subdivision Map Act.
 2. **Review process.** The Planning Commission shall hold a public hearing to determine whether to approve the cluster development plan, subject to findings of conformance with the general plan and the applicable standards of this chapter. The Planning Commission may include such conditions as it deems reasonable and necessary to secure the purposes of the general plan and the zoning ordinance. Notice of the Planning Commission's action(s) shall be provided to the applicant in accordance with the provisions of Section 5.20, Common Procedures. Unless an appeal to the Board of Supervisors is filed, such notice of a Planning Commission approval shall serve as the basis for the scheduling of a subsequent public hearing by the Board of Supervisors to consider approval of the tentative subdivision map, as prescribed by the provisions of the Subdivision Ordinance of the County Ordinance Code (Division C12, Chapter I, Subdivisions).
- D. **Grading Permit Requirements.** If a grading permit is required in conjunction with a cluster development plan, the grading permit application shall be referred to the Planning Commission for review concurrently with the application for a cluster development plan. The issuance of a final grading permit in accordance with the County Grading Ordinance shall not be effective until the approval of the cluster development plan by the Board of Supervisors.

§ 5.45.050 Standards and Findings

- A. **General Plan Conformance and Residential Density.** The cluster development plan shall conform with the applicable goals, policies, and requirements of the general plan, in particular the applicable land use designation, and with the purposes of the zoning ordinance. The proposed density of development (total

number of dwelling units or lots) shall not exceed and may be reduced from the maximum density allowed under the applicable general plan land use designation and zoning district, unless the application includes additional dwelling units allowed in accordance with the density bonus regulations as provided in Section 4.20.030. Cluster development plans within a city's urban service area shall conform to the density permitted by the applicable city's general plan.

- B. **General Residential Development Standards.** The general development standards of the applicable base and combining zoning districts shall apply, including parking, with the exception of minimum lot size, yard and setback requirements, and lot coverage limitations, if any, which may be modified through the cluster development plan in accordance with any applicable governing policies of the general plan.

- C. **Parcel Configuration.** The configuration of lots intended for residential development shall conform with the purposes of this ordinance and with any applicable goals and policies of the general plan. The location of such lots shall be based upon the consideration and balancing of such factors as topography and efficiency of access, preservation of viable and useable open space, need for secondary access, geologic hazards and constraints, suitability of development sites for sanitary waste water treatment and disposal, visual impacts, and conservation of natural resources and landscape features, among other factors which may be pertinent to the subject parcel.

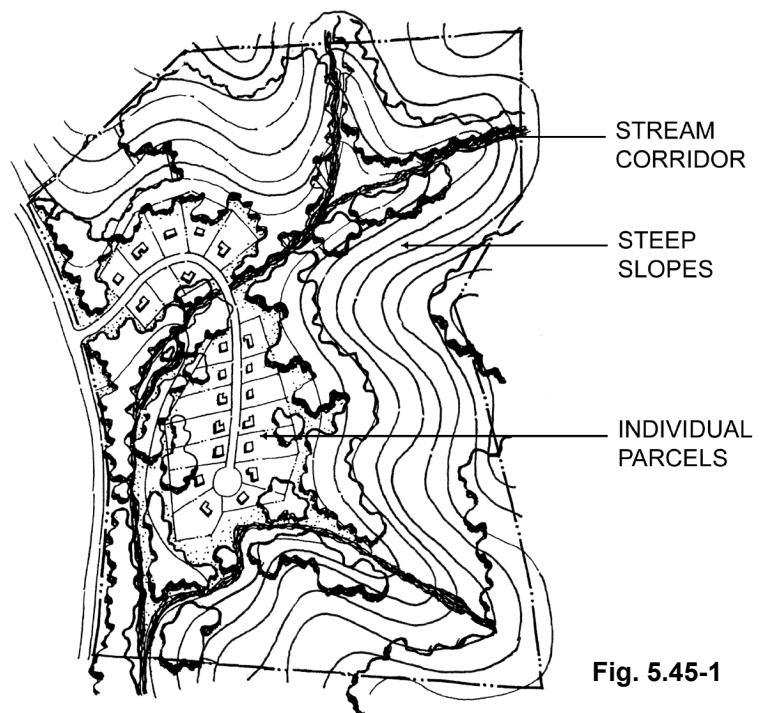


Fig. 5.45-1

- D. **Open Space Preservation.** Open space preservation as part of a cluster development plan subdivision shall conform with the specific provisions of the applicable general plan land use designation and zoning district. In general, the following provisions shall apply:
1. **Permanent dedication of open space.** In order to ensure that open space preserved through the cluster development plan will be permanent, dedication of development rights to the County of Santa Clara shall be required through recorded open space easements. Dedication of such development rights may also be made to more than one public agency, such as the Santa Clara County Open Space Authority or Midpeninsula Regional Open Space District, in

conjunction with the County, if such agency is a willing participant. Open space easements shall regulate the future use of the open space, and, where necessary and appropriate to preserve the natural resources of the area or to effectuate required environmental mitigations or conditions of approval, shall specify the land owner's and management and maintenance obligations.

2. **Urban clusters.** In cluster developments within urban service areas, the amount of open space shall be adequate for the recreational needs and leisure use of the residents of the cluster development. Such open space shall be held in public ownership or in common private ownership by the owners of the lots or units within the cluster development. Landscaping shall be required as appropriate within any disturbed areas or within those areas adjacent to public streets. Additional internal landscaping requirements may be imposed as necessary and appropriate.
3. **Rural clusters.** In rural cluster developments, permanently preserved open space shall be privately owned and maintained unless ownership is conveyed to a public agency willing and able to accept ownership and management responsibilities.
4. **Nonresidential clusters.** On the lands of Stanford University, clustering of lands zoned OS/F for nonresidential development shall be allowed provided the creation of new parcels serves to facilitate uses provided for under the OS/F regulations in Chapter 2.50.

“Development area,” for the purposes of this provision, shall include all land proposed for structures, roads, parking areas, associated landscaping and other types of development.

A cluster development plan is required for the division of land into lots of less than 160 acres. A cluster arrangement of structures shall achieve economy of land use and efficiency of access, while avoiding or minimizing impact to the natural environment to the extent feasible. Defined development areas shall include no more than 10% of the total land area subject to the land division, with at least 90% of the remaining land area preserved in permanent open space by means of dedication of development rights which prevents future subdivision of such lands. Such open space area is not required to be contiguous to the development area but must be located within the Open Space/Field Research district. This dedicated open space shall be located in a medium-high or high visibility zone as determined through use of the OS/F viewshed analysis (§2.50.040(B)), or an area of environmental significance, as determined by the County.

Cluster development plans may be arranged in more than one cluster provided that the multiple cluster arrangement achieves economy of land use and efficiency of access intended by this ordinance and the applicable provisions of the Stanford Community Plan land use designation.

5. **Configuration of open space.** To the maximum extent possible, balancing the various goals and objectives of the general plan and zoning ordinance for public health, safety, and welfare, the configuration of open space shall incorporate those noteworthy and most valuable natural features of the land, such as rock outcroppings, historic or archeological sites, significant stands of mature trees, and riparian areas. Furthermore, the open space shall be generally configured as large, contiguous areas capable of serving the various purposes of such open space, including but not limited to recreation and trails, agriculture, viewshed protection, and habitat preservation and wildlife corridors. The configuration of open space shall be reasonably based on the appropriate consideration of access requirements and standards, geologic hazards, and other forms of development constraints which may be present.

- E. **Circulation and Roads.** Vehicular circulation shall conform with the County's applicable road development standards. In hillside areas with significant slopes, road and driveway locations and designs shall minimize the need for grading and earthwork to the maximum extent possible, in accordance with the provisions of the County Grading Ordinance (Division C12-400 et seq of County Ordinance Code). Adequate non-vehicular circulation, including trails, paths, sidewalks, and equestrian paths shall also be provided as appropriate to the urban or rural setting, and in accordance with any adopted plans and design guidelines.

§ 5.45.060 Modification of Cluster Development Plan Following Approval

A cluster development plan may be modified after approval and prior to the recordation of the applicable subdivision map according to the procedures set forth in Section 5.20.200, Modification of Plan Approval. Subsequent to the recordation the subdivision map, minor changes to the approved building envelopes or development areas delineated on the approved cluster development plans may be considered by the ASA committee for the purpose of facilitating the development of a residence or residential accessory structures and uses, provided that such minor adjustments are consistent with applicable general plan policies, zoning ordinance regulations, and are deemed necessary and appropriate to achieving compliance with any other applicable County development regulations and standards.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on September 10, 2013 by the following vote:

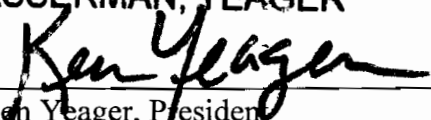
AYES: CHAVEZ, CORTESE, SIMITIAN, WASSERMAN, YEAGER
NOES: NONE
ABSENT: NONE

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on **SEP 10 2013** by the following vote:

AYES: **CHAVEZ, CORTESE, SIMITIAN, WASSERMAN, YEAGER**


NOES: **NONE**

ABSENT: **NONE**

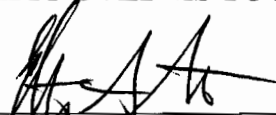

Ken Yeager, President
Board of Supervisors

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

ATTEST:


Lynn Regadanz
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

 08128/2013
Elizabeth G. Pianca
Deputy County Counsel