

County of Santa Clara

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MEMORANDUM

To: Planning Commission

From: Manira Sandhir, AICP, Planner II
Colleen Tsuchimoto, Planner III

Date: July 22, 2015

Subject: **Agenda Item #7 – Local Serving Policy Provisions**
Supplemental Packet – Revised Local Serving Data document to include definition of special events

Staff has modified Exhibit B and C, the proposed Zoning Ordinance Amendments and the Local Serving Data (LSD) document respectively, to include the following clarifications:

1. **Zoning Ordinance:** After a review of test cases against the proposed local serving uses requirements, Staff has further refined language in Section 2.20.090 for providing clarity regarding the process for evaluating uses that are greater than the percentile threshold values. These changes are intended only for clarifying the process steps and do not constitute significant policy changes.
2. **Local Serving Data:** A definition for special events has been added to this document. Based on internal discussion and staff's review of special events and entertainment permits, Staff recommends that special events be defined as a maximum of 4 events for institutional uses on an annual bases.

Exhibits:

Amended Exhibit B – Proposed Amendments to Zoning Ordinance Section 2.20.090

Amended Exhibit C – Proposed modifications to the Local Serving Data Document

Amended Exhibit B
Proposed Zoning Ordinance Amendments – Section 2.20.090
(Clean Version)

§ 2.20.090 Local Serving Uses

Local-serving uses are of a size, scale and intensity intended to provide goods and services to the resident rural population. Local-serving uses are not exclusive to the resident rural population served by the use. For the purposes of this section, the term “local-serving uses” refers to certain institutional and commercial uses that may be allowed in rural districts if their size, scale and intensity is typical of local serving uses in a rural community.

- A. The size, scale and intensity of the use shall be evaluated in accordance with the *Local Serving Data* document, on file with the Department of Planning and Development and as updated from time-to-time by the Department. Uses deemed to be an appropriate size, scale and intensity by the approval authority because the building square footage and maximum number of people are less than or equal to the applicable 75 percentile values listed in Table 1.1 may be authorized in rural districts in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.
- B. For a proposed use whose building square footage or maximum number of people is more than the applicable 75th percentile value listed in Table 1.1, the applicant shall prepare a report that establishes a baseline for a proposed use designed at the 75th percentile and evaluating the comparison of size, scale, and intensity impacts to rural resources and character at the 75th percentile with size, scale and intensity impacts to rural resources and character as proposed. The size, scale and intensity impacts to be evaluated at the 75th percentile and as proposed shall evaluate the following criteria:
- i. Aesthetics - The scale and massing of the building(s) and improvements shall be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences.
 - ii. Open Space and Habitat - The use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.
 - iii. Agricultural Production - The use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss of agricultural productivity shall be quantified and minimized to the extent feasible.
 - iv. Watersheds - The use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels shall be quantified and minimized to the extent feasible.

Amended Exhibit B
Proposed Zoning Ordinance Amendments – Section 2.20.090
(Clean Version)

- v. Traffic - The use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above existing conditions.

C. Uses where the building square footage or maximum number of people are more than the applicable 75th percentile values listed in Table 1.1, of the *Local Serving Data*, may be authorized in rural districts following review of the report identified in § 2.20.090(B), and in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance, and upon making the following finding.

- i. The project is designed, to the maximum extent feasible, such that the use does not result in size, scale and intensity impacts to the criteria identified in Section 2.20.090(B) greater than what might result from a use which is equal to the 75th percentile baseline value. As used in this section the *maximum extent feasible*, means making all changes that are possible taking into account the physical limitations of the site, considerations of project and engineering design.

(Red-lined Version)

§- 2.20.090- Local Serving Uses

Local-serving uses are of a size, scale and intensity intended to provide goods and services to the resident rural population. Local-serving uses are not exclusive to the resident rural population served by the use. For the purposes of this section, the term “local-serving uses” refers to certain institutional and commercial uses that may be allowed in rural districts if their size, scale and intensity is typical of local serving uses in a rural community.

A.- The size, scale and intensity of the use shall be evaluated in accordance with the *Local Serving Data* document, on file with the Department of Planning and Development and as updated from time-to-time by the Department. Uses deemed to be an appropriate size, scale and intensity by the approval authority because the building square footage and maximum number of people are ~~each~~ less than ~~or equal to~~ the applicable 75 percentile values listed in Table 1.1 may be authorized in rural districts in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.

B. ~~A~~ For a proposed use whose building square footage or maximum number of people ~~are equal to or is~~ more than the applicable ~~75~~75th percentile ~~values~~value listed in Table 1.1, ~~the applicant shall prepare an analysis~~a report that establishes a baseline for a proposed use designed at the 75th percentile and evaluating the comparison of size, scale, and ~~intensity to assess the additional~~intensity impacts ~~over the applicable 75 percentile values to to~~ rural resources and character; ~~including aesthetics, scenic~~ at the 75th percentile with size, scale and intensity impacts to rural resources, ~~open space and habitat, agricultural production, watersheds, and traffic.~~ and character as proposed. ~~The analysis~~size, scale and intensity impacts to be evaluated at the 75th percentile and as proposed shall ~~demonstrate that the proposed use is consistent with all~~evaluate the following criteria:

- ~~i.~~ ~~i.~~ Aesthetics - The scale and massing of the building(s) and improvements shall ~~be minimized and designed to~~ be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences~~:-~~.
- ~~ii.~~ ~~ii.~~ Open Space and Habitat - The use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.
- ~~iii.~~ ~~iii.~~ Agricultural Production - The use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss

of agricultural productivity shall be quantified and minimized to the extent feasible.

iv.

Watersheds - The ~~size, scale and intensity of the~~ use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels ~~above pre-project conditions~~ shall be quantified and minimized to the extent feasible.

v.

Traffic - The use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above ~~pre-project existing~~ conditions.

C. Uses where the building square footage or maximum number of people are ~~equal to or~~ more than the applicable 75th percentile values listed in Table 1.1, of the ~~Local Serving Data document~~, may be authorized in rural districts following review of the ~~analysis and approval of the following findings and in accordance report identified in § 2.20.090(B), , and in accordance~~ with any other requirements, ~~findings~~ findings, and criteria otherwise required by the zoning ordinance~~-, and upon making the following finding.~~

i. The use ~~reduces impacts over the 75 percentile values to rural resources and characteristics, as identified in § 2.20.090 B(i) through (v).~~ project is designed, to the maximum extent feasible. ~~For purposes of,~~ such that the use does not result in size, scale and intensity impacts to the criteria identified in Section 2.20.090, ~~“(B) greater than what might result from a use which is equal to the 75th percentile baseline value. As used in this section the maximum extent feasible”~~, means making all changes that are possible taking into account the physical limitations of the site ~~and,~~ considerations of project and engineering design, ~~and financial costs.~~

1. INTRODUCTION

This “Local Serving Data” document contains size, scale and intensity indicators for “local-serving” commercial or institutional uses in Santa Clara County’s (County) rural districts. There are currently no local serving industrial uses within the County, therefore there are no such indicators available for industrial uses. Drawn from historic commercial and institutional use permit approvals since 1980, these indicators provided in Appendix A include building size, traffic, maximum number of people – daily average and special events, and frequency of events.

This document is intended to be adopted by the Board of Supervisors. The data within the document will be maintained and updated, from time-to-time, by the Department of Planning and Development based on future Use Permits approved by the County.

2. THRESHOLDS FOR A LOCAL-SERVING USE

In order to determine the appropriate size, scale and intensity of proposed uses that are intended to be local serving, proposed development is to be benchmarked against existing locally serving land use indicators as specified in the County Zoning Ordinance Section 2.20.090. Table 1.1 and Table 1.1a provides the 75th percentile thresholds for local serving indicators, based on data points by zoning district. Since trip generation is a function of building square footage and use, this data has been excluded from the 75th percentile threshold table.

Table 1.1. Thresholds (75th Percentile) for Local-Serving Indicators

	Maximum Number of People	Building Square Footage
Commercial Uses	30	16,440
Rural Residential (RR) District		
Institutional Uses	50 (daily)	6,510
	220 (special events) ¹	
Agricultural (A), Agricultural Ranchlands (AR) and Hillside (HS) Districts		
Institutional Uses	70 (daily)	8,480
	320 (special events) ¹	

Note: All values have been rounded to the closest 10.

¹ Special Events are defined as 4 events per year.

**Table 2.1a. Thresholds (75th Percentile) for Local-Serving Indicators
Institutional Uses in All Rural Districts Combined**

	Maximum Number of People	Building Square Footage
Institutional Uses	50 (daily average)	7,890
	250 (special events) ¹	

Note: All values have been rounded to the closest 10.

¹ Special Events are defined as 4 events per year.