

POLICY TOPIC PAPER 6.0: CLUSTERING POLICY REVISED



BACKGROUND

When development is clustered, density is determined for an entire specified area, rather than on a lot-by-lot basis. Within the specified area, a developer can exercise greater flexibility in designing and placing structures, as long as the total density requirement is not exceeded. The City's 2003 General Plan contains a policy (CAQ-7) that promotes clustering development as a method to facilitate preservation and protection of woodlands, grasslands, wetlands, stream corridors, scenic areas, or other natural features as open space. The policy also includes the following qualifications:

- 1. Urban infrastructure capacity is available for urban use.*
- 2. On-site resource protection is appropriate and consistent with other General Plan Policies.*
- 3. The architecture and scale of development is appropriate for the area.*
- 4. Development rights for the open space area are permanently dedicated and appropriate long-term management is provided for by either a public agency, homeowners association, or other appropriate entity.*

This policy shall not apply in the Rural Residential area east of State Route 99, where clustering of development is not permitted.

Two development projects have been approved by the City since 2003 that relied on the clustering policy: Silverado Village in 2014 and Calvine Meadows in 2016. These projects preserved environmental resources (wetlands for Silverado Village and the Laguna Creek corridor for Calvine Meadows) in exchange for lot sizes smaller than normally allowed, but at a gross density consistent with the General Plan. Concerns with the current policy language and method for implementation were raised during the review of these previous development projects, as projects were essentially required to prepare site-specific development standards (i.e., Special Planning Areas) in order to comply with applicable zoning and General Plan consistency requirements. This has prompted a review of the City's clustering policy as part of the General Plan update. Following is a discussion of issues associated with the implementation of the clustering policy as well as proposed actions to address each issue.

6.0 CLUSTERING POLICY

ISSUES AND PROPOSED ACTIONS

Determination of Compatibility

The current policy requires that the “architecture and scale” of the proposed clustered development be “appropriate for the area.” For example, in predominantly single-story residential areas, multiple-story structures should not be allowed merely to meet market demands for building square footage. However, when a project is the first to develop in an area, there may be limited, if any, benchmarks against which to compare a cluster development when determining appropriate architecture and scale.

This provision should be clarified and expanded to include not just existing development in an area but also the future buildout of the surrounding area. This clarification will allow staff to consider the planned land uses in an area and will provide additional information for staff to determine what an appropriate scale may be.

Proposed Action: Continue to require that the scale of new clustered development be consistent with the character of existing development and planned future land uses in surrounding areas.

Rural Area Applicability

Cluster development is currently not permitted in the Rural Area. While it is possible to design cluster developments in the Rural Area that would maintain the overall density of the area (e.g., same number of total units allowed on a gross acreage basis), the clustered lots would be reduced in size, creating potential conflicts with other General Plan policies specific to the Rural Area.

In particular, it is the necessity for providing urban-type services (public water and sewer, in particular) that would put cluster development in the Rural Area in conflict with other General Plan policies. Lot sizes within a clustered subdivision would likely preclude individual septic systems due to minimum lot size requirements for such systems. While a clustered subdivision could be designed to utilize shared private wells and septic systems dedicated to the subject development, implementation and maintenance of such a system would be difficult and potentially cost prohibitive. The reduced lot sizes in a cluster development would also likely limit the keeping of horses and other large animals, which runs counter to the desire and intent for the Rural Area.

If there is a desire to apply the clustering policy in the Rural Area, the policy should be amended to clearly state that such development will be serviced by private wells and septic systems, whether individual or shared, as a requirement. Other clarifications may also be necessary to ensure that minimum lot sizes in cluster developments are not in conflict with the intent of the Rural Area (e.g., keeping of large animals). However, due to the potential conflict and confusion in implementing the clustering policy in the Rural Area, staff recommends retaining the current prohibition on cluster development in the area.

6.0 CLUSTERING POLICY

Proposed Action: Continue to prohibit application of the clustering policy in the Rural Area.

Resource Types for Preservation

The General Plan includes policies promoting the preservation of natural creek corridors and discouraging development within existing floodplains. Development may be allowed within the existing floodplains, provided the buildable area of the lot is brought out of the floodplain and there are no impacts to properties upstream or downstream. The existing clustering policy is silent on its relationship to the floodplain policies and how it can be used to incentivize preservation of the existing floodplain. However, this would only work in areas of the City where the floodplain is not already identified as open space on the General Plan Land Use Map. In most areas of the City, this distinction has been made. The primary exception is in the Rural Area and the area of Estate Residential along Calvine Road east of Waterman Road. Given the prohibition against application of the policy in the Rural Area, the applicability of the policy to watercourses is limited.

Some communities utilize clustering as a way to preserve other features, such as agricultural land or historic or cultural resources. As the City considers development beyond the existing City limits, this may be a desired tool to preserve valuable agricultural land and promote the creation of “agrihoods,” or neighborhoods built around commercial farms, similar to The Cannery in Davis. Clustering could also be a mechanism to create transitions between urban and rural development. Additionally, an expanded application of the clustering policy could be used to protect historic and cultural resources.

Proposed Action: Expand the applicability of the clustering policy to continue to protect natural features and open space and add protection of active agricultural uses and historic or cultural resources.

General Plan-Zoning Consistency

The current policy encourages the clustering of development, but does not describe how the clustering should be implemented. General Plan Policy LU-3, which provides for consistency between the General Plan land use designations and the City’s Zoning districts (established in Title 23 of the Municipal Code, referred to as the Zoning Code), makes no allowance for application of different zone districts to implement the clustering policy. To date, the only effective way to accomplish clustering has been to create a new Special Planning Area (SPA) zoning district since, pursuant to Policy LU-3, SPAs are consistent with all General Plan designations. While this accomplishes the intent of the policy and is allowed under the SPA formation provisions, it creates an additional regulatory step for applicants because it requires that they draft a new SPA and request that the City Council rezone the site into the SPA as part of their project approvals.

In the case of the recently approved Calvine Meadows project, the gross density of the project was 2.47 units per gross acre, consistent with the General Plan designation of Estate Residential (0.6 to 4.0 units per gross acre). Through the clustering policy, the Council adopted a new SPA that allowed residential

6.0 CLUSTERING POLICY

lot sizes similar to the RD-5 zone (maximum 5 units per acre). The RD-5 zone could not be directly applied to the project because the RD-5 zone is not listed as a consistent zone with the Estate Residential General Plan land use designation in Policy LU-3.

If the General Plan included language, either in the clustering policy or in the General Plan-zoning consistency policy, that clarified how zoning is applied to development projects where the zoning density exceeds the allowed density range, the SPA requirement may have been avoided.

There are three options for addressing the General Plan-Zoning consistency issue through the General Plan update:

- **Option A: Continue to Utilize Special Planning Areas.** Under this option, the City would continue to allow the use of SPAs to implement the policy. As noted by the City Council during review of the Calvine Meadows project, this approach is rather intensive for smaller projects, requiring considerable time and effort on the part of the applicant to prepare, staff to review, and the Planning Commission and City Council to consider the new zoning. However, in the case of the Silverado Village project, which involved both clustering of density and a unique arrangement of the underlying residential and commercial land uses, the SPA was a valuable tool that allowed for details of the project to be documented at the zoning level, thereby assuring the public that the project would be developed as stated. Therefore, staff recommends keeping the SPA tool available as an option for implementing the clustering policy.
- **Option B: Add a Footnote to the General Plan-Zoning Consistency Table.** The second potential option involves adding a footnote to the General Plan-Zoning Consistency Table identifying that while some residential zoning districts are not strictly compatible with an identified land use category, through the clustering policy these districts may be compatible. Table I illustrates the concept.

Table 6.1. Example General Plan-Zoning Consistency Table

General Plan Land Use Designation	Consistent Zoning
Rural Residential	AR-5, AR-2
Estate Residential	AR-1, RD-1 through RD-4 ¹
Low Density Residential	RD-4 through RD-7 ¹
Medium Density Residential	RD-10, RD-15 ¹
High Density Residential	RD-20 through RD-40 ¹

Notes:

1. This General Plan land use designation may be implemented by other zoning districts that accommodate additional density than would normally be allowed by this land use designation through implementation of the clustering policy.

6.0 CLUSTERING POLICY

While addressing the immediate needs of the consistency question, this option would still require a legislative act on the part of the City Council (a rezone) to implement on a project-by-project basis, similar to the SPA. Further, while the modified table would identify a pathway to consistency, a comparison between the General Plan Land Use Map and the Zoning Map would appear, on its face, to have an inconsistency and be prime for cleanup. This would not be ideal and would likely confuse future staff and property owners. For this reason, staff does not recommend adding the footnote to the table.

- **Option C: Adopt a New Clustering Permit.** The third option involves the creation of a new development permit, or entitlement, as part of the Zoning Code. A Clustering Permit would provide a process for applicants to request deviations to otherwise applicable development standards within a consistent zoning district in order to achieve the lot sizes necessary to comply with gross density requirements and maintain appropriate setbacks for the lot size. This permit would be limited to setbacks, minimum lot size, and lot coverage, and would not affect allowed uses or any other development standards (e.g., parking, pervious surface, lighting). Further, as a quasi-judicial permit it could be approved by the Planning Commission concurrently with approval of the subdivision map. As a permit, it can be tracked with the underlying parcel(s) in the City's mapping system and could appear as a notation on publicly viewable zoning maps for reference purposes (though it would not function as an overlay zone). Subsequent home construction would then be consistent with the lot sizes, lot coverage, and setbacks established under the Clustering Permit.

Proposed Action: Retain Special Planning Areas (SPAs) as a tool for implementing the clustering policy (Option A) and create a new Clustering Permit to provide an additional mechanism to implement the clustering policy without requiring a rezone (Option C).

SUMMARY RECOMMENDATIONS

Based on the analysis contained in this paper, staff recommends the following considerations for the updated General Plan. Commission and Council direction on these items will be consolidated with that provided for other key policy topics to inform the direction and contents of the draft General Plan update.

Policy Topic 6.0: Clustering

- 6.1 Require that the scale of new clustered development be consistent with the character of existing development and planned future land uses in surrounding areas.
- 6.2 Continue to prohibit application of the clustering policy in the Rural Area.

6.0 CLUSTERING POLICY

- 6.3 Expand the applicability of the clustering policy to continue to protect natural features and open space and add protections of active agricultural uses and historic or cultural resources.

- 6.4 Improve General Plan-zoning consistency through the following:
 - a. Allow implementation through the creation and adoption of new Special Planning Area zoning districts, which allow for mixing of land uses.
 - b. Establish a new Clustering Permit that allows for modified development standards such as setbacks, minimum lot size, and lot coverage limitations consistent with the underlying General Plan land use designation for the subject property. The Clustering Permit would be approved by the Planning Commission as part of subdivision approval.