



Agenda Report

25-189

Agenda Date: 4/16/2025

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Recommendations related to the adoption of the Second Zoning Code Cleanup Ordinance and Rezoning of Properties Currently Designated TN (Transit Neighborhood) to R6 (Transit Neighborhood Residential)

BACKGROUND

At the January 9, 2024 City Council meeting, the Council adopted the comprehensive Zoning Code Update. The City Council adopted the accompanying Zoning Map on July 16, 2024, and adopted the first Zoning Code clean-up ordinance on August 20, 2024, which included the advisory that subsequent clean-up ordinances would be on the horizon. The Zoning Code update was a substantial body of work. As an on-going update, staff periodically brings clean-up ordinances to address clerical inconsistencies within the document or areas needing further clarification based on implementation of the new zoning code. This report and resolution represent the second minor code clean-up ordinance.

DISCUSSION

The City is bringing forward its second “clean-up” ordinance for the Zoning Code Update, which includes:

Recognizing existing patterns of development and building usage:

- Allowing minor industrial uses in the LO-RD Low-Intensity Office/R&D District. This use functions as a catch-all for the wide variety of industrial uses that do not create external effects, including noise, odor or dust. Allowing minor industrial uses in the LO-RD District reflects current building usage patterns and is based on feedback from industrial property owners and brokers.

Better aligning allowed uses in zoning districts with the General Plan and with the zoning district purpose statement:

After administering the Zoning Code for more than six months, Planning staff identified the need for a number of changes to better align allowed uses with the stated purpose of the zoning district, including:

- Allowing medical offices in mixed-use districts, giving more opportunity for medical offices to be closer to residents
- Removing ambulance services from mixed-use districts
- Allowing ambulance services in the LI Light Industrial District, where potential noise conflicts have less impact on quality of life
- Allowing vehicle rental in the LO-RD Low-Intensity Office/R&D District (subject to a Minor Use Permit) and the LI Light Industrial District (Permitted)
- Allowing Equipment Sales and Rental Facilities as a permitted use in the HI Heavy Industrial District
- Allowing doggie daycare (enumerated use: Kennels) in the LI Light Industrial district as a permitted use
- Clarifying that corporation yards are a part of the major industrial use category

Other Policy changes:

- Expanding single-family legal non-conforming parking provisions (single-family and duplexes allowed to expand with no covered parking provided)
- Re-including a 20' x 20' interior dimension for garages, separate from the 17' x 18' parking requirement
- Narrowing the use of Minor Modifications to only include conditions created by the lot or building and

not by the result of additional development (building height and decreases in yard area)

- Clarification of the applicability of daylight planes, including new diagrams
- Incorporating the allowed non-residential uses of the TN Transit Neighborhood District into the R6 Transit Neighborhood District and recommending that the City Council apply the R6 District to properties currently designated as TN on the Zoning Map, consistent with the General Plan

Errata:

- Updating the wireless section of the Zoning Code to be consistent with recent changes to Federal law
- Updating the Density Bonus section of the Zoning Code to incorporate the latest changes from the Government Code
- Adding language from the Government Code which allows the Community Development Director, based on substantial evidence, to require parking near a major transit stop where parking is not normally required. The Director is required to make a finding that the lack of parking would have a substantial negative impact on providing low- and very-low-income housing, providing housing for special needs or if the lack of parking would adversely impact existing residential or commercial parking within a half-mile of the development project.
- Making word usage consistent and parallel
 - o For instance: medical services, general in the PQP District
 - o Squaring graphics language with the code text
 - o Squaring language in the Historic Preservation section with the rest of the code
- Updating graphics to reflect the current policy environment
 - o Using the sight-distance triangle from the City's Department of Public Works
 - o Single-family diagrams to include setbacks
- Clarifying the range of office uses allowed in the PHD High-Density Flex District
- Calling out the minimum 0.1 commercial FAR in MU-CC and the minimum 0.2 commercial FAR in the MU-VHD District (not currently listed)
- Removing the unnecessary requirement for notarization of appeals
- Removing language about the provision of electronic notice as a legal option (can be used as a supplemental form of noticing)
- Eliminating the allowance for 24-hour notice for off-site parking permits and temporary use permits, and making it parallel to other mailed notices (10 days)
- Spelling and punctuation mistakes

The Planning Commission resolution recommending approval of the clean-up ordinance is included as Attachment 1. The proposed Zoning Code Amendment is included as Attachment 2, with code changes presented in strikethrough and underline, or highlighted as part of a table.

ENVIRONMENTAL REVIEW

Given that the Zoning Code Update is an implementation action for the 2010 General Plan Update, the City prepared an Addendum to the 2010-2035 General Plan Environmental Impact Report (EIR) to cover adoption of the Zoning Code, Zoning Map, and related General Plan Amendments. The Addendum indicated that the adoption of the Zoning Code Update would not result in environmental impacts beyond those described in the General Plan Update EIR. At the conclusion of the public hearing on November 15, 2023, the Planning Commission voted to recommend that the City Council approve the Addendum, and on December 19, 2023, the City Council adopted the Addendum. The recommended actions all fall within the scope of the adopted Addendum.

FISCAL IMPACT

Adoption of the Second Zoning Code Cleanup Ordinance and associated Zoning Map Amendments for the R6 District would fully implement the City's General Plan land use diagram. These actions would involve no additional resources beyond those indicated at the time of Zoning Code adoption.

COORDINATION

This item was coordinated with the City Attorney's Office.

PUBLIC CONTACT

A newspaper notice was published in the April 3, 2025 issue of the Santa Clara Weekly describing the proposed adoption of the Second Zoning Code Cleanup Ordinance and the proposed changes to the Zoning Map.

Public contact was also made by posting the Planning Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

ALTERNATIVES

1. Provide an alternate recommendation to the City Council different from adopting the Zoning Code clean-up ordinance and applying the revised R6 Transit Neighborhood District, or any of its additional provisions.

RECOMMENDATION

1. Recommend that the City Council adopt the Zoning Code cleanup ordinance; and
2. Recommend that the City Council apply the R6 Transit Neighborhood District to the properties currently zoned TN on the Zoning Map, consistent with the General Plan.

Prepared by: John Davidson, Principal Planner, Community Development

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Afshan Hamid, Director of Community Development

ATTACHMENTS

1. 2nd Zoning Code Clean-Up Ordinance