



**City of Santa Clara Zoning Code Update**

# **Stakeholder Interview Summary Report**

*July 3, 2018*





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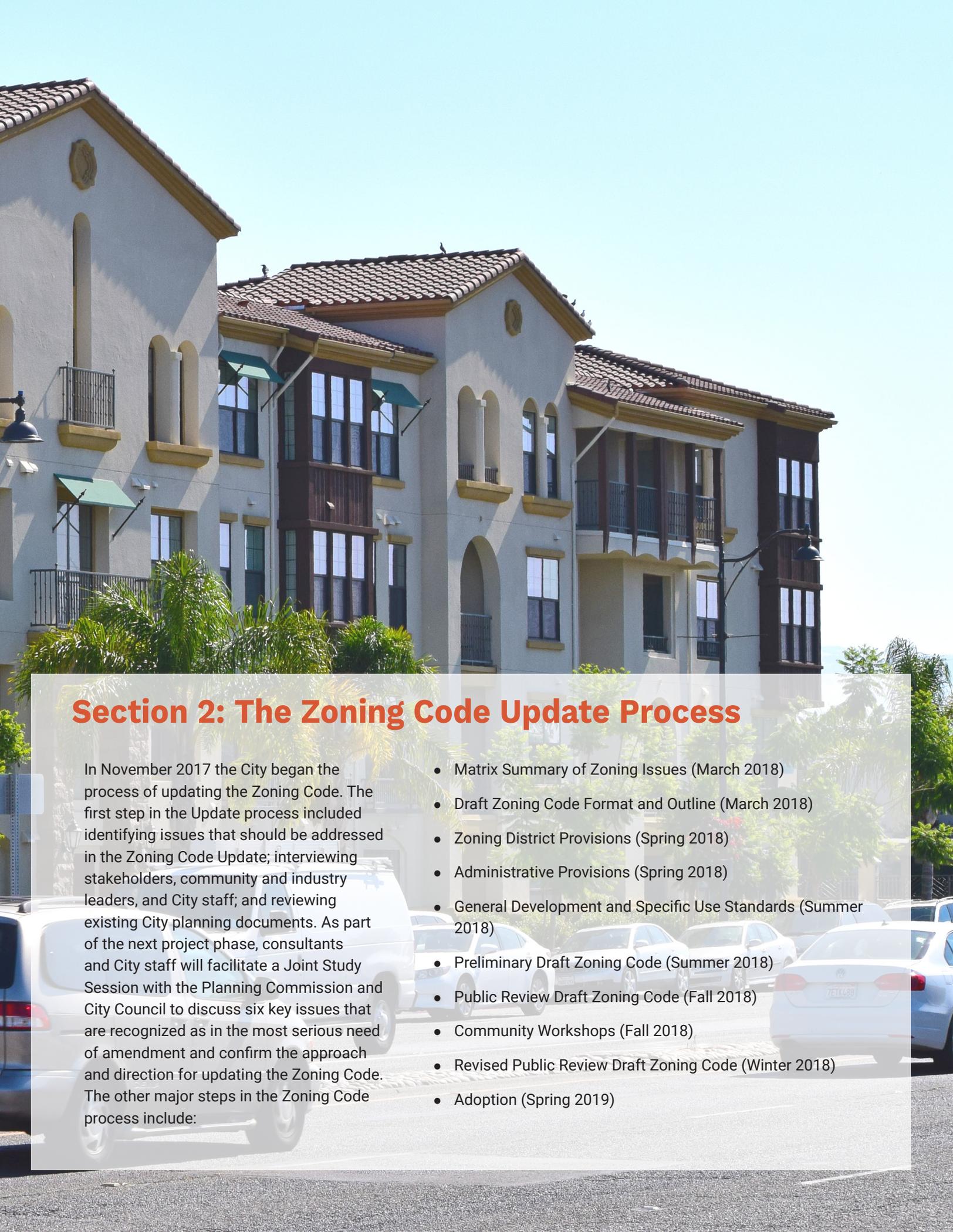




## Section 1: Introduction and Purpose

On November 14 through 16, 2017, the City of Santa Clara Zoning Code Update consultants conducted interviews with key community and industry leaders, stakeholders, and City staff, to gather feedback on key issues and opportunities for the Code update. The interviews included 22 participants. The input provided during these interviews, help provide a starting point for the consultants, City staff, Planning Commissioners, and City Council members for the Zoning Code Update.

This Report is organized into four sections. Section 1, Introduction, provides an overview of the report purpose and organization. Section 2, The Zoning Code Update Process, summarizes the Zoning Code Update work tasks and where we are in the schedule. Section 3, Stakeholder Interview Summary and Observations, describes the key ideas and comments that emerged from the stakeholder interviews and is organized into six topics. Finally, Section 4, Remaining Stakeholder Discussion Topics, provides a bulleted overview of the remaining topics that stakeholders noted, but that did not fit in one of the seven topic areas. Quotations from the interviews are included throughout the report to highlight key ideas, issues, and suggestions.



## Section 2: The Zoning Code Update Process

In November 2017 the City began the process of updating the Zoning Code. The first step in the Update process included identifying issues that should be addressed in the Zoning Code Update; interviewing stakeholders, community and industry leaders, and City staff; and reviewing existing City planning documents. As part of the next project phase, consultants and City staff will facilitate a Joint Study Session with the Planning Commission and City Council to discuss six key issues that are recognized as in the most serious need of amendment and confirm the approach and direction for updating the Zoning Code. The other major steps in the Zoning Code process include:

- Matrix Summary of Zoning Issues (March 2018)
- Draft Zoning Code Format and Outline (March 2018)
- Zoning District Provisions (Spring 2018)
- Administrative Provisions (Spring 2018)
- General Development and Specific Use Standards (Summer 2018)
- Preliminary Draft Zoning Code (Summer 2018)
- Public Review Draft Zoning Code (Fall 2018)
- Community Workshops (Fall 2018)
- Revised Public Review Draft Zoning Code (Winter 2018)
- Adoption (Spring 2019)

## Section 3: Stakeholder Interview Summary and Observations

The results of the stakeholder interviews are divided into six topic areas: zoning code simplification and modernization; restructuring administrative procedures; general development standards; tree preservation and standards; architectural overlay zones; and planned developments.

### Zoning Code Simplification and Modernization

We found broad agreement amongst City staff and the stakeholders that the existing Zoning Code is antiquated and includes standards and regulations that do not reflect contemporary development trends and practices. We heard from community and industry leaders that the Code is onerous and difficult to use. The development community and individuals frequently opt for a Planned Development (PD) instead of relying on the Zoning Code development standards because those standards often are an impediment to contemporary development.

In the early years of the city, the zoning standards and regulations were sufficient for suburban style commercial and residential development. But as Santa Clara continues to grow, and denser infill projects become the norm, it has become apparent that traditional zoning standards are no longer suitable for many new developments, as well as remodeling and reuse of older, existing development. To fully satisfy the need for cohesive quality development that aligns with contemporary development trends and City policy, the new Code must reflect these changes with revised standards and review procedures.

The Update Code must also be written in a clear, easy to digest format. This includes some consolidation of zones to minimize confusion and maximize compatibility amongst land uses. Another needed improvement of the Zoning Code is to modernize the list of regulated land uses. The existing land use tables have extensive, detailed lists of land use that are unnecessarily complicated. Generalizing and consolidating land uses into broader, contemporary, and more generic categories will provide more clarity for the public, development community, and City staff. To improve clarity, several stakeholders and City staff suggested eliminating unnecessarily technical language and replace it with more commonly understood language.

*“We need a Code that the public and business community can easily interpret, and that includes current best practices.”*

Article 1 – Zones, Allowable Uses, and Development Standards Chapter 1.01

**Table 1-2  
Commercial and Entertainment Mixed-Use Zone Development Standards**

Development Feature (minimum unless otherwise indicated by entitlement conditions of approval)	SC	EMU/AD	EMU/CD	EMU/SD	Additional Requirements
<b>Parcel Area (minimum):</b> Area required for each NEWLY CREATED parcel.	8,000 (corner parcel) 6,000 (interior parcel)	none	none	none	See Section 17.54.040
<b>Site Coverage (maximum):</b> Percentage of total site area that may be covered by structures.	25 percent for multi-family dwellings; 100 percent otherwise	100 percent	60 percent for multi-family dwellings; 100 percent otherwise	30 percent for multi-family dwellings; 100 percent otherwise	See Section 1.01.04(A)
<b>Setbacks (minimum):</b> Property lines are measured in feet, with those lines adjacent to the street measured from back of curb.					
<b>A Front (ft)</b>	15	30	15	25	See Section 1.01.04(A)
<b>B Side</b>	5	10	5	5	See Section 1.01.04(A)
<b>C Rear</b>	10	15	10	15	See Section 1.01.04(A)
<b>D Width</b>	60 (corner parcel) 50 (interior parcel)	none	60 (corner parcel) 50 (interior parcel)	80 (corner parcel) 70 (interior parcel)	

Example Development Standard Table

## Restructuring Administrative Procedures

After the subject of Zoning Code simplification and modernization, the most discussed topic during the stakeholder interviews was problems resulting from several administrative provisions and procedures. Specific areas of concern include the periodic review of certain Conditional Use Permits following approval by the Planning Commission and the role and composition of the Architectural Committee. It's clear City staff and community and industry leaders find some of these administrative provisions challenging and are in favor of a comprehensive review and implementation of alternative approaches.

Some administrative practices, such as the six-month review of Conditional Use Permits for alcohol sales are not part of the adopted code, but are typically added as a condition of permit approval by the Commission or Council. Interviewees felt the six-month check-in results in uncertainty about whether a project/application is ever "fully-approved." The primary issue with the six-month review period is that the City could either revoke the permit or add conditions after only six months of business operation. Stakeholders indicated they thought this process was unfair and has the potential to discourage new businesses from locating or expanding in Santa Clara.

The interviewees also recommended restructuring the role and responsibilities of the Architectural Review Committee. Current practice is for the Architectural Committee to review a project after it is approved by the Planning Commission or City Council. This sequence is unusual. Typical practice in most communities is for an architectural or design review committee to review projects prior to Commission or Council consideration. This sequence enables the Commission or Council to have the benefit of the committee's recommendations when considering a project, and provides more certainty to an applicant that the Commission or Council approval is final.

The stakeholders and City staff expressed several other ideas for improving administrative procedures. Those ideas include:

**Multiple Appeals.** The existing Code allows a decision on an application to be appealed multiple times. Several people interviewed felt that a decision should be limited to a single appeal (e.g., "only one-level up"), to the next higher review authority (e.g., Zoning Administrator decision appeal stops at the Planning Commission, with no appeal to the City Council).

- **Minor Modifications.** The existing Code includes variance findings for minor modifications. This creates an unreasonable burden on an applicant because Variance findings are typically very difficult to make. Interviewees felt that the Zoning Code should include separate minor modification findings that were more appropriate to issues raised by minor modifications. Several interviewees also felt that the allowable percentage of variation from standards allowed by a minor modification should be reduced from 25 percent to 10 percent, which is more consistent with best practices.

- **Variations.** Several people interviewed felt that the variance process is used too frequently. Interviewees noted that Variations are regularly approved for projects that don't conform to adopted development standards. This is an indication that some development standards don't reflect current City policy and practice. Interviewees felt the existing standards frequently the subject of variations should be evaluated and modified. At the same time, variance findings should also be evaluated and possibly strengthened to reduce the number of variations granted.
- **Development Applications.** Several City staff interviewees noted that there is currently not enough direct correlation between Zoning Code administrative provisions and development application information requirements. Interviewees suggested more extensive linkage of the application requirements to relevant portions of the Code.
- **Cross-referencing.** Interviewees felt the existing Code lacks clarity and consistency between the Code provisions and that there needed to be clearer cross-referencing between applicable standards, regulations, sections, and chapters throughout the Code.
- **Administrative Processing.** A re-occurring theme we heard from the stakeholders was the need to reduce overall administrative processing requirements and that there should be more by-right uses along with appropriate development standards.
- **Architectural Committee Members.** Several stakeholders noted that the existing Architectural Review Committee does not include a licensed architect or designer. It was recommended that the Committee include at least one licensed professional.
- **Architectural Committee Role.** Stakeholders suggested that the Zoning Administrator (ZA) be delegated authority for minor modifications that require architectural review, and that the Architectural Review Committee act only in the event of ZA decision appeals.

*“The six-month review of Conditional Use Permits is not helpful, we need to move away from this in the updated Code.”*

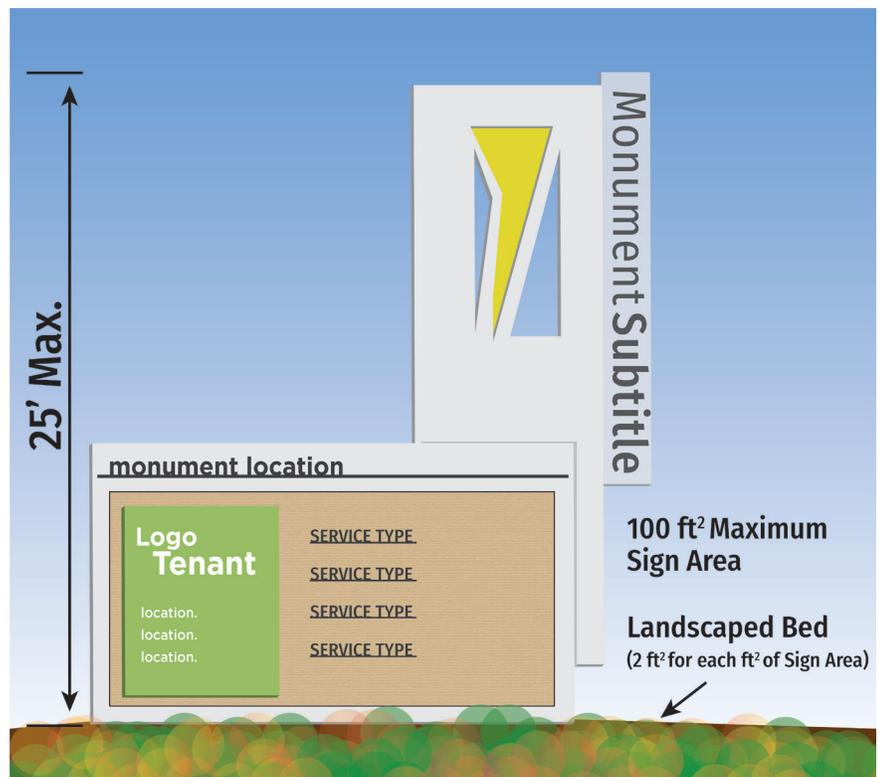
## General Development Standards

### Revamping the Sign Regulations

During the interviews, City staff and the stakeholders expressed the need to comprehensively update the existing sign regulations to accommodate a variety of sign types for various zones and parcel configurations. City staff mentioned that one issue that arises frequently with sign permits is the difficulty in permitting signs for parcels at the end of cul-de-sacs. The current method for calculating sign area is by measuring the street frontage and applying an allowable square foot standard per each foot of parcel frontage. One recommendation proposed by the stakeholders to solve the cul-de-sac issue is to calculate the sign area based on building frontage and not street frontage. Stakeholders also noted that sign graphics illustrating specific sign standards would be helpful. Some of the additional issues related to signs are listed below.

*“The sign regulations are really confusing and not user-friendly. Standards are spread throughout the Code provisions and are sometimes hidden or obscure.”*

- **Modification to General Sign Regulations.** The following were general concepts that the stakeholders felt should be addressed:
  - Clarify the approval requirements for signs on secondary frontages
  - Review the use of construction signs with branding and logos
  - Review the allowable setbacks for signs
  - Require that contractor and real estate signs be removed immediately once development is final, or once the final unit is sold or leased
  - Review time limits for posting specific sign types
  
- **Sign Program Variances.** The stakeholders discussed the whether the variance process for sign programs should be either prohibited or drastically reduced.



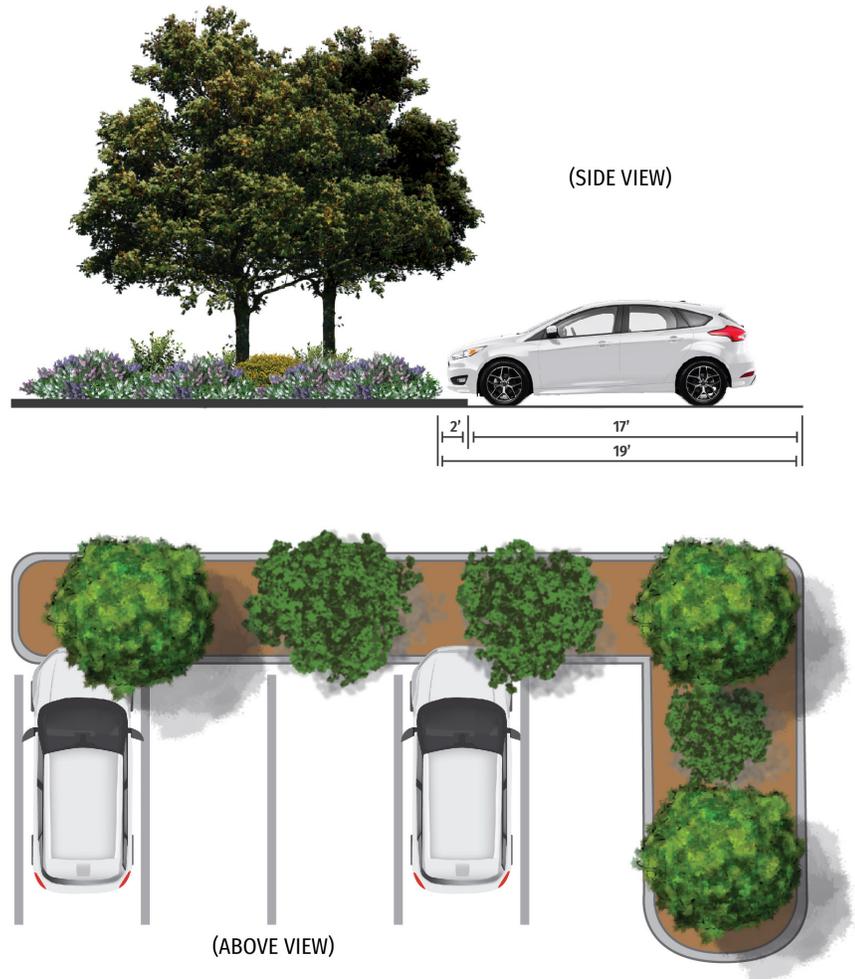
Example Diagram: Monument Signs

## Modernizing Parking Standards

One broad topic that was important to the stakeholders was modernizing the parking standards to accurately reflect contemporary development and changing driving habits. The existing parking regulations (Section 18.86) do not provide the flexibility for innovative parking types, alternative fuel vehicle parking, and bicycle parking. Several stakeholders felt that City parking requirements are not in sync with typical best practices for multi-family, mixed-use, and transit-oriented developments which encourage parking space reduction. City staff also suggested the need to analyze parking requirement modifications for specific land use types. For example, de-coupling indoor and outdoor seating parking requirements for dining establishments. Some of the additional topics expressed by the stakeholders pertaining to parking include:

*“The City needs parking standards for current development types. Possibly allow tandem and shared parking where applicable.”*

- **Illustrative Examples.** Similar to the sign regulations, stakeholders suggested including more graphics to illustrate parking standards (i.e., ADA parking spaces, EV parking, off-street parking requirements).
- **Compact Parking.** Several stakeholders recommended that the new Code consider allowing a percentage of required parking spaces to be for compact vehicles.
- **Recreational Vehicle (RV) Parking.** Some of the interviewees suggested that the new Code address RV parking, storage, and occupancy standards that are consistent with other departments for enforcement purposes, this includes occupancy of RV's in the right-of-way. Stakeholders asked that the City consider codifying the standards.

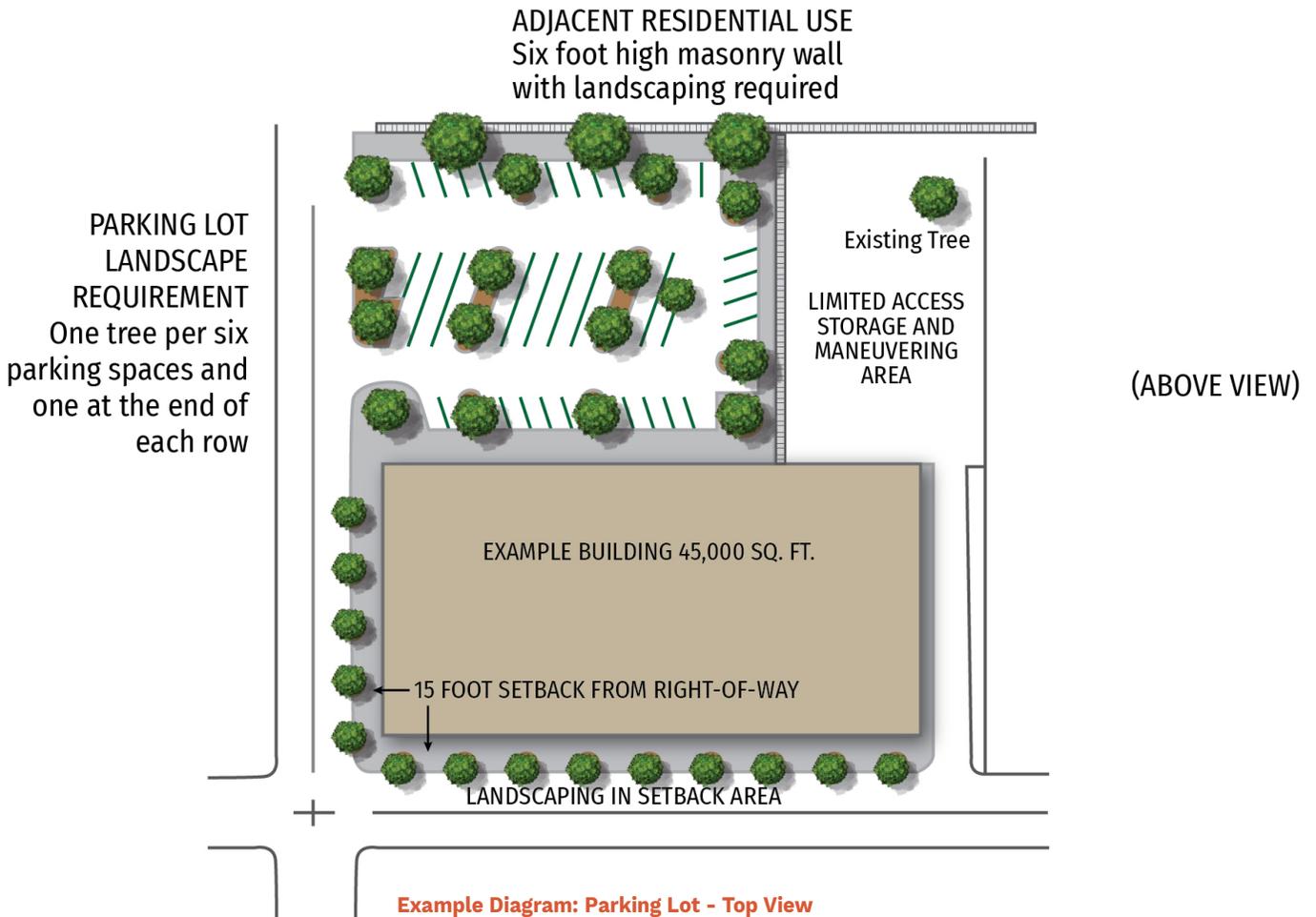


Example Diagram: Parking - Detail View

- Electric Vehicle (EV) Parking.** Stakeholders noted that the current Code does not provide sufficient standards and regulations for electric vehicles. Currently EV parking is required as a condition of approval. Stakeholders recommended codifying the requirements for EV charging stations in parking lots and garages and adding development standards for lighting and security, in lieu including them as a condition of approval. Another recommendation was to rely on a market-driven approach to calculate the required number of EV charging stations.
- Parking Requirements.** Stakeholders suggested that the new Code de-couple parking regulations from number of seats for dining establishments. Another recommendation was to not double count parking that only serves the business and that is not open to the public.



Example Electric Vehicle Charging Station.



## Tree Preservation and Removal Standards

It was clear during the interviews that tree preservation and removal are important issues. Some City staff suggested the creation of a Tree Preservation section in the new Code. This issue was most apparent during a meeting with the Project Development Committee which included City staff from the City Manager's office, Fire Department, City Attorney's office, Parks and Recreation, Public Works, and Silicon Valley Power. Some Project Development Committee members were concerned about consistency within the Zoning Code and whether any standards conflict with their department regulations. For example, participants noted that trees should not be planted in setbacks that conflict with overhead powerlines, or within water, sewer, and gas line easements.

The stakeholders and City staff expressed several additional areas of opportunities for improvement when drafting the new Code pertaining to tree preservation and removal, including:

- Prepare tree removal regulations and confirm consistency with water efficient landscape requirements
- Provide standards for tree preservation
- Require that any tree removal must be shown on landscape plans
- Create a tree removal permit application form and add the provisions to administrative procedures



## Architectural Overlay Zones (Old Quad)

Santa Clara has a rich development history and is home to areas with high concentrations of historic structures, specifically the Old Quad. The Old Quad is the original grid pattern of development in Santa Clara dating back to the early 1860's. The Old Quad is bound by Scott Boulevard to the west, Newhall Street to the south and east, and the railroad tracks to the north and east. This area currently is not recognized as a Historic District, but over the years there have been requests to create special development standards for the Old Quad. This idea has had support from the community and Old Quad residents. Some stakeholder ideas are to allow unique roof pitches, increased second story heights, two-story accessory dwelling units, modified parking standards, and require structure heights to remain consistent with historical architectural styles. Two recommendations we heard is to either create one or more overlay zones for the area or establish a new standalone Old Quad Zone or include additional discretionary review standards. Additional discretionary review standards can be applied through the zones, or through additional processes such as Zoning Administrator approval.

Several stakeholders expressed that the Old Quad is not the only area in Santa Clara that is a possible candidate for an overlay district or separate zone to preserve architectural styles. Another area includes the Fairmede and Maywood neighborhoods which are two mid-century modern enclaves of Mackay homes located north of Stevens Creek Boulevard, east of Lawrence Expressway, south of Pruneridge Avenue, and east of Kiley Boulevard. Mackay homes were designed by Joe Eichler's original architects Anshen and Allen and are a sought-after unique home style. Requests have been made in the past by advocates in Santa Clara to consider neighborhoods with Mackay homes historic, or at least provide specific architectural design and development standards.

*“The Old Quad should be treated differently, with different development standards and design guidelines to preserve the historic architecture.”*



Old Quad Historic Residences

The stakeholders and City staff suggested several additional areas of opportunities for Code improvement pertaining to potential historic overlay districts, including:

- Single-Family and Duplex Design Guidelines. Interviewees pointed out that the 2014 Single-Family and Duplex Residential Design Guidelines do not accurately reflect the Old Quad. One recommendation we heard is to update the guidelines to reflect the Old Quad and other selected areas in the City as candidates for separate, unique design guidelines.
- Old Quad Design Considerations. It was important to some stakeholders that the Old Quad be treated separately, including specific design and development standard exceptions that are consistent with the historic architecture in the area. Some of suggested standards include:
  - Prohibiting exterior stairwells
  - Increasing the maximum allowed structure height to 35 feet
  - Allowing front yard encroachments for porches and stoops
  - Limiting the use of balconies and second story patios
  - Allowing single-car garages
  - Allowing two-story ADU's, with specific criteria for roof pitches



**Old Quad Historic Residences**

## Planned Developments

We heard from several stakeholders that Planned Developments are approved regularly for all types of projects, even for minor modifications for single-family residences. These stakeholders noted that the City currently treats PD's as a "fall-back" or "pseudo variance", when the existing adopted Zoning Code does not align with applicant needs. Typically, PD's are relied on sparingly and then only to facilitate a creative, innovative project design that can't be accommodated under existing development standards. In the case of Santa Clara, stakeholders explained that the existing Zoning Code is insufficient and out of date, resulting in the increased use of PD's (and Variances) to "get around" antiquated Zoning Code requirements. There was general concern amongst the stakeholders and City staff that the perception by community members is that the PD Permit is an "anything goes" permit, and that the PD process requires extensive evaluation and updating.

*"Planned Developments are used too often, causing spot zoning across the City."*

## Remaining Stakeholder Discussion Topics

The stakeholders expressed several additional topics and ideas for Zoning Code improvement, including:

- Increase outdoor dining seating to allow more than 12 seats, and not require any additional parking for those seats.
- Reduce restrictions on residential additions (4th bedroom addition trigger);
- Revise some of the Single-Family Design Guidelines to become codified development standards (e.g., second floor addition no more than 25 percent of the floor area of the first story);
- Limit pony walls ( $\frac{1}{2}$  height of standard walls) for basements and split-level homes citywide;
- Allow larger square footages for garages (currently 600 square feet for detached and 480 square feet for attached);
- Retain the existing R-1 standards into the new Code;
- Consider revising the Subdivision Code to reflect zoning standards on small lots;
- Extend lot coverage maximum to 45 percent;
- Prohibit vehicle maintenance in residential zones; treat vehicle repair as a prohibited home occupation;
- Provide flexible standards for mobile food trucks;
- Provide development and design standards for drive-thrus;
- Define "Demolition";
- Include a Master Allowable Land Use Table in the front-end of the Code; and
- Provide a thorough applicant checklist that includes all Departments technical requirements/standards.

## Stakeholder Interviewees

### Invited Stakeholders

**Elaine Breeze**, Vice President of Development  
*SummerHill Apartment Communities*

**Jonathan Fern**, Vice President of Development  
*SummerHill Homes and SummerHill Apartment Communities*

**Ray Hashimoto**, Principal, Land Development Manager  
*HMH Engineers*

**Robert Mayer**, Architect  
*Ex Planning Commissioner, Architectural Committee Member*

### City Staff

**Alexander Abbe**, Assistant City Attorney  
*City Attorney's Office*

**Anna McGill**, Associate Planner

**Christine Jung**, Management Analyst  
*City Manager's Office*

**Debby Fernandez**, Associate Planner

**Deborah Patton**, Fire Prevention Specialist  
*Fire Department*

**Devon Toda**, Compliance Manager  
*Public Works/Street Corp Yard*

**Gina Saporito**, Staff Aide II  
*Parks and Recreation*

**Gustavo Gomez**, Principal Engineer  
*Public Works/Land and Property*

**Jeff Schwilk**, Associate Planner

**John Davidson**, Principal Planner

**Juan Padilla**, Code Enforcement Technician

**Kevin Riley**, Senior Executive Consultant

**Lenny Buttitta**, Principal Electrical Estimator  
*Electric Utility/Silicon Valley Power*

**Ramon Santos**, Senior Engineer (Retired)  
*Public Works/Land and Property*

**Rebecca Bustos**, Associate Planner

**Tanisha Werner**, Water Utility Engineer  
*Water and Sewer Utilities*

**Yen Han Chen**, Associate Planner

