

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING TITLE 18 OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA” TO ADD A NEW CHAPTER 18.27, REGULATIONS FOR THE EL CAMINO REAL CORRIDOR PLANNING AREA; REVISING CHAPTER 17.15, PROPERTY DEVELOPMENTS, TO CLARIFY THAT THE NEW EL CAMINO PROPERTY STANDARDS WILL SUPERSEDE THAT CHAPTER; AND ADDING A NEW SECTION 17.40.116 TO CHAPTER 17.40, CITYWIDE AFFORDABLE HOUSING REQUIREMENTS, TO SPECIFY AFFORDABILITY LEVELS APPLICABLE TO THE EL CAMINO REAL ZONING DISTRICTS

**BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**SECTION 1:** That a new Chapter 18.27, “Regulations for the El Camino Real Corridor”, is hereby added to Title 18 (entitled “Zoning”), of “The Code of the City of Santa Clara, California” (“SCCC”) as follows:

**“Chapter 18.27**

**Regulations for the El Camino Real Corridor**

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**Article I. Regulations for the El Camino Real Corridor**

**18.27.010 Application.**

The regulations set forth in this chapter apply to all parcels in the El Camino Real Specific Plan area.

**18.27.020 Intent.**

The El Camino Real Corridor zoning districts are designed to implement the Regional Commercial Mixed Use, Corridor Mixed Use, and Corridor Residential General Plan designations, creating a range of residential densities that are transit-oriented with supportive commercial services. The El Camino Real corridor zoning districts include the Regional Commercial Mixed Use District (RCMU), Corridor Mixed Use District (CMU), and the Corridor Residential District (CR) and are expected to be implemented over time, and the district contains provisions for the continuation of existing auto-oriented uses.

**18.27.030 Purpose**

The purpose of the El Camino Real Corridor individual districts and the way they are applied are as follows:

- (a) Regional Commercial Mixed Use (RCMU).** The purpose of the RCMU - Regional Commercial Mixed Use Zone is to provide land areas for the construction, use, and

occupancy for pedestrian- oriented developments that focus on regional-serving commercial uses (e.g., big box stores, entertainment establishments, restaurants, retail establishments). It is the intent of this zone to be located on high-traffic corridors and to provide a mix of residential and commercial uses, with residential on the upper floors and commercial and office on the lower floors. This zone has a minimum Floor Area Ratio (FAR) of 0.2. The allowable residential density range is 55-100 dwelling units per acre.

**(b) Corridor Mixed Use (CMU).** The purpose of the CMU - Corridor Mixed Use Zone is to provide land areas for the construction, use, and occupancy for pedestrian-oriented developments that focus on community-serving commercial uses (e.g., grocery stores, banks, pharmacies, restaurants, retail establishments). It is the intent of this zone to provide a mix of residential and commercial uses, with residential on the upper floors and commercial and office on the lower floors, as well as, stand-alone uses in certain circumstances. This zone does not have a minimum Floor Area Ratio (FAR). The allowable residential density range is 45-65 dwelling units per acre.

**(c) Corridor Residential (CR).** The purpose of the CR - Corridor Residential Zone is to provide land areas for the construction, use, and occupancy for a variety of multi-family residential housing types that focus on the transition between higher-intensity mixed use and single-family residential. This zone also allows commercial uses. It is the intent of this zone to be located small parcels on high-traffic corridors and to provide a mix of residential and commercial uses, with residential on the upper floors and commercial and office on the lower floors. This zone does not

have a minimum Floor Area Ratio (FAR). The allowable residential density range is 16-45 dwelling units per acre.

**18.27.040 Permitted and conditional uses.**

The land uses in the following table, are as defined in the Zoning Ordinance. The requirements under “Required Ground Floor Commercial Areas” apply to required ground floor commercial spaces in locations identified in the Ground Floor Commercial Overlay as described in the El Camino Real Specific Plan. If a land use is not listed in the Land Use Table, the use is not allowed, otherwise, uses will be denoted as either; P - Allowed by Right; MUP - Minor Use Permit; CUP - Conditional Use Permit; or Blank - Not allowed

**18.27.050 Land Use Table.**

Allowed Uses and Permit Requirements	Designations			
Land Use (see Zoning Ordinance for land use definitions)	CR	CMU	RCMU	Additional Regulations and Exceptions
<b>Residential Uses</b>				
Caretaker Housing	-	-	-	
Dwelling, Multifamily	P	P	P	
Employee Housing	-	-	-	
Home Occupations	P	P	P	
Live-Work Facilities	p <sup>2</sup>	p <sup>1,2</sup>	p <sup>1,2</sup>	<sup>1</sup> Permitted except along the El Camino Real street frontage in the RCMU designation or the Ground Floor Commercial Overlay. <sup>2</sup> Live/work facilities shall not count towards commercial FAR requirements but shall count toward residential density.
Land Use (see Zoning Ordinance for land use definitions)	CR	CMU	RCMU	Additional Regulations and Exceptions
<b>Human Services Uses</b>				
Child Day Care Facilities	P	P	P	

Community Care Facilities, Small	P	P	-	
Community Care Facilities, Large	CUP	CUP	-	
Day Care Homes	P	P	P	
Supportive Housing	P	P	P	
Low Barrier Navigation Centers	P	P	P	
Recreation, Education, and Public Assembly Uses				
Community Gardens	MUP	MUP	MUP	
Commercial Recreation Facilities, Indoor	P	P	P	
Fitness Facilities	P	P	P	
Libraries	P	P	-	
Museums	P	P	P	
Parks and Public Plazas	P	P	P	
Places of Assembly	-	CUP	CUP	
Public Schools	P	P	P	
Private Schools	CUP	CUP	CUP	
Public/Private Colleges and Universities	P	P	P	
Theaters and Auditoriums	P	P	P	
Vocational/Trade Schools	P	P	P	
Land Use (see Zoning Ordinance for land use definitions)	CR	CMU	RCMU	Additional Regulations and Exceptions
Utility, Transportation, and Communication Uses				
Park and Ride Facilities	P	P	P	
Parking Structures	MUP	MUP	MUP	
Public Safety Facilities	P	P	P	
Wireless Telecommunications Facilities, Microcell	P	P	P	
Wireless Telecommunication Facilities, Minor (less than 70 feet)	MUP	MUP	MUP	

Wireless Telecommunication Facilities, Major (70 feet or higher)	-	CUP	CUP	
Transit Stations and Terminals	P	P	P	
Utility Facilities and Infrastructure	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	<sup>2</sup> CUP required for private utility facilities and infrastructure. Public utilities and infrastructure are permitted uses.
Retail, Service, and Office Uses				
Alcoholic Beverage Sales and Service	P	P	P	Retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption at a retail establishment which has 50 percent or more of the shelving or gross floor area devoted to the public display
Ambulance Services	CUP	CUP	-	
Animal Sales and Grooming Facilities	P	P	P	
Banks and Financial Establishments, General	P	P	P	
Banks and Financial Establishments, Stand-alone ATM	P	P	P	
Bars	CUP	CUP	CUP	
Business Support Centers	P	P	MUP	
Drive-in/Drive-through Establishments	-	-	-	
Hotels and Motels	-	P	P	
Land Use	CR	CMU	RCMU	Additional Regulations and Exceptions
Retail, Service, and Office Uses (continued)				
Kennels	MUP	MUP	-	
Live Entertainment	CUP	P	P	wholly incidental to an otherwise permitted commercial use
Maintenance and Repair Services	P	P	P	
Nightclubs	-	-	CUP	

Offices	P	P	P	
Outdoor Dining and Seating	MUP	MUP	MUP	
Outdoor Displays and Sales	CUP	CUP	CUP	
Personal Services	P	P	P	
Personal Services, Restricted	MUP	MUP	MUP	
Restaurants	P	P	P	
Retail Establishments:				
General, Small Format	P	P	P	
General, Medium Format	P	MUP	P	
General, Large Format	-	-	CUP	
Veterinary Facilities	P	P	P	
Vehicle Oriented Uses				
Vehicle Rental Facilities, Limited	-	-	-	
Vehicle Rental Facilities, Office Only	-	-	-	
Vehicle Repair Facilities, Minor	-	-	-	
Vehicle Service Stations	-	CUP	CUP	
Industrial, Manufacturing, and Processing Uses				
Printing and Publishing Facilities	P	P	P	
Wineries, Distilleries, Breweries, and Micro-Breweries	MUP	MUP	MUP	
Personal Storage Facilities	-	-	-	
Data Centers	-	-	-	

**Article II. Development Standards for the El Camino Real Corridor**

**18.27.100 Existing Buildings and Uses.**

(a) Notwithstanding any other provision in this Chapter, the lawful use of buildings existing prior to the adoption of this Chapter may continue and none of the other

sections of this Chapter 18.27 shall apply, as though the prior zoning of the parcel remained in place, until such time as the existing use (including any expansions) has been discontinued in its entirety, at which time the prior zoning shall become inapplicable and the other sections of this chapter shall apply from that point forward.

(b) Allowed Uses. For parcels with legal uses of buildings existing prior to the adoption of this Chapter, permitted uses of the prior zoning district are allowed, and none of the other sections of this chapter shall apply to such building and use, until such time as the existing use (including any expansions) has been discontinued in its entirety.

(c) Conditional Uses. For parcels with legal uses of buildings existing prior to the adoption of this chapter, conditional uses of the prior zoning district are conditionally permitted, and none of the other sections of this chapter shall apply, until such time as the existing use (including any expansions) has been discontinued in its entirety.

(d) Development Standards. For parcels with legal uses of buildings existing prior to the adoption of this chapter, development standards of the prior zoning district shall apply, and none of the other sections of this chapter shall apply, until such time as the existing use (including any expansions) has been discontinued in its entirety..

**18.27.110 Regional Commercial Mixed Use District (RCMU) Development**

**Standards Table.**

Standards	Regional Commercial Mixed Use
Height, Density, & Intensity <sup>1</sup>	
Maximum Stories/Height to Top of Wall	70 ft (6 stories) <sup>2,3,4,5</sup>
Minimum Commercial Floor Area Ratio	0.2
Maximum Dwelling Units per Acre	100 du/acre <sup>5</sup>
Minimum Dwelling Units per Acre	55 du/acre

Minimum Commercial Ground Floor Area	50% of the ground floor along ECR parcel frontage	
<b>Transitions Adjacent to Single-Family/Duplex Zoning Districts</b>		
Maximum Height adjacent to Single-Family and Duplex residential zoning districts	1:1 slope ratio of setback to height starting from property line at grade .	
Maximum Height across the street from Single-Family and Duplex residential zoning districts <sup>6</sup>	At the setback line, the height of the roof plate <sup>7</sup> may be no taller than one story above the maximum height allowed in the opposing residential zone. Behind the setback line, building heights may step up away from the street following a 1:1 slope ratio of step back to building height measured from the roof plate .	
<ol style="list-style-type: none"> <li>1. Density shall be calculated as net density, which excludes public streets and dedicated public parkland (per Chapter 17.35 of the Santa Clara City Code). The lot area that contains publicly-accessible private open space, private streets and pathways, and required easements will be counted toward lot area for the purposes of calculating residential density and commercial floor area ratio.</li> <li>2. See Specific Plan Figure 4-1, Allowed Heights.</li> <li>3. Projects must comply with both stories and overall height maximums. Height exceptions up to 10 feet above the maximum may be allowed to accommodate architectural features, rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff.</li> <li>4. FAA airspace safety clearance may be required on a project-specific basis pursuant to Federal Aviation Regulations/Part 77.</li> <li>5. Projects may be eligible for additional height, density, or FAR in exchange for providing community benefits above and beyond what is required by the Plan, as outlined in Specific Plan section 6.2, Community Benefits Program.</li> <li>6. Applies to portions of a development directly opposite a residentially zoned property where the street is less than 65 feet wide.</li> <li>7. A roof plate is defined as the top horizontal framing member of a wall where the roof structure is attached.</li> </ol>		
<b>Standards</b>	<b>Regional Commercial Mixed Use</b>	
<b>Setbacks and Frontage</b>	<b>Ground Floor Commercial</b>	<b>Other Ground Floor Uses</b>
ECR Minimum Front Setback, from back of walk <sup>2</sup>	0 or 5 ft <sup>3</sup>	10 ft <sup>3</sup>
ECR Maximum Front Setback, from back of walk <sup>1,2</sup>	10 ft	15 ft
Minimum Street Setback, other than ECR	10 ft	15 ft
Maximum Street Setback, other than ECR	15 ft	20 ft
Minimum Side & Rear Setback (from adjacent parcel or alley)	5ft	10 ft
Minimum Setback adjacent to single family and duplex residentially-zoned parcel	25 ft	25 ft

Minimum Transparency	50%	NA	
Pedestrian Entries	At least 1 pedestrian entry is required on each primary block frontage, unless a greater number is required by the Building Code or Fire Code.		
Private Open Space <sup>5</sup>	Non-Residential	Hotel	Residential/Residential Portion of Mixed-Use Project
Minimum Required Personal Open Space	NA	NA	60 sf per unit <sup>6</sup>
Minimum Required Common Usable Open Space	NA	20 sf per room	80 sf per unit <sup>7</sup>
Minimum Required Publicly-Accessible Open Space	10% of lot area <sup>8</sup>		
<b>Standards</b>	<b>Regional Commercial Mixed Use</b>		
<b>Parking<sup>9</sup></b>			
Maximum Surface Parking Length along ECR parcel frontage	30%		
Minimum Setback for Surface Parking	10 ft		

1. At least 75% of the building facade shall be located within the minimum and maximum setback lines; up to 25% of the building façade may be located behind the maximum setback to allow for massing breaks, forecourts, plazas, etc. Publicly-accessible plazas/open spaces may be subtracted from the overall facade length to calculate the minimum percentage of building facade to be located within the setback range.
2. The intent is to achieve a total sidewalk width of 20 feet along El Camino Real, with a minimum sidewalk width of 15.5 feet. Setbacks are measured from the new back of walk. As sites are redeveloped over time, the City will work with property owners to negotiate the appropriate dedication and/or public easement to meet new sidewalk requirements on a case-by-case basis.
3. The minimum front/street side setback for live/work units shall be 10 feet from the back of walk.
4. The minimum setback is 0 feet in instances where the sidewalk width is 20 feet. In areas where that cannot be achieved and the sidewalk is less than 20 feet wide, the minimum setback is 5 feet from the back of walk.
5. Open space requirements are separate from parkland dedication requirements established by SCCC Chapter 17.35. However, depending on the size, location, and amenities provided, it is possible that the open space would qualify for private open space credit under Chapter 17.35. In the RCMU designation, onsite public parks provided per the City’s parkland dedication requirements may count towards fulfilling the 10% publicly-accessible open space standard, subject to approval by the Director of Parks and Recreation (per Section 17.35.080).
6. All of the required personal open space may be provided as common private outdoor areas (i.e. 140 sf per unit could be provided as common open space).

7. Includes roof decks and other shared common open areas. Setback areas are not considered usable open space unless they are at least 20 feet wide from the building to the property line. Up to 40 sf per unit can be provided in an indoor communal space so long as it opens directly on to a common outdoor space.
8. Must be ground floor publicly-accessible open space. New publicly-accessible open space should have a minimum 30-foot dimension in at least one direction and a minimum total area of 3000 sf.
9. Refer to the Zoning Code for additional off street parking and loading requirements.

**18.27.120 Corridor Mixed Use District (CMU) Development Standards Table.**

Standards	Corridor Mixed Use
Height, Density, & Intensity <sup>1</sup>	
Maximum Stories/Height to Top of Wall	60 ft (5 stories) <sup>2,3,4</sup>
Minimum Floor Area Ratio	None
Minimum Dwelling Units per Acre	45 du/acre
Maximum Dwelling Units per Acre	65 du/acre <sup>4</sup>
Minimum Commercial Ground Floor Area	Specific Plan Figure 4-10 shows locations where commercial is required for 50% of the ground floor building frontage along El Camino Real. All other areas - commercial allowed, not required.
Transitions Adjacent to Single-Family/Duplex Zoning Districts	
Maximum Height adjacent to Single-Family and Duplex residential zoning districts	1:1 slope ratio of setback to height starting from property line at grade .
Maximum Height across the street from Single-Family and Duplex residential zoning districts <sup>5</sup>	At the setback line, the height of the roof plate <sup>6</sup> may be no taller than one story above the maximum height allowed in the opposing residential zone. Behind the setback line, building heights may step up away from the street following a 1:1 slope ratio of step back to building height measured from the roof plate.

1. Density shall be calculated as net density, which excludes public streets and dedicated public parkland (per Chapter 17.35 of the Santa Clara City Code). The lot area that contains publicly-accessible private open space, private streets and pathways, and required easements will be counted toward lot area for the purposes of calculating residential density and commercial floor area ratio.
2. See Specific Plan Figure 4-1, Allowed Heights.
3. Projects must comply with both stories and overall height maximums. Height exceptions up to 10 feet above the maximum may be allowed to accommodate architectural features, rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff.

4. Projects may be eligible for additional height, density, or FAR in exchange for providing community benefits above and beyond what is required by the Plan, as outlined in Specific Plan section 6.2, Community Benefits Program.
5. Applies to portions of a development directly opposite a residentially zoned property where the street is less than 65 feet wide.
6. A roof plate is defined as the top horizontal framing member of a wall where the roof structure is attached.

Standards	Corridor Mixed Use		
Setbacks and Frontage	Ground Floor Commercial	Other Ground Floor Uses	
ECR Minimum Front Setback, from back of walk <sup>2</sup>	0 or 5 ft <sup>3</sup>	10 ft <sup>3</sup>	
ECR Maximum Front Setback, from back of walk <sup>1,2</sup>	10 ft	15 ft	
Minimum Street Setback, other than ECR	10 ft	15 ft	
Maximum Street Setback, other than ECR	15 ft	20 ft	
Minimum Side & Rear Setback (from adjacent parcel or alley)	5 ft <sup>8</sup>	10 ft <sup>8</sup>	
Minimum Setback adjacent to single family and duplex residentially-zoned parcel	25 ft	25 ft	
Minimum Transparency	50%	NA	
Pedestrian Entries	At least 1 pedestrian entry is required on each primary block frontage, unless a greater number is required by the Building Code or Fire Code.		
Private Open Space <sup>5</sup>	Non-Residential	Hotel	Residential / Residential Portion of Mixed-Use Project
Minimum Required Personal Open Space	NA	NA	80 sf per unit <sup>6</sup>
Minimum Required Common Usable Open Space	NA	20 sf per room	100 sf per unit <sup>7</sup>
Minimum Required Publicly-Accessible Open Space	NA	NA	
Standards Corridor Mixed Use			

Parking <sup>9</sup>	
Maximum Surface Parking Length along ECR parcel frontage	30%
Minimum Setback for Surface Parking	10 ft

1. . At least 75% of the building facade shall be located within the minimum and maximum setback lines; up to 25% of the building façade may be located behind the maximum setback to allow for massing breaks, forecourts, plazas, etc. Publicly-accessible plazas/open spaces may be subtracted from the overall facade length to calculate the minimum percentage of building facade to be located within the setback range.
2. The intent is to achieve a total sidewalk width of 20 feet along El Camino Real, with a minimum sidewalk width of 15.5 feet. Setbacks are measured from the new back of walk. As sites are redeveloped over time, the City will work with property owners to negotiate the appropriate dedication and/or public easement to meet new sidewalk requirements on a case-by-case basis.
3. The minimum front/street side setback for live/work units shall be 10 feet from the back of walk.
4. The minimum setback is 0 feet in instances where the sidewalk width is 20 feet. In areas where that cannot be achieved and the sidewalk is less than 20 feet wide, the minimum setback is 5 feet from the back of walk.
5. Open space requirements are separate from the parkland dedication requirements established by SCCC Chapter 17.35. However, depending on the size, location, and amenities provided, it is possible that the open space would qualify for private open space credit under Chapter 17.35.
6. Required personal open space for up to 50% of units can be provided as common private open space.
7. Includes roof decks and shared common areas. Setback areas are not considered usable open space unless they are at least 20 feet wide from the building to the property line. Up to 50 sf per unit can be provided in an indoor communal space so long as it opens directly on to a common outdoor space.
8. The minimum setback for parcels adjoining Saratoga Creek ROW shall be 20 feet.
9. Refer to the Zoning Code for additional off street parking and loading requirements.

### 18.27.130 Corridor Residential District (CR) Development Standards Table.

Standards	Corridor Residential
Height, Density, & Intensity <sup>1</sup>	
Maximum Stories/Height to Top of Wall	50 ft (4 stories) <sup>2,3,4</sup>
Minimum Floor Area Ratio	None
Minimum Dwelling Units per Acre	16 du/acre
Maximum Dwelling Units per Acre	45 du/acre <sup>4</sup>
Minimum Commercial Ground Floor Area	Commercial allowed, not required
Transitions Adjacent to Single-Family/Duplex Residential Districts	
Maximum Height adjacent residential zoning district	1:1 slope ratio of setback to height starting from property line at grade .

Maximum Height across the street from residential zoning district <sup>5</sup>	At the setback line, the height of the roof plate <sup>6</sup> may be no taller than one story above the maximum height allowed in the opposing residential zone. Behind the setback line, building heights may step up away from the street following a 1:1 slope ratio of step back to building height measured from the roof plate .
<ol style="list-style-type: none"> <li>1. Density shall be calculated as net density, which excludes public streets and dedicated public parkland (per Chapter 17.35 of the Santa Clara City Code). The lot area that contains publicly-accessible private open space, private streets and pathways, and required easements will be counted toward lot area for the purposes of calculating residential density and commercial floor area ratio.</li> <li>2. See Specific Plan Figure 4-1, Allowed Heights.</li> <li>3. Projects must comply with both stories and overall height maximums. Height exceptions up to 10 feet above the maximum may be allowed to accommodate architectural features, rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff.</li> <li>4. Projects may be eligible for additional height, density, or FAR in exchange for providing community benefits above and beyond what is required by the Plan, as outlined in Specific Plan section 6.2, Community Benefits Program.</li> <li>5. Applies to portions of a development directly opposite a residentially zoned property where the street is less than 65 feet wide.</li> <li>6. A roof plate is defined as the top horizontal framing member of a wall where the roof structure is attached.</li> </ol>	

Standards	Corridor Residential	
Setbacks and Frontage	Ground Floor Commercial	Other Ground Floor Uses
ECR Minimum Front Setback, from back of walk <sup>2</sup>	0 or 5 ft <sup>3,4</sup>	10 ft <sup>3</sup>
ECR Maximum Front Setback, from back of walk <sup>1,2</sup>	10 ft	15 ft
Minimum Street Setback, other than ECR	10 ft	15 ft
Maximum Street Setback, other than ECR	15 ft	20 ft
Minimum Side & Rear Setback (from adjacent parcel or alley)	5 ft	10 ft
Minimum Setback adjacent to single family and duplex residentially-zoned parcel	20 ft	20ft
Minimum Transparency	50%	NA
Pedestrian Entries	At least 1 pedestrian entry is required on each primary block frontage, unless a greater number is required by the Building Code or Fire Code.	

Private Open Space <sup>5</sup>	Non-Residential	Hotel	Residential / Residential Portion of Mixed-Use Project
Minimum Required Personal Open Space	NA	NA	100 sf per unit <sup>6</sup>
Minimum Required Common Usable Open Space	NA	20 sf per room	100 sf per unit <sup>7</sup>
Minimum Required Publicly-Accessible Open Space	NA	NA	NA
<b>Parking<sup>7</sup></b>			
Maximum Surface Parking Length along ECR parcel frontage	30%		
Minimum Setback for Surface Parking	10 ft		

1. . At least 75% of the building facade shall be located within the minimum and maximum setback lines; up to 25% of the building façade may be located behind the maximum setback to allow for massing breaks, forecourts, plazas, etc. Publicly-accessible plazas/open spaces may be subtracted from the overall facade length to calculate the minimum percentage of building facade to be located within the setback range.
2. The intent is to achieve a total sidewalk width of 20 feet along El Camino Real, with a minimum sidewalk width of 15.5 feet. Setbacks are measured from the new back of walk. As sites are redeveloped over time, the City will work with property owners to negotiate the appropriate dedication and/or public easement to meet new sidewalk requirements on a case-by-case basis.
3. The minimum front/street side setback for live/work units shall be 10 feet from the back of walk.
4. The minimum setback is 0 feet in instances where the sidewalk width is 20 feet. In areas where that cannot be achieved and the sidewalk is less than 20 feet wide, the minimum setback is 5 feet from the back of walk.
5. Open space requirements are separate from parkland dedication requirements established by SCCC Chapter 17.35. However, depending on the size, location, and amenities provided, it is possible that the open space would qualify for private open space credit under Chapter 17.35.
6. Required personal private open space for up to 50% of units can be provided as common private open space. Includes roof decks and other shared common open areas. Setback areas are not considered usable open space unless they are at least 20 feet wide from the building to the property line. Up to 50 sf per unit can be provided in an indoor communal space so long as it opens directly on to a common outdoor space.
7. Refer to the Zoning Code Ordinance for additional off street parking and loading requirements.

**18.27.140 Additional development standards.**

(a) Lighting and Security.

(1) Open parking areas and common open space areas shall include lighting which provides a minimum illumination of one footcandle. Lighting fixtures shall be weather and vandal resistant. Lighting shall reflect away from residential areas and public streets.

(2) All main entrance doors to individual dwelling units shall be equipped with one hundred eighty (180) degree door viewers. Each main entrance door shall be equipped with a deadbolt lock with a cylinder guard, a minimum of one-inch bolt projection and a maximum security strike plate.

(3) All sliding glass doors and ground floor windows shall be equipped with auxiliary locks, as approved by the Chief of Police.

(b) Trash Disposal. Each property shall provide accessible trash disposal areas. If not screened within a garage or structure, each disposal area shall be screened from public view. Such enclosures shall provide area of sufficient size to accommodate trash and recycling bins for residential and commercial uses on-site. Trash compactors shall be located within an enclosed building.

**Article III. Minor Use Permits (MUPs).**

**18.27.200 Purpose**

Minor Use Permits are for uses of land that require special review and control to ensure they are compatible with the neighborhood and surrounding land uses. They are considered more likely to have greater impacts than land uses permitted by right in the zone, but lesser impacts than uses requiring a Conditional use Permit.

### **18.27.210 Intent.**

The Minor Use Permit procedures are intended to provide sufficient flexibility in the use regulations to further the objectives of this Chapter and of the Zoning Code and to provide the City with the opportunity to impose special conditions to mitigate potential impacts that could result from allowing the use(s) at the requested location.

### **18.27.220 Applicability**

Approval of a Minor Use Permit is required to authorize proposed land uses specified by Table 18.27.050 above (Land Use Table), and Development Standards as being allowable in the applicable zone when subject to the approval of a Minor Use Permit.

### **18.27.230 Application Filing, Processing, and Review**

(a) **Filing and Processing.** An application for a Minor Use Permit shall be filed and processed in compliance with Article II (Minor Use Permits) of this Chapter 18.27.

(b) **Application Contents.** The application shall include the information and materials specified in the most up-to-date Department handout for Conditional and Minor Use Permit applications, together with the required fee in compliance with the Fee Schedule.

(c) **Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 18.27.250 (Findings and Decision), below.

(d) **Applicable Review Authority.**

(1) Except as provided in paragraph 2 below, Minor Use Permits shall be reviewed and either approved or denied by the Director.

(2) The Director may choose to refer any Minor Use Permit application to the Planning Commission.

#### **18.27.240 Project Review, Notice, and Hearing**

Each application for a Minor Use Permit shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Chapter 18.27 and the Zoning Code.

**(a) Notice Required.** Before a decision on a Minor Use Permit is made, the City shall provide notice as follows.

(1) The notice shall state that the Director will decide whether to approve, conditionally approve, or deny the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

(2) Any written request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings specified in Section 18.27.250 [Findings and Decision], below).

(3) If the Director determines that the evidence has merit and can be properly addressed by a condition(s) added to the Minor Use Permit approval, the Director may consider the permit in compliance with paragraph B.2, below.

**(b) Hearing.**

(1) A hearing before the Director shall be scheduled and noticed if either of the following apply:

(A) If a public hearing is requested and the provisions of paragraph

A.3, above, do not apply; or

(B) The Director determines that a hearing would serve the public interest.

(2) In all other circumstances, the Director shall render a decision on the date specified in the notice referred to in paragraph A.1, above.

**(c) Appeals.** The Director's decision is appealable to the Planning Commission. In the event of such an appeal to the Planning Commission, the Planning Commission decision shall be final and non-appealable.

### **18.27.250 Findings and Decision**

The Review Authority may approve or conditionally approve a Minor Use Permit only after first making all of the following findings:

(a) The proposed use is consistent with the General Plan and any applicable specific plan to the maximum extent practicable;

(b) The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Zoning Code and the City Code;

(c) The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

(d) Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare;

and

(e) The subject site is:

(1) Physically suitable in terms of design, location, operating characteristics,

shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and

(2) Served by highways and streets adequate in width and improvement to carry the type and quantity of traffic the proposed use would likely generate.

### **18.27.260 Conditions of Approval**

When considering approval of a Minor Use Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 18.27.250 (Findings and Decision), above.”

**SECTION 2:** That section 17.15.310 (“Standards deemed minimum requirements”) of Chapter 17.15 (“Property Developments”) of Title 17 (“Development”) is hereby amended to read as follows:

#### **“17.15.310 Standards deemed minimum requirements.**

(a) The standards established by this Chapter are minimum standards only, and the City Council reserves the right to require higher standards in the event that the City Manager of the City shall find that the minimum standards established by this chapter are not adequate, suitable, or proper because of traffic patterns, the location, soil structure or any other cause in the area in which the improvement of facility is located.

(b) Notwithstanding any other provision of this Chapter, in the event of any conflict between the terms of this Chapter and the terms of Chapter 18.27 (“Regulations for the El Camino Real Corridor”) of Title 18 (“Zoning”), as may be amended, the terms of Chapter 18.27 shall control.”

**SECTION 3:** That a new section 17.40.116 is hereby added to Chapter 17.40, Citywide Affordable Housing Requirements, of Title 17 (entitled “Development”), of “The Code of the City of Santa Clara, California” (“SCCC”) to read as follows:

**“17.40.115 Affordability Levels – El Camino Real Specific Plan.**

For either ownership or rental housing developed under the El Camino Real Corridor Zoning Districts in the El Camino Real Specific Plan Area, the following affordable housing requirements apply:

(a) Notwithstanding Subsection 17.40.080(a), residential ownership projects of ten or more units must provide at least fifteen percent (15%) of the units at affordable housing costs for extremely low, very low, low and moderate income households, or some combination of those income categories. A developer shall select income categories for each of the affordable units such that the average income of purchasers will not exceed eighty percent (80%) of AMI. Residential ownership projects of fewer than ten units may either provide one dwelling at an affordable housing cost for a household earning up to eighty percent (80%) of AMI, or pay an in-lieu fee identified for residential ownership projects in the affordable housing master fee schedule.

(b) Notwithstanding Subsection 17.40.090(a), residential rental projects of ten or more units must provide at least fifteen percent (15%) of the units at affordable housing costs made available at affordable rental prices to extremely low, very low, low, and moderate income households as long as the distribution of affordable units averages to a maximum of eighty percent (80%) of AMI. Residential rental projects of fewer than ten units may either provide an affordable unit at an affordable housing cost for a household

earning up to eighty percent (80%) of AMI, or pay an in-lieu fee identified for residential rental projects in the affordable housing master fee schedule.

(c) In-Lieu Fee for Rental Units. In order for residential development projects under the El Camino Real Corridor Zoning Districts in the El Camino Real Specific Plan Area to satisfy the affordable housing requirement through payment of an In Lieu Fee, the City Council shall establish a fee per square foot for the Specific Plan Area to reflect the reduced average AMI of 80 percent.”

**SECTION 4: Effective date.** This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this 15th day of June, 2021, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

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NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: None