

3550 El Camino Real, City of Santa Clara Objective Zoning and Design Standards Table

This project is being presented to the City of Santa Clara pursuant to Government Code § 65913.4 (SB 35). The following is a table that includes all of the City of Santa Clara’s objective zoning and design standards as they apply to the project that will be located at 3550 El Camino Real. The project will be built by Resources for Community Development. The project will provide 120 units of housing that is affordable consistent with Government Code § 95913.4, and State Density Bonus Law Government Code § 65915(b)(1)(G). The project is also subject to Government Code § 65589.5, the Housing Accountability Act.

Under SB 35, the only applicable standards that can be applied to a qualifying project are those that are objective and “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” Government Code § 65913.4 (a)(5). Further, projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Government Code § 65913.4(a)(5) (consistency with objective standards is determined after “excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915”).

The table on the following pages includes all the objective zoning and design standards that apply to the project at 3550 El Camino Real. It includes any regulations or policies that includes “shall”, “must”, or is in the imperative. Not including any standards that say ‘encourage’, ‘should’ or ‘may’ or that are listed as a policy or guideline instead of a standard. These standards came from the City of Santa Clara Municipal Code and the City of Santa Clara’s 2010-2035 General Plan.

The City of Santa Clara Community Design Guidelines were also reviewed for applicable objective design standards. A careful review of that document found no objective standards, just guidelines or general policy direction. All the items from the Community Design Guidelines use language such as ‘encourage’ or ‘should’ when referring to design direction for multi-family buildings. These are examples of non-binding guidelines because objective standards use command language such as ‘must’ or ‘shall.’ Therefore, this Objective Standards Table does not include any of the guidelines in that document.

Assembly Bill 3194 modified the Housing Accountability Act in 2018 so that, “a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan” (Gov. Code § 65589.5(j)(4)). The project site’s zoning was inconsistent with the site’s General Plan designation of Residential Mixed Use because the height, density, and setback standards could not be accommodated.

Furthermore, per Gov. Code § 65589.5(j)(4) , “If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.” In this case, the City of Santa Clara has stated that the project complies with the objective standards and criteria of Very High Density Mixed Use (VHDMU) zoning. In consultation with the City, the proposed project fits the objective standard requirements of VHDMU because the Height, Density, and Setbacks did not comply with the site’s Thoroughfare Commercial (CT) zoning. Therefore, it is a better match, consistent with AB 3194, that the proposed project conforms to the objective standards and criteria of VHDMU zoning.

In addition, the general MU zoning development standards also apply to the project. That section is included in the following table. Where the specific requirements of the VHDMU zoning conflict with the general MU requirements the Objective Standards table defers to the more specific standards of the VHDMU requirements.

Table 1: General Plan		
Provision	Applicability	Compliance
Regional Mixed Use – This classification is a combination of the Regional Commercial and High-Density Residential designations and is intended for high-intensity, mixed-use development along major transportation corridors in the City. This designation permits all types of retail, local serving offices, hotel and service uses, except for auto- oriented uses, to meet local and regional needs. Site frontage along major streets (arterials or collectors) is required to have active, commercial uses.	Applicable objective standard.	Compliant. The project provides 1,575 SF of commercial space along El Camino Real which meets the active, commercial use requirement.

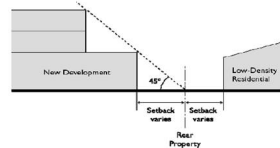
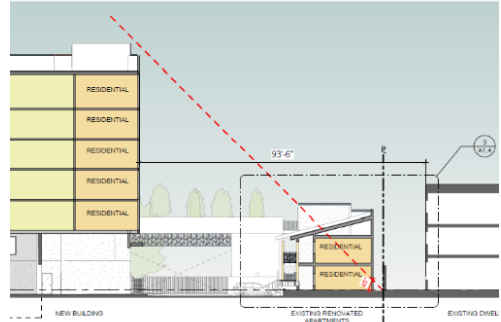
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<p>Regional Mixed Use – A minimum FAR of 0.15 for commercial uses is required.</p> <p>5.5.1-P7 For new mixed use development with exemplary design that provides appropriate transition measures to existing neighborhoods, allow a ten percent reduction in the minimum required residential density and/or a ten percent reduction in the minimum allowed non-residential square footage, provided that the reduced density and/or intensity is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies. Reductions in square footage are applied after FAR calculations.</p>	<p>Applicable objective standard.</p> <p>5.5.2-P5 Require that new development provide an appropriate transition to surrounding neighborhoods.</p> <p>Page 5-72</p> <p>Chapter Five: GOALS AND POLICIES</p> <p>5</p>  <p>Figure 5.5.1: Example of Transition with Existing, Lower Intensity Development</p> <p>5.5.2-P6 Adjust new building height, scale and massing along the site perimeter abutting planned lower-intensity uses.</p> <p>[Larger version in Appendix]</p>	<p>Compliant with General Plan Requirement through Exemplary Design Allowance.</p> <p>This allows for a 10% reduction in FAR requirement for a project design that transitions well into the surrounding neighborhoods.</p> <p>The non-residential/commercial space FAR = 0.14. The project provides 1,575 SF of commercial space along with 5,390 SF of non-residential space, for a total of 6,965 SF of the floor area devoted to non-residential uses.</p>  <p>[Larger version in Appendix]</p>

Table 1: General Plan		
Provision	Applicability	Compliance
Regional Mixed Use – Residential development of 37 to 50 units per gross acre is required.	Not Applicable	The project proposes 120 units which equates to 107 du/acre in violation of this standard and requests a density bonus. Please see the Density Bonus Statement for more information.
5.3.1-P9 Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.	Not an objective standard; ‘adequate’ is not an amount or type of service that is “uniformly verifiable by reference to an external and uniform benchmark” and is not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).	N/A
5.3.1-P15 Require new developments and major public infrastructure projects to include adequate rights- of-way to accommodate all modes of transportation.	Not an objective standard; ‘adequate’ is not an amount or type of service that is “uniformly verifiable by reference to an external and uniform benchmark” and is not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).	N/A
5.3.2-P8 Require new residential development to comply with applicable regulations for the provision of affordable housing.	Applicable objective standard.	Compliant. The project is 100% affordable, except for a manager’s unit, as allowed by State Density Bonus Law.
5.3.4-P4 Require mixed-use development to meet the density and intensity specified in the land use classifications.	Applicable objective standard.	Compliant. See first row of this table.

Table 1: General Plan		
Provision	Applicability	Compliance
5.3.4-P10 Require parking to be substantially below-grade or in structures with active uses along streets	Applicable objective standard.	Compliant. The project provides the majority of its parking spaces in an enclosed garage that has active uses along El Camino Real.
5.4.1-P7 Require provision of open space, or payment of in-lieu fees for open space, consistent with City regulations to adequately serve new development.	Applicable objective standard.	Compliant. The project complies with the provision of open space and all objective standards, as established by this document.
5.4.1-P8 Orient ground floor retail and residential entries to the public sidewalk on El Camino Real.	Applicable objective standard.	Compliant. The project orients the ground floor commercial use to the public sidewalk along El Camino Real.
5.4.1-P11 Locate parking at the side or rear of parcels and active uses along street frontages.	Applicable objective standard.	Compliant. The project's parking is located towards the rear of the project and the active commercial use is built along the El Camino Real frontage.
5.5.2-P1 Require that new development incorporate building articulation and architectural features, including front doors, windows, stoops, porches, or bay windows along street frontages, to integrate new development into existing neighborhoods.	Not an objective standard; 'integrate new development into existing neighborhoods' is not "uniformly verifiable by reference to an external and uniform benchmark" and is not "knowable by both the development applicant or proponent and the public official prior to submittal" as required by Gov. Code § 65913.4 (a)(5).	N/A

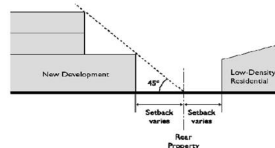
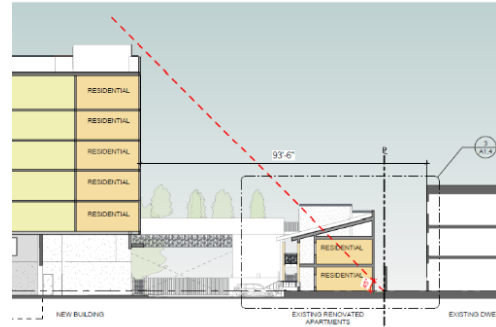
Table 1: General Plan		
Provision	Applicability	Compliance
5.5.2-P6 Require that new development provide an appropriate transition to surrounding neighborhoods.	<p>This is an objective standard that must be met to reduce the commercial FAR requirement.</p> <p>5.5.2-P5 Require that new development provide an appropriate transition to surrounding neighborhoods.</p> <p>Page 5-72</p> <p>Chapter Five: GOALS AND POLICIES</p> <p>5</p>  <p>Figure 5-51: Example of Transition with Existing, Lower Intensity Development</p> <p>5.5.2-P6 Adjust new building height, scale and massing along the site perimeter abutting planned lower-intensity uses.</p> <p>[Larger version in Appendix]</p>	<p>The project's new building massing complies with these requirements, see plan set.</p>  <p>[Larger version in Appendix]</p>
5.5.2-P7 For buildings of three stories or greater, increase the setback of upper stories where they abut lower-intensity residential uses.	Not applicable. The larger building that exceeds three stories does not abut the residential uses along the rear lot line.	<p>N/A</p> <p>The project includes the conversion of an existing two-story motel to accomplish this stepping down of density.</p>
5.5.2-P12 Screen loading and trash areas to preclude visibility from off-site and public streets.	Applicable objective standard.	<p>Compliant.</p> <p>The project screens the trash area next to the driveway as required by the municipal code.</p>

Table 1: General Plan		
Provision	Applicability	Compliance
5.8.2-P9 Require all new development to provide streets and sidewalks that meet City goals and standards, including new development in employment areas.	Applicable objective standard.	Compliant. The project proposes to replace any damaged sidewalks in accordance with standard City details.
5.8.3-P8 Require new development to include transit stop amenities, such as pedestrian pathways to stops, benches, traveler information and shelters.	Not applicable. There are no transit stops along the project's frontages.	N/A
5.8.3-P9 Require new development to incorporate reduced onsite parking and provide enhanced amenities, such as pedestrian links, benches and lighting, in order to encourage transit use and increase access to transit services.	Not an objective standard; 'enhanced amenities' is not "uniformly verifiable by reference to an external and uniform benchmark" and is not "knowable by both the development applicant or proponent and the public official prior to submittal" as required by Gov. Code § 65913.4 (a)(5).	N/A
5.8.3-P10 Require new development to participate in public/private partnerships to provide new transit options between Santa Clara residences and businesses.	Not an objective standard; 'participate in a public/private partnership' is not "uniformly verifiable by reference to an external and uniform benchmark" and is not "knowable by both the development applicant or proponent and the public official prior to submittal" as required by Gov. Code § 65913.4 (a)(5).	N/A

Table 1: General Plan		
Provision	Applicability	Compliance
5.8.4-P6 Require new development to connect individual sites with existing and planned bicycle and pedestrian facilities, as well as with on-site and neighborhood amenities/services, to promote alternate modes of transportation.	Not an objective standard; ‘connect’ is not “uniformly verifiable by reference to an external and uniform benchmark” and is not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).	N/A
5.8.4-P7 Require new development to provide sidewalks, street trees and lighting on both sides of all streets in accordance with City standards, including new developments in employment areas.	Applicable objective standard.	<p>Compliant through a Density Bonus concession.</p> <p>The project proposes to provide sidewalks and lighting along its frontages in accordance with standard City details.</p> <p>The project does not propose Street Trees in accordance with City Standards and requests a Density Bonus concession. Please see the Density Bonus Statement for more information.</p>
5.8.4-P8 Require new development and public facilities to provide improvements, such as sidewalks, landscaping and bicycling facilities, to promote pedestrian and bicycle use.	Applicable objective standard.	<p>Compliant.</p> <p>See above.</p>

Table 1: General Plan		
Provision	Applicability	Compliance
5.8.5-P1 Require new development and City employees to implement transportation demand management programs that can include site-design measures, including preferred carpool and vanpool parking, enhanced pedestrian access, bicycle storage and recreational facilities.	Not an objective standard; ‘transportation demand management programs’ is not “uniformly verifiable by reference to an external and uniform benchmark” and is not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5). Specifically, there is no objective demand reduction level specified.	N/A. The project includes 1 bicycle storage space per unit and enhanced pedestrian access.
5.8.5-P2 Require development to offer on-site services, such as ATMs, dry cleaning, exercise rooms, cafeterias and concierge services, to reduce daytime trips.	Not applicable.	The project provides numerous services on site as described in the attached Appendix 1, that will reduce residents’ trips.
5.8.6-P14 Require new multi-family residential and non-residential development to accommodate electric vehicle charging stations in parking lots.	Applicable objective standard.	Compliant. The quad puzzle parking system is EV Ready.
5.8.6-P15 Require new parking lots to be surfaced with materials to reduce heat gain, consistent with the Building Code and CAP.	Applicable objective standard.	Compliant. The project will follow all codes related to surfacing parking lots and will establish compliance at the building permit stage.
5.10.1-P1 Require environmental review prior to approval of any development with the potential to degrade the habitat of any threatened or endangered species.	Projects that comply with SB 35 and objective standards are ministerial and therefore not subject to CEQA. See Gov. Code § 65913.4(a)	N/A

Table 2: Municipal Code		
Provision	Applicability	Compliance
Chapter 18.38 – CT – Commercial Thoroughfare		
<p>18.38.020 Intent</p> <p>This district is primarily designed to provide for those commercial uses that are appropriate to major commercial thoroughfare or highway locations and are dependent on thoroughfare travel, and is intended to encourage the development of auto-oriented uses or other uses that are more suitable for individual auto access than for development within a shopping center. (Zoning Ord. § 19-2).</p>	Not Applicable.	<p>N/A</p> <p>Per AB 3194, a “local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan”. In consultation with the City, the proposed project fits the objective standard requirements of VHDMU better than the Thoroughfare Commercial (CT) zoning. Therefore, it is a better match, consistent with AB 3194, that the proposed project conforms to the objective standards and criteria of VHDMU zoning.</p>
Chapter 18.22.040 – MU –Mixed Use Districts		
<p>18.22.040 MU Development Standards</p> <p>(f) Rear Yards. A rear yard is required at the rear of every lot. Such rear yard shall not be less than twenty (20) feet in depth. If any part of the main building is adjacent to properties designated single-family and is more than two stories or twenty-five (25) feet in height, the third story shall be set back at least thirty (30) feet from the rear property line. Single story carports or garages shall be set back at least five feet from the rear property line.</p>	Not Applicable.	<p>N/A</p> <p>The rear yard requirement is not applicable because the properties located behind the project site are not single family zoned but are Townhomes and the property is designated Planned Development (PD).</p>

Table 2: Municipal Code		
Provision	Applicability	Compliance
<p>18.22.040 MU Development Standards</p> <p>(h) Open Landscaped Area. Each lot shall have not less than thirty percent (30%) of the lot area developed into permanently maintained open landscape areas. An irrigation system shall be installed and permanently maintained in each separate planter area.</p> <p>Open landscaped areas shall exclude driveway area but include required front, side and rear setback areas, and usable common and private open space areas, including hardscape on parking podiums, roofs, decks and balconies.</p>	Applicable Objective Criteria.	<p>Compliant through a Density Bonus concession.</p> <p>The proposed project will landscape 1,100 sf of open space on the site.</p> <p>The project does not propose enough Open Space in accordance with City Standards and requests a Density Bonus concession. Please see the Density Bonus Statement for more information.</p>
<p>18.22.040 MU Development Standards</p> <p>(b) Fencing: project shall install and maintain a solid fence of masonry six feet high.</p>	Applicable Objective Standard.	Compliant.
<p>18.22.040 MU Development Standards</p> <p>(c) Landscape Buffer: a planter adjacent to interior property lines is intended to provide a suitable visual screen.</p>	Not Applicable Objective Standard.	Compliant through Legal conforming prior use (existing Motel Building).
<p>18.22.040 MU Development Standards</p> <p>(f) Building Frontage</p>	Applicable Objective Standard	See site plan, project exceeds 50% frontage requirement on both street frontages.
Chapter 18.22.250 – VHDMU – Very High Density Mixed Use Development Standards		

Table 2: Municipal Code		
Provision	Applicability	Compliance
<p>18.22.230 Permitted Uses</p> <p>(a) Multiple-family dwellings with a minimum density of fifty-one (51) dwelling units per acre up to and including a maximum density of one hundred twenty (120) dwelling units per acre, based on gross site acreage.</p>	Applicable Objective Criteria.	<p>Compliant.</p> <p>The project will provide a density of 107 dwelling units per acre.</p>
<p>18.22.250 Development Standards</p> <p>(a) Dwelling Unit Density. For the VHDMU district, the minimum dwelling unit density shall exceed fifty (50) dwelling units per acre and the maximum dwelling unit density is one hundred twenty (120) dwelling units per acre.</p>	Applicable Objective Criteria.	<p>Compliant.</p> <p>The project will provide a density of 107 dwelling units per acre.</p>
<p>18.22.250 Development Standards</p> <p>(b) Minimum Lot Area. None.</p>	Applicable Objective Criteria.	Compliant.
<p>18.22.250 Development Standards</p> <p>(c) Minimum Lot Width. None.</p>	Applicable Objective Criteria.	Compliant.

Table 2: Municipal Code		
Provision	Applicability	Compliance
18.22.250 Development Standards (d) Building Height Limits. The maximum height limit in the VHDMU district shall be limited by FAA restrictions, as may be amended.	Applicable Objective Criteria.	Compliant.
18.22.250 Development Standards (e) Front Yard Requirements. None.	Applicable Objective Criteria.	Compliant.
18.22.250 Development Standards (f) Side Yards Requirements. None.	Applicable Objective Criteria.	Compliant.
18.22.250 Development Standards (g) Maximum Building Coverage. No maximum, subject to providing adequate pervious area to meet stormwater requirements. (Ord. 2004 § 1, 8-27-19).	Applicable Objective Criteria.	Compliant.
18.22.260 Parking Requirements (a) Minimum Parking Requirements.	Not applicable. The project is applying pursuant to Gov. Code § 65913.4 and meets the standard of being within a half mile of public transit (VTA routes 22 and 522). Therefore, the City is prohibited from applying any automobile parking standards to the project per Gov. Code § 65913.4(e)(1) and HCD's SB35 guidance Section 300(e).	N/A

Table 2: Municipal Code		
Provision	Applicability	Compliance
<p>18.22.270 Additional Development Standards</p> <p>a) Lighting and Security</p> <p>(1) Open parking areas and common open space areas shall include lighting which provides a minimum illumination of one foot-candle. Lighting fixtures shall be weather and vandal resistant. Lighting shall reflect downward and away from residential areas and public streets.</p>	Applicable Objective Criteria.	Compliant.
<p>18.22.270 Additional development standards</p> <p>a) Lighting and Security</p> <p>(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.</p>	Applicable Objective Criteria.	Compliant.
<p>18.22.270 Additional development standards</p> <p>a) Lighting and Security</p> <p>(3) All sliding glass doors and ground floor windows shall be equipped with auxiliary locks, as approved by the Chief of Police.</p>	Applicable Objective Criteria.	Compliant.

Table 2: Municipal Code		
Provision	Applicability	Compliance
<p>18.22.270 Additional development standards</p> <p>(b) Trash Disposal.</p> <p>Each property shall provide accessible trash disposal areas. If not placed within a garage or other 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. (Ord. 2004 § 1, 8-27-19)</p>	Applicable Objective Criteria.	Compliant.

Appendix:

5.5.2-P5 Require that new development provide an appropriate transition to surrounding neighborhoods.

Page 5-72

Chapter Five: GOALS AND POLICIES

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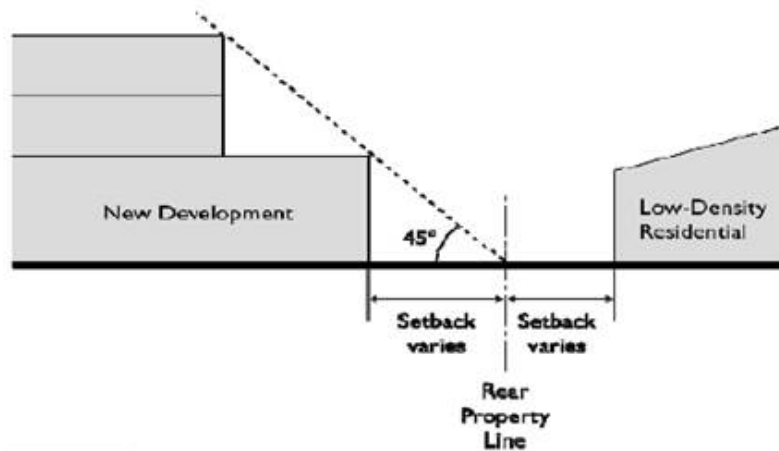


Figure 5.5-1: Example of Transition with Existing, Lower Intensity Development

5.5.2-P6 Adjust new building height, scale and massing along the site perimeter abutting planned lower-intensity uses.

