

**ORDINANCE NO. 2004**

**AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 18.22, "REGULATIONS FOR VARIOUS MIXED USE COMBINING ZONING DISTRICTS" OF TITLE 18, "ZONING" OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO ADD A NEW ARTICLE III, "REGULATIONS FOR VHDMU – VERY HIGH DENSITY MIXED USE ZONING DISTRICTS" AND APPROVING A REZONING OF THE 21.4 ACRE PROJECT SITE LOCTED AT 1205 COLEMAN AVENUE, SANTA CLARA, TO THE NEW VHDMU ZONING DISTRICT**

SCH#2017022066

CEQ2016-01025 (EIR)

PLN2016-12318 (General Plan Amendment and Rezoning)

PLN2016-12321 (Vesting Tentative Subdivision Map)

PLN2017-12481 (Development Agreement)

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

**WHEREAS**, the 2010-2035 General Plan of the City of Santa Clara provides land use classifications and policies for Very High Density Residential development in combination with commercial uses, but the Santa Clara City Code does not currently provide a zoning district that allows for residential densities above 50 dwelling units per acre in combination with commercial uses consistent with this land use classification;

**WHEREAS**, the addition of a new zoning district is necessary to allow for the development of an integrated mix of transit-oriented high density residential and commercial development in a horizontal or vertical spatial arrangement consistent with General Plan policies; and,

**WHEREAS**, on the basis of all evidence, oral and written, before it, and under its powers to preserve the health, safety, and welfare of its residents through zoning and planning regulations, the City Council desires to amend the Zoning Ordinance of "The Code of the City of Santa Clara, California" to add a Very High Density Mixed Use Zoning District to allow for a combination of very high density residential and horizontal and vertical commercial uses.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:**

**SECTION 1:** That a new Article III, "Regulations for VHDMU – Very High Density Mixed Use Zoning Districts" is hereby added to Chapter 18.22 (entitled "Regulations for Various Mixed Use Combining Zoning Districts") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") to read as follows:

**"Article III. Regulations for VHDMU –**

**Very High Density Mixed Use Zoning Districts**

**18.22.210 Application.**

The regulations set forth in this Article apply to all parcels in the VHDMU zoning districts.

**18.22.220 Intent.**

This district is designed to provide for transit- and pedestrian-oriented mixed-use development comprised of very high density housing over 50 dwelling units per acre and up to and including 120 dwelling units per acre in conjunction with local and regional serving commercial uses that link with existing and planned transit facilities to support and maximize transit use. This district is intended to encourage high quality integrated development consisting of residential and commercial uses in a horizontal and or vertical arrangement to maximize open space for active and passive uses and provide opportunities for place making.

**18.22.230 Permitted Uses.**

- (a) Multiple-family dwellings with a minimum density of 51 dwelling units per acre up to and including a maximum density of 120 dwelling units per acre, based on gross site acreage.
- (b) Parking structures associated with the primary uses of the site.
- (c) Home occupation as defined under Chapter 18.06 SCCC.

(d) Supportive housing, subject to the same standards and restrictions as other dwelling units under this chapter.

(e) Transitional housing, subject to the same standards and restrictions as other dwelling units under this chapter.

(f) Any use permitted in the CC Community Commercial district (Chapter 18.36 SCCC), CN Neighborhood Commercial district (Chapter 18.34 SCCC), or OG General Office district (Chapter 18.32 SCCC), each as may be amended and subject to the regulations set forth in this Article and the following:

(1) Such uses are permitted on the ground floor of multi-family dwelling structures.

(2) Such uses are permitted in buildings intended solely for retail use, provided that the development of the retail building would not make it infeasible to achieve the minimum residential density specified in this Article over all contiguous parcels with the VHDMU zoning designation.

(3) No auto service uses, mortuaries, lodges, or clubs are permitted.

(g) On the ground floor of multi-family dwelling structures, live/work units subject to the following performance standards:

(1) A minimum first floor to ceiling height of 12 feet;

(2) A minimum front room depth of 35 feet;

(3) A minimum of 65% glazing along the front elevation;

(4) Double entry doors with a minimum of 80% transparent glass surface

area; and,

(5) Live/Work units occupy a maximum of 25% of an individual building's ground floor retail frontage.

(h) Hotel, full service that may include restaurant(s), bar/lounge, massage and spa services, administrative offices, and meeting and banquet rooms.

(i) Restaurants, including on-premises sale and service of beer, wine and/or distilled spirits.

(j) Outdoor seating and dining areas appurtenant to restaurant and retail uses.

(k) Live entertainment that is wholly incidental to an otherwise permitted commercial use.

(l) Outdoor walk-up facility appurtenant to retail uses.

**18.22.240 Conditional Uses.**

(a) Any use identified as a Conditional Use in the CC Community Commercial district (Chapter 18.36 SCCC), CN Neighborhood Commercial district (Chapter 18.34 SCCC), or OG General Office district (Chapter 18.32 SCCC), each as may be amended, subject to the regulations set forth in this Article and the following:

(1) Such uses are conditionally permitted on the ground floor of multi-family dwelling structures

(2) Such uses are conditionally permitted in buildings intended solely for retail use, provided that the development of the retail building would not make it infeasible to achieve the minimum residential density specified in this Article over all contiguous parcels with the VHDMU zoning district.

(b) On the ground floor of multi-family dwelling structures, live/work units that meet the glazing and entry door requirements of the performance standards set forth in Section

18.23.030(j) but that do not meet one or more of the following the minimum performance standards:

- (1) A minimum first floor to ceiling height of 12 feet;
- (2) A minimum front room depth of 35 feet; or
- (3) Live/Work units occupy a maximum of 25% of an individual building's

ground floor retail frontage.

- (c) Stand-alone parking garage.
- (d) Live entertainment as a primary use.
- (e) Cocktail lounges, bars, or taverns not associated with a restaurant or hotel use.

**18.22.250 Development Standards.**

(a) Dwelling Unit Density. For the VHDMU District, the minimum dwelling unit density shall exceed 50 dwelling units per acre and the maximum dwelling unit density is 120 dwelling units per acre.

- (b) Minimum Lot area. None.
- (c) Minimum Lot Width. None.
- (d) Building Height Limits. The maximum height limit in the VHDMU District shall be limited by FAA restrictions, as may be amended.
- (e) Front Yard requirements. None.
- (f) Side yards requirements. None.
- (g) Maximum Building Coverage. No maximum, subject to providing adequate pervious area to meet stormwater requirements.

**18.22.260 Parking Requirements.**

(a) Minimum Parking Requirements.

(1) The minimum parking requirements for all commercial uses, including restaurants, is three (3) parking spaces per 1,000 square feet of building area.

(2) Hotel rooms: 0.75 spaces per each lodging unit.

(3) Studio and one bedroom residential units: one (1) parking space per unit.

(4) Residential units with two or more bedrooms: one and one-half (1.5) parking spaces per unit.

(b) Shared Parking. Parking shared among uses is encouraged, and a maximum of 20% of the parking spaces provided may be shared between two uses. For the purposes of this Article, those parking spaces shared between two uses count towards the parking requirement of both.

(c) Modifications or reductions to the automobile parking space requirements of this section may be permitted under the procedures set forth in SCCC 18.90.020.

#### **18.22.270 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-foot candle. Lighting fixtures shall be weather and vandal resistant. Lighting shall reflect downward and 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 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.”

**SECTION 2:** That the City Council hereby rezones the 20.4 acres of the project site located within Santa Clara at 1205 Coleman Avenue from Light Industrial (ML) to the new Very High Density Mixed Use (VHDMU) zoning district.

**SECTION 3: Savings clause.** The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

**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 9<sup>TH</sup> day of JULY, 2019, by the following vote:


AYES: COUNCILORS: Chahal, Davis, Hardy, Mahan, O'Neill and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference: None