



## Legislation Details (With Text)

<b>File #:</b>	22-966	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Public Hearing/General Business	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	7/6/2021	<b>In control:</b>		Historical & Landmarks Commission	
<b>On agenda:</b>	1/6/2022	<b>Final action:</b>			
<b>Title:</b>	STUDY SESSION: Zoning Code Update				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. PMM - Staff PowerPoint				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

## REPORT TO HISTORICAL AND LANDMARKS COMMISSION

### SUBJECT

STUDY SESSION: Zoning Code Update

### DISCUSSION

The Community Development Department is preparing a comprehensive update to the City of Santa Clara Zoning Code. The City of Santa Clara's current Zoning Code has not been comprehensively updated since it first came into effect in 1969.

The City has been working with Mintier-Harnish, the City's Zoning Code Update consultant, since late 2017. The goal of the Zoning Code Update process is to develop a more up-to-date, readable and relevant Zoning Code that better aligns with the City's General Plan.

To frame the issue of Historic Preservation in relation to the Zoning Code, it is important to understand the policies in the General Plan that the Zoning Code is meant to implement.

### **Relationship of the Zoning Code to the General Plan**

As a part of the General Plan Update process in 2010, residents and stakeholders indicated the importance of historic preservation and neighborhood compatibility. These topics were considered important enough to merit their own sections in the Goals and Policies Chapter of the General Plan.

The General Plan recognizes the importance of preserving and cultivating the City's residential neighborhoods, most clearly stated in its Major Strategies. The excerpt below is from Major Strategy 4.2, Preserve and Cultivate Existing Neighborhoods.

The General Plan recognizes the importance and value of the City's neighborhoods and promotes opportunities for improvements as an important part of cultivating neighborhood character. In addition, the Plan promotes preservation through goals and policies for

neighborhood integrity that address the scale, density and design of new development adjacent to existing homes.

Relevant Historic Preservation goals for this discussion are:

**5.6.2 P1:** Evaluate any proposed changes to properties within 100 feet of historic resources on the City's list of Architecturally or Historically Significant Properties for potential negative effects on the historic integrity of the resource or its historic context.

**5.6.2 P2:** Require that changes to properties that contribute to the context of a historic resource are compatible in scale, materials, design, height, mass and use with the historic resource or its context.

Relevant Transition policies are:

**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.

**5.5.2 P2:** Implement design review guidelines for setback, heights, materials, massing, articulation and other standards to support Transition Policies and promote neighborhood compatibility.

The Zoning Code Update is the primary regulatory implementation tool of the 2010 General Plan Update. The Zoning Code codifies the land use designations of the General Plan into zoning districts with development standards that regulate the use of land in the City of Santa Clara, including allowed uses, densities, and development standards such as building height limits, required setbacks, and the maximum amount of building coverage allowed on a lot.

### **Zoning Code standards and processes relevant to Historic Preservation**

The Zoning Code update largely keeps the development standards and allowed densities of single-family districts intact. By doing that, the zoning code recognizes General Plan Major Strategy 4.2, to preserve and cultivate existing neighborhoods.

Major Strategy 4.2 and Preservation Goal 5.6.2-P1 as noted above were further examined and implemented in 2017, with adoption of Chapter 18.106 of the Zoning Code - the City's Historic Preservation Ordinance, which established a 200-foot HLC referral process to provide for the evaluation of potential impacts of certain development projects on Historic Resource Inventory (HRI) listed properties in the City.

The code update helps to provide relief for owners of older properties by removing the need for a variance to extend a legal non-conforming side setback to the rear of a house.

The updated code also carries over the current code section 18.62.030(a) that allows property owners to determine their minimum front setback by averaging the existing nonconforming front setbacks of four or more primary/main buildings on a block face. This is important because many of the homes in the Old Quad are situated at varying front setbacks, some of which are much less than the 1969 code requirement of 20' - because they were either constructed closer to the streets or the streets were widened leaving them at substandard setbacks.

The code update also increases to six feet the distance that covered, unenclosed porches can encroach into the front setback, consistent with the intent of General Plan transition policy 5.5.2-P1.

The Zoning Code Update implements the Transition policies of the General Plan by requiring a 45-degree daylight plane for buildings in mixed use districts within 150 feet of abutting residential. A 45-degree daylight plane would limit building heights to the equivalent measurement that the building wall is away from the adjoining residential property line. In other words, a 50-foot tall building would have to be set back 50 feet from adjoining residential.

### **New Standards for Single-Family Districts**

A number of new development standards in single-family zoning districts that are relevant to the HLC's charge include:

- Restrictions on making additions to houses with one-car garages are proposed to be lessened, which would make it easier for property owners to invest in and to upgrade their properties.
- Development standards to allow one-and-a-half story accessory dwelling units (ADUs). A half-story is a second level where most of the volume of the floor is contained inside of the pitched portion of the roof.
- Additional clarifying language has been added to delineate the prohibited activities in the front and side yards of residential uses, to reduce neighborhood impacts from storage of inoperative vehicles, construction materials, and recreational equipment including ping-pong tables and inflatable pools.

Additional regulations that could affect the way that existing residences are used include:

- Additional provisions to prevent overcrowding in residences by requiring a minimum of common living area, which is defined as the kitchen, dining room, living room, and any other common rooms, but excluding hallways and bathrooms. The new regulations would require a minimum of 25% of the floor area to be dedicated to common living area.
- New provisions to limit short-term rentals of residential dwellings, which are less than 30 days in length. Under the proposed regulations, unhosted short-term rentals would be limited to 90 days in a calendar year and would be required to pay Transient Occupancy Tax (TOT). Short-term rentals would also be subject to occupancy limits, based on the size of the dwelling unit.

### **Future Planning Efforts**

The zoning code update is a document that applies to the full extents of the City of Santa Clara. But it is important to recognize that the zoning code will be undergoing additional revisions relevant to Historic Preservation, especially in the Old Quad, as other long-range planning efforts are brought forward to the City Council for adoption.

Those include the El Camino Real Specific Plan, the Downtown Precise Plan, and the eventual Santa Clara Station Area Plan, which taken together include the majority of neighborhoods adjoining the Old Quad.

### **Next Steps**

The draft zoning code will be available for review and comment on the City's website for a minimum of 45 days. City staff will compile and address comments as a part of the recommendation hearings

before the Planning Commission and adoption hearings before the City Council in the first half of 2022.

### **ENVIRONMENTAL REVIEW**

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required at this time. The Comprehensive Zoning Update will undergo environmental review and an environmental document will be brought to the City Council when the Council considers the Update for approval.

### **FISCAL IMPACT**

There is no impact to the City other than administrative time.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the agenda on the City's official-notice bulletin board outside City Hall Council Chambers.

### **RECOMMENDATION**

Provide comments to Planning Division staff and Note and File the report.

Drafted by: John Davidson, Principal Planner, Community Development Department

Reviewed by: Jeff Schwilk, Liaison to the Historical Landmarks Commission

Approved by: Gloria Sciara, Development Review Officer