



## Agenda Report

19-538

Agenda Date: 8/20/2019

### **SUBJECT**

Joint Study Session with Planning Commission on the Zoning Code Comprehensive Update: New Districts, Simplified Processes, Single-Family District Standards, and Placemaking

### **BACKGROUND**

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.

Overarching goals of the Zoning Code Update are:

- Simplification and modernization
- Streamlining the multiple appeals process
- Consider potential form-based design elements
- Integrating Specific Plan zoning districts

To date, the work completed on the zoning code update has included the development of: new zoning districts and allowed uses; illustrated development standards including setbacks and height limits; clearer standards for landscaping, screening, parking and outdoor lighting; a new Code section describing specific use regulations that apply across zoning districts; and a revised table of authorities that spells out the particular body responsible for issuing permits described the Zoning Code.

Remaining work on the draft code includes preparation of chapters on permit processes, non-conformities and definitions.

### **DISCUSSION**

For this study session, staff will present an overview on the current status of the Zoning Code Update and an opportunity for the City Council to provide input on the project scope and identify key issues to consider as the City completes the effort.

The study session will highlight the following areas of change within the Zoning Code Update: new zoning districts, simplified processes, new standards for single-family districts, and code changes to encourage placemaking.

### **New Zoning Districts to Promote Consistency with the General Plan**

One of the primary goals of the Zoning Code Update is to implement the land uses designations

adopted in the City's 2010 General Plan. New zoning districts would be applied to parcels based on the General Plan designation of the parcel.

#### *Residential*

New Residential Designations are proposed to match General Plan designations and allow for residential densities of up to 100 DU/AC, which is consistent with evolving market demand and lessening the need for Planned Development zonings. The current zoning code developed in 1969 only includes residential designations with maximum allowable densities of up to 36 DU/AC. Tasman East Specific Plan; Lawrence Station, and Gateway Crossing created opportunities for higher densities within specific areas of the city. The Zoning Code update is creating a series of zoning districts that allow for the implementation of higher densities as anticipated in the General Plan. These include new designations that address increasingly popular townhouses and podium style apartments or condominium buildings.

#### *Mixed Use*

The updated zoning code will include mixed use designations that will allow for the development of mixed-use projects in downtown, along the areas with General Plan mixed-use designations on El Camino Real, and Homestead and Saratoga Roads.

#### *Office and Industrial Districts*

The Zoning Code Update includes new low- and high- intensity office designations to mirror designations in the General Plan. These designations represent a significant change in the way that land use is regulated in the City's industrial areas north of Highway 101, which are largely zoned either ML Light Industrial or MH Heavy Industrial. As part of the 2010 General Plan Update, office designations were created and applied to many of the industrial areas of northern Santa Clara in order to direct campus and high-rise office development while preserving the area north of the airport for the wider variety of industrial uses, including light industrial, warehousing, distribution, and manufacturing. Many of the properties will be rezoned north of Highway 101 to allow either low- or high-intensity offices to be consistent with changes made through the 2010 General Plan. The City will include additional language to clarify that any uses that become legal non-conforming as a result of the proposed zoning district changes have the right to continue and would not be subject to amortization. This legal non-conforming language will be applicable to Zoning District changes associated with the Zoning Code Update citywide.

#### *Special Purpose Zoning Districts (Open Space, Public/Quasi-Public)*

The Zoning Code Update also includes the creation of a new Open Space designation, to match the existing General Plan designation, and a reworking of the existing "B" Public Facilities district into a new PQP public/quasi-public district, to be more expansive in terms of the described and regulated uses. In the past, the "B" zoning district was applied retroactively to existing public facilities. Staff is intending to use the PQP designation more proactively, particularly for institutional uses such as hospitals and convalescent homes, which are needed within the community but should be located in a manner that appropriately addresses General Plan land use goals and policies.

#### *El Camino Real Districts*

New zoning districts that are reflective of the Specific Plan designations resulting from the El Camino Real Specific Plan will also be incorporated into the Zoning Code update. These new districts include higher densities at specific nodes within the El Camino Real corridor, along with the possibility of residential-only uses in less desirable locations.

### *Specific Plan Districts*

Zoning districts created as a result of the Lawrence Station Area Plan (LSAP) and Tasman East Specific Plan will be incorporated into the Code Update. The Transit Neighborhood zoning designation is likely to have applicability in other change areas including the Patrick Henry Drive and Freedom Circle plan areas.

### **Simplified Procedures**

The City is currently undertaking a number of streamlining initiatives that will be incorporated into the Zoning Code Update, including but not limited to proposed changes to the Architectural Review process, which would revise the makeup of the Committee, offer only a single appeal to the City Council, and create clear thresholds for which projects are subject to a noticed public hearing before the Architectural Committee.

Furthermore, staff is proposing to create a Minor Use Permit for less controversial uses, which are subject to the same findings as the traditional Use Permit but are approved administratively. One permit that the Minor Use Permit is proposed to replace is the Special Permit for temporary events, which are now heard by the City Council.

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

To a large extent, development standards within single-family zoning districts are proposed to remain unchanged. However, there are specific development standards that the City is proposing to change that include:

- Increased side setback requirements will be proposed for single-family houses with two-story elements. The side setback for second-story elements is proposed to be one-half of the building height. This requirement is a way of codifying design direction from the City's adopted single-family design guidelines to set back second story elements.
- Porches, dormers and lightwells are proposed to be allowed increased setback exceptions so that covered porches, for instance, can encroach six feet into the front setback, where this was previously only allowed for uncovered porches. This would allow for additional detail and place-making elements on the front facades of single-family residences.
- Houses with legal non-conforming (LNC) setbacks are proposed to be able to continue development at the LNC setback without needing to obtain a variance.
- Development standards for accessory dwelling units (ADUs) are proposed to be revised to allow two-story accessory dwelling units.
- Restrictions on making additions to houses with one-car garages are proposed to be removed, which would make it easier for property owners to invest in and to upgrade their properties.

### **Placemaking**

A number of zoning code amendments are proposed as part of the Zoning Code Update that would help to make placemaking easier, including:

- Streamlining the live entertainment permit process by making the process administrative instead of subject to a Use Permit requiring Planning Commission approval;
- Making outdoor seating for restaurants a permitted use for up to 24 seats, without an additional parking requirement; and
- Making the Special Permit process for temporary outdoor events like Church Carnivals administrative, instead of subject to City Council approval.

**Future Study Sessions**

To allow time for more review and comment on the Zoning Code Update, two additional joint study sessions with the Planning Commission and City Council are scheduled for Tuesday, September 3 and Tuesday, October 8. At the September 3 study session, staff will present information on a potential safe parking ordinance, regulations for assisted living and follow-up to items discussed at the August 20 study session. The October 8 study session will be focused on short-term rental regulations and potential criteria to limit occupancy in single family residences.

**Next Steps**

A public review draft of the proposed zoning code will be available in October 2019, with a Planning Commission public hearing in December 2019, and a City Council hearing in January 2020.

Additional information will be provided to the City Council and Planning Commission at the study session to support the discussion, including the results from an online survey on the Zoning Code Update, which was open for responses from late June through mid-July 2019.

**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**

Community participation is a key part of the Zoning Code Update. In addition to a number of meetings with the Old Quad Neighborhood on June 19, 2018, August 20, 2018, September 17, 2018, October 15, 2018, and December 3, 2018, staff organized community meetings with the general public on February 13 and 28, 2019 to discuss topics for change within the Zoning Code. The topics discussed with community members included the codification of elements of the City's single-family design guidelines; the creation of new zoning districts to implement existing General Plan designations; possible changes to the number of parking spaces required for residential and non-residential uses; and regulation of short-term rentals, such as Airbnb. Community meetings to gain input on the topic of potential occupancy criteria in single family residences were held on April 29, May 16, and May 29, 2019. The May 16 and May 29 meetings were also live-streamed.

The City received over 500 responses to a community survey on the Zoning Code Update, which was released on June 20, 2019 and made available through July 12, 2019. The survey was announced on the City's social media accounts, sent to interested parties through e-notify lists and posted on the City's website.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special

Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

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