

Phase 1 – General Plan and Zoning Objective Standards Analysis

I. General Plan

Existing	Issue	City Attorney’s Office (CAO) and Staff Proposed Clarification	PC recommendation <i>(with staff comments in italics)</i>
A. Figure LU-2 Community Form Diagram: Height and Setback Standards. Maximum heights and setback ratios for development in the City are specified in the Community Form Diagram (Figure LU-2). That Figure includes four notes regarding Building Planes in the City. Each of those notes could be clarified to provide better objectivity as discussed below.			
1. Footnote #1: “Maintain the primary building bulk below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area.”	This standard applies to sites or portions of sites that adjoin arterials or boulevards (identified in the General Plan’s Chapter 5: Mobility to include De Anza Blvd., Homestead Road, Stevens Creek Blvd. (up to Bubb Road), and North Wolfe Road.). Sites or portions of sites that do not adjoin arterial or boulevards are subject to the setbacks and height limits established in the Zoning Code.	Revise note to state explicitly that the applicable standards in the Zoning Code govern setbacks and height limits for portions of sites not adjoining arterials or boulevards.	<ul style="list-style-type: none">▪ Delete “primary” and “bulk.” <i>(This change would make architectural features, currently allowed to encroach into required yards (Section 19.28.100B) such as chimneys, etc. subject to the 1:1 slope line.)</i>▪ Add “avenues” and “major connectors” after “arterial/ boulevard.” <i>(Recent amendments to the Zoning Code with Ordinance 19-2187 remove ambiguity with regard to applicability of underlying zoning standards in a P zone. The 1:1 slope line already applies to N. Tantau Avenue – an Avenue/major collector. The PC recommended change would apply the 1:1 slope line to the following streets:</i><ul style="list-style-type: none">▪ N. Foothill Blvd.,▪ Stevens Creek Blvd between Highway 85 and Foothill Blvd,

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			<ul style="list-style-type: none"> ▪ <i>Bubb Road between McClellan Rd and Stevens Creek Blvd,</i> ▪ <i>Bollinger Rd between De Anza Blvd and Lawrence Expwy,</i> ▪ <i>Miller Ave between Stevens Creek Blvd and Bollinger Rd.</i> ▪ Clarify that slope line is drawn from the curb line of any frontage road abutting property. <i>(Currently, a slope line is drawn from "the arterial/boulevard curb line" per the General Plan and therefore, applies only to public rights-of-way . PC recommendation would apply the slope line within private property.)</i> ▪ Delete "except for the Crossroads Area." <i>(Policy LU-15.1 of the General Plan anticipates development of a Crossroads Area Plan that distinguishes this area. PC recommendation would apply the same standards as the rest of the Heart of the City Specific Plan Area.)</i>
2. Footnote #2: "For the Crossroads area, see the Crossroads Streetscape Plan."	No Crossroads Streetscape Plan has been adopted.	Amend to state that the default 1:1 standard applies until a Streetscape Plan has been adopted.	Delete the footnote. <i>(see note above)</i>

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<p>3. Footnote #3: “For projects adjacent to residential areas: Heights and setbacks adjacent to residential areas will be determined during project review.”</p>	<p>This sentence is ambiguous and someone could interpret this to mean that increased heights or reduced setbacks are permitted.</p> <p>For the General Commercial, Administrative and Professional Office, and Light Industrial Park non-residential zones the Zoning Code establishes setbacks from adjoining residential uses and Figure LU-2 sets height limits. For areas of the City where a Specific Plan or an Area Plan has been adopted, there are established setbacks, including those from residential neighborhoods. For example, the Heart of the City Specific Plan and the Saratoga-Sunnyvale Zoning Plan establish setbacks from adjacent residential development, while the South De-Anza and North De-Anza Conceptual Zoning Plans include large landscape setback requirements from adjoining properties.</p> <p>However, if a mixed use project is proposed in a Planned Development zoning district where a Specific Plan or an Area Plan has</p>	<p>a. Amend to clarify that where a Specific Plan or an Area Plan has been adopted, there are established maximum heights and minimum setbacks from residential neighborhoods, and also state that reduced heights or increased setbacks adjacent to single family residential areas may be required, which could only be determined during project review.</p>	<p>Proceed with proposal (a).</p>
		<p>b. Consistent with General Plan Policy LU-21.1 Update N. De Anza Conceptual Plan to incorporate the eastern side of the North De Anza Special Area into the Conceptual Plan to ensure implementation of consistent landscape easements on both sides of De Anza Boulevard.</p>	<p>Proceed as proposed.</p>

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	not been adopted (e.g., North De Anza), while there are minimum landscape setbacks for surface parking lots (Chapter 19.124) that may be applied, there are none for buildings. This could impact the western section of the North Blaney neighborhood (abutting Apple's Infinite Loop and Mariani Campus).	c. Adopt development and design guidelines that can objectively be applied to any housing development or mixed-use development. A form based code could implement the most comprehensive set of objective standards to be applied to projects. Including open space requirements, building form, etc.	Adopt development and design guidelines that can objectively be applied to any housing development or mixed-use development" in Phase 2, but with a vote of 3-2 on July 9, 2019, the Planning Commission does not recommend pursuing a form based code.
4. Footnote #4: "For the North and South Vallco Park areas (except for the Vallco Shopping District Special Area): Maintain the primary building bulk below a 1.5:1 (i.e., 1.5 feet of setback for every 1 foot of building height) slope line drawn from the Stevens Creek Blvd. and Homestead Road curb lines and below 1:1 slope line drawn from	The Vallco Shopping District is not a part of the South Vallco park area. Therefore the default 1:1 slope line from footnote #1 applies.	Eliminate parenthetical reference to Vallco Shopping District for clarification.	Proceed as proposed and further research the applicability of the default 1:1 slope line. ▪ <u>Delete "primary" and "bulk." (This change would make architectural features, currently allowed to encroach into required yards (Section 19.28.100B) such as chimneys, etc. subject to the 1:1 slope line.)</u>

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Wolfe Road and Tantau Avenue curb line."			
B. Heart of the City Special Area text box: "Maximum residential density is "25 or 35 (South Vallco) units per acre""	This sentence is ambiguous. The Heart of the City Land Use Map identifies several sites within the Heart of the City Special Area that have a density of 5-10 du/ac, 10-20 du/ac and 20-35 du/ac.	To avoid ambiguity the text could be amended to be similar to the description of the Homestead Special Area requirements with regards to maximum residential densities (e.g., "up to 25 units per acre, except 35 units per acre for the South Vallco sub-area"). In addition, Figure LU-2 could be amended to include a more generic note explaining that densities are provided for reference purposes and that specific densities are established by General Plan Land Use Map or in a Specific Plan.	Proceed as proposed.
C. Crossroads, East Stevens Creek, West Stevens Creek and Central Stevens Creek Subareas: General Plan Goals LU-14 through -18 state that permitted uses in these areas are described in Figure LU-2.	There could be confusion in that these subareas do not appear on Figure LU-2. However, these subareas are described and established in Chapter 2 of the General Plan (Planning Areas) and are existing areas identified in the Heart of the City Specific Plan. Goals LU-14 through 18 are essentially "nested goals" that support Goal LU-13.	Amend text in General Plan Goal LU-13 to clarify that the Heart of the City Special Area is composed of all subareas geographically contained within it, which are further described in Goals LU 14 through 18.	Proceed as proposed.

II. Zoning Ordinance

Current Text	Issue	Proposed	PC recommendation
Chapter 19.80: Planned Development Districts.			
<p>“Section 19.80.030</p> <p>B. All P districts shall be identified on the zoning map with the letter coding "P" followed by a specific reference to the general type of use allowed in the particular planning development zoning district. For example, a planned development zoning district in which the uses are to be general commercial in nature, would be designated "P(CG)." A planned development zoning district in which the uses are intended to be a mix of general commercial and residential would be designated "P(CG/Res)."</p> <p>C. Permitted uses in a P zoning district shall consist of all uses which are permitted in the zoning district which constitutes the designation following the letter coding "P." For example, the permitted uses in a P(CG) zoning district are the same uses which are permitted in a CG</p>	<p>The Code does not establish development standards for P zoning districts. It contemplates that standards will be developed as part of the discretionary development permit for the site. The City’s practice has been to apply the development standards from the R-3 zones for attached multifamily mixed-use applications, or the R-2 zone standards for small-lot single family/townhome applications, which are then modified during the design review process to develop the standards for each development.</p> <p>For projects subject to new state law that are subject to only objective zoning standards, there are no applicable adopted development standards. Therefore a change to the zoning code is proposed.</p>	<p>Codify the City’s current practice, or develop and adopt development and design guidelines for different development types such as townhomes, row houses, attached multi-family etc. A form based code may establish the most objective standards for implementation and ensure that there is minimal room for interpretation.</p>	<p>Evaluate the implications of removing P zones in the city and reverting to the underlying zoning designations. <i>(This should be addressed by adoption of objective design guidelines that would ensure development occurs in a manner that the community expects. This could be in the form of a traditional document as opposed to a form based code – See Attachment B)</i></p> <p>Planning Commission recommended that the City Council take appropriate action, and develop timeline for such action, to address an inconsistency between Ordinance 18-2178 and the General Plan. <i>[Note: This action was completed through adoption of Ordinance no. 19-2187.]</i></p>

Current Text	Issue	Proposed	PC recommendation
<p>zoning district for sties with a mixed-use residential designation, Section 19.80.030F shall apply.</p> <p>D. Conditional uses in a P zoning district shall consist of all uses which require the issuance of a conditional use permit in the zoning district which constitutes the designation following the letter coding "P." For example, the conditional uses in a P(CG) zoning district are the same uses which require a conditional use permit in CG zoning district. Each conditional use in a P zoning district requires a separate conditional use permit for sites with a mixed-use residential designation, Section 19.80.030F shall apply."</p>			

III. Other

Proposal	PC recommendation
A. Mitigation Measures	
Review previously adopted mitigation measures to identify those generally applicable to new development, and develop an objective method for imposing them while avoiding burdening classes of projects to they would not apply, as a practical matter.	Do not proceed as proposed.