



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA
95014-3255 TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: February 16, 2021

SUBJECT

Study Session to compare standards for mixed use developments and high-density residential guidelines with other cities.

RECOMMENDED ACTION

That the City Council receive the presentation and provide any input to Staff.

DISCUSSION

Background

The FY 2019/20 City Council Work Program directed the staff to compare mixed-use and high-density residential standards in other cities. The areas of focus included, but were not limited to, parkland, open space, and parking requirements. The objective of this Work Program item is to compare existing Cupertino standards with industry standards and best practices with the potential to utilize this information to update zoning regulations as a future work program item.

Study Methodology

Staff conducted a review of zoning ordinances, General Plans, and specific plans (or equivalent) for multiple cities to determine the best sources for measurable standards. Phone and email conversations were also conducted with planners in those jurisdictions, when possible. Staff also contacted SPUR's San Jose branch for insight on potential cities and study criteria. Ultimately, specific plans or equivalent (i.e. Precise Plans, Urban Village Plans, etc.) provided the best documents for comparison between jurisdictions, as these documents provided the most concise information on objective standards for mixed-use or high-density residential development. Information was drawn from corresponding zoning ordinances and General Plans when a specific plan referenced these documents. A summary of the documents studied is below:

1. Zoning – Many zoning ordinances did not have specific development standards for mixed-use or high-density residential developments. However, some standards are cross referenced to zoning in specific plans, such as parking regulations.

2. General Plan/Land Use Designations – Provides density and FAR standards but otherwise limited in other objective standards.
3. Specific Plan (or equivalent) – Identified as the best overall resources for objective standards and criteria to compare among different cities. As these tend to focus on specific development types and densities within a defined area, they allow for a narrower focus on mixed-use and high-density residential objective standards.

Jurisdiction Criteria

Staff focused on researching surrounding cities with development patterns and characteristics similar to Cupertino. The research involved a review of approximately seven municipal codes, four General Plans, and 17 Specific Plans of approximately seven jurisdictions and was eventually narrowed down to five Specific Plans within three neighboring jurisdictions for further analysis and comparison.

City of San Jose	<ul style="list-style-type: none"> ▪ Winchester Urban Village Plan ▪ Stevens Creek Boulevard Urban Village Plan
City of Mountain View	<ul style="list-style-type: none"> ▪ El Camino Real Precise Plan ▪ San Antonio Precise Plan
City of Santa Clara	<ul style="list-style-type: none"> ▪ El Camino Real Specific Plan

Although other cities were considered, staff was unable to find specific plans within those jurisdictions that allowed for a comparable review of objective standards and were not included for purposes of this study for several reasons:

1. The downtown urban setting of a particular plan (e.g. Mountain View's Downtown Precise Plan) is not consistent with the development pattern and intensity existing or appropriate in Cupertino.
2. Plan areas with transit-oriented development (TOD) development standards that do not apply to Cupertino due to the absence of rail transit (i.e. Sunnyvale's Lawrence Station Area Plan, Santa Clara's Tasman East Specific Plan, etc.).
3. The plan focused less on land use development standards and more on streetscape in the public right-of-way (i.e. Palo Alto's El Camino Real Corridor Master Plan).
4. Plans that do not appear to incorporate specific objective standards for mixed-use or high-density residential projects.

The findings in this report focus on objective standards that were addressed in the selected Area Plans. These documents also included many non-objective guidelines, recommendations, and design preferences. Although useful in guiding overall building and site design continuity, these guidelines proved difficult metrics to evaluate when compared to objective requirements. For this reason, non-objective guidelines were excluded from the analysis.

Challenges

Most jurisdictions researched did not have “one size fits all” development standards for “Mixed-Use” or “High Density Residential” developments, whether in the zoning ordinance or even in the specific plans, likely due to the large area that the plan covers and the complexity and context-based nature of mixed-use projects. Although, as previously stated, Specific Plans generally offered the most concise source for objective standards for these types of development, the areas within the specific plan are further broken down into Land Use Designations or sub-areas, each with their own development standards and design characteristics. For this reason, a mixed-use project may be subject to different regulations (i.e. height limit, FAR maximum, open space requirement, etc.) depending on its location within the plan area. The data for these scenarios were consolidated and simplified to the extent possible in the accompanying attachments (Attachments A-E).

Analysis

Setbacks

A review of setbacks for the selected plan areas shows:

- A wide variety of standards, largely context-dependent to the uses surrounding the site and its location, including frontage to major or minor streets and proximity to residential neighborhoods (Attachment A).
- Many of the plans include different setbacks for buildings facing a major arterial (e.g. El Camino Real, Stevens Creek Boulevard). The intent of these frontage setbacks is to encourage a pedestrian-friendly space between the building wall and the curb line for activated uses, such as outdoor dining/seating, wide sidewalks, shade trees and landscape buffers, and privately-owned public accessible parks. These setbacks range from 0 feet to 25 feet, which may or may not include the width of a new sidewalk, depending on the city. For instance, Santa Clara’s El Camino Real Specific Plan establishes setbacks from the back of a newly-created 20 foot sidewalk for building frontages along El Camino Real. Frontage setbacks also vary based on the type of ground floor use. E.g. commercial versus non-commercial (typically residential) ground floor uses. Usually, ground floor commercial uses are allowed a smaller setback to the activated pedestrian area for better engagement, while residential uses are set further back for privacy.
- For better pedestrian engagement and “street framing”, Mountain View and Santa Clara’s plans also identify a “build to” line, i.e., a maximum (in addition to a minimum) setback distance for most of the building’s façade. These maximum “build to” lines range between 10 feet and 15 feet from the property line depending on the street, width of the sidewalk, and ground-floor use type and apply to much of the building frontage.

- The existing setback required within the Heart of the City Specific Plan is 35 feet from the face of curb along Stevens Creek Boulevard. This includes a 26-foot landscape easement, comprising of a ten-foot planting area, a six-foot sidewalk and another ten-foot landscape area, and a nine-foot setback from the property line. Additionally, a 1:1 building plane (one foot setback for every foot of height increase) is also required for frontages along arterials and boulevards (measured from curb line).

Setbacks adjacent to Residential Development

All plans incorporate daylight plane or step back requirements for new developments adjacent to existing residential developments or zoning districts (Attachment A). Usually a combination of setbacks and a daylight plane apply to developments that are adjacent to residential development.

- Most commonly a 45-degree daylight plane (one foot setback for every foot of height increase or a 1:1 ratio) from adjacent low density residential development is implemented for new buildings, typically measured from the adjacent residential property line (Stevens Creek Urban Village Plan and Santa Clara's El Camino Real Specific Plan).
- Some plans limit building height to the maximum height limit allowed in the adjacent residential zone within a certain distance of the property line such as Mountain View's El Camino Real Precise Plan.
- Some plans additionally apply a step back requirement for additional stories that exceed the number of stories allowed on adjacent residential property (e.g. Mountain View's El Camino Real Precise Plan and San Jose's Winchester Urban Village Plan).
- These standards are typically applied to rear and side setbacks, although plans such as San Jose's Stevens Creek Boulevard Urban Village Plan list different setbacks depending on the use type across the street, or, as indicated in Mountain View's San Antonio Precise Plan, across from "Neighborhood Transition Areas".
- Cupertino's Heart of the City Specific Plan requires terracing when adjacent to residentially developed parcels, with a minimum 1.5:1 setback to height ratio (one-and-a-half foot setback for every foot of height increase).

Height

Height requirements vary widely between the plans.

- Some set limits as low as two stories and 35 feet (Mixed Use Center within Mountain View's San Antonio Precise Plan) to as high as 120 feet in the highest density areas, as seen in the Urban Village land use designations in San Jose's Stevens Creek Boulevard Urban Village Plan (Attachment 1).
- The tallest height allowances tend to be concentrated towards the center of the plan area and located at or near major intersections while areas with lower buildings are

typically concentrated along or near the edges of the plan. The areas where taller heights are allowed generally have higher numbers of existing transit stops and are designated as priority areas for additional new or relocated bus rapid transit (BRT) stops. The tallest building heights also correspond with greater FAR allowances and residential density.

- Mountain View's Precise Plans include different height allowances for each of their Intensity Areas, establishing a tiered approach for development. The tiered approach establishes general "Base" development intensity but allows more development (additional height) in exchange for the provision of public benefits.
- Cupertino's maximum height regulations are 60 feet in the N. Vallco Special Area (with the Hamptons property ranging between 60 feet to 75 feet depending on distance from the Apple Campus). Heights along transit corridors on Stevens Creek Boulevard and De Anza are generally 45 feet in height. The height limits in the neighborhoods is 30 feet.

Ground Level Design

In addition to different setback standards depending on ground floor use, all plans specify objective standards for ground floor commercial (Attachment B).

- Plans are generally consistent in standards and indicate a minimum ground-to-ceiling height of 14 to 15 feet, and a depth between 40 to 60 feet.
- Depending on the plan, the plans studied either designate ground floor commercial overlays to require ground floor commercial uses or require them for specific land use designations. Ground level retail design is also influenced by minimum commercial FAR requirements for mixed-use projects in certain areas of a specific plan (such as those in San Jose and Santa Clara).
- Cupertino's specific plans do not have objective standards regarding ground floor use other than a requirement in the Heart of the City Specific Plan that requires uses that involve the direct retailing of goods and services to occupy 75% of the frontage of buildings or 50% of the rear of the building, similar to Santa Clara's minimum 50% commercial ground floor frontage along El Camino Real (in designated areas).

Maximum FAR and Residential Density

Floor Area Ratio (FAR) standards are highly variable among the plans, but like height standards, are typically correlated to higher intensity areas and are located more centrally within the plan area (Attachment C). Maximum residential densities are also identified in Attachment C.

- FARs range from 0.1 to 2.0 in lower intensity areas to between 1.35 and 8.0 in higher intensity areas.

- Residential densities are wide-ranging and vary between 8 dwelling units per acre in a nominal number of lots in San Jose's Winchester Urban Village Plan to 250 dwelling units per acre in San Jose's Stevens Creek Urban Village Plan. Densities primarily range between 40 and 65 dwelling units per acre.
- Some specific plans, such as those in Mountain View, may not establish minimum or maximum residential densities as the overall intent of the plan prioritizes building form over number of units and overall context to surrounding uses. In this case, the residential density defaults to the General Plan Land Use Designation, approximately 60 dwelling units per acre, or 50-130 residents per acre.
- Plan areas typically establish FAR maximums and apply to an overall development project. However, some plans, such as San Jose's Urban Village plans, apply FAR standards to standalone commercial or only commercial portions of a mixed-use project. San Jose and Santa Clara specify minimum commercial FAR requirements, while Mountain View's San Antonio Precise Plan specify maximum FAR allowances for commercial or office uses.
- Mountain View also applies their development intensity tier system (discussed in *Height* above) to FAR allowances.
- Residential density in Cupertino's specific plan areas range from 25 - 35 dwelling units per acre along Stevens Creek Boulevard and 25 dwelling units per acre along portions of De Anza Boulevard (the two major transit corridors in the City) to as low as 15 dwelling units per acre in the Monta Vista Village (where there are smaller lots than the citywide average). There is no non-residential FAR established in the City and instead development is regulated by development allocation in the General Plan.

Open Space

All the plans include open space requirements which are either based on a percentage of the total parcel area, and/or a minimum square footage per number of residential units (Attachment D).

- New developments can provide parks (publicly owned or dedicated), plazas, gardens, and interior courtyards to satisfy this requirement.
- Some plans and land use designations allow some percentage of required common usable open space to apply towards publicly-accessible open space.
- Other plans require a minimum amount of personal open space (i.e. balconies, decks, patios) per unit.
- Some plans allow some percentage of personal open space to satisfy common open space requirements (areas intended for the common use of building residents and include interior courtyards, play areas, rooftop amenities, and outdoor kitchens and dining areas.)

- Cupertino's Heart of the City Plan is similar in that residential development must provide a minimum amount of common, usable outdoor space and private outdoor space per unit (150 square feet of common outdoor space and 60 square feet of private outdoor space per unit). Cupertino also requires common outdoor space for non-residential development.

Consistent to the Quimby Act, these specific plans all reference their respective Parkland Dedication ordinances of their municipal codes that requires the dedication of land for public parks, allows payment of an in-lieu fee of parkland dedication, construct new publicly-accessible park facilities onsite (three acres per 1,000 residents), or a combination of these.

Parking Requirements

All plans refer to their respective Parking Ordinance for applicable uses. As many different types of uses may be permitted within a mixed-use development, this report focuses on the parking ratios for: multi-family residential, general retail, general office, and restaurant/dining uses (See Parking Regulations table - Attachment E).

- The parking requirements for residential uses is usually by number of bedrooms, with San Jose's residential parking requirement further categorized by the proposed parking facility type: surface (open) parking stall, one-car garage, or two-car garage.
- General retail parking requirements, dining establishments, and office ratios are consistent among the plans. Retail parking requirements range between one space per 180 square feet to one space 250 square feet. Restaurant standards are fairly consistent between one space per 2.5 to 3 seats. Office standards are generally one space per every 250 to 300 square feet.
- Santa Clara's El Camino Real Specific Plan is the only area to include plan-specific parking ratios for residential and commercial uses, making them slightly less restrictive than the standard parking regulations in their zoning ordinance.
- Off-street parking requirements may be reduced through various measures, as stipulated by the specific plan or as allowed by the City's zoning ordinance. All plans cited adoption of a Transportation Demand Management (TDM) program as a strategy to reduce the parking requirements for a development.
- Cupertino's specific plans refer to the Municipal Code's Parking Ordinance for requirements. Retail parking is one space per 250 square feet, restaurant parking is one space per every four seats plus one for every employee, and office parking is one space per 285 square feet. A TDM plan, parking study or shared parking can also be considered to reduce parking requirements.

Planning Commission Review

The findings of this study were presented to the Planning Commission at its Regular meeting on January 26, 2021. The Commission received the presentation, and asked staff clarifying questions regarding development standards in Cupertino and in the jurisdictions reviewed. Some commissioners commented that the survey results do not necessarily suggest that Cupertino's development standards are comparable with other cities and questioned why more progressive specific plans such as Mountain View's North Bayshore Precise Plan weren't considered for comparison. While other commissioners questioned why smaller cities such as Los Gatos were not included in the comparison in contrast to cities such as Santa Clara and Mountain View that see much more, and higher density, development.

As previously mentioned, the surveyed specific plans were chosen as they reflect common land use forms and development pattern to Cupertino. Ultimately, specific plans whose existing plan areas were mostly different from Cupertino's or did not have defined mixed-use development standards were not included in the analysis. Staff believes that Cupertino's standards are overall largely comparable to the surveyed cities and have identified in the report and presentation when standards notably differ. Setback and use standards are similar, however, height and density standards do vary.

Conclusion

The City of Cupertino's mixed-use and high-density residential development standards are comparable to the specific plans of the surveyed jurisdictions. The City may consider requirements that other cities have adopted, such as regulations for ground floor commercial design, as the City does not currently have these objective standards. It should be noted that the City may have to consider changes to density and correspondingly, to height standards when considering the next Housing Element cycle, and Regional Housing Needs Allocation.

Sustainability Impact

The proposed study session has no sustainability impact.

Fiscal Impact

There are no fiscal impacts to the City's General Fund.

NEXT STEPS

This Work Program item will conclude upon presentation of the study session findings to City Council. Any further projects resulting from direction from Council may result in a new Work Program item.

Prepared by: Jeffrey Tsumura, Associate Planner

Reviewed by: Piu Ghosh, Planning Manager

Albert Salvador, Acting Director of Community Development

Approved for submission by: Dianne Thompson, Assistant City Manager

ATTACHMENTS

A - Setbacks and Heights

B - Ground Level Design

C - FAR & Residential Density

D - Open Space

E - Parking