

## B. SUBAREA INTENSITY AND HEIGHT STANDARDS

### Mixed Use Corridor Subarea

This subarea covers the majority of the Plan Area outside the Mixed Use Center subarea. A combination of vertical and horizontal mixed-use development is envisioned in this area. This would include both residential and office mixed-use with ground-floor retail in required active space locations. In both subareas, office development will need to comply with the development phasing requirements identified in Chapters 2. Retail in this subarea is focused on more neighborhood-serving uses since it abuts existing residential neighborhoods.

The intensity and height standards below apply to all projects in the Mixed Use Corridor subarea. Applicants shall use the base intensity and height standards below, unless a Tier 1 development is requested according to the standards below and the administrative process described in Chapter 5.

#### Intensity and Height Standards

The Mixed Use Corridor subarea allows lower-intensity mixed-use and residential development. It serves as a buffer between the more intensive Mixed Use Center subarea and the existing residential neighborhoods surrounding the Plan Area. Table 4-3 provides the details of the following intensity and height standards.

- **Base Floor Area Ratio (FAR).** To build to the Base FAR, a proposal shall meet the development standards identified in Table 4-3. Public benefits are not required.
- **Tier 1 FAR.** If a development proposes higher FAR and heights (as identified in Table 4-3), the Tier 1 process will be required, including an agreement specifying required public benefit contributions.
- **Exemptions from FAR calculations.** Floor area for existing small businesses preserved as part of a new development or relocated small businesses, is

exempt from FAR calculations at the discretion of the Zoning Administrator and/or City Council. This exemption applies to:

- Up to 7,500 square feet of building area for one or more qualifying businesses, such as nonprofit organizations; other cultural/public services providers; and existing neighborhood-serving retail businesses, providing goods and services to residents in the surrounding area and generally excluding businesses with multiple regional, statewide and/or national locations.

An agreement or similar notice of development restriction shall be recorded on the property deed to identify the approved FAR exemption and reservation of FAR exempt space for qualified small businesses.

- **Flexible FAR.** FAR can be calculated cumulatively across multiple, adjacent parcels that comprise one project site at the discretion of the Zoning Administrator and/or City Council as part of a major redevelopment and/or Master Plan application, and as long as other Plan standards and guidelines are addressed.
- **Dedications for circulation improvements.** New development may be required to provide dedications and/or easements deemed necessary for circulation. Public right-of-way improvements, new paths, or other circulation improvements, and utility easements will not be deducted from the site's gross lot area for the purposes of calculating FAR.

#### Open Area Standards

- **Common usable open space (residential).** Residential projects shall provide a minimum of 175 square feet of common usable open space per residential unit. See Section D for more information.
- **Minimum open area/landscaping:**
  - Non-residential: 15%
  - Mixed-Use/Residential/Hotel: 40%
- **Consolidate spaces.** Open area shall be consolidated in usable setback and open space areas wherever feasible.



Conceptual drawing illustrating land use, building design, and streetscape concepts found in the Mixed Use Corridor subarea standards.

**TABLE 4-3** Mixed Use Corridor Intensity and Height Standards

	INTENSITY TYPE	
	Base	Tier 1
<b>MAXIMUM FLOOR AREA</b>	1.35 Up to 0.50 can be office or commercial	1.85 FAR Up to 0.50 FAR can be office or commercial
<b>MAXIMUM STORIES</b>	3 stories	4 stories <sup>1</sup>
<b>MAXIMUM BUILDING HEIGHT</b>	45 feet	55 feet <sup>1</sup>
<b>PUBLIC BENEFITS REQUIREMENT</b>	No public benefit contribution required.	Public benefit contribution required.

*1. Up to 5 stories (65 feet) will be considered on a case-by-case basis if project provides significant public benefits or major open space improvements per Figure 4-2. Additional height (in feet) may be allowed if needed to accommodate commercial uses.*

## Mixed Use Center Subarea

This subarea covers the central portion of the Plan Area (see Figure 4-2), and is generally bounded by San Antonio Road to the west, California Street to the north and El Camino Real and Latham Street to the south. This area prioritizes regional retail, “big-box” or “mid-box,” uses and mixed-used residential development with active ground floor uses and character. In the future, residential development may occur above regional retail uses, and there is particular focus for mixed-use residential development in the northeast corner of the existing San Antonio Center, where mixed-use residential development will help create an active pedestrian corridor.

The intensity and height standards below apply to all projects in the Mixed Use Center subarea. Applicants shall use the base intensity and height standards below, unless a Tier 1 development is requested according to the standards below and the administrative process described in Chapter 5.

### Intensity and Height Standards

The Mixed Use Center subarea is the primary location in the Plan for taller, mixed-use development. These higher intensities and building heights help support development of the open space amenities, circulation improvements and goods and services planned for the subarea. The Plan uses frontage setbacks and upper floor step back standards to preserve the pedestrian scale. Table 4-4 provides the details of the following intensity and height standards.

- **Base Floor Area Ratio (FAR).** To build to the Base FAR, a proposal shall meet the development standards identified in Table 4-4. Public benefits are not required.
- **Tier 1 FAR.** If a development proposes higher FAR and heights (as identified in Table 4-4), the Tier 1 process will be required, including an agreement specifying required public benefit contributions.
- **Exemptions from FAR calculations.** Floor area for existing small businesses preserved as part of a new development or relocated small businesses is exempt from FAR calculations at the discretion of the Zoning Administrator and/or City Council. This exemption applies to:
  - Up to 7,500 square feet of building area for one or more qualifying businesses, such as nonprofit

organizations; other cultural/public services providers; and existing neighborhood-serving retail businesses, providing goods and services to residents in the surrounding area and generally excluding businesses with multiple regional, statewide and/or national locations.

An agreement or similar notice of development restriction shall be recorded on the property deed to identify the approved FAR exemption and reservation of FAR exempt space for qualified small businesses.

- **Flexible FAR.** FAR can be calculated cumulatively across multiple, adjacent parcels that comprise one project site, at the discretion of the Zoning Administrator and/or City Council as part of a major redevelopment and/or Master Plan application, and as long as other Plan standards and guidelines are addressed.
- **Special building height standards.** Per Table 4-5, upper floors on new development along open space and greenways are required to step back to provide sunlight to the open space and avoid a canyon effect. Building walls on upper floors shall have voids and podium open space areas facing the public open spaces and greenways. Buildings of 6 stories or greater are required to provide significant public benefits specified in Chapter 5, prior to approval.
- **Dedications for circulation improvements.** New development may be required to dedicate street easements for public right-of-way improvements. These easements shall be part of the site’s gross lot area for the purposes of calculating FAR.

### Open Space Standards

- **Common usable open space (residential).** Residential projects shall provide a minimum of 175 square feet of common usable open area per residential unit. See Section D for more information.
- **Minimum usable open space/landscaping.** A minimum of 15 percent of the total parcel area is required to be open space; it shall be consolidated in major, publicly-accessible locations.
- **Exclusions.** The following are not included in the minimum requirement: Streetscape/landscaping and amenity areas, including individual entry plazas or other open spaces for office and mixed-use buildings, or private common open space for residential uses.



Conceptual drawing illustrating land use, building design and streetscape concepts found in the Mixed Use Center subarea standards.

**TABLE 4-4** Mixed Use Center Intensity and Height Standards

	INTENSITY TYPE	
	Base	Tier 1
<b>MAXIMUM FLOOR AREA</b>	0.35 FAR or an addition of less than 20% of existing square footage on a parcel at the time of Plan adoption, whichever is less.	2.35 FAR Up to 0.75 FAR can be office or commercial
<b>MAXIMUM STORIES</b>	2	6 <sup>1</sup>
<b>MAXIMUM BUILDING HEIGHT</b>	35	75 feet <sup>1</sup>
<b>PUBLIC BENEFITS REQUIREMENT</b>	No public benefit contribution required.	Public benefit contribution required.

*1. Up to 8 stories (95 feet) will be considered on a case-by-case basis for a project with significant public benefits. Additional height (in feet) may be allowed if needed to accommodate commercial uses.*

Plan and subsequent Planned Community Permit demonstrates conformance with the purpose and intent of the Precise Plan, including but not limited to provision of open space and circulation improvements, superior building siting and architectural design, and neighborhood transitions; 2) the overall FAR of the Master Plan does not exceed the allowable FAR of the combined subject parcels; and 3) the maximum allowable building heights are not exceeded.

### **Administrative Process**

The Master Plan shall be reviewed by the Environmental Planning Commission, who will forward a recommendation to the City Council for final action. Planned Community Permits submitted under an approved Master Plan shall be generally consistent with the Plan's permitting processes. Planned Community Permits for up to "Base FAR" development may be reviewed and approved by the Zoning Administrator. "Tier 1" development may be reviewed by the Zoning Administrator, who will forward a recommendation to the City Council for final action. Projects deemed complete prior to Plan adoption are exempt from the Master Plan process and standards.

### **Transfer of Development Rights for Public Schools**

The Plan allows some transfer of development rights (TDR) to support Plan policies encouraging creative partnering solutions for development of a public school to meet the needs of the Plan Area. This section outlines the process for consideration of any TDR proposal.

### **Conditions for Application**

TDR is a voluntary process. A property owner may submit a TDR application only if they have partnered with the School District to develop a public school in the Plan Area. The TDR process may allow a transfer of FAR within a single contiguous project site to transfer FAR from a property provided for a public school ("sending site") to a different property in the Plan Area ("receiving site").

### **Administrative Process**

A proposal for a transfer of development rights will require submittal of a gatekeeper application for a Precise Plan Amendment to evaluate and define the locations and standards for the proposed TDR, including the amount of transferable FAR.

## **Public Benefits Program**

Public benefits refer to development contributions made by property owners or developers to provide benefit to the Plan Area in exchange for approval to develop additional intensity. The Plan defines "Base" FAR for each subarea in Chapter 4. Any development above the Base FAR shall provide public improvements and/or equivalent resources to improve quality of life in the Plan Area or city and to help implement the Plan. This exchange is voluntary for the applicant and the City. The following sections identify public benefits expectations, priorities and other strategies.

### **Public Benefit Requirements**

- **Agreement required.** Any developer taking part in the Public Benefits Program will be required to enter into a binding agreement with the City to specify the public benefit(s) that will be provided in exchange for the higher development intensity that is requested. The City will negotiate the terms of the Agreement, including the period during which the development entitlement will be available to the developer and public benefits that will be provided by the developer. A developer may elect to negotiate this agreement in the form of a Development Agreement as defined in the Zoning Ordinance.
- **Public benefit value.** Tier 1 development projects shall provide public benefits, with incremental value proportional to the proposed development intensity (e.g. building square footage) above Base FAR. Public benefit value shall not be required for aboveground parking structures in the Mixed Use Center subarea or underground parking. The per square foot value will be updated periodically by the City, consistent with CPI, or if necessary to address market changes, based on maintaining a reasonable development return for a range of parcel and project sizes as well as consideration of whether overall development costs remain competitive with nearby communities (taking into account comparable development and existing fees).
- **Cost increases.** If the costs of providing agreed-upon public benefits increase after entitlement, the public benefit package will still be required.

### Public Benefits List

The public benefits in Table 5-1 were determined through the Plan process. Other benefits may be determined in the future or may be identified during the development review process based on local, Plan Area needs. The City will maintain a prioritized list of public benefits. In general, public benefits should be provided within or accessible from the Plan Area.

Project applicants may elect to directly construct or provide the benefits in Table 5-1, if they can demonstrate to the satisfaction of the City that the value of the public benefit is equivalent to the value identified above. Provision or construction of benefits is preferred. However, the City will have the discretion to accept a monetary contribution to construct the benefit or improvement.

Examples listed in Table 5-1 are not intended to limit the City's discretion to determine the appropriate public benefit value required in exchange for increased intensity.

### Public Access and Utility Easements

The Plan relies on increased sidewalk widths and planter areas, new and improved bicycle facilities and new connections through large blocks to achieve the Plan's envisioned urban design, pedestrian environment and overall connectivity conditions. These improvements are necessary to accommodate the increased pedestrian and bicycle activity resulting from development, since existing improvements are often narrow, discontinuous and do not provide adequate buffer or integration with the roadway system.

New connections are necessary to reduce travel distances and provide more direct connections between Plan Area destinations and from surrounding areas to Plan Area destinations. These improvements will result in a smaller network of blocks that is more consistent with standard City blocks. New development will also require new, onsite infrastructure to provide public utility services to future users.

The following are requirements for easements, improvements related to new sidewalk widths and bicycle facilities, new connections through sites, and utility infrastructure:

- **Public sidewalk widening, bicycle facilities and easements.** Proposed public street design, including sidewalk widths and bicycle facilities are identified in Chapter 3. Where existing public street frontages do not meet these standards, public access easements will be required from private property owners to provide compliant improvements to support the Plan Area's pedestrian activity. The necessary easement widths will vary based on street frontage and current property line locations.

These easements and improvements will be required with the following permit types:

- Major Planned Community Permits
- Minor Planned Community Permits involving site plan changes, parking reconfiguration, or demolition of all or portions of structures along public street frontages.

These easements and/or widening improvements may be required with the following permit types, based on the cost, extent, or intensity of the project as determined through the development review process:

- Minor Planned Community Permits, not involving improvements along public streets
- Provisional Use Permits

For purposes of illustration, projects may include but are not limited to: façade remodels, changes in use of a major tenant or parking reductions (Section 36.32.65 of the Zoning Ordinance). When requirements for sidewalk improvements are determined by the City to be unreasonable based on project scope, an irrevocable offer of dedication may be required so improvements can be built in the future.

If the project site has existing, non-conforming structures, public utilities or heritage trees within the required easement or improvement areas, the Zoning Administrator will determine the dimensions of the easement and improvements based on the location and type of structure and heritage tree ordinance and policies.

- **Connections through private property and public access standards.** Standards and locations for new publicly-accessible pedestrian and/or bicycle connections through project sites are identified in Chapter 2 (multimodal circulation plans), Chapter 3 (mobility improvement standards),

<b>TYPE OF PUBLIC BENEFIT</b>	<b>EXAMPLES OF PUBLIC BENEFIT</b>
Affordable Housing	Development of affordable units on- or off-site, including: <ul style="list-style-type: none"> <li>• Provision of units over and above the amount required under existing regulations. On-site units preferred over off-site units.</li> <li>• Provision of units instead of payment of housing impact fees.</li> </ul>
Pedestrian and bicycle amenities	On-site and off-site pedestrian and bicycle improvements, above and beyond those required by the development standards. These may include but are not limited to: <ul style="list-style-type: none"> <li>• Enhanced pedestrian-oriented streetscapes.</li> <li>• Protected bicycle lanes and pedestrian pathways, improved bicycle and pedestrian crossings/signals, bicycle racks/shelters.</li> <li>• New pedestrian and bicycle connections to transit facilities, schools, neighborhoods, etc.</li> <li>• Removal or contribution to removal of existing pedestrian and bicycle barriers (e.g. grade-separated crossings).</li> <li>• Upgrading traffic signals to enhance pedestrian and bicycle safety.</li> </ul>
Public parks and open space	Providing publicly accessible parks, plazas, tot lots, etc., above and beyond existing Park Land Dedication Fees and required open area standards or contributions to off-site publicly accessible open spaces available to the community.
Other	<ul style="list-style-type: none"> <li>• Contributions to and/or space provided for community facilities, affordable small business/non-profit spaces, etc.</li> <li>• Providing publicly accessible parking to serve area-wide/shared parking needs.</li> <li>• Off-site utility infrastructure improvements above and beyond those required to serve the development.</li> <li>• Funds in lieu of improvements.</li> <li>• Other public benefits proposed by the developer and approved by the City Council.</li> </ul>

and Chapter 4 (block standards). Public access easements and improvements will be required from private property owners to provide compliant improvements supporting the Plan Area’s pedestrian activity. These easements and improvements will be required with the following permit types:

- Major Planned Community Permits
- Minor Planned Community Permits involving major remodels, site plan changes, and parking reconfigurations.

For Minor Planned Community Permits, the Zoning Administrator will determine the scope of the required easements and improvements based on the cost, extent, or intensity of the project as determined through the development review process.

For Major Planned Community Permits and Master Plan applications, the Zoning Administrator and/or City Council may consider exceptions to requirements to provide public access easements on certain roadways based on the function of the roadway and the provision of other publicly accessible connections.

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