

11/19/24

Item 7




**City of Santa Clara**  
**City Council**  
**November 19, 2024**

**Item 7 RTC 24-1022**  
**4590 Patrick Henry Drive**  
**Vesting Tentative Parcel Map**

Reena Brilliot, Director of Economic  
Development & Sustainability

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4590 Patrick Henry Drive – Vesting Tentative Parcel Map



**City of  
Santa Clara**  
The Center of What's Possible

## Request

**Vesting Tentative Parcel Map** to subdivide the 2.79-acre property at 4590 Patrick Henry Drive into two lots to accommodate the construction of a new eight-story 284-unit multi-family residential building on a 2.24-acre lot. The other lot will be a 0.55-acre public park that is dedicated to the City.

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**POST MEETING MATERIAL**

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## Project Site

- 2.79-acre site
- Zoning: Urban Village (UV)
- General Plan: Urban Village
- Specific Plan: Patrick Henry Drive Specific Plan
- Surrounding Uses: Industrial and offices north, east and south. Calabazas Creek to the west.



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## Background

- Project's Architectural Review (File PLN24-00290) was continued from October 16, 2024 Development Review Hearing (DRH) and approved at the November 13<sup>th</sup> DRH.



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## Considerations

- The proposed Vesting Tentative Parcel Map was reviewed by the City's Subdivision Clearance Committee and determined to be complete on April 2, 2024
- Proposed subdivision is consistent with the General Plan, Patrick Henry Drive Specific Plan, Zoning designations and other applicable codes.
- The proposed subdivision will create a new 0.55-acre public park, part of the 1.75-acre public park that straddles the south property lines as identified in the Specific Plan.

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## Staff Recommendation

1. Determine that the Project utilize prior Patrick Henry Specific Plan Environmental Impact Report per Section 2108.3 and 15183 of the CEQA Guidelines; and
2. Approve a Vesting Tentative Parcel Map to subdivide one lot into two lots at the property located at 4590 Patrick Henry Drive.

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## **4590 Patrick Henry Drive**

### **Patrick Henry Drive Specific Plan**

- Urban Village:
  - Residential Density: **100-149** dwelling units/acre
    - Project: **127** dwelling units/acre
  - Height Range: **5-12** stories
    - Project: **8** stories
  - Maximum Height: **160** feet
    - Project: **86** feet

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## 4590 Patrick Henry Drive

### Renderings



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**City of  
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## 4590 Patrick Henry Drive

### Renderings



Proposed Rendering

BAR architects  
& interiors

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## 4590 Patrick Henry Drive

### Maximum Building Height



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## 4590 Patrick Henry Drive

### Waivers/Concessions

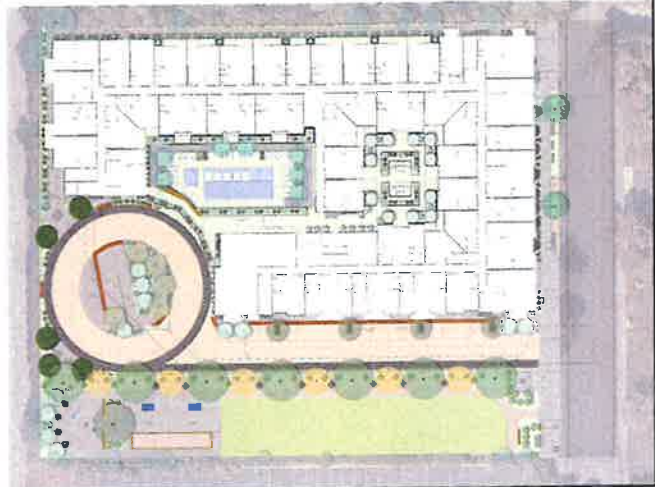
- **Site Constraints:** emergency vehicle turnaround and dedicated park on the southern border of the site.
- Project submitted pursuant to the Housing Crisis Act of 2019 (Senate Bill 330). A State Density Bonus Law Application was submitted, and the proposed project received 3 waivers and 1 concession from the Patrick Henry Drive Specific Plan:
  - **Waiver 1:** Guideline 5.5.2.5 For locating bedrooms towards street frontage.
  - **Waiver 2:** Standard 5.6.1.2 Limit the uninterrupted length of a building or complex to no more than 330 feet
  - **Waiver 3:** Standard 5.6.1.9 5-foot average step back at 70' and daylight plane along Calabazas frontage.
  - **Concession 1:** Standards 5.3.1.3 and 5.5.3.5. Create a 20-foot-wide continuous pedestrian

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## Project Details

- 284 New Residences | 127 du/acre
- 15% or 42 affordable units
- 324 Vehicle Parking Stalls with EV chargers
- 303 bicycle racks
- 8-stories | 86' height
- New 0.55 acre turn-key public park and over \$8 million in park fees



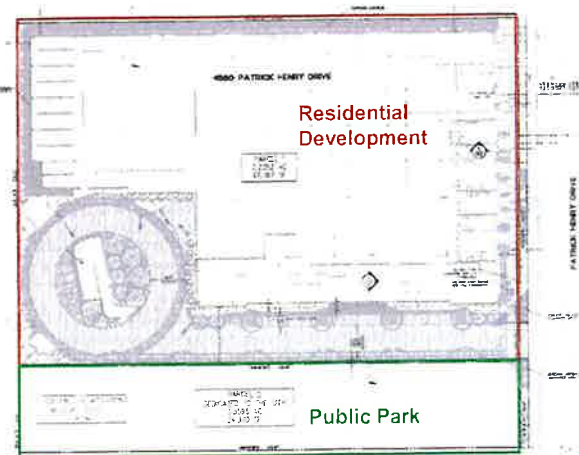
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## Subdivision

### One parcel into two lots

- **2.24-acre lot:** Development of an 8-story 284-unit multifamily residential building
- **0.55-acre lot:** Public park dedicated to the City



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RTC 24-1022

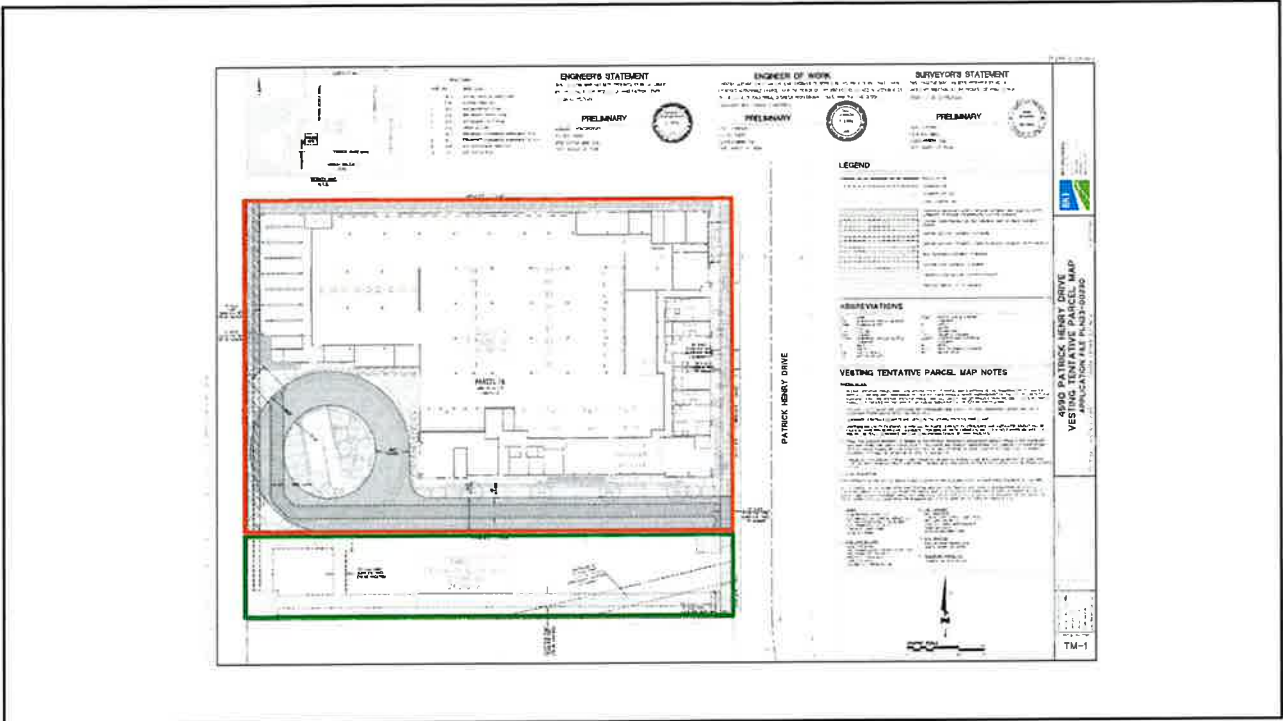


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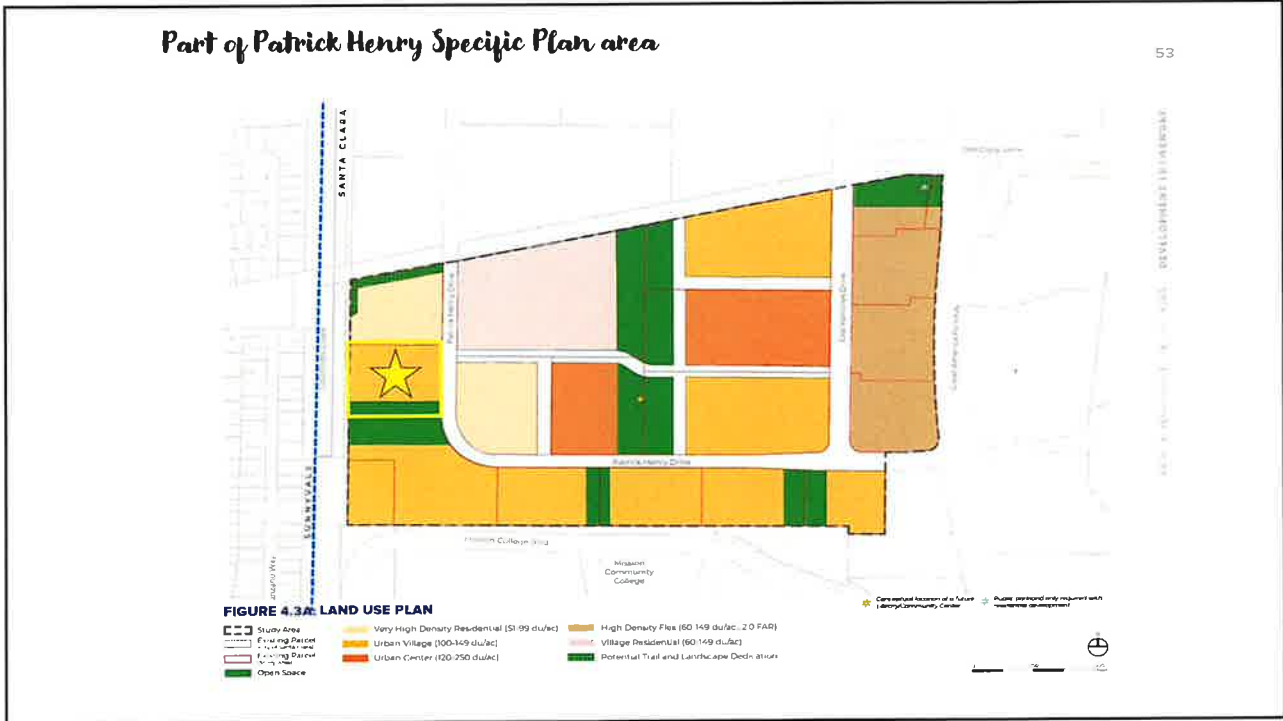


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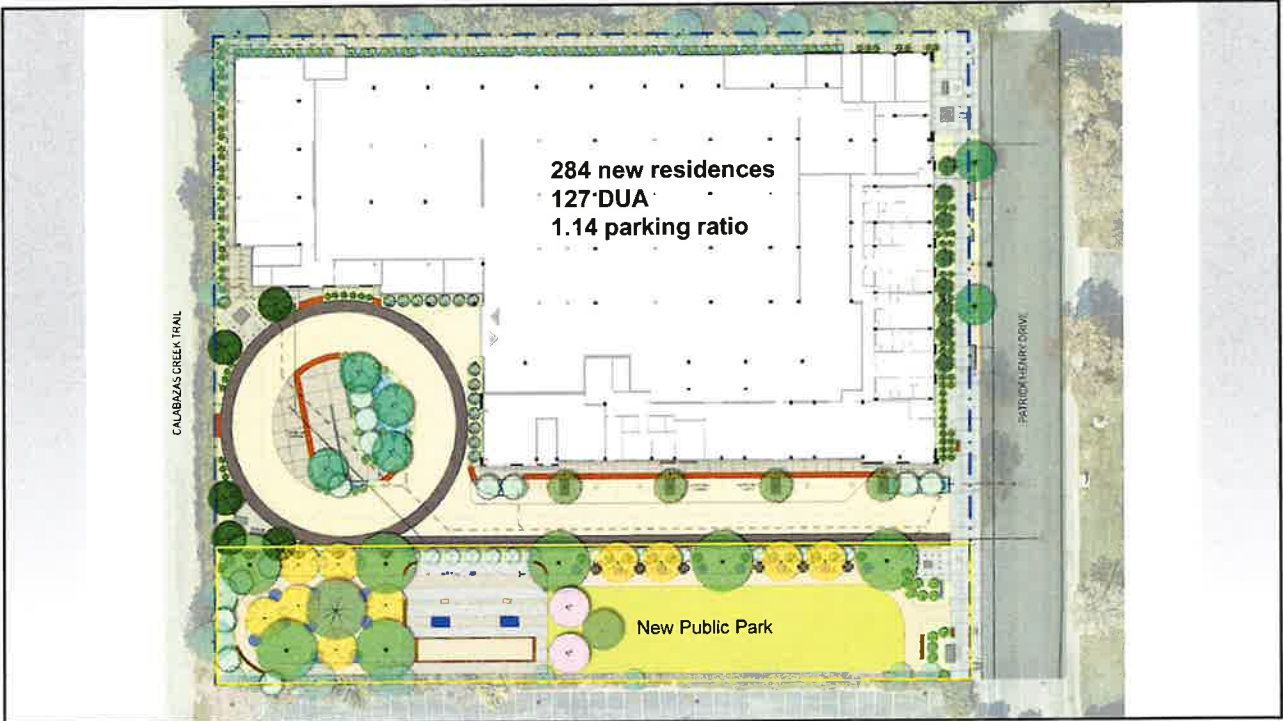




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## Extensive Public Outreach

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- ***Patrick Henry Specific Plan and EIR process – 2017–2022***

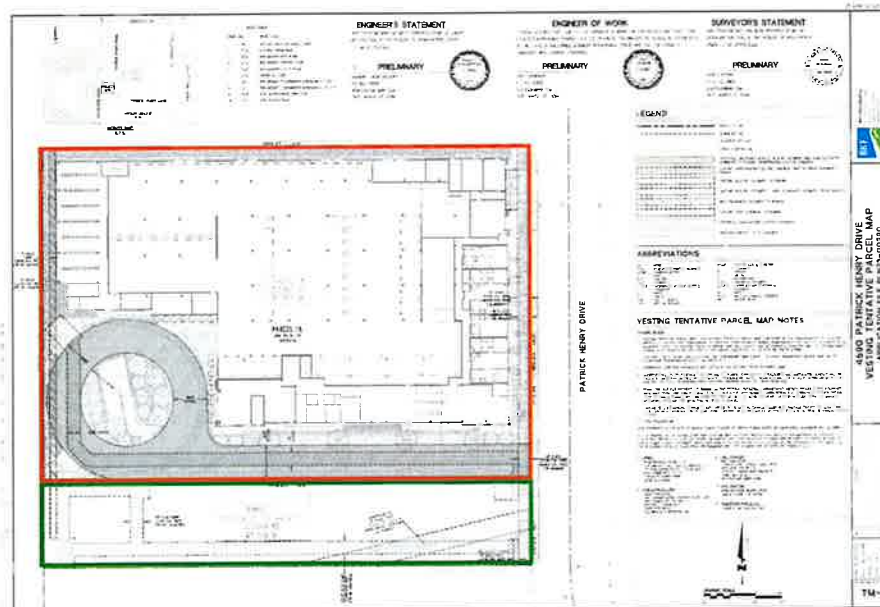
- Presentation to Parks & Recreation Commission – March 19, 2024
- Park Survey – March 20 – April 12, 2024
- Neighborhood Meeting – 1,320' radius – April 10, 2024
- Pop-Up Event at Senior Center – April 2, 2024
- Pop-Up Event at Community Center – April 2, 2024
- CEQA Comment period – April 26 – May 26, 2024
- Presentation to Greenbelt Alliance – June 26, 2024
- Presentation to Lakewood Village N'hood Assc'n – July 10, 2024
- Development Review Hearing – October 16, 2024
- Parks & Recreation Commission – October 21, 2024
- City Council approval of Park Plan – November 12, 2024

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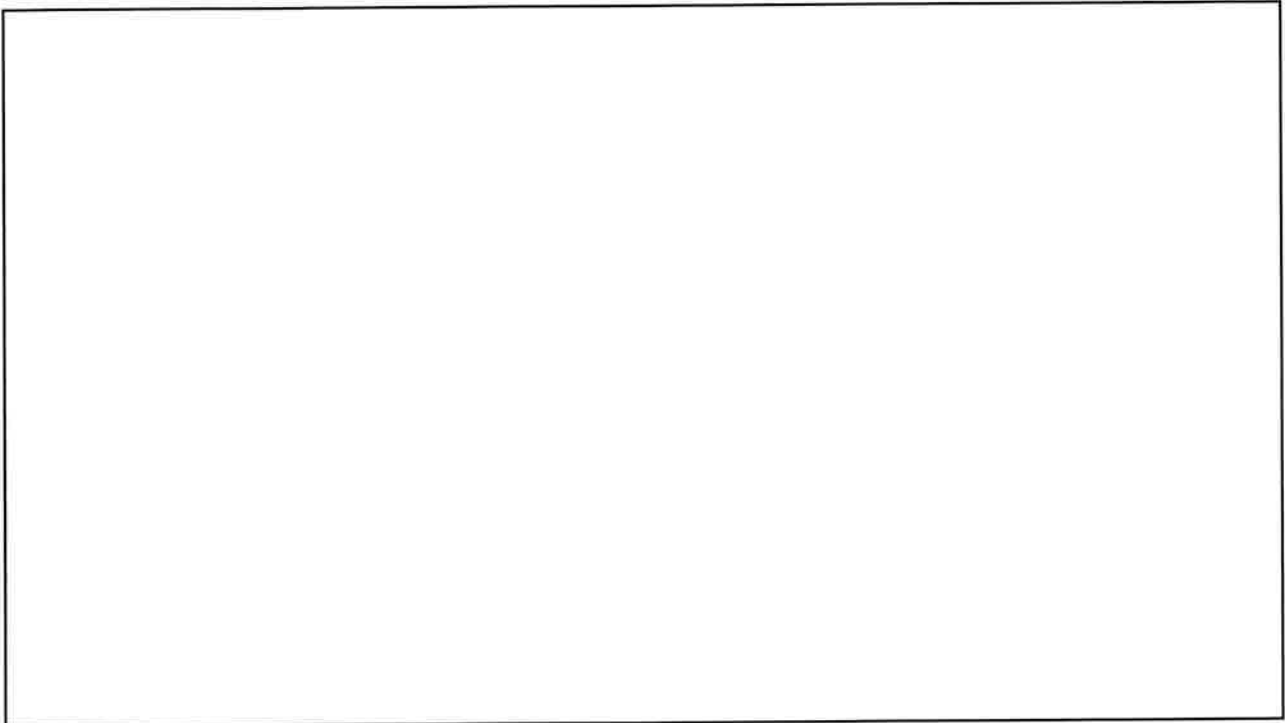
## Project Benefits & Features

- Implements City's Specific Plan vision
- 284 new residences, including **42 affordables** (Very Low/Low/Moderate)
- Highly sustainable, Santa Clara Reach Codes, 100% electric, EV chargers
- Variety of transportation choices:
  - Ace shuttle stop in front of building
  - ½ mile to VTA Light Rail & 5 bus lines
  - Constructing 8' wide buffered bike lane along frontage
  - TDM program
- Delivers a new ½ acre turn-key public park & over \$8 million in park fees
- ***Complies with Zoning Code & Objective Standards***

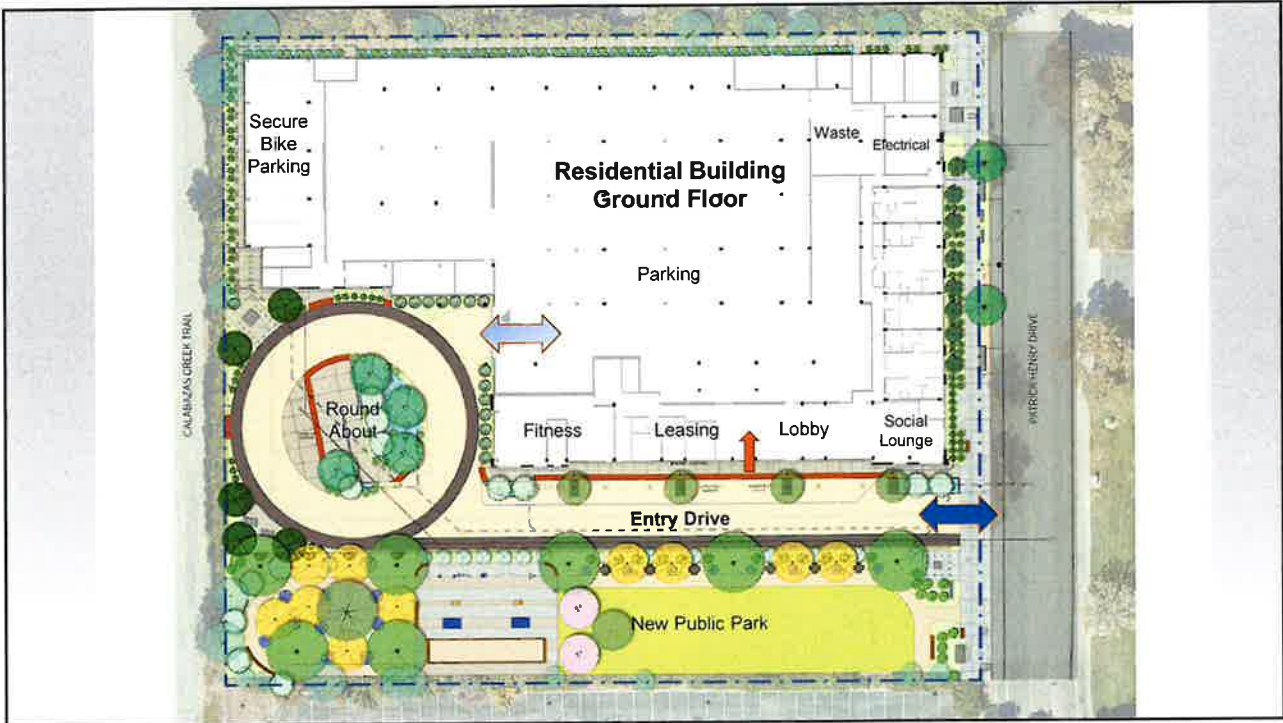
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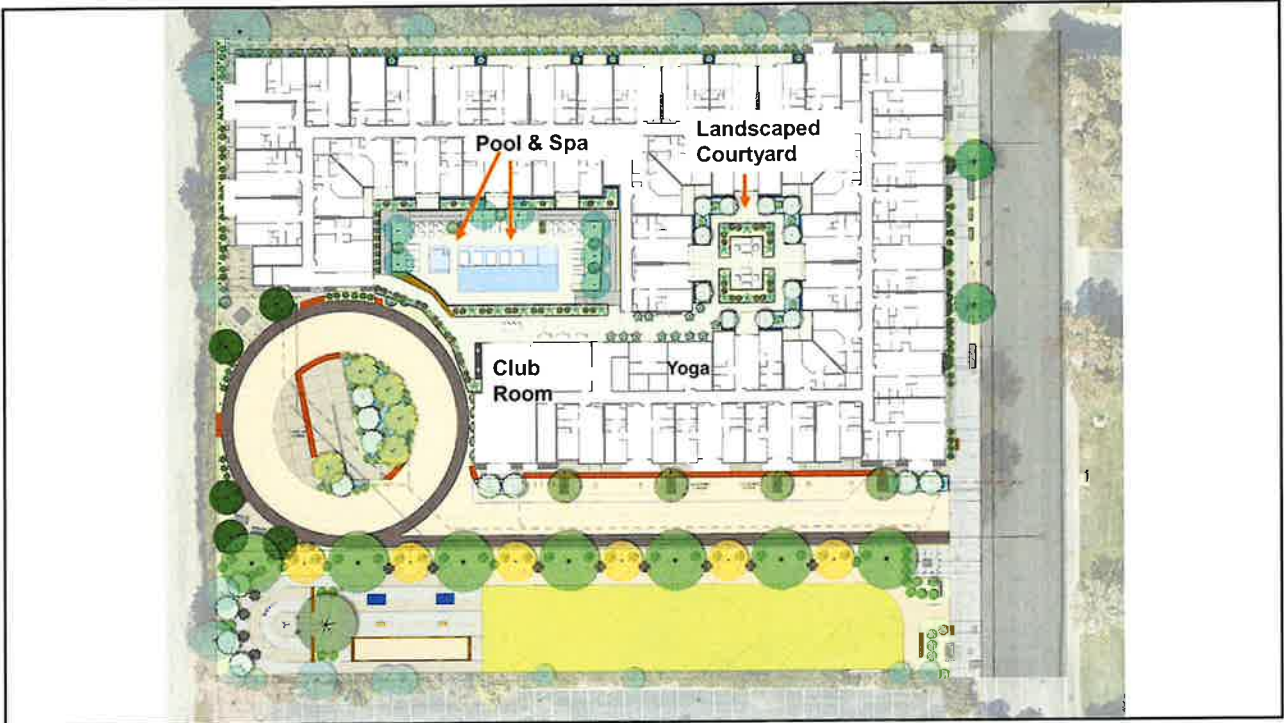


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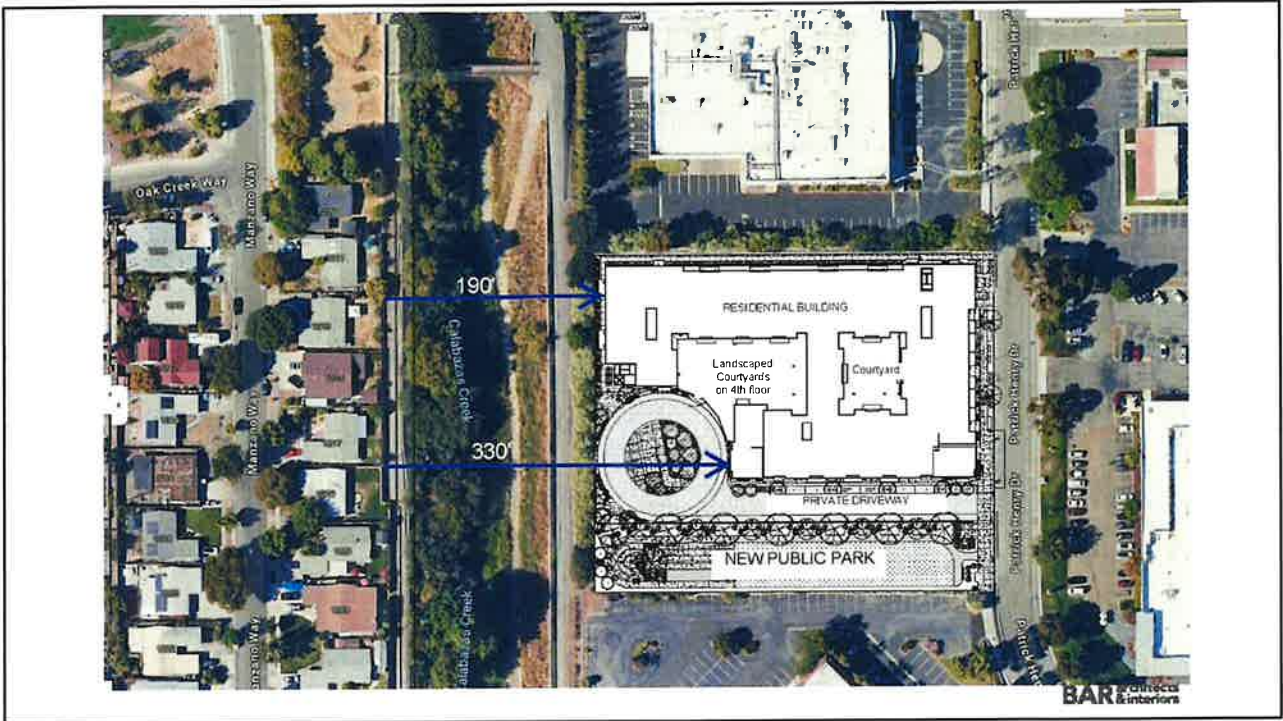


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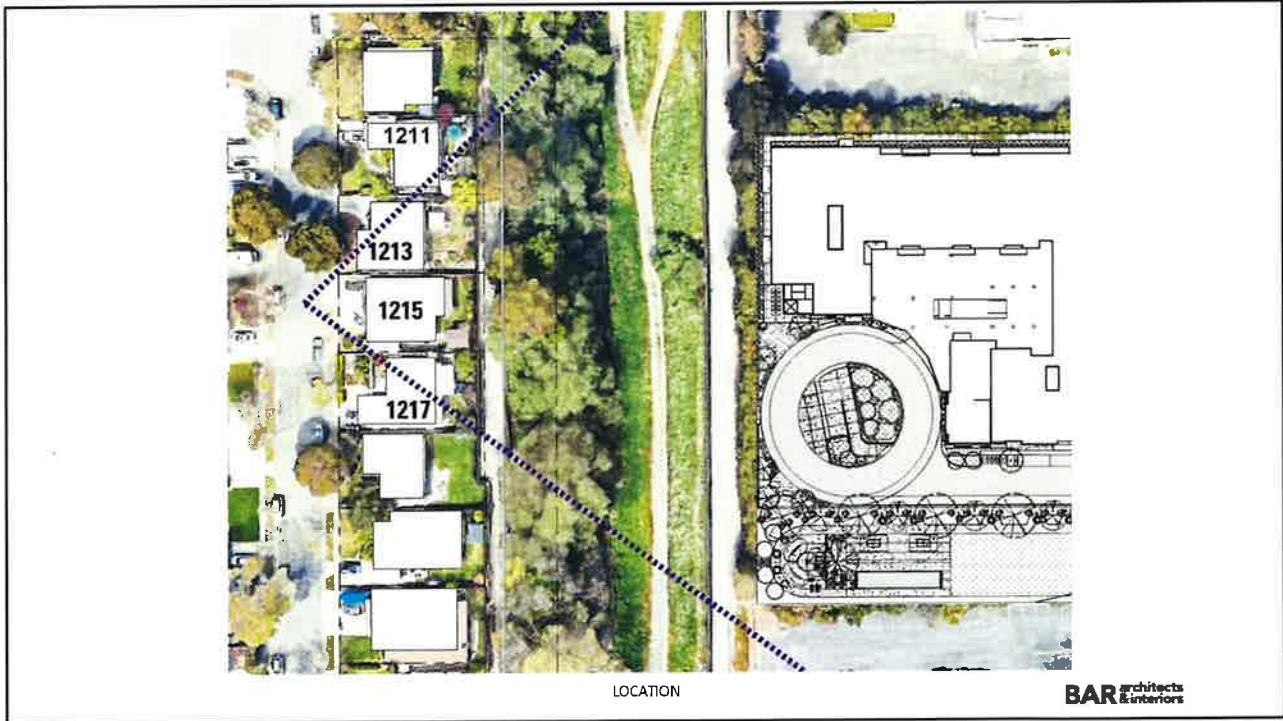


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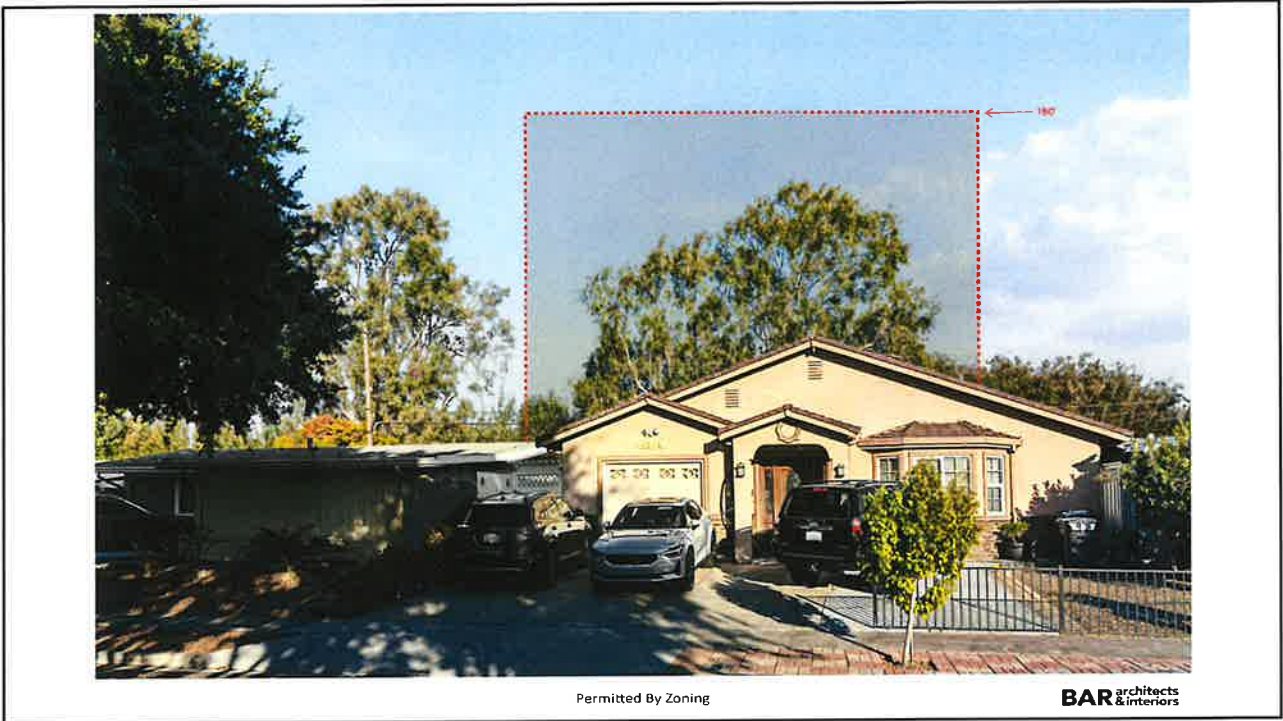


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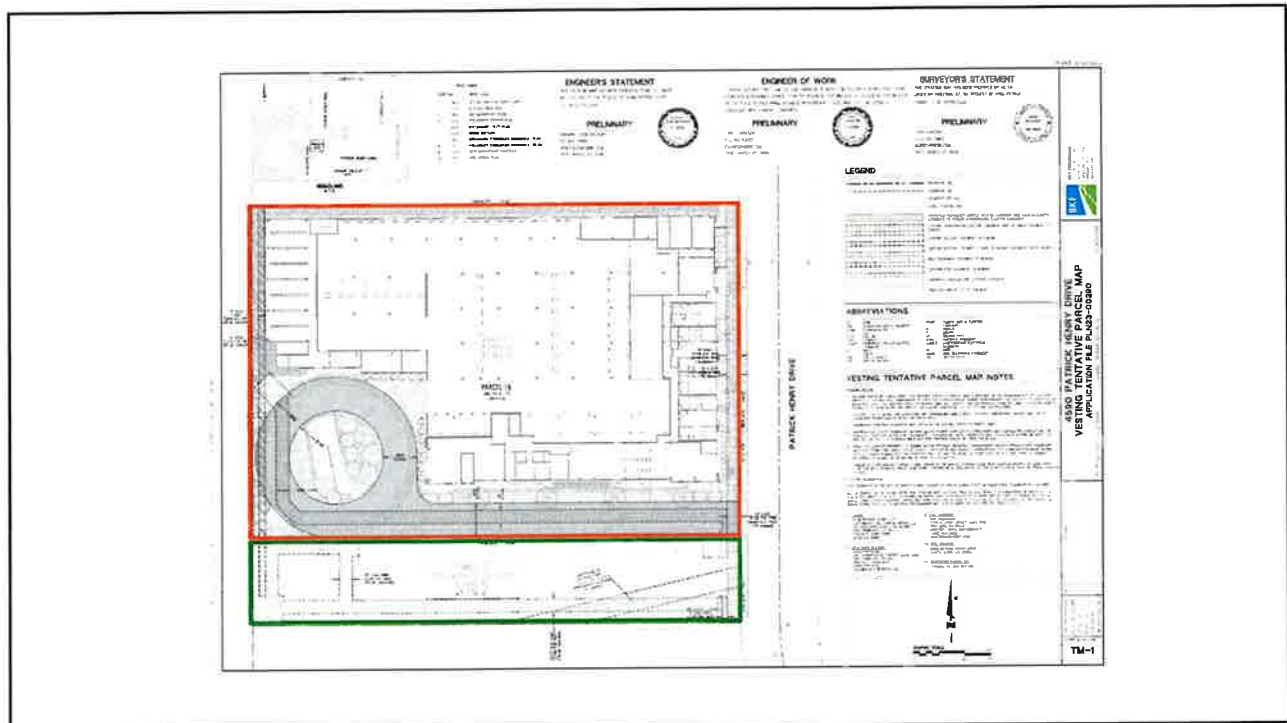




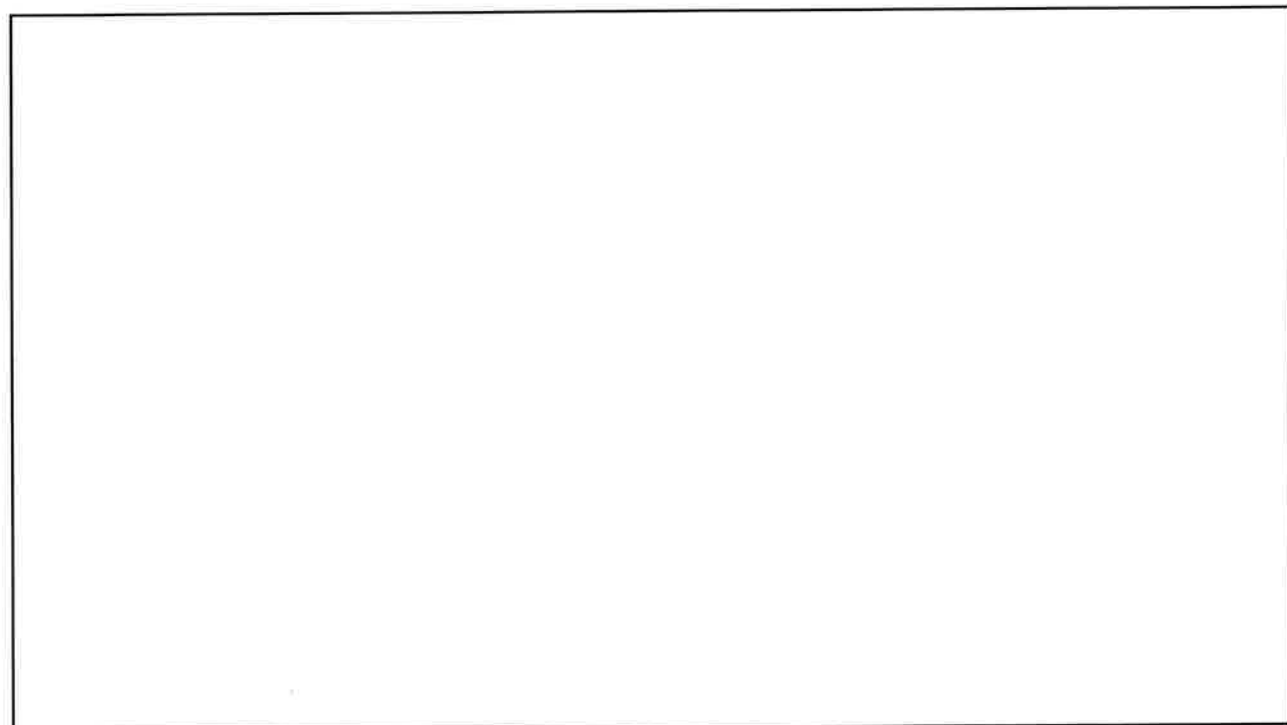
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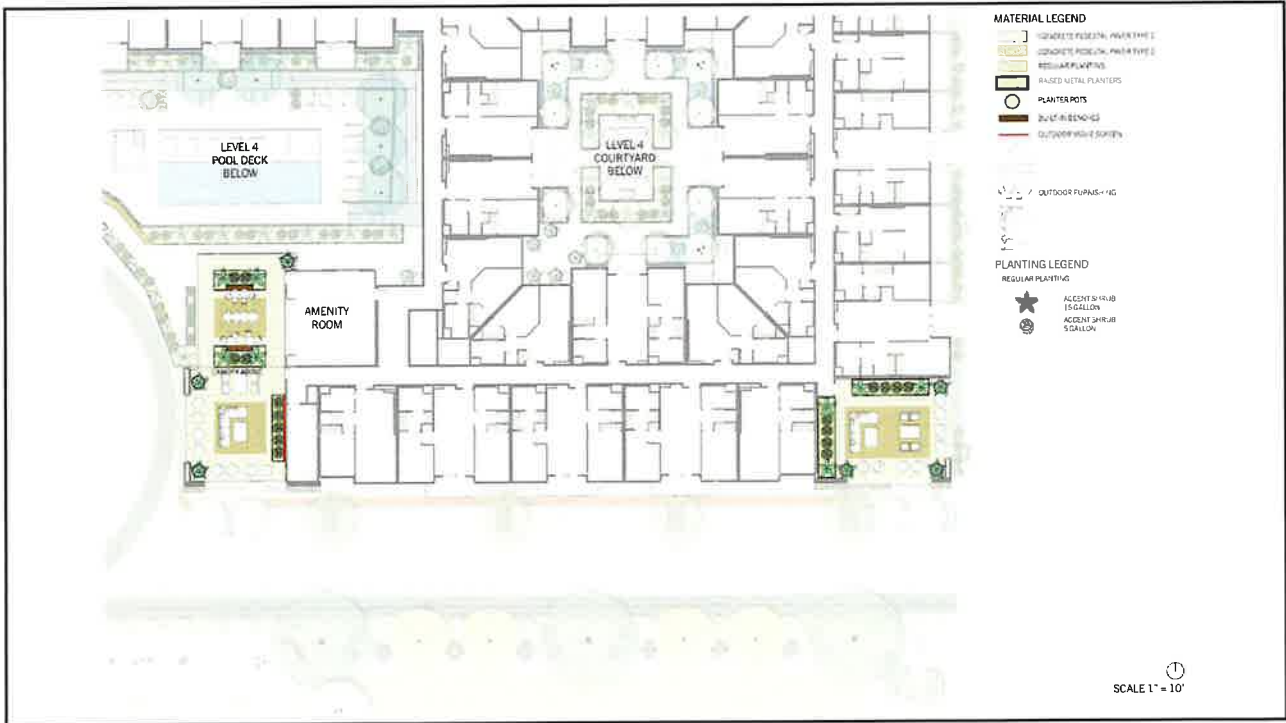
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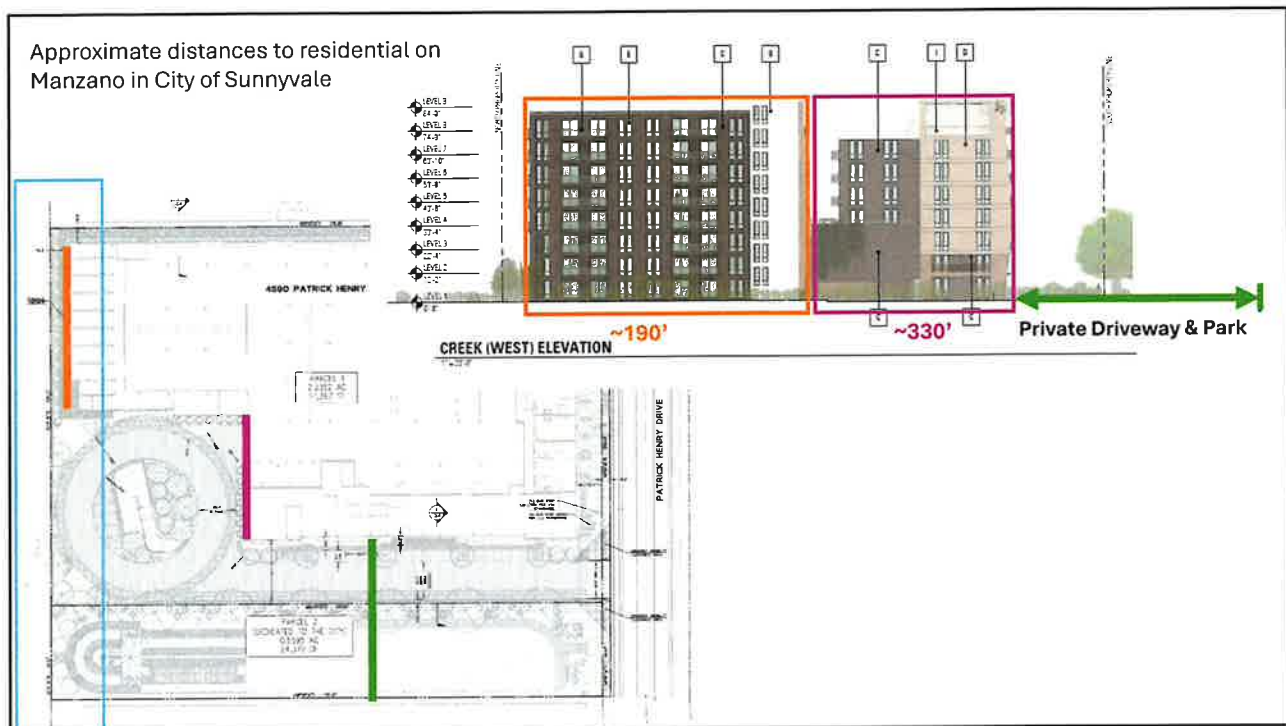


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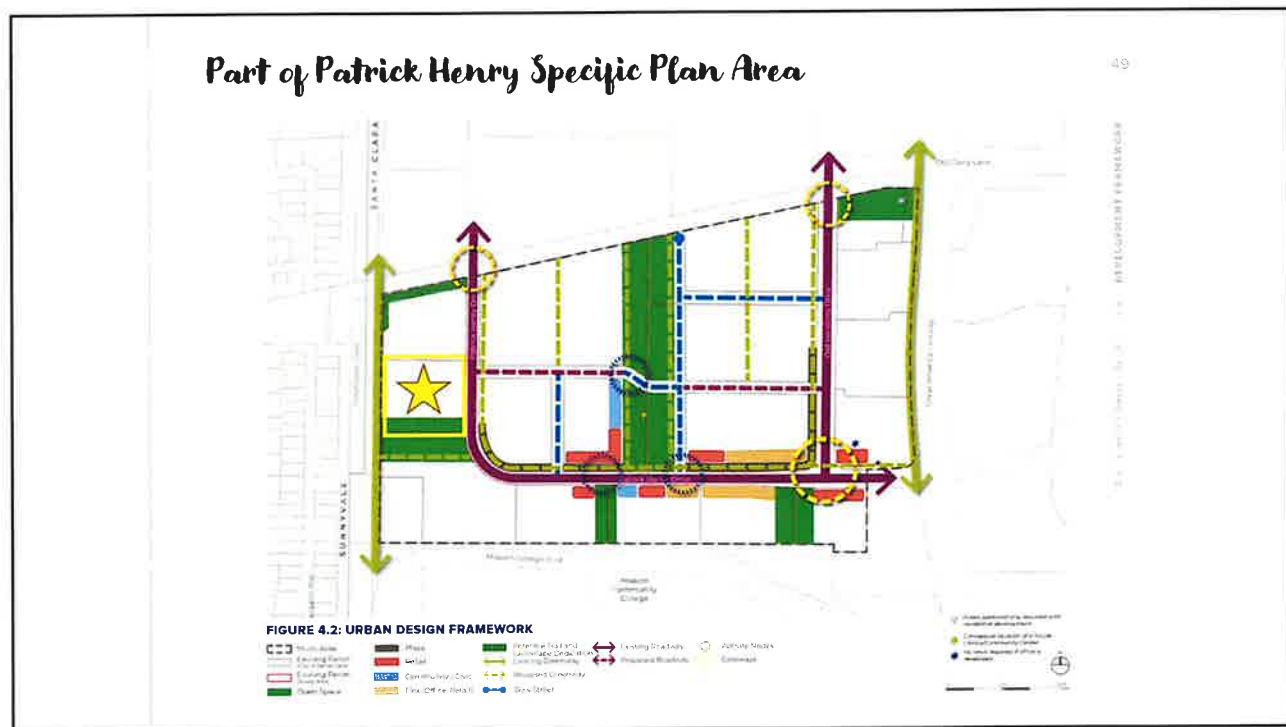


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Nov 19, 2024

City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

**Re: Proposed Housing Development Project at 4590 Patrick Henry Drive**

By email: [MayorAndCouncil@santaclaraca.gov](mailto:MayorAndCouncil@santaclaraca.gov); [lgillmor@santaclaraca.gov](mailto:lgillmor@santaclaraca.gov);  
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[khardy@santaclaraca.gov](mailto:khardy@santaclaraca.gov); [kpark@santaclaraca.gov](mailto:kpark@santaclaraca.gov); [sjain@santaclaraca.gov](mailto:sjain@santaclaraca.gov);  
[abecker@santaclaraca.gov](mailto:abecker@santaclaraca.gov)

Cc: [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov); [CityAttorney@santaclaraca.gov](mailto:CityAttorney@santaclaraca.gov);  
[manager@santaclaraca.gov](mailto:manager@santaclaraca.gov); [planning@santaclaraca.gov](mailto:planning@santaclaraca.gov)

Dear Santa Clara City Council,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Council of its obligation to abide by all relevant state laws when evaluating the proposed 284-unit housing development project at 4590 Patrick Henry Drive, including 42 affordable units, calendared as agenda item 7 for the November 19, 2024 Council meeting. These laws include the Housing Accountability Act ("HAA") and the Density Bonus Law ("DBL").

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subd. (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible unless, again, such written findings are made. (*Ibid.*) As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA's ambit, and it complies with local zoning code and the City's general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA. (Gov. Code, § 65589.5, subd. (j)(3).) The City must therefore approve the project unless it makes written findings regarding health and safety as mentioned above – which it cannot do since the preponderance of the evidence in the record does not support such findings. (*Id.* at subd. (j).)

360 Grand Ave #323, Oakland 94610  
[www.calhdf.org](http://www.calhdf.org)

POST MEETING MATERIAL

The DBL offers the proposed development certain protections. (See Gov. Code, § 65915.) The City must respect these protections. In addition to granting the increase in residential units allowed by the DBL, the City must not deny the project the proposed waivers and concessions with respect to ground floor bedroom location, uninterrupted building length, and building articulation, unless it makes written findings as required by Government Code section 65915, subdivision (e)(1) that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Of note, the DBL specifically allows for a reduction in required accessory parking in addition to the allowable waivers and concessions. (*Id.* at subd. (p).) Furthermore, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Of note, regarding the proposed waivers/concessions the project is requesting pursuant to the DBL, building articulations and step backs, which are required by Patrick Henry Drive Specific Plan Standard 5.6.1.2 and Standard 5.6.1.9, increase construction cost considerably, and their value to the public is unclear. Additionally, any building with double loaded corridors (that is, essentially every apartment building built under the International Building Code, which is the basis for California state building code) will need to place bedrooms nearest the street, contrary to the Patrick Henry Drive Specific Plan Guideline 5.5.2.5, which calls for living rooms and kitchens nearest the street and bedrooms to the interior, as this is the only way for bedrooms to have windows. The City could address this issue by adopting [single stair reform](#), which would bring it in line with European countries that have much [better fire safety records](#).

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: it will provide badly needed affordable housing, it will grow the city’s tax base, it will bring new customers to local businesses, and it will reduce displacement of existing residents by reducing competition for existing housing. CalHDF therefore strongly urges the Council to approve the project, consistent with its obligations under state law.

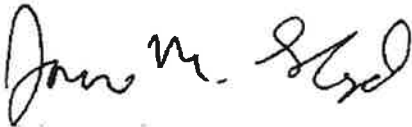
CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).



Sincerely,



Dylan Casey  
CalHDF Executive Director



James M. Lloyd  
CalHDF Director of Planning and Investigations