

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING TITLE 18 OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA” TO ADD CHAPTER 18.27, REGULATIONS FOR THE PATRICK HENRY DRIVE AREA ZONING DISTRICTS, TO CHANGE THE ZONING DESIGNATIONS IN THE PATRICK HENRY DRIVE AREA FROM LIGHT INDUSTRIAL (ML) TO ZONING DESIGNATIONS WITHIN CHAPTER 18.27 FOR THE AREA BOUNDED BY MISSION COLLEGE TO THE SOUTH, GREAT AMERICA PARKWAY TO THE EAST, THE HETCH-HETCHY RIGHT-OF-WAY TO THE NORTH, AND CALABASAS CREEK TO THE WEST; AND ADDING A NEW SECTION 17.40.116 TO CHAPTER 17.40, CITYWIDE AFFORDABLE HOUSING REQUIREMENTS, TO SPECIFY AFFORDABILITY LEVELS APPLICABLE TO THE PATRICK HENRY DRIVE ZONING DISTRICTS

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara (the “City”) intends to allow for the development of a high-density residential neighborhood in the Patrick Henry Drive Specific Plan area;

WHEREAS, on March 8, 2022, the City Council approved a Specific Plan for the Patrick Henry Drive Plan Area, which contemplates a transit-oriented pedestrian-friendly neighborhood of up to 12,000 residential units with supportive retail uses;

WHEREAS, the Patrick Henry Drive Area is one of the “Future Focus Areas” identified in the City’s General Plan, each of which is intended to be a walkable urban neighborhood, with parking reflective of a variety of available transit modes, including bicycle parking;

WHEREAS, the General Plan contemplates that Future Focus Areas will include a variety of forms of high-density urban housing, including podium buildings, residential towers, and residential mixed-use buildings; and,

WHEREAS, on March 8, 2022 the City Council approved a resolution adopting General Plan designations for the Patrick Henry Drive plan area, with residential densities ranging

from 60 to 250 dwelling units per acre; and

WHEREAS, the Patrick Henry Drive Area is currently zoned Light Industrial (ML), which allows for uses such as manufacturing, processing, repairing and storing products; and

WHEREAS, the Santa Clara City Code (“SCCC”) currently does not include any zoning district that would implement the General Plan designations adopted in the March 8, 2022 General Plan Amendment resolution; and

WHEREAS, in order to effectuate the Project and the higher-density residential uses envisioned by the General Plan Amendment, it therefore is necessary to (a) create a new high-density residential zoning district that includes districts applicable to the Patrick Henry Drive plan area, (b) rezone the Patrick Henry Drive Plan Area to those new zoning districts, and (c) to modify bicycle parking standards.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That a new Chapter 18.27, “Regulations for the Patrick Henry Drive Area (PHD) Districts”, is hereby added to Title 18 (entitled “Zoning”), of “The Code of the City of Santa Clara, California” (“SCCC”) as follows:

“Chapter 18.27

Regulations for the Patrick Henry Drive Area (PHD) Zoning Districts

18.27.010 Application.

The regulations set forth in this chapter apply to the Patrick Henry Drive Area (PHD) zoning districts.

18.27.020 Intent.

This Chapter is designed to implement the General Plan designations contained in the

Patrick Henry Drive Specific Plan, creating a high-density, transit-oriented residential district with supportive retail services. Residential uses are authorized in all zoning districts listed below in varying densities, and ground-floor office and retail uses are also allowed in all zoning districts listed below in selected locations. The Patrick Henry Drive Plan area is expected to be implemented over time, and this Chapter contains provisions for the continuation of existing industrial buildings and uses. This Chapter includes the following districts:

Patrick Henry Very-High-Density Residential Zone (PH-R5). The purpose of the PH-R5 Patrick Henry Very-High-Density Residential Zone is to provide land areas for the construction, use, and occupancy of high density and intensity multi-family developments (i.e., low-rise, mid-rise, and high-rise apartments and condominiums). It is the intent of this zone to encourage development to use innovative site planning, provide on-site recreational amenities and be located near major community facilities, business centers, transportation corridors, and/or major thoroughfares. The residential density range for this zone is 51-99 dwelling units per acre. This zone implements the Very High-Density land use designation in the General Plan.

Urban Village (UV). The purpose of the UV Urban Village Zone is to accommodate transit-oriented, multi-family residential development at very-high densities between 5-12 stories within the Patrick Henry Drive Specific Plan. These urban-scale developments feature pedestrian-oriented facades and frontages. Urban Village developments include structured or below-grade parking and shared outdoor spaces proximate to transit. The residential density range for this zone is 100-149 dwelling units per acre. This zone implements the Urban Village land use designation in the General Plan.

Village Residential (VR). The purpose of the VR Village Residential Zone is to accommodate multi-family residential development at very-high densities between 5-12 stories within the Patrick Henry Drive Specific Plan. The residential density range for this zone is 60-149 dwelling units per acre. This zone implements the Village Residential land use designation in the General Plan.

Urban Center (UC). The purpose of the UC Urban Center Zone is to accommodate transit-oriented, multi-family residential development at very-high densities with no height limits except those imposed by the FAA due to flight paths for the San Jose International Airport, within the Patrick Henry Drive Specific Plan area. These urban-scale developments feature pedestrian-oriented facades and frontages. Urban Center developments include structured or below-grade parking and shared outdoor spaces proximate to transit. The residential density range for this zone is 120-250 dwelling units per acre. Densities over 250 du/acre may be allowed for the provision of community benefits agreed upon with the City and formalized in a development agreement. This zone implements the Urban Center land use designation in the General Plan.

High Density Flex (HD Flex). The purpose of the HD Flex High Density Flex Zone is to accommodate transit-oriented, multi-family residential development interspersed with office on four parcels along the eastern edge of the Patrick Henry Drive Specific Plan Area. Allowable height ranges between 5-12 stories. The residential density range for this zone is 60-149 dwelling units per acre. Office development is allowed up to 2.0 FAR, per the choice of property owners. This zone implements the High-Density Flex land use designation in the General Plan.

18.27.030 Permitted Uses and Permit Requirements - Residential.

Residential Buildings (Permit Requirements)	
	P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) -- Not allowed
Land Use (see Article 8 for land use definitions).	PHD Residential Zones
Dwelling, Accessory Units	P
Dwelling, Multifamily	P
Dwelling, Second Unit	-
Dwelling, Single-Family	-
Dwelling, Two-Family	-
Employee Housing	P
Home Occupations	P
Live-Work Facilities	MUP
Mobile Home Park	-
Organizational Houses	-
Rooming and/or Boarding Houses	-
Supportive Housing	P
Transitional Housing	P
Assisted Living Facilities	CUP
Day Care Homes, Up to 14 Children	P
Community Care Facilities, Small	P
Community Care Facilities, Large	CUP
Emergency Shelters	-
Community Gardens	P
Parks and Public Plazas	P
Retail and Office Uses (ground floor only, in mixed-use buildings only)	
Retail	P
Off-sale of alcohol	P
Restaurants, including on-sale of alcohol	P
Bars	CUP
Office Uses	P

18.27.040 Permitted Uses and Permit Requirements – Office and Industrial.

Office and Industrial Uses, HD Flex Zone (Permit Requirements)	
	P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) -- Not allowed
Land Use (see Article 8 for land use definitions).	HD Flex
Residential Uses	
Caretaker Housing	CUP
Transitional Housing Facilities	-
Human Services Uses	
Community Care Facilities, Small	-
Community Care Facilities, Large	-
Emergency Shelters	-
Recreation, Education, and Public Assembly Uses	
Cemeteries and Mausoleums	-
Crematories	-
Fitness Facilities	P
Parks and Public Plazas	P
Public Schools	CUP
Private Schools	CUP
Public/Private Colleges and Universities	-
Equipment/Machine/Vehicle Training Facilities	CUP
Vocational/Trade Schools	-
Utility, Transportation, and Communication Uses	
Broadcasting and Recording Studios	-
Fuel Storage and Distribution Centers	-
Park and Ride Facilities	P
Parking Facilities	CUP
Wireless Telecommunications Facilities and Towers, Co-location/Small Cell	P
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	CUP
Transit Stations and Terminals	P

18.27.050 Existing Buildings and Uses

(a) Notwithstanding any other provision in this Chapter, the lawful use of buildings existing prior to the adoption of this Chapter may continue, and shall continue to be governed by the standards of the prior zoning (including any re-tenanting, maintenance, repair, replacement, modification, expansions and restoration in the event of casualty), until such time as (i) the existing building in its entirety is demolished voluntarily (unless for the purposes of implementing maintenance, repair, replacement, expansion or restoration in the event of casualty), and/or (ii) the existing use (including any expansions) has been discontinued in its entirety or is replaced with a use not permitted in the prior zoning regulations but permitted or conditionally permitted by this Chapter, at which time the prior zoning shall become inapplicable and the other sections of this Chapter shall apply from that point forward.

(b) Allowed Uses. For parcels with legal uses of buildings existing prior to the adoption of this Chapter, permitted uses of the prior zoning district are allowed, and none of the other sections of this Chapter 18.27 shall apply to such building and use, until such time as the existing use (including any re-tenanting, maintenance, repair, replacement, modification, expansions and restoration in the event of casualty) has been discontinued in its entirety as set forth in subsection (a).

(c) Conditional Uses. For parcels with legal uses of buildings existing prior to the adoption of this Chapter, conditional uses of the prior zoning district are conditionally permitted, and none of the other sections of this Chapter 18.27 shall apply, until such time as the existing use (including any re-tenanting, maintenance, repair, replacement, modification,

expansions and restoration in the event of casualty) has been discontinued in its entirety as set forth in subsection (a).

(d) Development Standards. For parcels with legal uses of buildings existing prior to the adoption of this Chapter, development standards of the prior zoning district shall apply, and none of the other sections of this Chapter 18.27 shall apply, until such time as the existing use (including any re-tenanting, maintenance, repair, replacement, modification, expansions and restoration in the event of casualty) has been discontinued in its entirety as set forth in subsection (a).

18.27.060 Development Standards.

Development Feature (minimum unless otherwise indicated)	PH-R5	UV	VR	UC	HD Flex
Parcel Area (minimum) area required for each NEWLY CREATED parcel.					
Parcel Area	10,000	10,000	10,000	8,500	8,500
Street Frontage (feet)	70	70	70	60	70
Structure Coverage (maximum percentage)					
Parcel Area (less than 10,000 sq. ft.)	None	None	None	None	None
Parcel Area (less than 10,000 sq. ft.)	None	None	None	None	None
Setbacks (minimum) - Setback lines are measured from the back of walk.					
Residential (front, side corner and interior)	10	10	10	10	10
Mixed-Use (front, side corner and interior)	0	0	0	0	0
Office (front, side corner and interior)	0	0	0	0	0
Setback Encroachments (i.e., awning, balconies, stoops)	Setback encroachments are allowed per the quantitative standards of the PHD plan.				
Height (maximum) measured in feet					
Height (within 20 feet of the R1-6L, R1-8L, and R2 zones)	32	32	32	32	32
Height (all other zones)	135	160	160	FAA	160
Number of Stories (maximum)					
Number of Stories (all other zones)	10	12	12	FAA	12
Gross Residential Density (minimum to maximum) shown in number of dwelling units per acre					
Allowable Density	51-99	100-149	60-149	120-250	60-149
Recreation Space for Multi-Family Dwellings (minimum) measured in square feet per dwelling unit					
Private Recreation Space (required for a minimum of 50 percent of units)	Per the PDO and PHD plan				
Common Recreation Space (per unit)	Per the PDO and PHD plan				

18.27.070 Parking Requirements.

(a) Minimum Parking Requirements.

Use	For Residents / Employees	For Visitors / Customers
Residential	Minimum 1 space per unit for units greater than 550 SF Minimum 0.5 spaces per unit for units less than 550 SF	Minimum 0.05 spaces per unit
Retail / Flex	None required	Minimum 1 space per 1,000 SF
Office	Minimum one space for each 500 SF of gross floor area	Minimum 1 space per 3,000 SF
Community/Civic	None required	None required

(b) Shared Parking. Parking shared among uses is encouraged, and up to 20% of parking spaces provided may be shared between two uses. For the purposes of this title, those parking spaces shared between two uses count towards the parking requirement of both.

(c) Surface Parking. Surface parking is only allowed as a temporary or interim use.

(d) Mechanical parking stackers/lifts and tandem parking may be used to satisfy minimum requirements.

(e) Unbundled Parking. A maximum of one parking space shall be rented or sold with each unit. Additional parking spaces shall be rented or sold separately.

(i) As an alternative to renting or selling parking spaces separately from residential unit, property managers may implement a parking preference program, with prospective renters without cars put on a separate waiting list from renters with cars, and renters being chosen alternately from the two lists.

18.27.080 Minimum Bicycle Parking Requirements.

(i) For each multi-family unit, one Class 1 bicycle parking space per unit and one Class 2 bike rack, accommodating two bikes, per 15 units is required.

(ii) Mixed-use developments: One Class 1 bicycle parking space per 30 employees and one Class 2 bike rack for every 1,000 square feet of retail, flex or community use.

(iii) Office developments: One bicycle parking space per 6,000 square feet with 75 percent as Class One spaces and 25 percent as Class Two racks.”

SECTION 2: That all parcels in the Patrick Henry Drive Plan Area are hereby rezoned from Light Industrial (ML) to the districts in this Chapter, as indicated on the attached zoning map.

SECTION 3: That a new section 17.40.116 is hereby added to Chapter 17.40, Citywide Affordable Housing Requirements, of Title 17 (entitled “Development”), of “The Code of the City of Santa Clara, California” (“SCCC”) to read as follows:

“17.40.116 Affordability Levels – Patrick Henry Drive Specific Plan.

For either ownership or rental housing developed under the Patrick Henry Drive Area Zoning Districts in the Patrick Henry Drive Specific Plan Area, the following affordable housing requirements apply:

(a) Notwithstanding Subsection 17.40.080(a), residential ownership projects of ten or more units must provide at least fifteen percent (15%) of the units at affordable housing costs for extremely low, very low, low and moderate income households, or some combination of those income categories. A developer shall select income categories for each of the affordable units such that the average income of purchasers will not exceed eighty percent (80%) of AMI. Residential ownership projects of fewer than ten units may either provide one dwelling at an affordable housing cost for a household earning up to eighty percent (80%) of AMI, or pay an in-lieu fee identified for residential ownership projects in the affordable housing master fee schedule.

(b) Notwithstanding Subsection 17.40.090(a), residential rental projects of ten or more units must provide at least fifteen percent (15%) of the units at affordable housing costs made available at affordable rental prices to extremely low, very low, low, and moderate income households as long as the distribution of affordable units averages to a maximum of eighty percent (80%) of AMI. Residential rental projects of fewer than ten units may either provide an affordable unit at an affordable housing cost for a household

earning up to eighty percent (80%) of AMI, or pay an in-lieu fee identified for residential rental projects in the affordable housing master fee schedule.

(c) In-Lieu Fee for Rental Units. In order for residential development projects under the Patrick Henry Drive Zoning Districts in the Patrick Henry Drive Plan Area to satisfy the affordable housing requirement through payment of an In Lieu Fee, the City Council shall establish a fee per square foot for the Specific Plan Area to reflect the reduced average AMI of 80 percent.”

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this XX day of XXXXXX, 2022, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments:

1. Patrick Henry Drive Zoning Map