

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA TO APPROVING A REZONING AND VESTING TENTATIVE PARCEL MAP FROM COMMERCIAL PARK (CP) TO PLANNED DEVELOPMENT (PD) TO ALLOW A RESIDENTIAL DEVELOPMENT CONSISTING OF UP TO 1,100 RESIDENTIAL UNITS, A 2.0 ACRE PUBLIC PARK AND UP TO 2,000 SQUARE FEET OF AMENITY SPACE, LOCATED AT 3905 FREEDOM CIRCLE, SANTA CLARA**

PLN2017-12516 (General Plan Amendment, Rezoning and EIR)

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, on May 13, 2017, the Greystar Corporation (“Applicant”) filed a development application for a 13.3 acre site consisting of two parcels (APNs 104-40-021 and -036) at 3905 Freedom Circle, which is currently vacant (“Project Site”); and

**WHEREAS**, the Applicant has applied to change the General Plan Land Use Designation of the Project Site from High-Intensity Office/R&D (Maximum FAR of 2.0) to Very High-Density Residential (51-100 DU/AC); and

**WHEREAS**, the Applicant has applied to rezone the Project Site from Commercial Park (CP) to Planned Development (PD) to allow a residential development of up to 1,100 dwelling units, a 2.0 acre public park, and up to 2,000 square feet of amenity space (“the Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference; and

**WHEREAS**, the Project application includes a Vesting Tentative Parcel Map to divide the subject property into four lots; and

**WHEREAS**, the project will comply with the C.3 provisions of the Santa Clara Valley Urban Runoff Pollution Prevention Program in place at the time of the approval of the Vesting Tentative Parcel Map; and

**WHEREAS**, in conformance with CEQA, an EIR was prepared for the project, which was noticed and was circulated for a 45-day public review period from December 5, 2021 to December 20, 2021;

**WHEREAS**, the EIR prepared for the project identified potentially significant impacts from the

development of the Project, that with implementation of the mitigation measures identified in the Mitigation Monitoring or Reporting Program (“MMRP”) will reduce potential impacts to a less than significant level and will be incorporated into the Project;

**WHEREAS**, the EIR prepared for the project also identified potentially significant impacts from the development of the Project that could not be mitigated to a less-than significant level, and for which the City Council has adopted a Statement of Overriding Considerations;

**WHEREAS**, Santa Clara City Code (SCCC) Section 18.112.040 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

**WHEREAS**, on April 13, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed rezoning of the Project Site from Commercial Park (PD) to Planned Development (PD), at the conclusion of which, the Planning Commission unanimously recommended approval of the proposed rezoning to the City Council (6-0-1, Commissioner Cherukuru absent);

**WHEREAS**, notices of the public hearing on the proposed project were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor’s roll, on March 30, 2022;

**WHEREAS**, notice of the public hearing on the proposed project was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on May 11, 2022; and

**WHEREAS**, on May 24, 2022, the City Council held a duly noticed public hearing to consider the proposed rezoning of the Project Site from Commercial Park (PD) to Planned Development (PD), at which time all interested persons were given an opportunity to present evidence and provide testimony, both in favor of and in opposition to the proposed rezoning and vesting tentative parcel map.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS**

**FOLLOWS:**

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. Pursuant to SCCC Code Section 18.112.010, the City Council determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable, in that the existing Zoning Code does not allow for residential development and creation of housing opportunities at the project site reflective of the residential densities proposed by the applicant.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area, in that the proposal develops two vacant parcels and will potentially act as a catalyst for additional residential development in the neighboring Freedom Circle Future Focus Area.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that the proposed zone change provides additional residential development opportunities close to jobs in the northern part of Santa Clara.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts in that the proposed zone change would allow flexibility in the development standards to construct residential development that is in the upper range of developments approved within the City of Santa Clara.

3. That based on the findings set forth in this resolution and the evidence in the City Staff Report, EIR, Findings of Fact and Statement of Overriding Considerations and MMRP, the City rezones the Project Site from Commercial Park (CP) to Planned Development (PD) to allow a residential development consisting of up to 1,100 dwelling units, a 2.0 acre public park, and up to 2,000 square feet of amenity space, as shown on the attached Development Plans, incorporated herein by this reference.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 7<sup>TH</sup> DAY OF JUNE, 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 incorporated by reference:

1. Greystar rezoning proposal
2. 8-3-2021 Subdivision Committee Minutes

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