

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT TO
CHANGE THE LAND USE DESIGNATION OF A 1.4-ACRE
PROJECT SITE LOCATED AT 1601 CIVIC CENTER DRIVE,
SANTA CLARA, FROM COMMUNITY COMMERCIAL TO HIGH
DENSITY RESIDENTIAL**

PLN21-15206 (General Plan Amendment and Rezoning)
SCH# 2022060217 (Mitigated Negative Declaration)

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

WHEREAS, on September 2, 2021, Charities Housing (“Owner”) made an application for a General Plan Amendment in connection with development of a 1.4-acre site located at 1601 Civic Center Drive (APN: 224-49-006), which is currently developed with a 28,950 square foot two-story office building, surface parking lot and landscaping (“Project Site”), in order to change the General Plan Land Use Designation to allow a 100 percent affordable multifamily housing development;

WHEREAS, the General Plan Amendment proposes to change the existing land use designation for the Project Site from Community Commercial to High Density Residential (37 to 50 units per acre);

WHEREAS, Owner has simultaneously applied for a Rezone of the Project Site from General Office (OG) to Planned Development (PD) to allow redevelopment of the project Site with the construction of 106 affordable multifamily dwelling units and two caretaker units, for a total of 108 residential units, in a five-story structure with resident amenities, 82 surface and garage parking spaces, landscaping, and public and private improvements (“Project”);

WHEREAS, Santa Clara City Charter Section 1007 requires that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

WHEREAS, on August 3, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Project, at the conclusion of which the Commission recommended to the City Council approval of the proposed General Plan Amendment;

WHEREAS, notice of the public hearing on the proposed General Plan Amendment was published in the *San Jose Mercury News*, a newspaper of general circulation, on November 4, 2022 for the City Council meeting of November 15, 2022;

WHEREAS, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 1,000 feet of the property, according to the most recent assessor's roll, on November 3, 2022 for the City Council meeting of November 15, 2022;

WHEREAS, notice was mailed to each local agency expected to provide water, sewage streets, roads, schools, or other essential facilities or services to the project, including the Santa Clara Unified School District, on November 3, 2022;

WHEREAS, Government Code Section 65355 requires the City Council to hold a public hearing prior to adopting a General Plan Amendment;

WHEREAS, before considering the General Plan Amendment for the Project Site, the City Council reviewed and considered the information contained in the Mitigated Negative Declaration ("MND") for the Project (SCH# 2022060217);

WHEREAS, the City Council has reviewed the General Plan Amendment; and

WHEREAS, on November 15, 2022, the City Council has conducted a public hearing, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed General Plan Amendment.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF 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. General Plan Amendment Findings: That the City Council finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:
 - A. The proposed amendment is deemed to be in the public interest, in that:

The Project is located in an urbanized area served by existing infrastructure municipal services. The Project would contribute 108 multi-family dwelling units to the City's housing stock in proximity to a mixed use and transportation corridor with access to neighborhood and community commercial uses, support services, local and regional transit facilities, outdoor open space and recreation areas. The Project provides 106 affordable dwelling units to low income households and two market rate caretaker units for on-site management and security. The Project would contribute to the City's housing stock and lessen the jobs/housing imbalance in support of the City's General Plan Land Use and Housing goals and policies. The Project incorporates Transition Policies of the General Plan in site and building design to integrate into the community and would implement project conditions of approval to avoid and reduce impacts of development.

B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Project would redevelop an underutilized and currently unoccupied parcel to construct 108 housing units and provide housing opportunities for individuals and families with income levels between 30 to 50 percent AMI; which support the City's Housing Goals and assist the City in achieving RHNA targets for production of affordable housing units as mandated by the State. The General Plan Amendment to allow residential development along with a density bonus would facilitate affordable housing development on the Project Site through an increase in residential density and building height to make the Project economically feasible to construct. The building footprint and height allow the project to maximize open space and private use by the residents, while providing housing at a higher density, and includes common space that is available to the community.

C. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), in that:

A Mitigated Negative Declaration (“MND”) was prepared in accordance with CEQA and the City circulated the MND and Notice of Availability to the public agencies which have jurisdiction by law with respect to the Project, as well as property owners within 1,000 feet of the Project Site and interested persons and organizations; and the City sought the comments of such agencies, organizations and persons.

D. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

A Mitigation Monitoring and Reporting Program has been prepared for implementation with Project development to reduce potentially significant impacts identified in the MND to less than significant.

3. That the City Council, pursuant to Government Code § 65358, hereby amends the General Plan by changing the General Plan Land Use Designation for the Project Site to High Density Residential (37–50 du/ac) to allow high density residential development on the Project Site.

4. That the City Council hereby amends the General Plan by revising Figures 5.2-2 (“Land Use Diagram, Phase II”) and 5.2-3 (“Land Use Diagram, Phase III”) of Subsection 5.2.2 (“Land Use Classifications and Diagram”) of Section 5.2 (“Land Use Diagram”) of Chapter 5 (“Goals and Policies”) of the General Plan, to reflect the General Plan land use change.

5. That based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter the City Council approves the General Plan Amendment.

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6. 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 COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 15th DAY OF NOVEMBER, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA