

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

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA  
APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF SANTA CLARA AND MONROE STREET  
HOUSING PARTNERS, L.P., FOR THE PROJECT LOCATED AT  
2330 MONROE STREET, SANTA CLARA**

PLN2019-13763 (General Plan Amendment)  
PLN2019-13723 (Application of Rezoning)  
CEQ2019-01067 (Mitigated Negative Declaration)

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

**WHEREAS**, on February 1, 2019, HKIT Architects and Freebird Development Company, LLC (“Applicant”) filed an application for the development of a 2.47-acre site at 2330 Monroe Street, a vacant city-owned property at the southeast corner of Monroe Street and San Tomas Expressway (“Project Site”);

**WHEREAS**, the Applicant applied to rezone the Project Site from Single Family Residential (R1-6L) to Planned Development to allow construction of a multi-family affordable housing development consisting of 65 units, onsite amenities, approximately 32,000 square foot of open space and surface parking (“Project”);

**WHEREAS**, the Project approvals will include: Certification of the Environmental Impact Report (EIR), Rezone of the Project Site Single Family Residential (R1-6L) to Planned Development, with Conditions of Approval; and the Disposition and Development Agreement attached hereto and incorporated herein by this reference;

**WHEREAS**, the Disposition and Development Agreement contemplates that implementation of the Project will require myriad permits, approvals, entitlements, agreements, permits to enter, utility services, subdivision maps, building permits, and other authorizations in order to implement the Project, including but not limited to a ground lease (the “Ground Lease”), Loan Agreement, and Regulatory Agreement for a portion of the Project Site (together, the “Project Documents”);

**WHEREAS**, the Project Documents, including the Disposition and Development Agreement and the Ground Lease, will help address the City's housing needs at a broad range of income levels by providing the City with 65 housing units, of which 100% of the units will be affordable to households with Area Median Income (AMI) levels ranging from 30% to 120%;

**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 January 16, 2020;

**WHEREAS**, on January 16, 2020, the notice of public hearing for the January 28, 2020 City Council meeting for this item was posted in three conspicuous locations within 300 feet of the project site and was mailed to property owners within a 1,000-foot radius of the Project Site; and

**WHEREAS**, the City Council has reviewed the Disposition and Development Agreement;

**WHEREAS**, before considering the Disposition and Development Agreement, the City Council reviewed and considered the information contained in the EIR, the CEQA Findings and the Statement of Overriding Considerations for significant unavoidable impacts in the areas of greenhouse gas emissions and traffic that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures; and,

**WHEREAS**, on January 28, 2020, the City Council conducted a duly noticed public hearing, at which time all interested persons were invited to provide testimony and evidence, both in support of and in opposition to the proposed Disposition and Development Agreement.

**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. That the City Council hereby approves the Disposition and Development Agreement, substantially in the form attached hereto as Exhibit "Disposition and Development Agreement," subject to such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof.

3. That this Resolution, including the Disposition and Development Agreement approval described in Section 2 above, is based on the findings set forth above, the EIR, the EIR Resolution, the CEQA Findings Related to the Certification of the EIR, and the Rezoning.

4. That the City Manager and/or designee is hereby authorized and directed to perform all acts to be performed by the City in the administration of the Disposition and Development Agreement pursuant to the terms of the Disposition and Development Agreement. The City Manager is further authorized and directed to perform all other acts, negotiate and enter into all other agreements (including a ground lease, loan agreements, deeds of trust, promissory notes, and affordable housing agreement) and execute all other documents and modifications to the Disposition and Development Agreement necessary or convenient to carry out the purposes of this Resolution and the Disposition and Development Agreement.

5. 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 \_\_\_ DAY OF \_\_\_\_\_, 2020, 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. Disposition and Development Agreement