

RESOLUTION NO. 18-8514

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
TO APPROVE A VESTING TENTATIVE SUBDIVISION MAP AT
2961 CORVIN DRIVE, SANTA CLARA, CALIFORNIA**

PLN2017-12865 (Vesting Tentative Subdivision Map)

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

WHEREAS, On September 20, 2017, Jonathan Fearn (“Applicant”) on behalf of Summerhill Homes Inc. (“Property Owner”), made an application for a Vesting Tentative Subdivision Map to aggregate five existing parcels and subdivide the gross area of 1.61 acres, located at 2961 Corvin Drive, into seven residential lots and two non-developable lots (“Project Site”);

WHEREAS, on February 21, 2018, the Architectural Committee provided Architectural Approval to allow for the construction of 38 townhomes consistent with the Lawrence Station Area Plan, the construction of an internal private streets; and site improvements and landscaping on the Project Site. A subdivision map is required to develop the project and allow for the sale of the condominium units;

WHEREAS, pursuant to Section 17.05.210 of the Santa Clara City Code (“SCCC”), a Tentative Subdivision Map shall be required for all divisions of land into five or more parcels;

WHEREAS, the proposal is to create a nine lot subdivision to allow development of 38 condominiums on seven buildable lots consistent with the Lawrence Station Area Plan; and two common interest lots for use as a private street, guest parking spaces and utilities (“Project”) as shown on the Exhibit “Vesting Tentative Subdivision Map” and attached hereto and incorporated herein by this reference;

WHEREAS, the design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidable injure fish or wildlife or their habitat in that, the Project is located in an urbanized area, on a previously developed site, and includes mitigation measures, as identified in the previously adopted Environmental Impact Report (“EIR”) prepared for the Lawrence Station Area Plan adopted by the City Council in accordance with California Environmental Quality Act (CEQA) on November 19, 2016;

WHEREAS, as a residential development project consistent with a specific plan for which an EIR has been prepared, the Project is exempt from further environmental review pursuant to Government Code Section 65457;

WHEREAS, on December 19, 2017, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map be reviewed by the City Council in conformance with Section 17.05.300 of the SCCC as a Vesting Tentative Subdivision Map;

WHEREAS, on March 28 2018, the Planning Commission concluded a duly noticed public hearing to consider the proposed Vesting Tentative Subdivision Map, at the conclusion of which the Commission voted to recommend that the City Council approve the Tentative Subdivision Map;

WHEREAS, notice of the public hearing before the City Council on the Vesting Tentative Subdivision Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on April 11, 2018;

WHEREAS, notices of the public hearing on the Vesting Tentative Subdivision Map were mailed to all property owners within 500 feet of the proposed Tentative Parcel Map, on April 11, 2018; and,

WHEREAS, on April 24, 2018, the City Council reviewed the proposed Vesting Tentative Subdivision Map and conducted a public hearing, at which all interested persons were given an opportunity to give testimony and present evidence, both in support of and in opposition to the proposed subdivision 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. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the City Council finds and

determines that:

A. The Vesting Tentative Subdivision Map is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and the Lawrence Area Specific Plan in that the Vesting Tentative Subdivision Map will subdivide the existing 1.61 acre Project Site into nine residential lots consisting of seven developable lots and two non-developable lots to promulgate the development of consistent with the Lawrence Station Area Plan General Plan land use designation for the site.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Subdivision Map facilitates development of condominiums that complies with the land use density and associated General Plan policies subject to conditions set forth in the Exhibit "Conditions of Approval Map", attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development, in that the proposal provides high quality housing and adds to the variety of options that is designed to be consistent with the on-going and proposed development within the Lawrence Station Area Plan area.

D. The site is physically suitable for the proposed density of development in that the site is located in an urbanized area served by existing public infrastructure and facilities.

E. The design of the subdivision and type of improvements are not likely to cause serious public health problems, in that the proposal is physically suitable for the proposed density of development in that the Project Site is located in an urbanized area that allows for redevelopment consistent with the mix of uses and density of development contemplated for the General Plan's Lawrence Station Focus Area. The project will also implement various site improvements and will not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, in that the Project Site is surrounded by urban uses; is currently undeveloped and has

no value as habitat for endangered, rare or threatened species; would not result in any significant effects related to traffic, noise, air quality, or water quality; is adequately served by all required utilities and public services; and that with implementation of the mitigation measures identified in the MMRP, and incorporated into the Project, will reduce potential impacts to those levels identified in the LSAP EIR.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that the Project is designed to avoid conflicts with public easements in the site design.

H. The Vesting Tentative Subdivision Map provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that it would allow flexibility in the development standards to maximize the benefits of green building standards for site and building design.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report, previously adopted EIR, MMRP and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the Vesting Tentative Subdivision Map, substantially in the form on file as shown in the "Vesting Tentative Subdivision Map" attached hereto, subject to conditions of approval attached as "Conditions of Approval Map" and hereby incorporated by this reference.

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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 24th DAY OF APRIL, 2018, BY THE FOLLOWING VOTE:

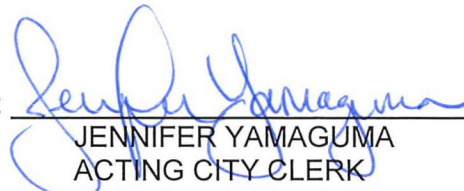
AYES: COUNCILORS: Caserta, Davis, Mahan, O'Neill, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Kolstad

ABSTAINED: COUNCILORS: None

ATTEST:



JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Exhibit "Conditions of Approval Map"
2. Exhibit "Vesting Tentative Subdivision Map"

I:\PLANNING\2017\Project Files Active\PLN2017-12865 2961 Corvin Dr (Map)\CC Resolution TMAP 2961 Corvin Dr 4.24.18 v3.doc

CONDITIONS OF APPROVAL
2961 CORVIN DRIVE VESTING TENTATIVE SUBDIVISION MAP

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the project shall be subject to the following **conditions of approval**:

GENERAL

- G1. Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of developer's project.
- G2. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- C2. Development shall conform to the Architectural Review for the subject site, including all conditions of approval. Any changes to the previous approvals require review by the Planning Division and may be subject to new approval processes.
- C3. Submit complete landscape plans, including irrigation plan and composite utility and tree layout overlay plan, for Planning Division review and approval with installation of required landscaping prior to the issuance of occupancy and or final building permits. Landscape plan to include type and size of proposed trees. Coordinate with the City Arborist for the type, location, installation and maintenance of large canopy street trees fronting the project site along the public right-of-way. Type and size of tree replacement on project site shall be at the direction of the City Arborist and require Planning Division review and approval. Installation of root barriers and super-soil may be required with the installation of trees where electric, water, and sewer utilities are in proximity.
- C4. The Developer shall comply with the Mitigations Monitoring and Reporting Program (MMRP) identified in the Lawrence Station Area Plan Environmental Impact Report (SCH No. 201502205), and said mitigation measures and MMRP shall be incorporated in the Conditions of Approval for this project.
- C5. Developer shall submit to the City Covenant, Conditions, and Restrictions (CC&Rs) or equivalent instrument assigning and governing perpetual maintenance of building, landscaping, and private on-site infrastructure in good condition for the life of the Project, prior to final of building permits, for the for-sale products. The CC&Rs shall reference the need for an annual report on the attainment of vehicle miles travelled reduction targets, as specified in the conditions herein and subject to the discretion of the Director of Community Development. The annual report may be prepared independent of or in combination with the other developments approved with this permit. Said CC&Rs document shall be recorded along with the Title for each property with the Santa Clara County Recorder's Office.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E4. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E5. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E6. After City Council approval of the Tentative Subdivision, submit 10 copies of the Final Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. The City approved Final Map shall be recorded by developer prior to building permit issuance.
- E7. File and record Final Map for proposed development and pay all appropriate fees prior to issuance of the Building Permit.
- E8. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.
- E9. Dedicate, as required, on-site easements for new sidewalk, storm drain main, storm drain overland release, and any other new utilities by means of parcel/final map or approved instrument at time of development.
- E10. Proposed trees shall be five (5) feet minimum clear of sidewalks. Provide root barrier if trees are planted such that the drip line of the mature trees covers the sidewalk. Root barriers shall be 12' long x 2' deep, and centered on trees.
- E11. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the Public Works Director.
- E12. Show and comply with City's driveway triangle of safety requirements at all driveways. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways order to allow an unobstructed view of oncoming traffic.
- E13. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12
- E14. All driveways shall be ADA compliant driveways per City standards.
- E15. Provide ADA walkway connecting the proposed buildings to the public sidewalks.
- E16. Provide a minimum 5' wide sidewalk along the Corvin Drive property frontage.
- E17. All traffic striping, messages, and symbols shall be thermoplastic.

- E18. All proposed driveways shall be City standard ST-8 driveways. The minimum width of the driveways shall be 24'.
- E19. All proposed private streets shall accommodate fire truck/engine turning template.
- E20. The project shall comply with the traffic mitigations identified in the Lawrence Station Area Plan (LSAP) EIR/TIA.
- E21. Provide/build a minimum 10' wide bicycle path and a minimum 5' wide pedestrian path through the project site approximately 50' north of the south property line connecting Corvin Dr. to the future Calabazas Creek trail. Provide a 3' wide buffer both north and south of the bike path.
- E22. Provide a minimum 18' wide easement through the project site to accommodate this east-west bicycle and pedestrian connection to the Calabazas Creek trail.
- E23. Install a high visibility "Continental" crosswalk with a Rectangular Rapid Flashing Beacon at the midblock crossing across Corvin Drive per the location of the bicycle and pedestrian connection approximately 50' north of the southern property limit as shown in the Lawrence Station Area Plan with appropriate signage.
- E24. Provide a minimum 12' wide public access easement on the east frontage of the property to accommodate the future Calabazas Creek trail.
- E25. The Developer shall build a minimum 11' wide asphalt concrete trail with minimum 1' shoulder that would serve as the future Calabazas Creek trail along the eastern property frontage parallel to Calabazas Creek. Coordinate the construction of the 11' wide asphalt walkway with minimum 1' shoulder with the 3305 Kifer Road project to the south.
- E26. Provide a minimum 12' wide easement along eastern property frontage parallel to Calabazas Creek to accommodate the Calabazas Creek trail.
- E27. The project shall pay its fair share of the traffic mitigations identified in the Lawrence Station Area Plan EIR/TIA. Developer shall pay their fair share contribution towards the traffic impacts identified in the LSAP TIA/EIR. Developer shall pay their fair share contribution towards the 100% LSAP project mitigation impact at the intersection of Corvin Drive/Central Expressway.
- E28. The project shall be required to prepare a traffic impact analysis (TIA) if the land use is not in conformance with the LSAP.
- E29. Corvin Drive shall include 6' wide bike lanes northbound and southbound, 12' vehicle travel lanes northbound and southbound plus a 12' wide center two way left turn lane.
- E30. Provide a minimum 6' wide sidewalk plus minimum 3' wide planter strip along Corvin Drive property frontage per the requirements of the LSAP. Coordinate width of the planter strip with the Community Development Department. Install "No Parking" signs along Corvin Drive property frontage.
- E31. Slurry seal half width of Corvin Drive along property frontage.
- E32. Final map shall not be accepted prior to emergency vehicle access easement is dedicated from 3305 Kifer Road parcel map.

LEGEND

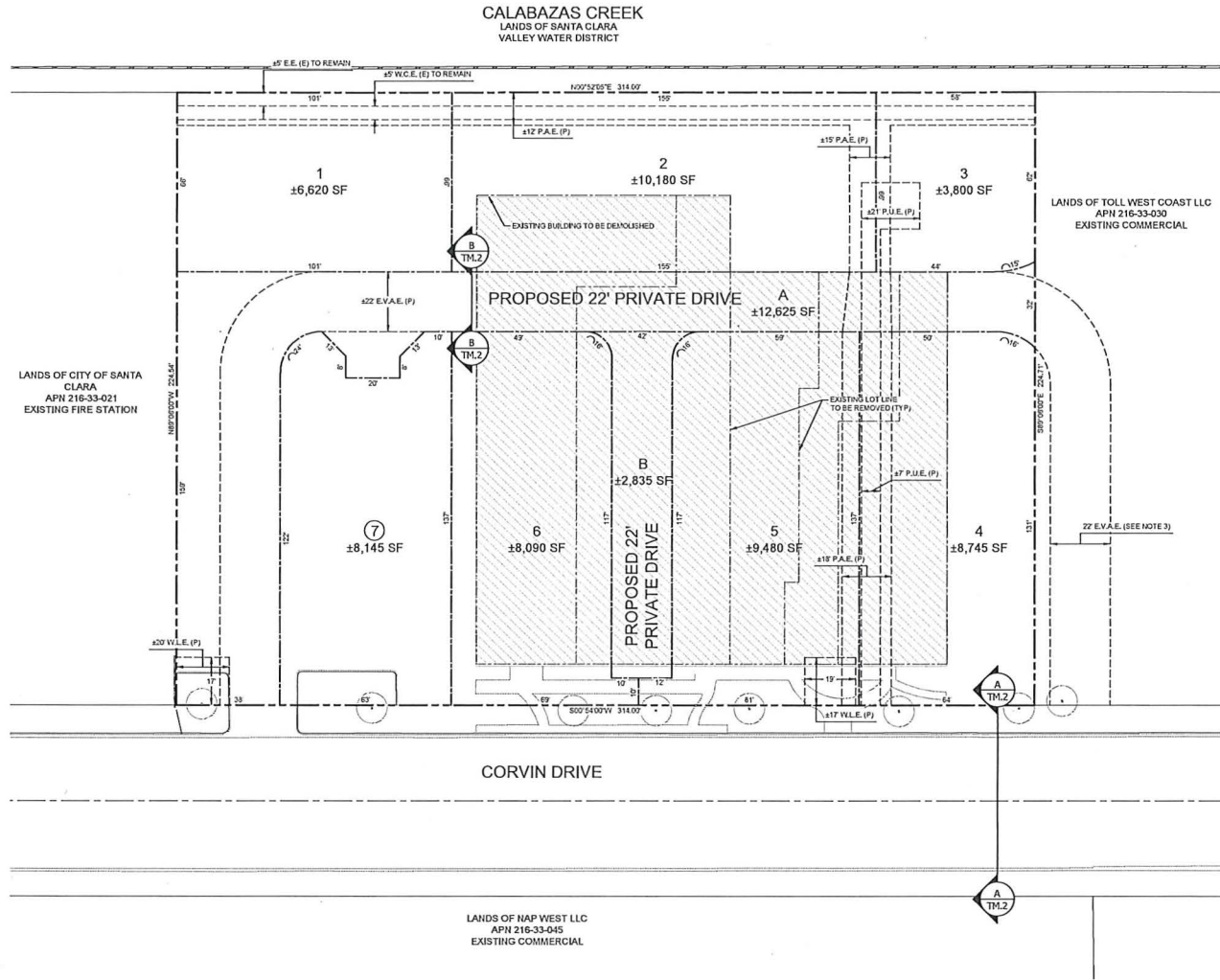
TENTATIVE MAP BOUNDARY	---
PROPOSED LOT LINE	---
EXISTING PROPERTY LINE	---
RIGHT-OF-WAY	---
PROPOSED EASEMENT	---
EXISTING EASEMENT	---
CENTER LINE	---
EXISTING BUILDING (TO BE DEMOLISHED)	
EXISTING	(E)
PROPOSED	(P)
W.C.E.	ELECTRIC & WIRE CLEARANCE EASEMENT
E.E.	ELECTRIC EASEMENT
P.A.E.	PUBLIC ACCESS EASEMENT
W.L.E.	WATER LINE EASEMENT
E.V.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT

GENERAL NOTES

- PROJECT NAME: CORVIN DRIVE SANTA CLARA
- SUBDIVIDER: SUMMERHILL HOUSING GROUP
- ENGINEER: HWH ENGINEERS
1570 OAKLAND ROAD
SAN JOSE, CA 95131
ZEF. AMEZ, RCE #72155
- STREET LOCATION: 2991 - 2995 CORVIN DRIVE
- EXISTING ZONING: PLANNED DEVELOPMENT
- EXISTING GP DESIGNATION: MEDIUM DENSITY RESIDENTIAL (L.SAP)
- EXISTING USE: COMMERCIAL
- PROPOSED USE: RESIDENTIAL CONDOMINIUM UNITS
- WATER SUPPLY: CITY OF SANTA CLARA
- SEWAGE DISPOSAL: CITY OF SANTA CLARA
- ASSESSOR'S PARCEL # (S): 216-33-000-011 (2) 43-0011
- STREET TREES: SHALL CONFORM TO CITY OF SANTA CLARA STANDARDS
- TOTAL SITE AREA: ±1.6 ACRES
- PROPOSED LOTS: 7 BUILDABLE, 2 NON-BUILDABLE
- TOTAL UNITS: UP TO 33 RESIDENTIAL CONDOMINIUM UNITS
- FLOOD ZONE: ZONE A
- THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF SANTA CLARA.
- DEMOLITION PERMITS MAY BE ISSUED PRIOR TO ISSUANCE OF FINAL BUILDING PERMITS AND RECORDATION OF FINAL MAP.
- MULTIPLE FINAL MAPS MAY BE FILED BASED ON THIS TENTATIVE MAP.
- ALL DIMENSIONS DEPICTED HEREON ARE APPROXIMATE AND ARE SUBJECT TO REVISION AT FINAL MAP(S) STAGE.
- NO WELLS EXIST ON THIS SITE.
- NO NEW STREET NAMES HAVE BEEN APPROVED AT THIS TIME.
- ALL EXISTING BUILDINGS WILL BE REMOVED, PRIOR TO SUBDIVISION OF PROPERTY.

NOTES

1. SUBDIVIDER SHALL RECORD A COVENANT OF EASEMENT TO THE CITY OF SANTA CLARA FOR THE PURPOSES INDICATED BELOW ACROSS THE FOLLOWING:
 - i. INGRESS/EGRESS, PRIVATE UTILITY AND STORM DRAIN RELEASE PURPOSES ON LOTS A & B FOR THE BENEFIT OF LOTS 1 THROUGH 7 AS INDICATED ON THIS TENTATIVE MAP
 - ii. PRIVATE INGRESS/EGRESS, PRIVATE UTILITY AND STORM DRAIN RELEASE PURPOSES ON LOTS 1 THROUGH 7
2. EXISTING PUBLIC UTILITY EASEMENT, EMERGENCY VEHICLE ACCESS EASEMENT AND PUBLIC INGRESS AND EGRESS EASEMENT ACROSS THE EXISTING COMMON LOT ARE TO BE VACATED VIA SEPARATE INSTRUMENT.
3. EMERGENCY VEHICLE ACCESS EASEMENT ON ADJACENT PROPERTY IS SHOWN FOR INFORMATION ONLY. COORDINATION BETWEEN SUMMERHILL HOMES AND TOLL WEST COAST LLC WILL BE REQUIRED FOR ESTABLISHMENT OF NECESSARY EASEMENT.



CORVIN DRIVE
SUMMERHILL HOMES



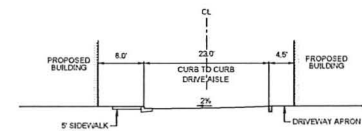
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VESTING TENTATIVE
TRACT MAP FOR
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PURPOSES

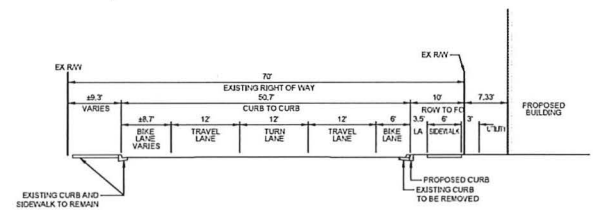
SHEET
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HWH
Land Use Easements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance

1570 Oakland Road
San Jose, CA 95131 (408) 487-2000
HWH.com



B PROPOSED 22' PRIVATE DRIVE
SCALE: NTS



A PROPOSED CORVIN DRIVE
SCALE: NTS

CORVIN DRIVE
SUMMERHILL HOMES

12.19.17