

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A VESTING TENTATIVE SUBDIVISION MAP (PLN22-00635) AT 4995 PATRICK HENRY DRIVE AND 3005 DEMOCRACY WAY, SANTA CLARA

PLN22-00635 (Vesting Tentative Subdivision Map)

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly-owned subsidiary Innovation Commons Owner, LLC (“Owner”) made an application for a General Plan Amendment (“GPA”) in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Owner subsequently applied for a Planned Development (“PD”) Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (“R&D”), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; a Vesting Tentative Subdivision Map to subdivide the property into five lots with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, along with the GPA, the “Project”);

WHEREAS, the Vesting Tentative Subdivision Map application (PLN22-00635) would subdivide the property into five lots with up to three parcels for future parkland dedication and condominium purposes, and would vacate Democracy Way to serve the development;

WHEREAS, the proposed subdivision is consistent with the proposed site plan and improvements on the Project Site for the development of an up to 4,913,000 square-foot mixed-use development;

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

WHEREAS, on January 16, 2024, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map should proceed to the Planning Commission in conformance with Section 17.05.300 of the SCCC;

WHEREAS, SCCC Section 17.05.300(g) requires that the Planning Commission make recommendations of denial, approval or conditional approval to the City Council on the Vesting Tentative Subdivision Map;

WHEREAS, the proposal is to create five new lots with up to three parcels for future parkland dedication and condominium purposes to serve the proposed development as shown on the Vesting Tentative Subdivision Map for the Project;

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), and the regulations implementing CEQA, specifically 14 Cal. Code of Regs § 15081, this Project was determined after an Initial Study to identify potentially significant effects on the environment, resulting in the preparation of an Environmental Impact Report (“EIR”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, in conformance with CEQA, the Environmental Impact Report (“EIR”) prepared for the Project was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024;

WHEREAS, in addition to the Project, the EIR studied the Reduced Office/Increased Housing Alternative, which assumed the development of 800 multi-family housing units in Area C (for a total of up to 2,600 housing units for the entire Project) instead of approximately 789,000 gsf of office/R&D space, but otherwise maintained all other land use and developments assumptions of the Project.

WHEREAS, the City prepared a Final Environmental Impact Report (“FEIR”), including Attachment 3 to the FEIR analyzing the Office/R&D – Residential Flex option for the Planned Development zoning, which would permit development of up to 800 additional residential units in Area C (for a total of 2,600 units for the Project), or a mix of residential and office/R&D uses in Area C, with a corresponding reduction in square footage of office/R&D uses and a proportional increase in deed-restricted affordable residential units in Area C (“Revised Project”), as shown in Exhibit “PD Development Plans: Revised Project” to Resolution No. [REDACTED];

WHEREAS, the Vesting Tentative Subdivision Map proposal for the Revised Project is also to create five new lots with up to three parcels for future parkland dedication and condominium purposes to serve the proposed development as shown on the Vesting Tentative Subdivision Map for the Revised Project;

WHEREAS, notice of the October 9, 2024 public hearing on the proposed Vesting Tentative Subdivision Map for the Project was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on September 25, 2024;

WHEREAS, on September 26, 2024, notices of the October 9, 2024 public hearing on the Vesting Tentative Subdivision Map were mailed to all property owners within a quarter mile of the property, according to the most recent Assessor’s roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on October 9, 2024, the Planning Commission convened the public hearing and then immediately voted to continue the hearing to October 23, 2024; and **WHEREAS**, on October 23, 2024, the Planning Commission conducted a duly-noticed public hearing, at the conclusion of which, the Commission voted to continue the matter to the meeting scheduled for November 6, 2024;

WHEREAS, on October 25, 2024, notices of the November 6, 2024 public hearing were mailed to all property owners within one quarter-mile of the Project Site, according to the most recent assessor’s roll;

WHEREAS, on October 28, 2024, notice of the November 6, 2024 public hearing on the Revised Project, including the proposed Vesting Tentative Subdivision Map for the Revised Project, was published in the *San Jose Mercury News*, a newspaper of general circulation for the City;

WHEREAS, on November 6, 2024, the Planning Commission held a second public hearing to consider the Revised Project including the vesting tentative subdivision map, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission 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 Planning Commission finds and determines that:

A. The Vesting Tentative Subdivision Map for the Revised Project is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan in that the Vesting Tentative Subdivision Map for the Revised Project subdivides the existing 48.6-Acre Project Site into five lots, with up to three parcels for future parkland dedication and condominium purposes, subject to conditions set forth in the Conditions of Vesting Tentative Subdivision Map Approval for the Revised Project.

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 the redevelopment of underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City's Housing Goals and assist the City in achieving Regional Housing Needs Allocation ("RHNA:") targets for production of

affordable housing units as mandated by the State, and in accordance with Affordable Housing ordinance.

C. The site is physically suitable for the proposed type of development, in that the Project is compatible with the existing adjacent office, regional commercial, and light industrial uses and planned residential uses.

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

E. The design of the subdivision and type of improvements are not likely to cause serious health problems, in that the proposed residential subdivision will implement Covenants, Conditions, and Restrictions for operation and maintenance of the building and site improvements and does 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 and will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project Site is located in an urbanized setting, is a developed site, and the proposed subdivision includes mitigation measures, as identified in the Mission Point Project EIR. Although the EIR identified significant unavoidable environmental impacts in the resource areas of air quality and noise, the Planning Commission made findings pursuant to Public Resources Code Section 21081 that there exist certain overriding economic, social and other considerations for approving the Revised Project that justify the occurrence of those impacts.

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 it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Vesting Tentative Subdivision Map for the Revised Project 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 and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the Vesting Tentative Subdivision Map for the Revised Project to the City Council, substantially in the form on file as shown on the attached Vesting Tentative Subdivision Map for the Revised Project and Conditions of Vesting Tentative Subdivision Map Approval for the Revised Project, attached hereto and 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:

ATTEST: _____
REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

- 1. Vesting Tentative Subdivision Map (Revised Project)
- 2. Conditions of Vesting Tentative Subdivision Map Approval (Revised Project)