

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, REZONING FROM MEDIUM-DENSITY  
MULTIPLE DWELLING (R3-36D) TO PLANNED  
DEVELOPMENT (PD) TO ALLOW A RESIDENTIAL  
SUBDIVISION PROJECT FOR THE PROPERTY LOCATED AT  
1444 MADISON STREET AND 1411 LEWIS STREET, SANTA  
CLARA**

PLN2018-13427 (Rezone)

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

**WHEREAS**, on July 24, 2018, Greg Mussalem (“Applicant”) filed an application to allow the development on the property located at 1444 Madison Street and 1411 Lewis Street (“Project Site”);

**WHEREAS**, the applicant requests a rezoning of the 13,175 square foot property from Medium-Density Multiple Dwelling (R3-36D) to Planned Development (PD) and a Tentative Parcel Map to subdivide the property into three parcels to allow the development of three detached single-family residences with detached garages and site improvements (“Project”), as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, the Project is exempt from formal review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Class 3, Section 15303(a), “New Construction or Conversion of Small Structures,” which exempts projects for the construction and location of limited numbers of new, small facilities or structures, as the activity consists of the development of not more than three single-family residences in an urbanized area;

**WHEREAS**, Santa Clara City Code (SCCC) Section 18.112.030 and 18.112.040 require that the Planning Commission hold a public hearing and provide a recommendation of any rezoning request prior to City Council action;

**WHEREAS**, on December 12, 2018, the Planning Commission held a duly noticed public hearing to consider the rezoning application, at the conclusion of which the Planning Commission voted to recommend that the City Council approve the rezoning;

**WHEREAS**, on February 8, 2019, the notice of public hearing for the February 19, 2019, 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 500 foot radius; and

**WHEREAS**, the City Council held a duly noticed public hearing on February 19, 2019 to consider the Project and all pertinent information in the record during which the City Council invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

**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 rezones the Project Site from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD) to allow the development of four detached two-story residences with attached garages and site improvements, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Approval, incorporated by this reference.

3. Pursuant to SCCC Section 18.112.050, 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 for the Project Site does not allow residential development and creation of housing opportunities with a subdivision of four parcels that would be consistent with the density range allowed in the 2010-2035 General Plan. The Planned Development (PD) zoning would allow a residential

subdivision of four detached single-family residences that closely implements the General Plan's vision for residential development.

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 redevelops an underutilized property and visually improves the Project Site and surrounding neighborhood with physical and financial investment in the construction of an aesthetically pleasing residential subdivision development with on-site parking, site improvements, landscaping, and streetscape enhancements.

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 residential development contemplated by the General Plan to provide Very Low Density Residential development and increase the City's housing stock.

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 a high quality residential subdivision project that is compatible with existing residential neighborhood. The proposed project modifies zoning development standards to maximize the efficient use of the Project Site.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, the City Council rezones the Project Site as set forth herein.

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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 \_\_\_\_\_, 2019 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. Conditions of Rezoning Approval
2. Development Plans

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