

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE TENTATIVE CONDOMINIUM MAP FOR THE PROPERTY LOCATED AT 1900 WARBURTON AVENUE, SANTA CLARA, TO DIVIDE THE 0.55 ACRE PROJECT SITE INTO 12 CONDOMINIUM UNITS ON A COMMON LOT.**

PLN2017-12961 (Rezone)  
PLN2018-13834(Tentative Condominium Map)  
CEQ2017-01044 (Mitigated Negative Declaration)

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

**WHEREAS**, on November 17, 2017, Samir Sharma (“Applicant”) filed an application for the 0.55 acre site located at 1900 Warburton Avenue currently occupied by one, one-story commercial building totaling approximately 8,415 square feet and a surface parking lot (“Project Site”);

**WHEREAS**, the Applicant applied to rezone the Project Site from General Office (OG) to Planned Development (PD) to allow a residential development consisting of 12 townhouse units (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

**WHEREAS**, pursuant to Section 17.05.300 of the Code of the City of Santa Clara (“SCCC”), a tentative subdivision map shall be required for all divisions of land into five or more parcels;

**WHEREAS**, consistent with the proposed uses under the development plan, the proposal includes the division of the site into 12 condominium units on a common lot, as shown on Exhibit “Tentative Condominium Map” and attached hereto by this reference;

**WHEREAS**, on May 8, 2018, the Subdivision Committee determined that the application was complete and that the tentative map be reviewed by the Planning Commission and the City Council in conformance with Section 17.05.300(e)(2) of the SCCC as a Tentative Map along with the project;

**WHEREAS**, on June 13, 2018, the Planning Commission concluded a duly noticed public hearing to consider the proposed Tentative Condominium Map, at the conclusion of which the Commission voted to recommend that the City Council approve the Tentative Condominium Map;

**WHEREAS**, Section 17.05.300 (h) of the SCCC requires that the City conduct a public hearing before considering the approval of a Tentative Condominium Map for the division of land;

**WHEREAS**, notice of the public hearing on the Tentative Condominium Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on May 30, 2018;

**WHEREAS**, on June 29, 2018, notices of the public hearing on the Tentative Condominium Map were posted at three conspicuous locations within 300 feet of the Project Site, and were mailed to all property owners within 500 feet of the Project Site;

**WHEREAS**, before considering the Tentative Condominium Map, the City Council reviewed and considered the information contained in the Mitigated Negative Declaration (“MND”) for the Project and Mitigation Monitoring and Reporting Program, and found that the mitigation measures identified and incorporated into the Project and this Tentative Map, mitigate or avoid the significant environmental effects; and,

**WHEREAS**, the City Council has reviewed the Tentative Condominium Map and conducted a public hearing on July 10, 2018, at which time all interested persons were given an opportunity to provide testimony and the Council considered the information presented in the Staff Report, and all verbal and written evidence.

**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 this Resolution incorporates, and by this reference makes a part hereof, that certain Tentative Condominium Map, attached hereto as Exhibit "Tentative Map".

3. Tentative 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 Tentative Condominium Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Tentative Condominium Map is to allow the development of a 12 townhouse units with associated parking, landscaping and site improvements. The project proposes a density of 22 dwelling unit per acre, consistent with the site's Medium Density Residential General Plan designation.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Tentative Condominium Map facilitates development of condominiums that comply with the land use density and associated General Plan policies subject to the conditions set forth in 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 project is designed to provide high quality housing that is designed to retain the contextual consistency of the corridor.

D. This site is physically suitable for the proposed density of development in that the Project Site is located in an urbanized area and allows for redevelopment consistent with the height, uses and development that exist and are planned in the surrounding area.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the site is surrounded by residential development, will be

developed with additional residential uses at a density contemplated in the General Plan, and does not propose the use of hazardous chemicals or 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 is located in an urbanized setting, on a previously developed site, and includes mitigation measures, as identified in the Mitigated Negative Declaration, that reduce impacts to wildlife habitat to less-than-significant levels.

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 encroachments and conflicts with public easements in the site design.

H. The Tentative Condominium 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.

4. Based on the findings set forth in this Resolution and the evidence in the Staff Report, MND, MMRP and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the Tentative Condominium Map, substantially in the form on file as shown in the “Tentative Condominium Map” attached hereto, subject to conditions of approval attached as “Conditions of Tentative Map Approval” and hereby incorporated by this reference.

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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 10<sup>th</sup> DAY OF JULY, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: \_\_\_\_\_  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

- 1. Conditions of Tentative Map Approval
- 2. Tentative Map

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