

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, APPROVING A REZONING FROM  
NEIGHBORHOOD COMMERCIAL (CN) TO PLANNED  
DEVELOPMENT (PD) TO ALLOW A MIXED USE  
DEVELOPMENT LOCATED AT 2655 THE ALAMEDA, SANTA  
CLARA**

PLN22-00448 (General Plan Amendment and Rezone)  
SCH# 2023040354 (Mitigated Negative Declaration)

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

**WHEREAS**, on August 10, 2022, Anjuli Habbas representing Kapital Alameda, LLC (“Owner”) filed a development application for the 0.4 acre parcel located at 2655 The Alameda (APN: 230-12-012), which is currently vacant and unimproved (“Project Site”);

**WHEREAS**, the Owner simultaneously applied for a General Plan Amendment from Neighborhood Commercial to Very High Density Residential to allow a mixed use development at 51 to 100 du/ac with ancillary retail/commercial uses and Rezone of the Project Site from Neighborhood Commercial (CN) to Planned Development (PD) to allow development of 1,500 square feet of retail/commercial uses and 39 multifamily dwelling units in a four-story structure with 46 subgrade and first floor parking spaces (38 auto and 8 motorcycle spaces), common open space, landscaping, and public and private on- and off-site improvements (“Project”), as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, a Rezone of the property from CN to PD is required to allow creative development standards for site and building design, that are not otherwise allowed in standard zoning districts to construct a mix of retail/commercial uses and multifamily residential development with associated on-site and off-site public and private improvements;

**WHEREAS**, in conformance with CEQA, the Mitigated Negative Declaration (MND) prepared for the Project was noticed and circulated for a 30-day public review period from April 13, 2023 to May 15, 2023;

**WHEREAS**, the MND identified potential significant impacts of Project development that with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program (“MMRP”) will reduce potential mitigation measures to less than significant and will be incorporated into the Project;

**WHEREAS**, Santa Clara City Code (SCCC) Section 18.112.030 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

**WHEREAS**, on July 13, 2023, the Planning Commission held a duly noticed public hearing to consider the Project, MND, MMRP and all pertinent information in the record, including public testimony, at the conclusion which the Planning Commission voted to recommend that the City Council adopt the MND and MMRP, approve the General Plan Amendment and rezoning to allow development of the Project;

**WHEREAS**, notices of the August 29, 2023 City Council hearing on the proposed rezoning were mailed to all property owners within 1,000 feet of the property, according to the most recent assessor’s roll, and posted in three conspicuous locations within 300 feet of the property, on August 17, 2023; and

**WHEREAS**, on August 29, 2023, the City Council held a duly noticed public hearing to consider the Rezoning application, at which time all interested persons were given an opportunity to give testimony and evidence offered in favor 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 CN to PD to allow development of the Project, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein by this reference.

3. Pursuant to SCCC Code 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 for residential development and the creation of housing opportunities envisioned by the 2010-2035 General Plan. A PD zoning of the Project Site to allow residential development would implement the General Plan's Land Use and Housing goals and policies to provide a variety of housing opportunities and higher residential densities in proximity to neighborhood and community commercial uses, educational facilities, support services, local and regional transit facilities, outdoor open space and recreation areas.

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 is an infill development of a vacant parcel for mixed use development that incorporates Transition Policies of the General Plan for site and building design, on- and -off-site improvements to integrate into the community, and would implement project conditions of approval to avoid and reduce impacts of development.

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 would allow for 39 new housing units in combination with neighborhood retail/and commercial uses within a four-story structure; and provide tenant private and common open space, and community space for outdoor public gathering. Construction of the project would contribute to the City's housing inventory and assist in production of affordable housing units to achieve RHNA targets as

mandated by the State with the provision of 15 percent of the residential units made available at affordable rental rates to extremely low, very low, low and/or moderate-income households.

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 minimize building footprint and increase building height to provide multifamily housing at 97.5 du/ac with ancillary retail/commercial uses, tenant and community open space, streetscape improvements and a reduced number of parking spaces to take advantage of proximity to the Santa Clara University campus, neighborhood commercial uses and local and regional transit providers.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, MND and MMRP, the City Council hereby rezones the Project Site to allow a four-story mixed use development consisting of 1,500 square feet of ground floor retail/commercial uses and 39 multifamily dwelling units, 46 subgrade and first floor parking spaces, common open space, landscaping, and public and private on- and off-site improvements, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval.

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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 COUNCIL, AT A REGULAR MEETING THEREOF HELD ON THE 29th DAY OF AUGUST, 2023 BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

Attachments Incorporated by Reference:

1. Rezone Conditions of Approval
2. Development Plans

ATTEST: \_\_\_\_\_  
NORA PIMENTAL, MMC  
ASSISTANT CITY CLERK