

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA TO ADOPT THE MITIGATED NEGATIVE
DECLARATION AND THE MITIGATION MONITORING AND
REPORTING PROGRAM FOR CATALINA II RESIDENTIAL
DEVELOPMENT PROJECT LOCATED AT 1433-1493 EL
CAMINO REAL, SANTA CLARA**

PLN2018-13609 (Rezone)
PLN2018-13610 (Vesting Tentative Subdivision Map)
CEQ2018-01065 (Mitigated Negative Declaration)

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

WHEREAS, on November 6, 2018, SCS Development (“Applicant”) filed an application for the 1.7 acre site at 1433 – 1493 El Camino Real with surface parking lots and two, vacant one-story commercial buildings totaling 14,880 square feet and an unoccupied 1,200 square foot one-story single family residence with two detached accessory buildings (“Project Site”);

WHEREAS, the Applicant applied to rezone the Project Site from Thoroughfare Commercial (CT) and General Office (OG) to Planned Development (PD) to allow a residential development consisting of 39 condominium units, including seven live/work units (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, the Project approvals will include Resolution No. _____ (“City Council Rezoning Resolution”); Resolution No. _____ (“City Council Vesting Tentative Subdivision Map Resolution”); and this California Environmental Quality Act (“CEQA”) Resolution (collectively, the “Approvals”);

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, in conformance with CEQA, the MND was noticed and circulated for a 30-day public review period to the State Office of Planning and Research, Santa Clara County Clerk's Office, interested parties, and property owners within 1,000 feet of the Project Site from March 27, 2019 to April 26, 2019, where during that period comment letters were received from the California Department of Transportation (Caltrans), Native American Heritage Commission, Santa Clara Valley Transportation Authority, and Santa Clara Valley Water District (Valley Water), and along with the attached Responses to Comments Received on the MND are made part of the record;

WHEREAS, on May 8, 2019, a newspaper notice for this item was published in *The Weekly*, a newspaper of general circulation for the City, for the Planning Commission meeting of May 22, 2019 and City Council meeting of June 25, 2019;

WHEREAS, on June 14, 2019 notices of the public meeting for the City Council meeting of June 25, 2019 were posted in three conspicuous locations within 300 feet of the Project Site, and mailed to all property owners within 1,000 feet of the Project Site boundaries;

WHEREAS, on May 22, 2019, the Planning Commission considered the Project, MND, MMRP and all pertinent information in the record, including public testimony, at the conclusion of which the Planning Commission voted to recommend that the City Council adopt the MND and MMRP, approve the rezoning to allow a residential development consisting of 39 condominium units, including seven live/work units, and approve the Vesting Tentative Subdivision Map to create five condominium lots and four common lots to support the development; and

WHEREAS, the City Council reviewed the MND prepared for the Project, City Staff report pertaining to the MND and all evidence received at a duly noticed public hearing on June 25, 2019. All these documents and evidence are herein incorporated by reference into this Resolution.

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 finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the MND and MMRP.
3. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the City Council.
4. That the City Council hereby finds that the MND and MMRP completed for this Project has been completed in compliance with CEQA, and that approval of this project as mitigated will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated would fall within the environmental thresholds identified by CEQA.
5. That the City Council hereby adopts the MND and MMRP for the Project as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074).
6. The City Council hereby designates the Planning Division of the Community Development Department as the location for the documents and other material that constitute the record of proceedings upon which this decision is based, and designates the Director of Community Development as the custodian of records.

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7. 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 25th DAY OF JUNE, 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. Mitigated Negative Declaration (MND)
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Responses to Comments Received on the MND
4. Development Plans

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