

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONING FROM HIGH-INTENSITY OFFICE/RESEARCH AND DEVELOPMENT (HO-RD) TO PLANNED DEVELOPMENT (PD) TO ALLOW A MIXED-USE DEVELOPMENT LOCATED AT 4995 PATRICK HENRY DRIVE AND 3005 DEMOCRACY WAY, SANTA CLARA

PLN2018-13400 (Rezone)

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”), as shown on the Exhibit “PD Development Plans,” attached hereto and incorporated herein by this reference;

WHEREAS, a rezone of the property 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 the proposed mixed-use development;

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, Santa Clara City Code (“SCCC”) Section 18.142.040 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, notice of the October 9, 2024 public hearing on the proposed Development Agreement 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 to consider the EIR mailed to all property owners within one 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 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 proposed rezoning and related applications, 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. That the Planning Commission hereby recommends that the City Council rezone the Project Site from High-Intensity Office/Research and Development (“HO-RD”) to Planned Development (“PD”) to allow the development of the Project, as shown on the attached PD Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein by this reference.

3. Pursuant to SCCC Section 18.142.040, the Planning Commission 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 mixed-use development. A PD zoning of the Project Site to allow mixed-use development would implement the General Plan’s Land Use and Housing goals and policies to provide housing in proximity to existing residential, neighborhood and community commercial uses, 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 Project would redevelop 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 the City’s Affordable Housing ordinance.

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 high density mixed-use development, public parkland, private open space, and community use. Construction of the Project would contribute to the City's housing inventory and would assist in production of housing units to achieve RHNA targets as mandated by the State.

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 such as increased building height and reduced building setbacks, in order to provide high density uses with private and rooftop common open space, and also provide community uses.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, EIR and MMRP, the Planning Commission hereby recommends that the City Council rezone the Project Site to allow redevelopment of 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 three 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, as shown on the attached PD Development Plans for the Project and conditioned as specified in the attached Conditions of Rezoning Approval for the Project.

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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON 6TH DAY OF NOVEMBER 2024 BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. Rezone Conditions of Approval
2. PD Development Plans

ATTEST: _____

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA