

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, TO DENY REZONING THE PROPERTY
LOCATED AT 190 N. WINCHESTER BOULEVARD, SANTA
CLARA FROM PLANNED DEVELOPMENT (PD) TO PLANNED
DEVELOPMENT (PD)**

PLN2021-14833 (Rezone)

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

WHEREAS, USA Properties Fund, Inc. (“Applicant”) applied for a Rezoning from Planned Development (PD) to Planned Development (PD) of a 1.86-acre site, which is currently occupied by a senior residential project (Santana Terrace Apartments) with 92 rental units and 105 parking spaces, located at 190 N. Winchester Boulevard, Santa Clara (“Project Site”);

WHEREAS, the Project Site is currently zoned as Planned Development (PD);

WHEREAS, in order to effectuate the development application and its change in use, the Project Site would need to be rezoned to a Planned Development (PD) to allow an adjustment to the age restriction language, currently restricting occupancy to senior households age 55 or older, to instead allow occupancy for residents of all ages (“Project”).

WHEREAS, on January 12, 2016, the City Council adopted a Mitigated Negative Declaration (“MND”) and a Mitigation Monitoring and Reporting Program for the Santana Terrace senior housing development. The MND concluded that the original senior project, with mitigation measures implemented, would not result in any significant impacts on the area’s environmental resources.

WHEREAS, in conformance with CEQA, an addendum to the previously adopted MND was prepared for the new Project and was posted on City’s website on June 18, 2021. The addendum concluded that as modified, the Project would not result in any new significant environmental impacts, or substantially increase the severity of any previously identified significant impacts.

WHEREAS, pursuant to CEQA Guidelines Section 15270(a), CEQA does not apply to projects that a public agency rejects or disapproves.

WHEREAS, Santa Clara City Code (SCCC) Section 18.112.040 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, on July 12, 2021, the Planning Commission held a duly noticed hearing to consider the Project and Addendum to the MND 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 deny the Project 6-1-0-0;

WHEREAS, pursuant to section 18.112.060 of the City of Santa Clara Code, on August 27, 2021, a public notice of the 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 1,000-foot radius of the Project Site; and

WHEREAS, on August 16, 2021, the Applicant voluntarily offered to deed restrict 10% of the resident occupied units, which is 9 total units, at the following affordability levels as part of the approval for the proposed Planned Development rezoning, including five units at 100% AMI (4 one bedroom units and 1 two bedroom unit) and four units at 120% AMI (3 one bedroom units and 1 two bedroom unit).

WHEREAS, on September 7, 2021, the City Council held a duly noticed public hearing 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. The City Council hereby denies the Applicant's request to rezone the Project Site from Planned Development (PD) to Planned Development (PD) with an adjustment to the age restriction language, currently restricting occupancy to senior households age 55 or older, to instead allow occupancy for residents of all ages. The current zoning will remain unchanged and the Project will remain age-restricted to senior citizens.

3. Pursuant to SCCC Section 18.112.010, the City Council hereby makes the following findings in support of the denial:

A. The existing zoning is appropriate, in that the existing zoning for the Project Site serves the significant need for senior housing identified in Housing Element of the City's General Plan.

B. The proposed zone change is not required by public necessity, public convenience, or the general welfare of the City, in that the state reopened only a short time ago and there has not been sufficient time to evaluate the potential change in the housing market; retaining the senior designation would benefit the current tenants, who leased units in reliance upon the belief that the units would continue to be age-restricted; and the Project does not meet the parking requirements for a standard mixed-age development.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, the City Council denies the rezoning of 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 7th DAY OF SEPTEMBER 2021, 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. Development Plans