

RESOLUTION NO. 22-9072

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING THE VESTING TENTATIVE
PARCEL MAP FOR THE PROPERTY LOCATED AT 2302
CALLE DEL MUNDO, SANTA CLARA**

PLN2021-14878 (Architectural Review)
PLN21-15122 (Vesting Tentative Parcel Map)

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

WHEREAS, on September 10, 2021, Leatha Clark ("Applicant") filed an application for a Vesting Tentative Parcel Map for one residential condominium unit and three commercial condominium units on a .98 acre site located at 2302 Calle Del Mundo, Santa Clara, California ("Project Site");

WHEREAS, on October 26, 2021, the Subdivision Committee determined that the application is complete and that the parcel map be reviewed by the City Council in conformance with Section 17.05.400 of the SCCC as a Vesting Tentative Parcel Map;

WHEREAS, the Project site is located in the Center District of the Tasman East Specific Plan;

WHEREAS, Section 17.05.400 (d) of the SCCC requires that the City Council hold a public hearing before considering the approval of a Vesting Tentative Parcel Map for the division of land;

WHEREAS, Section 17.05.400 (d) of the SCCC further requires that notice of the public hearing before the City Council be given by providing notice to all property owners within three hundred (300) feet of the proposed Tentative Parcel Map area by mail and by posting a notice of public hearing in at least three places within vicinity of the project site;

WHEREAS, notice of the public hearing on the Vesting Tentative Parcel Map was published in the *Weekly*, a newspaper of general circulation for the City, on April 6, 2022;

WHEREAS, notices of the public hearing on the Vesting Tentative Parcel Map were posted in three conspicuous locations within three hundred (300) feet of the Project Site and were mailed to all property owners within five hundred (500) feet of the Project Site, according to the most recent assessor's roll, on April 8, 2022;

WHEREAS, the proposed parcel map is exempt per CEQA Section 15315, Minor Land Divisions of the California Environmental Quality Act, in that the project involves the subdivision of urbanized land into fewer than five parcels and is served by existing municipal facilities; and,

WHEREAS, on April 19, 2022, the City Council reviewed the Vesting Tentative Parcel Map and conducted a public hearing, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the proposed Vesting Tentative Parcel Map.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That this Resolution incorporates, and by this reference makes a part hereof, that certain Vesting Tentative Parcel Map, attached hereto as Exhibit "Tentative Parcel Map".

2. Vesting Tentative Parcel Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and Section 17.05.400(f) of SCCC, the City Council finds and determines that:

A. The Vesting Tentative Parcel Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Vesting Tentative Parcel Map would allow for one residential condominium unit and three commercial condominium units that closely implements the General Plan's vision for the Tasman East Specific Plan.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Parcel Map would allow a construction of the eight-story building with 151 residential units and 5,000 square feet of ground-floor commercial. The Vesting Tentative Parcel Map is subject to the conditions set forth in Exhibit "Conditions of Approval - Map", attached hereto and incorporated by this reference.

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C. The site is physically suitable for the proposed type of development in that the project is the design of the building is visually similar and incorporates the use of varied surface materials and colors consistent with adjacent residential and commercial development.

D. This site is physically suitable for the proposed intensity of development in that the Project Site allows a redevelopment of an existing industrial property that is comprised of vacant industrial space and surface parking. The project is consistent with the Transit Neighborhood Zoning District, which accommodates high density residential mixed development, and is served by existing municipal facilities.

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 new residential and commercial development.

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 Tasman East Specific Plan Environmental Impact Report, 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 in accordance with the approved project under Planning record, PLN2021-14878.

H. The Vesting Tentative Parcel 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. The development is for a new residential mixed-use building.

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

4. 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 19TH DAY OF APRIL, 2022 BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Watanabe
ABSTAINED:	COUNCILORS:	None

ATTEST:


NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Vesting Tentative Parcel Map
2. Conditions of Approval

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CONDITIONS OF TENTATIVE PARCEL MAP APPROVAL
2302 Calle Del Mundo (PLN21-15122)

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. The project shall comply with all conditions of approval for the approved project under the Planning records, PLN2021-14878 and PLN2019-13861.
- C2. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&Rs) or equivalent prior to building permit final. Said document shall be recorded along with the Title for each property with the Santa Clara County Recorder's Office.

ENGINEERING

- E1. Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of parcel map and/or issuance of building permits.
- E4. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.

- E5. Dedicate, as required, on-site easements for new and existing utilities and paseo by Subdivision Map or approved instrument at time of development. Developer shall pay applicable easement preparation/processing fee.
- E6. Dedicate a sidewalk easement for the sidewalk and driveway portions within private property and pay the easement preparation fee. Sidewalk easement shall be 1' behind proposed back-of-walk if there is landscaping behind sidewalk and/or at the proposed back-of-walk with a cold joint if there is hardscape concrete behind sidewalk.
- E7. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction
- E8. After City Council approval of the Tentative Map, submit 10 copies of the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.