



# City of Santa Clara

## Meeting Agenda

### Planning Commission

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Wednesday, March 28, 2018

7:00 PM

City Hall Council Chambers

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#### Items for Council Action

18-082 - Vesting Tentative Subdivision Map for 2961 Corvin Drive

18-279 - Second Amendment to Development Agreement between the City of Santa Clara and SI 55, LLC

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#### PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES

#### ROLL CALL

#### DECLARATION OF COMMISSION PROCEDURES

#### CONTINUANCES/EXCEPTIONS

#### CONSENT CALENDAR:

*Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.*

**18-060** [Planning Commission Minutes of March 14, 2018](#)

**Recommendation:** Approve the Planning Commission Minutes of March 14, 2018.

#### ITEMS SET FOR HEARING:

*Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.*

**18-082** [Vesting Tentative Subdivision Map for 2961 Corvin Drive](#)

**Recommendation:** 1. Recommend that Council approve the Vesting Tentative Subdivision Map to create 7 buildable lots and 2 non-buildable lots and allow the development of up to 38 residential condominium units consistent with the Lawrence Station Area Plan at 2961 Corvin Drive (PLN2017-12865), subject to conditions of approval.

**18-279** [Second Amendment to Development Agreement between the City of Santa Clara and SI 55, LLC](#)

**Recommendation:** Alternatives 1) and 3):

1. Approve a Resolution Recommending that Council approve the Second Amendment to the Development Agreement between the City of Santa Clara and SI 55, LLC.
3. Note and file the Addendum to the 2008 Final Environmental Impact Report and 2013 Mitigated Negative Declaration.

**PUBLIC PRESENTATIONS:**

*Members of the public may briefly address the Commission on any item not on the agenda.*

**REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:**

1. Announcements/Other Items
2. Board or Committee Assignments
3. Architectural Committee
4. Commissioner Travel and Training Reports, Requests to attend Trainings

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

1. Upcoming Agenda Items
2. City Council Actions

**ADJOURNMENT:**

The next regular scheduled meeting is on Wednesday, April 11, 2018, in the City Hall Council Chambers.



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
santaclaraca.gov  
@SantaClaraCity

## Agenda Report

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**18-060**

**Agenda Date: 3/28/2018**

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**SUBJECT**

Planning Commission Minutes of March 14, 2018

**RECOMMENDATION**

Approve the Planning Commission Minutes of March 14, 2018.

**ATTACHMENTS**

1. Draft of Planning Commission Actions Minutes for March 14, 2018



# City of Santa Clara

## Meeting Minutes - Draft

### Planning Commission

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03/14/2018

6:00 PM

City Hall Council Chambers

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#### Items for Council Action

\*None

#### **6:00 PM STUDY SESSION**

##### Confirmation of a Quorum

##### Announcement of Study Session

Planning Commissioners received training for the new agenda system.

#### **7:00 PM REGULAR MEETING CALL TO ORDER**

#### **PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES**

Chair Ikezi initiated the Pledge of Allegiance and Commissioner O'Halloran read the Statement of Values.

#### **ROLL CALL**

**Present**      5 -    Commissioner Steve Kelly, Chair Yuki Ikezi, Commissioner Michael O'Halloran, Commissioner Sudhanshu Jain, and Commissioner Lance Saleme.

**Excused**      1 -    Commissioner Raj Chahal

**Staff present were:** Deputy City Attorney Diana Fazely, Development Review Officer Gloria Sciara, and Office Specialist IV Rosa Avalos.

#### **DECLARATION OF COMMISSION PROCEDURES**

Chair Ikezi read the Declaration of Commission Procedures for those present.

#### **CONTINUANCES/EXCEPTIONS**

None

## CONSENT CALENDAR

1. [18-116](#) Planning Commission Minutes

**Recommendation:** Approve the Planning Commission Minutes of February 14, 2018.

**A motion was made by Commissioner O'Halloran, seconded by Commissioner Jain, to approve the Planning Commission Minutes of February 14, 2018 with revisions noted. The motion carried by the following vote:**

**Aye:** 4 - Chair Ikezi, Commissioner O'Halloran, Commissioner Jain, and Commissioner Saleme

**Abstained:** 1 - Commissioner Kelly

## ITEMS SET FOR HEARING

2. [18-081](#) Amendment of Existing Use Permit and Modification of Conditions of Approval for 2925 Mead Avenue

**Recommendation:** Adopt a Resolution approving amendment of the Use Permit (PLN2011-08641) to allow the requested extension of business hours and the on-site sale and service of alcoholic beverages (ABC License Type 41) in the existing electric kart racing facility located in the ML Zoning District, at 2925 Mead Avenue, subject to modified conditions with the removal of the requirement for the maintenance of roof-mounted toxic gas sensors (Conditions of approval numbers' P9, P10 and P12 and MMRP Mitigations' MM AQ-2 and MM AQ-3) .

**A motion was made by Commissioner O'Halloran, seconded by Commissioner Kelly, to approve the Amendment of Existing Use Permit and Modification of Conditions of Approval for 2925 Mead Avenue, subject to conditions. The motion carried by the following vote:**

**Aye:** 5 - Chair Ikezi, Commissioner Kelly, Commissioner O'Halloran, Commissioner Jain, and Commissioner Saleme.

## PUBLIC PRESENTATIONS

George Tsai addressed the Commission to ask that a request to initiate a Rezoning of the property at 130 Serena Way be agendized and discussed at the next available meeting.

## REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE

1. Announcements/Other Items:

Commissioner Saleme asked for an update on the request for City emails, which Office Specialist IV Rosa Avalos said would be brought to the next meeting.

2. Board or Committee Assignments
3. Architectural Committee
4. Commissioner Travel and Training Reports, Requests to attend Trainings

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS**

1. Upcoming Agenda Items
2. City Council Actions

**ADJOURNMENT**

The meeting adjourned at 7:52 PM. The next regular scheduled meeting is on Wednesday, March 28, 2018, in the City Hall Council Chambers.



## Agenda Report

18-082

Agenda Date: 3/28/2018

### REPORT TO PLANNING COMMISSION

#### SUBJECT

Vesting Tentative Subdivision Map for 2961 Corvin Drive

#### BACKGROUND

The applicant is proposing a Vesting Tentative Subdivision Map on a 1.619 acre site within the Lawrence Station Area Plan (LSAP) at 2961 Corvin Drive (PLN2017-12865). The project site is located between Corvin Drive and Calabazas Creek. The City Council adopted the Lawrence Station Area Specific Plan (LSAP) in 2017 allowing the redevelopment of approximately 65 acres of existing industrial land with up to 3,500 residential units, up to approximately 104,000 square feet of commercial space, approximately 6 acres of parks/open space, and related infrastructure and roadway improvements. As part of the LSAP, the General Plan land use designation of the Plan area was changed from Light Industrial to a mix of Low Density Residential, Medium Density Residential, High Density Residential, Very High Density Residential, Public/Quasi-Public, and Parks and Open Space, and included a text amendment to create the Very High Density Residential land use designation (51-100 Dwelling Units/Acre). In addition, a new Lawrence Station Area Plan (LSAP) Zoning District was created for the Plan area which includes the project site. The subject property is designated for Medium Density Residential (20-36 DU/AC) development under the LSAP and subject to the Lawrence Station Area Zoning District.

The Map would create seven buildable lots and two non-buildable lots (Attachment #6 Sheet TM.1 and TM.2). The seven buildable lots would support the development of 38 residential condominium units in seven buildings, previously approved through the Architectural Review process. The two non-buildable lots would support a proposed private drive. The Map will also be used for condominium purposes. Multiple Final Maps may be filed based on this Map.

The Map was reviewed by staff and determined to be complete on December 19, 2017. Planning Commission review and a recommendation to the City Council is required under Santa Clara City Code (SCCC) section 17.05.300(g) for Subdivision Map applications. The associated development is subject to the LSAP standards and policies and the LSAP Zoning District (Attachment #2, Table 1). The LSAP Zoning District establishes dwellings as a permitted use, subject to Architectural Committee approval. The Architectural Committee approved the Architectural Review for the 38 residential condominium units on February 21, 2018, finding the project consistent with the SCCC section 18.76.020(i). The approved site and landscape plans from the Architectural Review are attached for reference (Attachment #5).

#### DISCUSSION

Subdivision maps are reviewed for consistency with the pertaining General Plan land use designation and zoning district and applicable policies. The parcels are designated Lawrence Station Area Plan in the General Plan and are zoned as Lawrence Station Area Plan Zoning District. The proposed

development is 23.47 DU/AC, which is consistent with the LSAP General Plan allowance for Medium Density Residential (20-36 DU/AC), as noted for this location in the LSAP. The Map supports the development of uses that are consistent with the General Plan, and the proposed development is consistent with the regulations for the LSAP Zoning District.

The Map includes easements to accommodate connection to the Calabazas Creek Trail as shown on the Conceptual Landscape Plan, Paseo Enlargements and Trail Connection Enlargements (Sheets L-1 thru L-4). The proposed Trail Connection was designed in consultation with the Public Works and Parks and Recreation Departments and will accommodate both pedestrians and bicyclists as called for in the LSAP. Due to roadway constraints and existing developments, the proposed alignment for the Trail Connection has been adjusted for the proposed Map from the alignment shown in the illustrative LSAP land use diagram but would be fully consistent with the LSAP objective of providing the connection through the project site.

The proposed Vesting Tentative Subdivision Map is consistent with goals, guidelines and standards of the LSAP land use designations and zoning district. The approval of the project would provide an opportunity to locate high quality residential condominium units in proximity to mixed-use areas and public transportation consistent with the City's long-term development goals for the Lawrence Station Focus Area. The project would support linkage to the Calabazas Creek Trail and Lawrence Caltrain Station area.

### **FISCAL IMPACT**

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

### **ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) was prepared for the LSAP in accordance with the California Environmental Quality Act (CEQA). The City Council certified the Final EIR on November 29, 2016 for the Lawrence Station Area Plan (SCH #2015022059). The City prepared an Environmental Checklist to evaluate whether the 2961 Corvin Drive project was adequately analyzed in the Lawrence Station Area Plan Environmental Impact Report (LSAP EIR).

The checklist confirms the project is within the planning area analyzed for the LSAP Final EIR and would have no new significant environmental effects nor substantially increase the severity of previously identified significant effects. Additionally, no new mitigation measures are required beyond those identified in the LSAP EIR, and as such, the City can approve the project as being within the scope of the LSAP EIR and no new environmental document is required. Pursuant to Government Code 65457, Public Resources Code 21166 and CEQA Guidelines 15168, the project does not require any further review under CEQA.

### **PUBLIC CONTACT**

A notice of public hearing of this item was posted within 500 feet of the project site and mailed to property owners within 500 feet of the project site. Newspaper notice of the Vesting Tentative Subdivision Map was published more than ten days in advance of the Planning Commission meeting.

### **ALTERNATIVES**

1. Recommend that Council approve the Vesting Tentative Subdivision Map to create 7 buildable lots and 2 non-buildable lots and allow the development of up to 38 residential condominium units

consistent with the Lawrence Station Area Plan at 2961 Corvin Drive (PLN2017-12865), subject to conditions of approval.

2. Recommend that the City Council deny the proposed Map
3. Direct staff to work with the applicant to make changes to the Map prior to the City Council hearing.

### **RECOMMENDATION**

1. Recommend that Council approve the Vesting Tentative Subdivision Map to create 7 buildable lots and 2 non-buildable lots and allow the development of up to 38 residential condominium units consistent with the Lawrence Station Area Plan at 2961 Corvin Drive (PLN2017-12865), subject to conditions of approval.

Prepared by: Yen Han Chen, Associate Planner

Reviewed by: Kevin Riley, Acting Planning Manager

Reviewed by: Andrew Crabtree, Director of Community Development

Reviewed by: Brian Doyle, City Attorney

Reviewed by: Manuel Pineda, Assistant City Manager

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Reserved
2. Project Data and Maps
3. Resolution for Approval of the Vesting Tentative Subdivision Map
4. Conditions of Approval Map
5. Site and Landscape Plans
6. Vesting Tentative Subdivision Map

Attachment #1

Reserved for Summary of Planning Commission Action

# Attachment 2

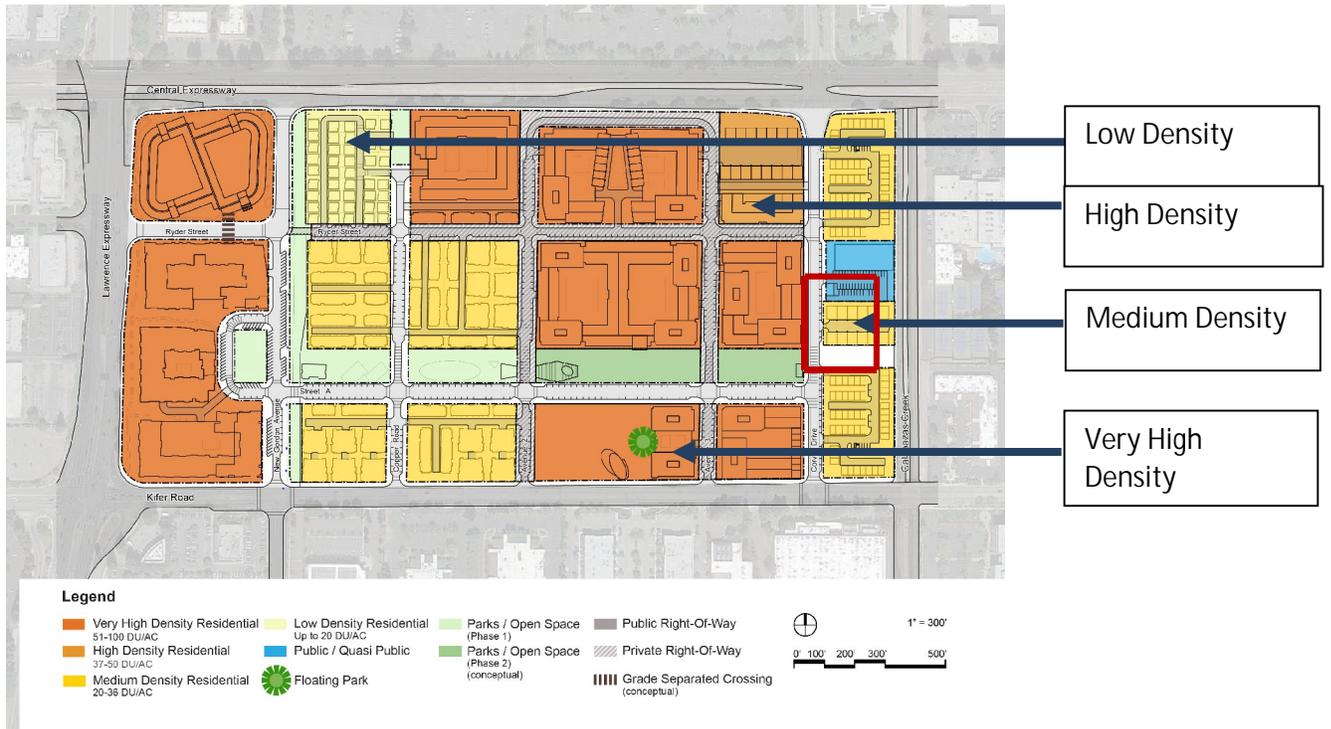
**Table 1: Project Data**

	Existing	Proposed
<b>General Plan Designation</b>	Lawrence Station Area Plan	Same
<b>Zoning District</b>	Lawrence Station Area Plan, Medium Density Residential	Same
<b>Land Use</b>	Industrial / Office	Residential / Open Space Trail Connection
<b>Lot Size</b>	1.619 acre	Same
<b>Density</b>		Overall, 23.4 dwelling units per acre (32 units on 1.619 acres)

**Image 1: Aerial Map of the LSAP**



**Image 2: LSAP Land Use**



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

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,  
TO APPROVE A VESTING TENTATIVE SUBDIVISION MAP AT  
2961 CORVIN DRIVE, SANTA CLARA, CALIFORNIA**

PLN2017-12865 (Vesting Tentative Subdivision Map)

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

**WHEREAS**, On September 20, 2017, Jonathon Fearn (“Applicant”) on behalf of Summerhill Homes Inc. (“Property Owner”), made an application for a Vesting Tentative Subdivision Map to aggregate five existing parcels and subdivide the gross area of 1.61 acres, located at 2961 Corvin Drive, into seven residential lots and two non-developable lots (“Project Site”);

**WHEREAS**, on February 21, 2018, the Architectural Committee provided Architectural Approval to allow for the construction of 38 townhomes consistent with the Lawrence Station Area Plan, the construction of an internal private streets; and site improvements and landscaping on the Project Site. A subdivision map is required to develop the project and allow for the sale of the condominium units;

**WHEREAS**, pursuant to Section 17.05.210 of the Santa Clara City Code (“SCCC”), a Tentative Subdivision Map shall be required for all divisions of land into five or more parcels;

**WHEREAS**, the proposal is to create a nine lot subdivision to allow development of 38 condominiums on seven buildable lots consistent with the Lawrence Station Area Plan; and two common interest lots for use as a private street, guest parking spaces and utilities (“Project”) as shown on the Exhibit “Vesting Tentative Subdivision Map” and attached hereto and incorporated herein by this reference;

**WHEREAS**, the design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidable injure fish or wildlife or their habitat in that, the Project is located in an urbanized area, on a previously developed site, and includes mitigation measures, as identified in the previously adopted Environmental Impact Report (“EIR”) prepared for the Lawrence Station Area Plan adopted by the City Council in accordance with California Environmental Quality Act (CEQA) on November 19, 2016;

**WHEREAS**, as a residential development project consistent with a specific plan for which an EIR has been prepared, the Project is exempt from further environmental review pursuant to Government Code Section 65457;

**WHEREAS**, on December 19, 2017, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map be reviewed by the City Council in conformance with Section 17.05.300 of the SCCC as a Vesting Tentative Subdivision Map;

**WHEREAS**, on March 28 2018, the Planning Commission concluded a duly noticed public hearing to consider the proposed Vesting Tentative Subdivision Map, at the conclusion of which the Commission voted to recommend that the City Council Approve the Tentative Subdivision Map;

**WHEREAS**, notice of the public hearing before the City Council on the Vesting Tentative Subdivision Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on April 4, 2018;

**WHEREAS**, notices of the public hearing on the Vesting Tentative Subdivision Map were mailed to all property owners within 500 feet of the proposed Tentative Parcel Map, on April 4, 2018; and,

**WHEREAS**, on April 17, 2018, the City Council reviewed the proposed Vesting Tentative Subdivision Map and conducted a public hearing, at which all interested persons were given an opportunity to give testimony and present evidence, both in support of and in opposition to the proposed subdivision map.

**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. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the City Council finds and

determines that:

A. The Vesting Tentative Subdivision Map is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and the Lawrence Area Specific Plan in that the Vesting Tentative Subdivision Map will subdivide the existing 1.61 acre Project Site into nine residential lots consisting of seven developable lots and two non-developable lots to promulgate the development of consistent with the Lawrence Station Area Plan General Plan land use designation for the site.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Subdivision Map facilitates development of condominiums that complies with the land use density and associated General Plan policies subject to conditions set forth in the Exhibit "Conditions of Approval Map", attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development, in that the proposal provides high quality housing and adds to the variety of options that is designed to be consistent with the on-going and proposed development within the Lawrence Station Area Plan area.

D. The site is physically suitable for the proposed density of development in that the site is located in an urbanized area served by existing public infrastructure and facilities.

E. The design of the subdivision and type of improvements are not likely to cause serious public health problems, in that the proposal is physically suitable for the proposed density of development in that the Project Site is located in an urbanized area that allows for redevelopment consistent with the mix of uses and density of development contemplated for the General Plan's Lawrence Station Focus Area. The project will also implement various site improvements and will not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, in that the Project Site is surrounded by urban uses; is currently undeveloped and has

no value as habitat for endangered, rare or threatened species; would not result in any significant effects related to traffic, noise, air quality, or water quality; is adequately served by all required utilities and public services; and that with implementation of the mitigation measures identified in the MMRP, and incorporated into the Project, will reduce potential impacts to those levels identified in the LSAP EIR.

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 avoid conflicts with public easements in the site design.

H. The Vesting Tentative Subdivision 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.

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

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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 17<sup>th</sup> DAY OF APRIL, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: \_\_\_\_\_  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Exhibit "Conditions of Approval Map"
2. Exhibit "Vesting Tentative Subdivision Map"

I:\PLANNING\2017\Project Files Active\PLN2017-12865 2961 Corvin Dr (Map)\CC Resolution TMAP 2961 Corvin Dr 4.17.18 v1.doc

**CONDITIONS OF APPROVAL**  
**2961 CORVIN DRIVE VESTING TENTATIVE SUBDIVISION MAP**

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the project shall be subject to the following **conditions of approval**:

**GENERAL**

- G1. 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 against the City by reason of its approval of developer's project.
- G2. 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.

**COMMUNITY DEVELOPMENT**

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- C2. Development shall conform to the Architectural Review for the subject site, including all conditions of approval. Any changes to the previous approvals require review by the Planning Division and may be subject to new approval processes.
- C3. Submit complete landscape plans, including irrigation plan and composite utility and tree layout overlay plan, for Planning Division review and approval with installation of required landscaping prior to the issuance of occupancy and or final building permits. Landscape plan to include type and size of proposed trees. Coordinate with the City Arborist for the type, location, installation and maintenance of large canopy street trees fronting the project site along the public right-of-way. Type and size of tree replacement on project site shall be at the direction of the City Arborist and require Planning Division review and approval. Installation of root barriers and super-soil may be required with the installation of trees where electric, water, and sewer utilities are in proximity.
- C4. The Developer shall comply with the Mitigations Monitoring and Reporting Program (MMRP) identified in the Lawrence Station Area Plan Environmental Impact Report (SCH No. 201502205), and said mitigation measures and MMRP shall be incorporated in the Conditions of Approval for this project.
- C5. Developer shall submit to the City Covenant, Conditions, and Restrictions (CC&Rs) or equivalent instrument assigning and governing perpetual maintenance of building, landscaping, and private on-site infrastructure in good condition for the life of the Project, prior to final of building permits, for the for-sale products. The CC&Rs shall reference the need for an annual report on the attainment of vehicle miles travelled reduction targets, as specified in the conditions herein and subject to the discretion of the Director of Community Development. The annual report may be prepared independent of or in combination with the other developments approved with this permit. Said CC&Rs 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 Engineering 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 Engineering 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 Engineering 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. 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.
- E4. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E5. Submit public improvement plans prepared in accordance with City Engineering 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 final map and/or issuance of building permits.
- E6. After City Council approval of the Tentative Subdivision, submit 10 copies of the Final 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. The City approved Final Map shall be recorded by developer prior to building permit issuance.
- E7. File and record Final Map for proposed development and pay all appropriate fees prior to issuance of the Building Permit.
- E8. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.
- E9. Dedicate, as required, on-site easements for new sidewalk, storm drain main, storm drain overland release, and any other new utilities by means of parcel/final map or approved instrument at time of development.
- E10. Proposed trees not in the 3-foot landscape strip shall be five (5) feet minimum clear of sidewalks. Provide root barrier if trees are planted such that the drip line of the mature trees covers the sidewalk. Root barriers shall be 12' long x 2' deep, and centered on trees. Minimum clearances from proposed trees and existing and/or proposed utilities must be maintained. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the Public Works Director.
- E11. Show and comply with City's driveway triangle of safety requirements at all driveways. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways order to allow an unobstructed view of oncoming traffic.
- E12. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12
- E13. All driveways shall be ADA compliant driveways per City standards.
- E14. Provide ADA walkway connecting the proposed buildings to the public sidewalks.
- E15. Provide a minimum 5' wide sidewalk along the Corvin Drive property frontage.

- E16. All traffic striping, messages, and symbols shall be thermoplastic.
- E17. All proposed driveways shall be City standard ST-8 driveways. The minimum width of the driveways shall be 24'.
- E18. All proposed private streets shall accommodate fire truck/engine turning template.
- E19. The project shall comply with the traffic mitigations identified in the Lawrence Station Area Plan (LSAP) EIR/TIA.
- E20. Provide/build a minimum 10' wide bicycle path and a minimum 5' wide pedestrian path through the project site approximately 50' north of the south property line connecting Corvin Dr. to the future Calabazas Creek trail. Provide a 3' wide buffer both north and south of the bike path.
- E21. Provide a minimum 18' wide easement through the project site to accommodate this east-west bicycle and pedestrian connection to the Calabazas Creek trail.
- E22. Install a high visibility "Continental" crosswalk with a Rectangular Rapid Flashing Beacon at the midblock crossing across Corvin Drive per the location of the bicycle and pedestrian connection approximately 50' north of the southern property limit as shown in the Lawrence Station Area Plan with appropriate signage.
- E23. Provide a minimum 12' wide public access easement on the east frontage of the property to accommodate the future Calabazas Creek trail.
- E24. The Developer shall build a minimum 11' wide asphalt concrete trail with minimum 1' shoulder that would serve as the future Calabazas Creek trail along the eastern property frontage parallel to Calabazas Creek. Coordinate the construction of the 11' wide asphalt walkway with minimum 1' shoulder with the 3305 Kifer Road project to the south.
- E25. Provide a minimum 12' wide easement along eastern property frontage parallel to Calabazas Creek to accommodate the Calabazas Creek trail.
- E26. The project shall pay its fair share of the traffic mitigations identified in the Lawrence Station Area Plan EIR/TIA. Developer shall pay their fair share contribution towards the traffic impacts identified in the LSAP TIA/EIR. Developer shall pay their fair share contribution towards the 100% LSAP project mitigation impact at the intersection of Corvin Drive/Central Expressway.
- E27. The project shall be required to prepare a traffic impact analysis (TIA) if the land use is not in conformance with the LSAP.
- E28. Corvin Drive shall include 6' wide bike lanes northbound and southbound, 12' vehicle travel lanes northbound and southbound plus a 12' wide center two way left turn lane.
- E29. Provide a minimum 6' wide sidewalk plus minimum 3' wide planter strip along Corvin Drive property frontage per the requirements of the LSAP. Coordinate width of the planter strip with the Community Development Department. Install "No Parking" signs along Corvin Drive property frontage.
- E30. Slurry seal half width of Corvin Drive along property frontage.
- E31. Final map shall not be accepted prior to emergency vehicle access easement is dedicated from 3305 Kifer Road parcel map.

I:\PLANNING\2017\Project Files Active\PLN2017-12865 2961 Corvin Dr (Map)\PC COA VTM - 2961 Corvin Dr.doc

Trail Connection enlargement  
(In between Buildings 5 & 7) -  
Refer to sheet L-4

Trail Connection enlargement  
(In between Buildings 2 & 7) -  
Refer to sheet L-4  
12' wide asphalt trail



Paseo B enlargement -  
Refer to sheet L-3

Corvin Drive street trees in 5' x 5' metal grate to  
match project South on Corvin Drive where  
adjacent to underground utilities

Paseo A enlargement -  
Refer to sheet L-2

Concrete sidewalk

PLAN VIEW  
Scale: 1"=20'-0"



1. TREE PLANTING MINIMUM SETBACK/CLEARANCE REQUIREMENTS:
  - 12" OF VERTICAL CLEARANCE AT WATER SERVICE CROSSING WITH OTHER UTILITIES
  - 10 FT. FROM SANITARY SEWER UTILITIES & EXISTING AND PROPOSED TREES
  - 8 FT. FROM STORM DRAIN UTILITIES
  - 5 FT. FROM FIRE, WATER AND GAS UTILITIES
  - 3 FT. FROM ABANDONED WATER SERVICES
  - 5 FT. FROM EDGE OF PROPOSED OR EXISTING DRIVEWAYS

# CORVIN DRIVE SUMMERHILL HOMES



11.17.17



Conceptual  
Landscape Plan

L-1

Evergreen columnar tree/shrub i.e. Euonymus 'Greenspire' with evergreen groundcover between driveways - Refer to proposed plant palette, sheet L-6

Concrete pavers in stabilized decomposed granite

6' wide concrete sidewalk

Evergreen ornamental grasses and groundcover in parkway - Refer to proposed plant palette, sheet L-6

Defensible plants adjacent to building windows and entries - Refer to proposed plant palette, sheet L-6

Corvin Drive street trees in 5' x 5' metal grate to match project South on Corvin Drive where adjacent to underground utilities

Tiered planting concept - Refer to proposed plant palette, sheet L-6

4' wide concrete entry walk

BUILDING 6A

BUILDING 6B

Scored concrete with light sand wash finish

Air Condenser Screens - Refer to image sheet L-5

Decorative block seatwall - Refer to image sheet L-5

Tall evergreen shrubs at building ends - Refer to proposed plant palette, sheet L-6

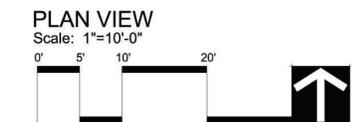
Foreground: groundcover or small ornamental grasses - Refer to proposed plant palette, sheet L-6

Mailbox Stations - Refer to image sheet L-5

Water treatment (Silva Cells) under paving refer to plans prepared by HMM

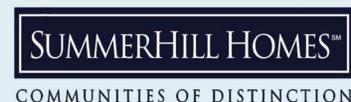
Concrete unit pavers - Refer to image sheet L-5

Flowering canopy trees - Refer to proposed plant palette, sheet L-6



1. TREE PLANTING MINIMUM SETBACK/CLEARANCE REQUIREMENTS:
  - 12" OF VERTICAL CLEARANCE AT WATER SERVICE CROSSING WITH OTHER UTILITIES
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  - 3 FT. FROM ABANDONED WATER SERVICES
  - 5 FT. FROM EDGE OF PROPOSED OR EXISTING DRIVEWAYS

# CORVIN DRIVE SUMMERHILL HOMES



11.17.17



Paseo 'A'  
Enlargement

L-2

Evergreen columnar tree/shrub i.e. Euonymous 'Greenspire' evergreen groundcover between driveways - Refer to proposed plant palette, sheet L-6

Concrete pavers in stabilized decomposed granite

Defensible plants adjacent to building windows and entries - Refer to proposed plant palette, sheet L-6

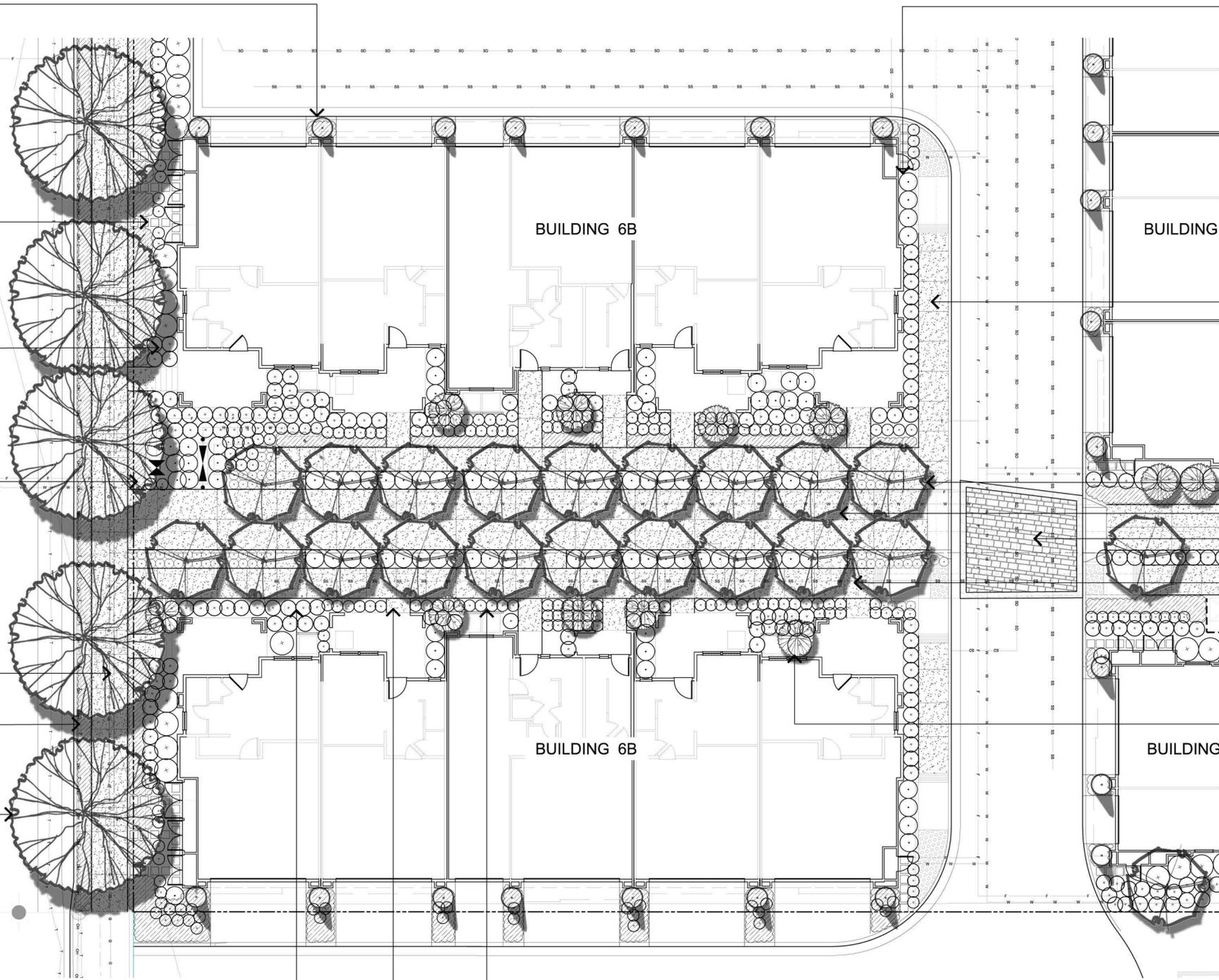
Proposed bicycle path signage - Refer to image sheet L-5

CORVIN DRIVE

6' wide concrete sidewalk

Evergreen ornamental grasses and groundcover in parkway - Refer to proposed plant palette, sheet L-6

Corvin Drive street trees in 3' x 3' metal grate to match project South on Corvin Drive where adjacent to underground utilities



Tall evergreen shrubs at building ends - Refer to proposed plant palette, sheet L-6

BUILDING 7

5' wide concrete sidewalk

Flowering accent trees - Refer to proposed plant palette, sheet L-6

10' wide concrete bike path

Concrete Unit pavers - Refer to image sheet L-5

5' wide concrete pedestrian connection

Small flowering accent tree - Refer to proposed plant palette, sheet L-6

BUILDING 2

Tiered planting concept - Refer to proposed plant palette, sheet L-6

Air Condenser Screen - Refer to image sheet L-5

4' wide concrete entry walk

PLAN VIEW  
Scale: 1"=10'-0"



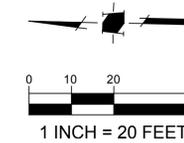
1. TREE PLANTING MINIMUM SETBACK/CLEARANCE REQUIREMENTS:
  - 12" OF VERTICAL CLEARANCE AT WATER SERVICE CROSSING WITH OTHER UTILITIES
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  - 3 FT. FROM ABANDONED WATER SERVICES
  - 5 FT. FROM EDGE OF PROPOSED OR EXISTING DRIVEWAYS

# CORVIN DRIVE

## SUMMERHILL HOMES

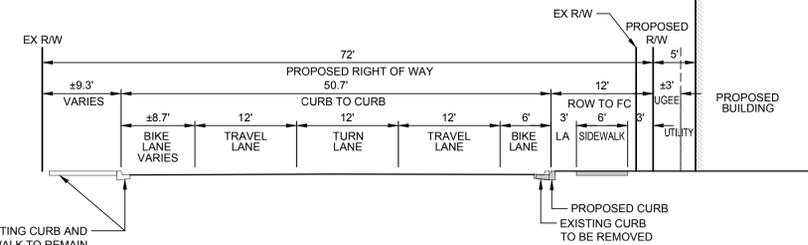
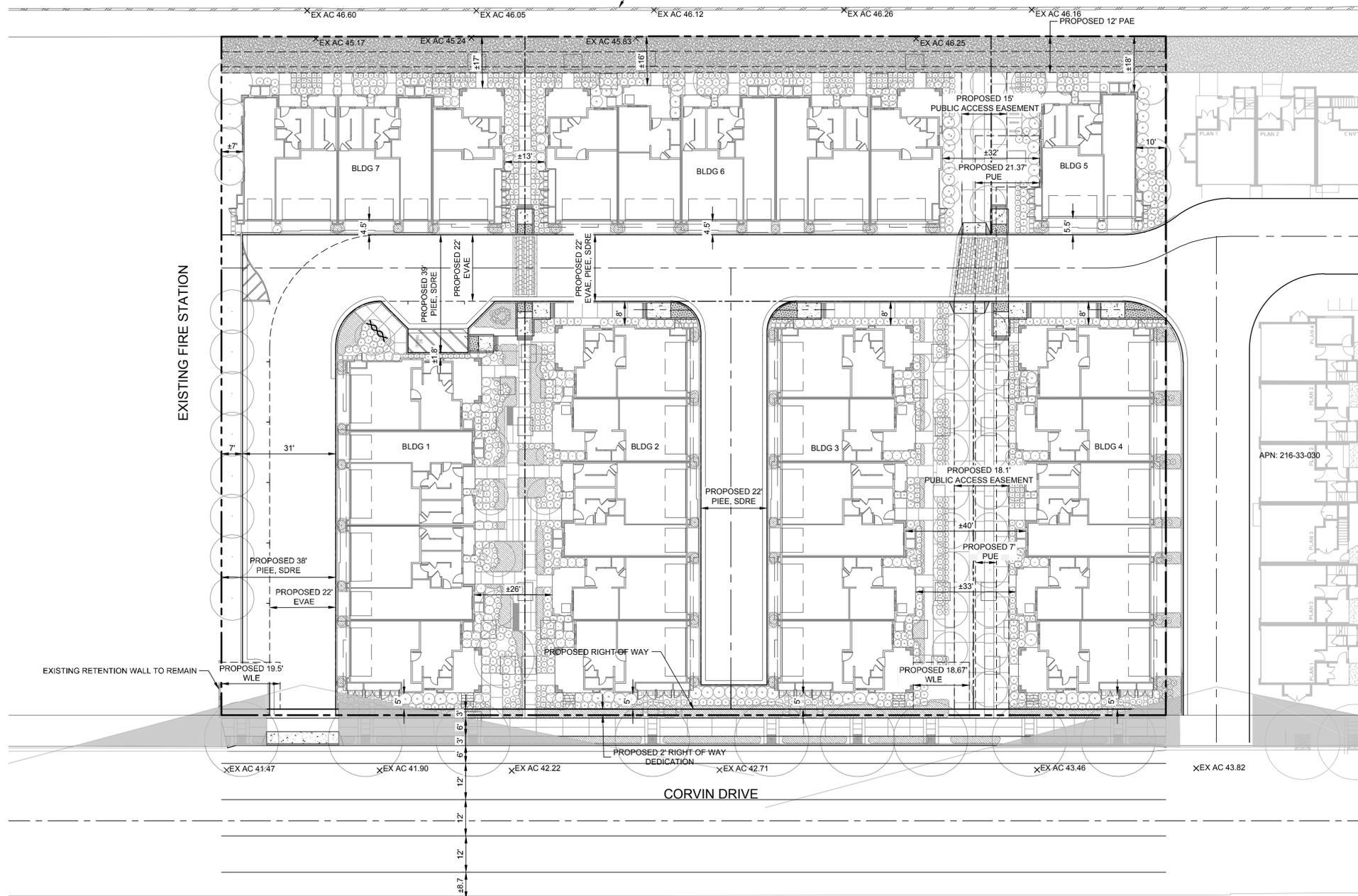
11.17.17

EXISTING SPILLWAY WALL TO REMAIN

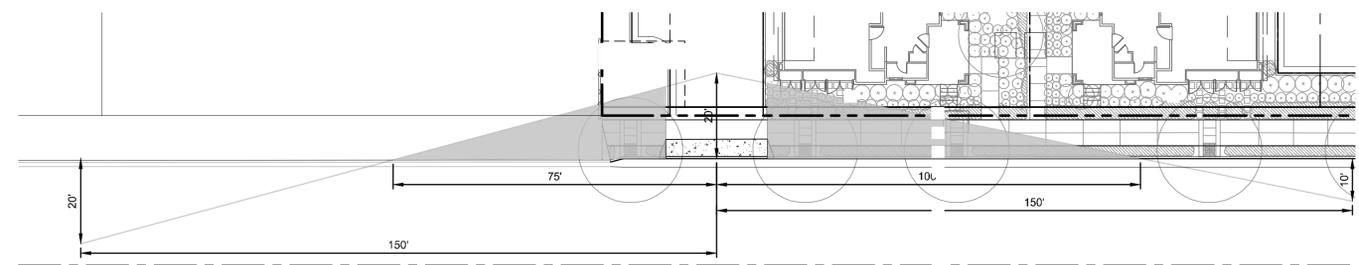


**LEGEND**

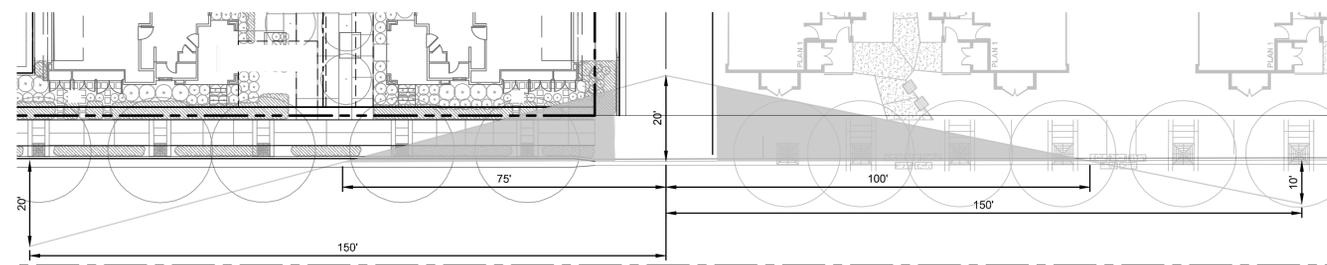
- PROJECT BOUNDARY
- EASEMENT



**PROPOSED CORVIN ROAD BASED ON LAWRENCE STATION AREA PLAN**  
SCALE: NTS



**DRIVEWAY TRIANGLE OF SAFETY - CORVIN DRIVE - NORTH ENTRY 25MPH**  
SCALE 1"=20' (PER CITY OF SANTA CLARA DRIVEWAY'S TRIANGLE OF SAFETY DETAIL "TRACING #T-808A")



**DRIVEWAY TRIANGLE OF SAFETY - CORVIN DRIVE - SOUTH ENTRY 25MPH**  
SCALE 1"=20' (PER CITY OF SANTA CLARA DRIVEWAY'S TRIANGLE OF SAFETY DETAIL "TRACING #T-808A")

**CORVIN DRIVE**  
SUMMERHILL HOMES

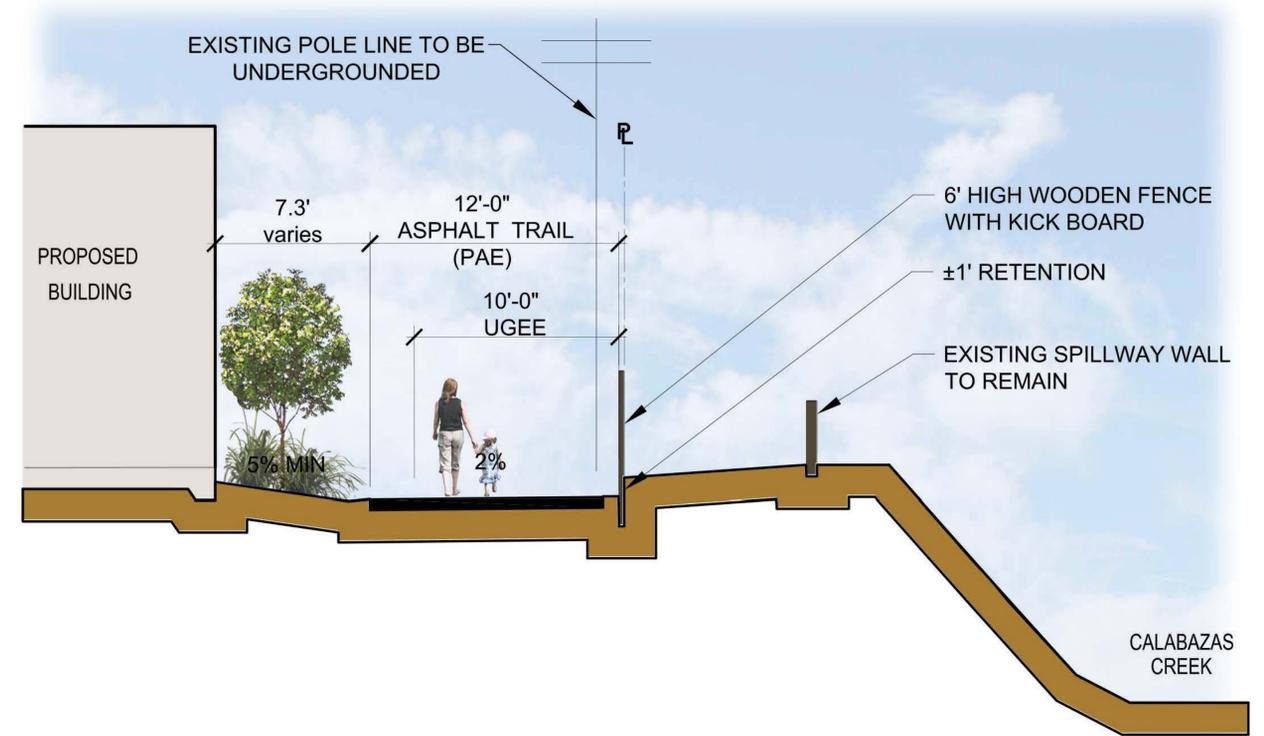
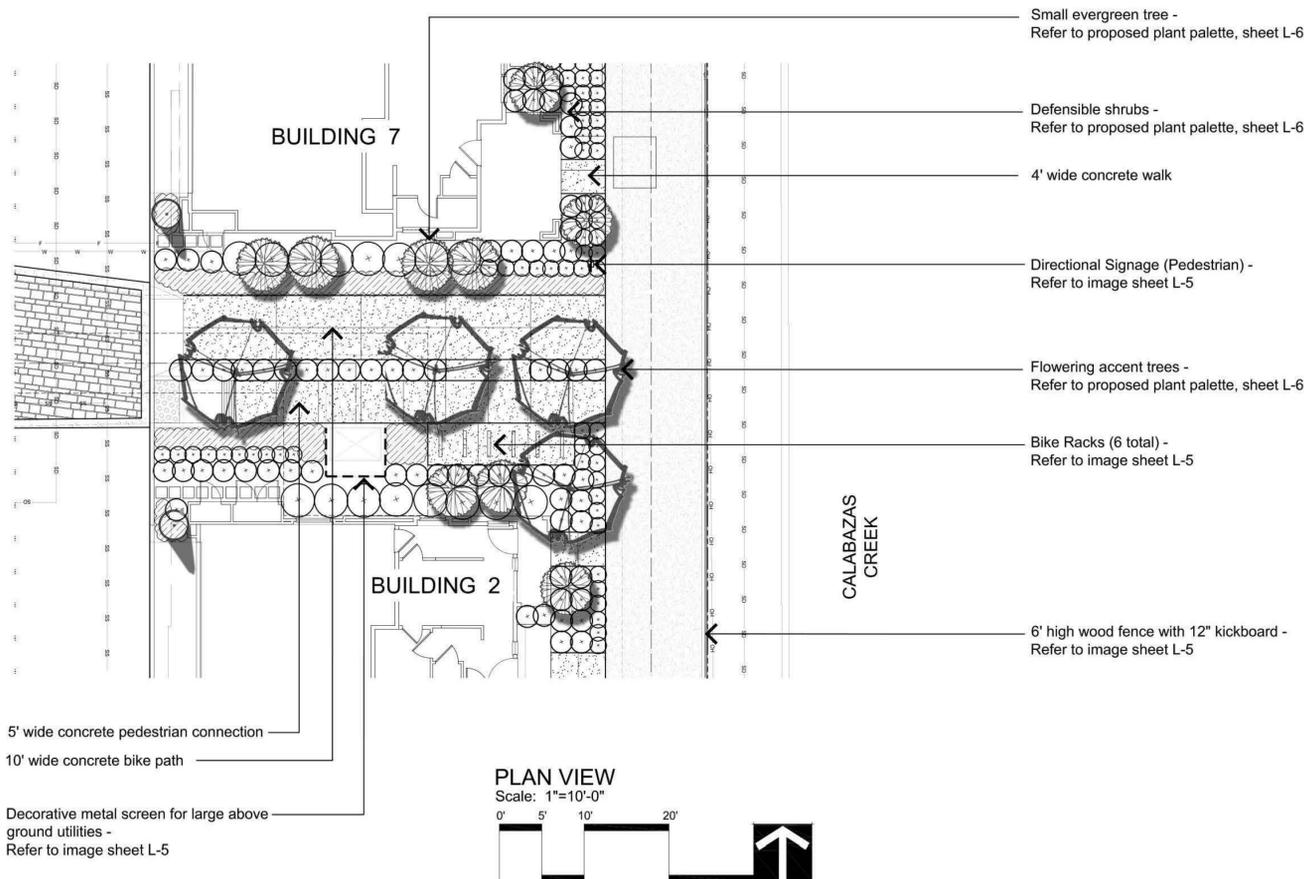
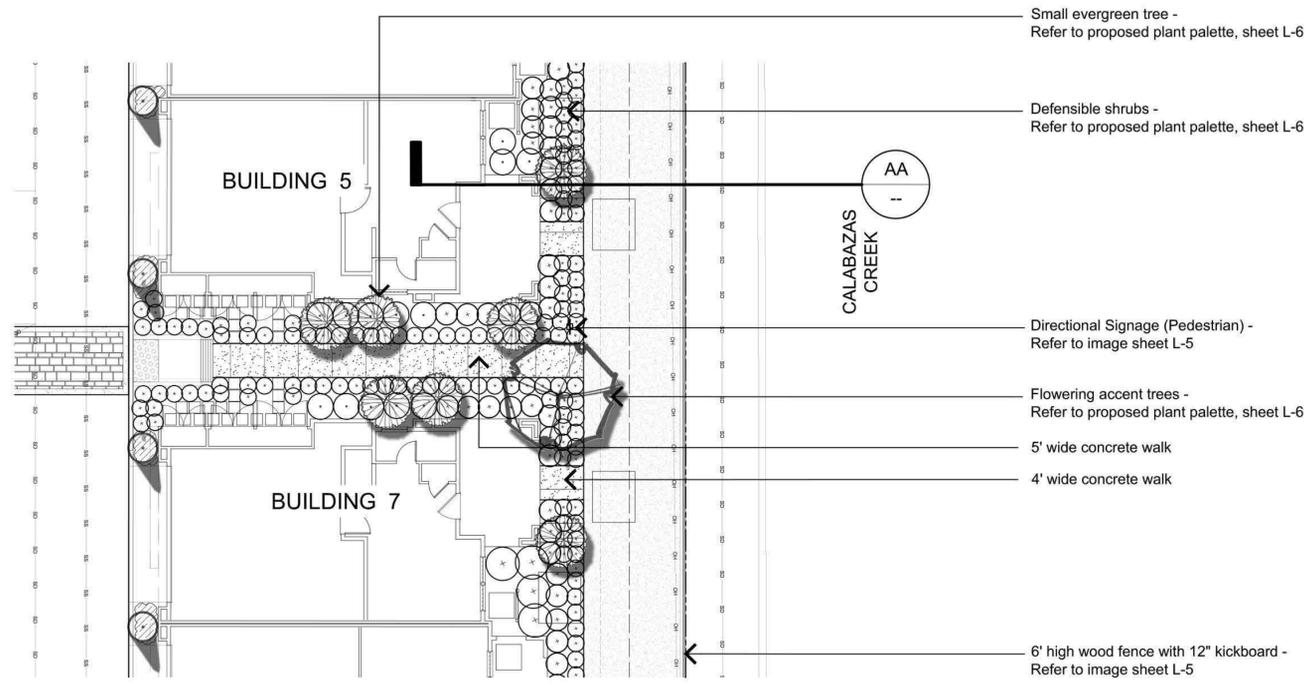


**HMH**  
Land Use Entitlements  
Land Planning  
Landscape Architecture  
Civil Engineering  
Utility Design  
Land Surveying  
Stormwater Compliance  
1570 Oakland Road  
San Jose, CA 95131  
(408) 487-2200  
HMhca.com

SITE PLAN

SHEET  
**C2.0**

11.17.17



**TRAIL SECTION - AA**

SCALE: 1/4" = 1'-0"

1. TREE PLANTING MINIMUM SETBACK/CLEARANCE REQUIREMENTS:
  - 12" OF VERTICAL CLEARANCE AT WATER SERVICE CROSSING WITH OTHER UTILITIES
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**CORVIN DRIVE**  
SUMMERHILL HOMES

11.17.17

**LEGEND**

TENTATIVE MAP BOUNDARY	---
PROPOSED LOT LINE	---
EXISTING PROPERTY LINE	---
RIGHT-OF-WAY	---
PROPOSED EASEMENT	---
EXISTING EASEMENT	---
CENTER LINE	---
EXISTING BUILDING (TO BE DEMOLISHED)	
EXISTING	(E)
PROPOSED	(P)
W.C.E.	ELECTRIC & WIRE CLEARANCE EASEMENT
E.E.	ELECTRIC EASEMENT
P.A.E.	PUBLIC ACCESS EASEMENT
W.L.E.	WATER LINE EASEMENT
E.V.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT

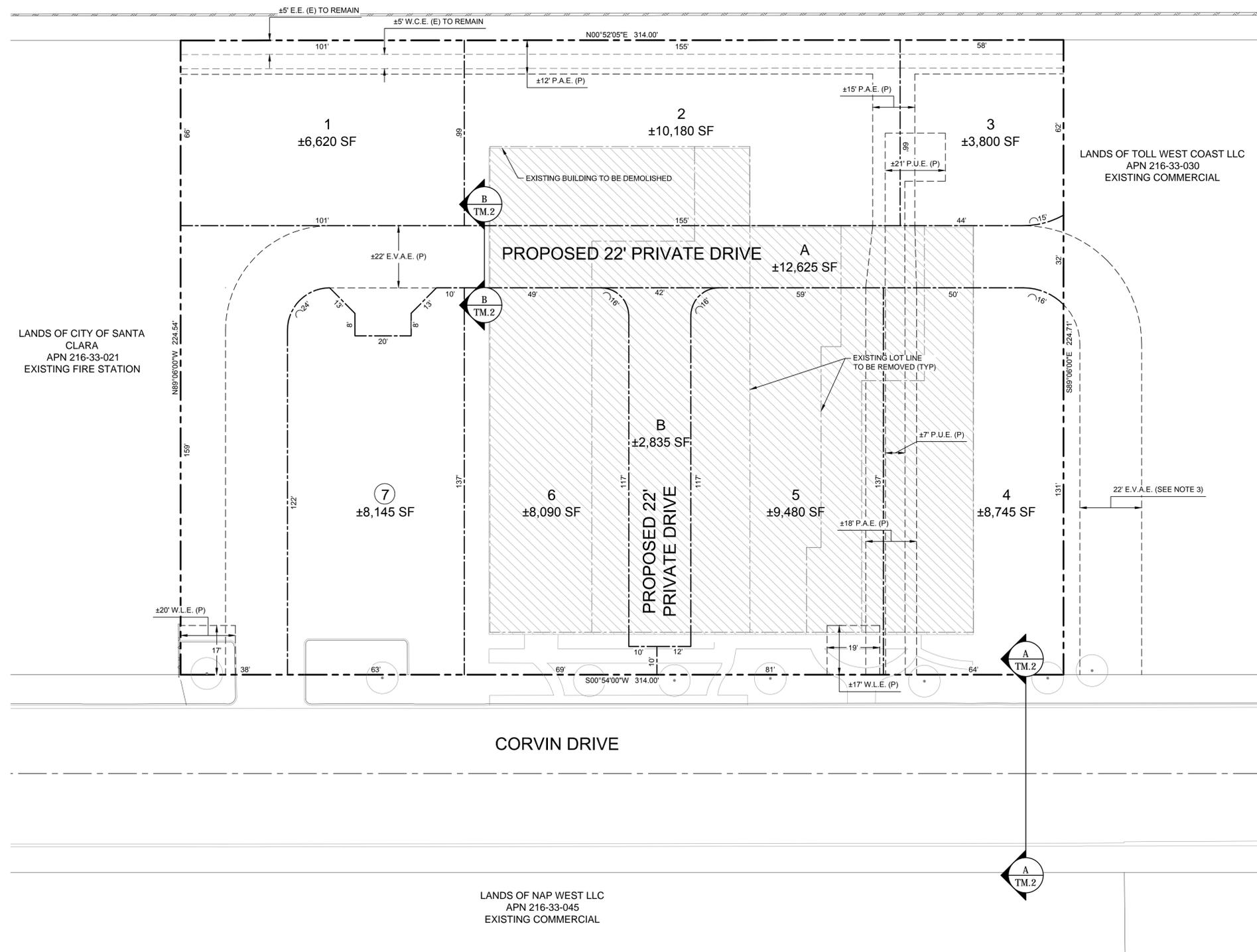
**GENERAL NOTES**

- PROJECT NAME: CORVIN DRIVE SANTA CLARA
- SUBDIVIDER: SUMMERHILL HOUSING GROUP
- ENGINEER: HMH ENGINEERS  
1570 OAKLAND ROAD  
SAN JOSE, CA 95131  
ZEF JIMENEZ, RCE #72155
- STREET LOCATION: 2961 - 2995 CORVIN DRIVE
- EXISTING ZONING: PLANNED DEVELOPMENT
- EXISTING GP DESIGNATION: MEDIUM DENSITY RESIDENTIAL (LSAP)
- EXISTING USE: COMMERCIAL
- PROPOSED USE: RESIDENTIAL CONDOMINIUM UNITS
- WATER SUPPLY: CITY OF SANTA CLARA
- SEWAGE DISPOSAL: CITY OF SANTA CLARA
- ASSESSOR'S PARCEL #(S): 216-33-040,041,042,43,044
- STREET TREES: SHALL CONFORM TO CITY OF SANTA CLARA STANDARDS
- TOTAL SITE AREA: ±1.6 ACRES
- PROPOSED LOTS: 7 BUILDABLE, 2 NON-BUILDABLE
- TOTAL UNITS: UP TO 38 RESIDENTIAL CONDOMINIUM UNITS
- FLOOD ZONE: ZONE A
- THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF SANTA CLARA.
- DEMOLITION PERMITS MAY BE ISSUED PRIOR TO ISSUANCE OF FINAL BUILDING PERMITS AND RECORDATION OF FINAL MAP.
- MULTIPLE FINAL MAPS MAY BE FILED BASED ON THIS TENTATIVE MAP.
- ALL DIMENSIONS DEPICTED HEREON ARE APPROXIMATE AND ARE SUBJECT TO REVISION AT FINAL MAP(S) STAGE.
- NO WELLS EXIST ON THIS SITE.
- NO NEW STREET NAMES HAVE BEEN APPROVED AT THIS TIME.
- ALL EXISTING BUILDINGS WILL BE REMOVED, PRIOR TO SUBDIVISION OF PROPERTY.

**NOTES**

- SUBDIVIDER SHALL RECORD A COVENANT OF EASEMENT TO THE CITY OF SANTA CLARA FOR THE PURPOSES INDICATED BELOW ACROSS THE FOLLOWING:
  - INGRESS/EGRESS, PRIVATE UTILITY AND STORM DRAIN RELEASE PURPOSES ON LOTS A & B FOR THE BENEFITS OF LOTS 1 THROUGH 7 AS NUMBERED ON THIS TENTATIVE MAP
  - PRIVATE INGRESS/EGRESS, PRIVATE UTILITY AND STORM DRAIN RELEASE PURPOSES ON LOTS 1 THROUGH 7
- EXISTING PUBLIC UTILITY EASEMENT, EMERGENCY VEHICLE ACCESS EASEMENT AND PUBLIC INGRESS AND EGRESS EASEMENT ACROSS THE EXISTING COMMON LOT ARE TO BE VACATED VIA SEPARATE INSTRUMENT.
- EMERGENCY VEHICLE ACCESS EASEMENT ON ADJACENT PROPERTY IS SHOWN FOR INFORMATION ONLY. COORDINATION BETWEEN SUMMERHILL HOMES AND TOLL WEST COAST LLC WILL BE REQUIRED FOR ESTABLISHMENT OF NECESSARY EASEMENT.

**CALABAZAS CREEK  
LANDS OF SANTA CLARA  
VALLEY WATER DISTRICT**



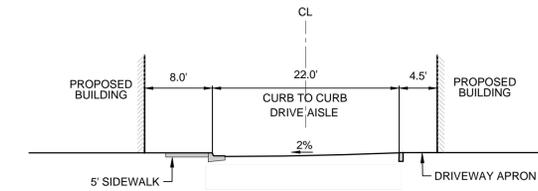
**CORVIN DRIVE  
SUMMERHILL HOMES**



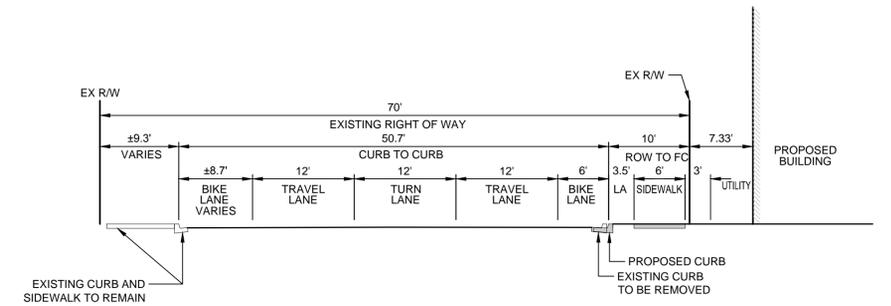
12.19.17

VESTING TENTATIVE  
TRACT MAP FOR  
CONDOMINIUM  
PURPOSES

SHEET  
TM.1



**B** PROPOSED 22' PRIVATE DRIVE  
SCALE: NTS



**A** PROPOSED CORVIN DRIVE  
SCALE: NTS

# CORVIN DRIVE

SUMMERHILL HOMES



12.19.17



## Agenda Report

18-279

Agenda Date: 3/28/2018

### REPORT TO PLANNING COMMISSION

#### SUBJECT

Second Amendment to Development Agreement between the City of Santa Clara and SI 55, LLC

#### BACKGROUND

In 2008 the City Council approved a rezoning of the subject property on Lawson Lane from Light Industrial (ML) to Planned Development (PD) to allow Sobrato Development Companies No.70 to construct a corporate campus consisting of up to 516,000 square feet of office space in three buildings; an 8,000 square foot amenity building; two parking structures and surface parking lots providing a combined total of 1,720 spaces; and site improvements.

The project included an approved Development Agreement (DA) between the City and Sobrato Development Companies to secure phased development of the project over a 10-year term with the vested right to develop in accordance with the permitted uses and intensity of development set forth in the approved PD. An Environmental Impact Report (EIR) was prepared and circulated in accordance with the California Environmental Quality Act (CEQA). The City Council certified the Final EIR and approved the project at a public noticed meeting in April 2008.

Phase 1 construction of 306,900 square feet of office space in two office buildings, a parking structure and commons buildings on the east side of Lawson Lane (East Campus) began in 2008 and was halted for a period of time due to the downturn in the economy. Construction was reinitiated in 2011 and completed in 2013, with subsequent occupancy by the Service Now company in 2016.

In May 2012, Sobrato Development Companies No. 70 / SI 55, LLC filed an application to amend the PD zoning and DA to modify the site design and intensity of the previously approved corporate campus project Phase 2. The application included the addition of 97,800 square feet of office space (increasing building area from to 209,100 square feet to 306,900 square feet in two buildings); the addition of a 17,158 square foot commons building; and the addition of 1,092 parking spaces on the west side of Lawson Lane (West Campus). Upon full build-out of the approved and proposed projects, the corporate campus would thus include 613,800 square feet of office, 25,158 square feet of commons space, and 2,812 parking spaces on the combined 16.09 acre project site. A Mitigated Negative Declaration (MND) was prepared and circulated in accordance with CEQA for the amended project. In April 2013, the City Council adopted the MND and approved the PD zoning amendment and first amendment to the DA at a public noticed meeting.

While Phase 1 was completed, Phase 2 construction of the West Campus has not commenced, and building permit applications are not expected to be filed with the City prior to expiration of the DA. The entitlements set forth in the PD zoning approval would thus expire on the termination date of the DA on June 5, 2018.

**DISCUSSION**

The Sobrato Organization / SI 55, LLC has filed an application to amend the DA and extend the term of expiration to June 4, 2020, and thereby extend the PD zoning approval for the project by two years. The extended term is requested to allow the property owner/applicant to obtain building permits for construction of Phase 2 in accordance with the previously approved PD amendment. A tenant for Phase 2 has been identified and secured that would occupy the buildings upon completion of construction. This second amendment to the DA includes new fee provisions for payment by the developer of regional traffic fees and water connection fees in return for the extended term. It does not include additional term extensions of the agreement beyond 2020.

**FISCAL IMPACT**

Approval of the proposed second amendment to the DA would provide payment of regional traffic fees at \$2.50 per square foot of Phase 2 office development for a total of \$767,250 prior to issuance of building permits. The developer would also be obligated to pay water connection fees, as established by resolution of the City Council, prior to issuance of building permits.

In addition, the project would be subject to building permit and development fees in accordance with the City's Fee Schedule and be made payable at the time of building permit issuance for Phase 2 construction.

Development of the project would increase property tax and other tax revenues for the City and provide additional construction and permanent jobs.

**ENVIRONMENTAL REVIEW**

An Addendum to the 2008 Final Environmental Impact Report (FEIR) and 2013 Mitigated Negative Declaration (MND) for the Lawson Lane Development Agreement Extension Project was prepared in accordance with the CEQA. The addendum provides an analysis of resource areas which would be potentially affected by the proposal, for a two-year term extension of the DA, in order to determine whether new effects would occur or new mitigation measures should be required. The analysis concludes that no substantive revisions are needed to the 2008 FEIR or 2013 MND, because no new significant impacts or impacts of substantially greater severity would result from the proposed DA amendment; there have been no changes in circumstances in the project area that would result in new significant environmental impacts or substantially more severe impacts; and because no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the 2008 FEIR or 2013 MND. The previous Mitigation Monitoring or Reporting Program remains in effect for the project.

**PUBLIC CONTACT**

The notice of public hearing for this item was posted within 500 feet of the project site and mailed to property owners within 500 feet of the project site. Newspaper notice of this item was published in the *Santa Clara Weekly* on March 14, 2018.

**ALTERNATIVES**

1. Approve a Resolution Recommending that Council approve the Second Amendment to the Development Agreement between the City of Santa Clara and SI 55, LLC.
2. Do not Approve a Resolution Recommending that Council deny the Second Amendment to the

Development Agreement between the City of Santa Clara and SI 55, LLC.

3. Note and file the Addendum to the 2008 Final Environmental Impact Report and 2013 Mitigated Negative Declaration

### **RECOMMENDATION**

Alternatives 1) and 3):

1. Approve a Resolution Recommending that Council approve the Second Amendment to the Development Agreement between the City of Santa Clara and SI 55, LLC.
3. Note and file the Addendum to the 2008 Final Environmental Impact Report and 2013 Mitigated Negative Declaration.

Prepared by: Debby Fernandez, Associate Planner

Reviewed by: Gloria Sciara, Development Review Officer

Reviewed by: Kevin Riley, Acting Planning Manager

Reviewed by: Andrew Crabtree, Director of Community Development

Reviewed by: Alexander Abbe, Assistant City Attorney

Reviewed by: Brian Doyle, City Attorney

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Manuel Pineda, Assistant City Manager

### **ATTACHMENTS**

1. Reserved
2. Addendum to the Final Environmental Impact Report and 2013 Mitigated Negative Declaration Resolution
3. Second Amendment to Development Agreement between the City of Santa Clara and SI 55, LLC.
4. Resolution Recommending City Council Approval of the Second Amendment to Development Agreement Between the City of Santa Clara and SI 55, LLC
5. Development Agreement Ordinance

Attachment #1

Reserved for Summary of Planning Commission Action

**ADDENDUM  
TO THE 2008 FINAL ENVIRONMENTAL IMPACT REPORT and 2013 MITIGATED  
NEGATIVE DECLARATION FOR THE LAWSON LANE DEVELOPMENT AGREEMENT  
EXTENSION PROJECT**

**February 2018**

**1.1 PURPOSE OF ADDENDUM**

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is certified and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

In April 2008, the City of Santa Clara certified the *Lawson Lane Project Final Environmental Impact Report* (FEIR State Clearinghouse #2007042165) and approved the Lawson Lane Project, which included a Development Agreement between the City of Santa Clara and the Sobrato Development Companies (May 6, 2008, Ordinance 1838). The original Development Agreement (DA), effective June 5, 2008, included the phased development of 516,000 square feet (sf) of office/light industrial space in three buildings on the 16-acre site. The DA had a five year term, with an option to renew for five more years, for a total 10-year term.

In April 2013, an Initial Study/Mitigated Negative Declaration was approved and the Planned Development (PD) zoning and DA were amended (CEQ2012-01146, PLN2012-09224,) to add 97,800 sf of office space plus 17,158 sf of common space on the west side of Lawson Lane, for a total of 306,900 sf of office/R&D and 17,158 sf of common space (324,058 sf total office/common space). The total approved development is 638,958 sf over the entire 16-acre project site, excluding parking structures. The existing DA expires in June 2018.

Development on the east side of Lawson Lane is completed and comprises 306,900 sf of office space within two five-story buildings, a common building, and a five-level above grade parking structure. Construction on the west side of Lawson Lane has not begun.

Since approval of the 2013 Mitigated Negative Declaration, changes to the 2013 project have been proposed, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the modified 2018 project (see Section 2.0, *Proposed Changes to the Approved Project*).

The CEQA Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete of the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in 15162 (see above) calling for preparation of a subsequent EIR have occurred.

## **SECTION 2.0 PROPOSED CHANGES TO THE APPROVED PROJECT**

---

The Sobrato Development Companies seek to extend the term of their existing DA to build out the Lawson Lane West Campus, phase two of their overall campus development. The current DA term expires June 5, 2018 and the project proposes to extend the term two years, to June 4, 2020; no other changes to the DA or project are proposed.

Approved development on the west side of Lawson Lane that remains to be constructed under the DA includes 306,900 sf of office/R&D and 17,158 sf of common space (324,058 sf total office/common space), supported by a parking ratio of four (4) spaces per 1,000 sf of development.

## **SECTION 3.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED CHANGES TO THE PROJECT**

---

The discussion below describes the environmental impacts of the 2018 modified project compared to the impacts of the 2013 approved project. Also noted are any changes that have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously certified FEIR and Mitigated Negative Declaration. This Addendum only addresses those resource areas which would be potentially affected by the proposed change to the 2013 approved project. The 2018 modified project proposes to extend the term of the existing DA two years, to June 4, 2020; no other changes to the project or DA are proposed.

The 2018 modified project would have the same impacts in regards to the following environmental issues:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Land Use
- Mineral Resources
- Public Services
- Recreation
- Traffic
- Utilities and Service Systems

The 2018 Modified Project would have the same impact as the 2013 approved project because the overall development capacity of the project would remain the same as the 2013 approved project and there have been no substantial changes in the existing setting that would result in new or increased impacts.

With regards to Traffic, it is the City's practice to retain approved project trips in their approved trip inventory and the existing DA has locked in the entitlements, regardless of changes in the setting over time. In addition, the 2013 project trips have been accounted for as part of the background conditions in subsequent development proposals, so they have been addressed relative to new development and any changes to the roadway network.<sup>1</sup>

This Addendum analyzes the impacts of the 2018 modified project in regards to the following environmental issue:

---

<sup>1</sup> If any projects have been proposed in the project area since approval of the 2013 project, any impacts and mitigation identified were based, in part, on the assumption that the 2013 project trips are already on the roadways.

- Greenhouse Gas Emissions

### 3.1 GREENHOUSE GAS EMISSIONS

The changes affecting the 2013 approved project relevant to greenhouse gas (GHG) emissions are the upcoming milestones in the State law and changes to the timing of the phased development on-site relative to the GHG milestones (construction after the year 2020).

#### 3.1.1 Findings of the Previously Certified FEIR and Mitigated Negative Declaration

Pursuant to the requirements of CEQA at the time the *Lawson Lane West Campus Expansion Initial Study* was prepared, project operational GHG emissions were estimated and compared to BAAQMD Air Quality CEQA Thresholds of Significance.

The 2013 Initial Study addressed both construction and operational GHG emissions. BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions, and the analysis found construction GHG emissions to be temporary and less than significant.

The 2013 approved project was anticipated to be in full operation by the year 2015. The results of the proposed project’s GHG emissions in terms of annual MT of equivalent CO<sub>2</sub> emissions (MT of CO<sub>2</sub>e/yr), are shown in Table 1, below.

<b>Table 1</b>		
<b>Project 2015 GHG Emissions</b>		
[MT CO <sub>2</sub> e / year]		
<b>Source Category</b>	<b>Unmitigated Emissions</b>	<b>Mitigated Emissions</b>
<b>Energy</b>	2,102	1,964
<b>Mobile</b>	2,774	2,294
<b>Solid Waste</b>	133	120
<b>Water</b>	173	155
<b>Total</b>	5,182	4,533
<b>Efficiency Metric*</b>	4.86	4.25
<b>BAAQMD Threshold</b>	<i>4.6 MT CO<sub>2</sub>e/year/service population</i>	
Notes: * Based on 1,067 service population (employees) at full buildout		
Source: <i>Illingworth &amp; Rodkin. 2012. Lawson Lane Office Expansion Project in Santa Clara, CA – Air Quality and GHG Emissions Analysis</i>		

The rate of project GHG emissions (in terms of annual emissions per service population) was compared to the GHG significance threshold of 4.6 MT CO<sub>2</sub>e/year/service population established by BAAQMD. The project per capita emissions of 4.85 MT CO<sub>2</sub>e/year/capita would exceed the BAAQMD threshold of 4.6 MT CO<sub>2</sub>e/year and was identified as a significant impact.

The project included mitigation measures to reduce operational GHG impacts to a less than significant level. In addition to developing and implementing a TDM program, the project included features aimed at reducing GHG emissions. Green building measures incorporated into the project include, but are not limited to:

- Exceed the State Title 24 California Energy Code requirements by at least 10 percent;

- Where applicable, use of Energy Star appliances;
- Where applicable, increase recycling by at least 10 percent;
- Use cool roofs and light pavement designs to reduce the “heat island effect”;
- Where applicable, use low-flow water fixtures to reduce potable water use;
- Use of water efficient landscaping; and
- Consider installation of solar panels on building rooftops and parking areas.

The TDM program, as well as the measures listed above, would reduce GHG emissions by at least 6.7 percent, as shown in Table 1, above. Annual emissions with the mitigation measures incorporated would be reduced to 4.3 MT/capita, which would be below the BAAQMD threshold of 4.6 MT CO<sub>2</sub>e/year.

In addition, the proposed project will have a minimum waste diversion rate of 50 percent as required by the City and consistent with the rate currently met in Santa Clara County; and the project will be served by Silicon Valley Power which has a lower-than-average emission rate due to the use of over 27 percent eligible renewable sources or sources that emit/produce minimal CO<sub>2</sub> emissions. These would also reduce operational GHG emissions associated with the proposed project.

For the reasons described above, implementation of the proposed mitigation measures and required TDM project would reduce the project’s identified operational GHG impact to a less than significant level.

### **3.1.2 Greenhouse Gas Emissions Impacts Resulting from the 2018 Modified Project**

The previous GHG analysis of the project was based on the year 2020 GHG reduction targets established by BAAQMD. For a project to rely on the 2020 threshold, the full project must be constructed and operational prior to January 1, 2021. Given the proposed DA extension to June 2020, it is likely the West Lawson Lane Campus (phase two) would not be fully operational by January 1, 2021. Phase 2, therefore, must be assessed based on the 2030 GHG reduction target.

The State is currently in the process of completing a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for the State and local governments to comply with the 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, a “Substantial Progress” efficiency metric of 2.6 MT CO<sub>2</sub>e/year/service population has been calculated for 2030 based on the GHG reduction goals of Senate Bill 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

The 2018 Modified Project includes the same mitigation measures and TDM described above, and the West Lawson Lane Campus may be built to LEED Gold standards. Even including these measures, with the completion of Phase 2 the 2018 modified project would be above the 2.6 MT CO<sub>2</sub>e/year/service population threshold.

The City of Santa Clara General Plan FEIR concluded that Citywide 2035 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals. Achieving the substantial emissions reductions would require

policy decisions at the federal and state level and new and substantially advanced technologies that cannot today be anticipated, and are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. Given the uncertainties about the feasibility of achieving the substantial 2035 emissions reductions, the City's contribution to climate change for the 2035 timeframe is conservatively determined to be cumulatively considerable. Based on this conclusion, the City found that build-out of the 2035 General Plan would have a significant and unavoidable GHG emissions impact beyond 2020 and adopted overriding considerations for development assumed under the General Plan.

The 2018 modified project is consistent with the development assumptions in the General Plan. As such, the post-2020 GHG emissions from the project have been accounted for and already identified as a significant and unavoidable impact. Therefore, extension of the DA for an additional two year term, through June 2020, and implementation of the West Lawson Lane Campus (Phase 2) of the project after January 1, 2021 would not result in a new impact or substantially increase the severity of the previously identified GHG emissions impact.

### **3.2 CONCLUSION**

Based on the above analysis and discussion, no substantive revisions are needed to the 2008 FEIR or 2013 Initial Study, because no new significant impacts or impacts of substantially greater severity would result from the 2018 modified project. There have been no changes in circumstance in the project area that would result in new significant environmental impacts or substantially more severe impacts, and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the 2008 FEIR or 2013 Initial Study. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State CEQA Guidelines Section 15162, and an EIR Addendum has therefore appropriately been prepared, pursuant to Section 15164.

Pursuant to CEQA Guidelines Section 15164(c), this Addendum need not be circulated for public review, but will be included in the public record file for the *Lawson Lane West Campus Expansion Project*.

Andrew Crabtree  
Director of Community Development

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Signature

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Date

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
Click and Type name and address

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

BETWEEN

THE CITY OF SANTA CLARA,  
a chartered California municipal corporation

and

SI 55, LLC,  
a California limited liability company

## SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (“**Second Amendment**”) is dated for reference purposes as, \_\_\_\_\_2018, and is made by and between THE CITY OF SANTA CLARA (“**City**”), a chartered California municipal corporation, and SI 55, LLC, a California limited liability company (“**Sobrato**”).

### Recitals

- A. Sobrato Development Companies No. 70, LP and the City were parties to that certain Development Agreement effective June 5, 2008 and recorded on June 19, 2008 as document number 19892167 in the Official Records of Santa Clara County (the “2008 Agreement”) concerning that certain real property that consists of two lots. The west project site (“**West Site**”) comprises approximately seven and 55/100 (7.55) acres, and is bounded by San Tomas Expressway, Lawson Lane and Central Expressway. The east project site (“**East Site**”) site consists of approximately eight and 80/100 (8.80) acres and is located directly across Lawson Lane from the West Site. Both sites are further described in the 2008 Agreement. The West Site Project and East Site Project are referred to herein, collectively, as the “**Project.**”
- B. The 2008 Agreement contemplated that the Project would be developed in several phases (Phase I and Phase II) which are outlined in more detail in the Development Plan and the Conditions of Approval, as those terms are defined in the 2008 Agreement.
- C. On June 11, 2013, the City Council adopted Ordinance No. 1907 enacting the First Amendment to the 2008 Agreement, and the Ordinance became effective thirty (30) days later on July 11, 2013. The 2008 Agreement, as amended by the 2013 First Amendment, shall be referred to hereinafter as the “Original Agreement”.
- D. The First Amendment modified Phase II of the Project (“Revised Project”) and recognized that SI 55 LLC is the successor-in-interest to Sobrato Development Companies No. 70, LP under the Original Agreement.
- E. Section 10.1 of the Original Agreement provides that City and Sobrato, by mutual consent, may modify the terms of the Original Agreement, and the parties intend to do so by this Second Amendment.
- F. On April 3, 2018, the City Council held a duly noticed public hearing on this Second Amendment and (i) determined that consideration of this Second Amendment based on the Mitigated Negative Declaration adopted on April 23, 2013, complies in all respects with CEQA and therefore an Addendum was prepared; (ii) determined that this Second Amendment is consistent with the City’s General Plan; and (iii) approve this Second Amendment.

**NOW, THEREFORE**, pursuant to the authority contained in Section 65864 et seq., of the California Government Code and “The Code of the City of Santa Clara, California” (“SCCC”) Section 17.10.010 et seq., and in consideration of the mutual covenants and promises of the parties, the Parties agree as follows:

**1. Modification to Term.**

Section 1.2 of the Original Agreement is replaced with a new Section 1.2 to read as follows:

“1.2 Term. The term (“Term”) of this Agreement commenced on the effective date of Ordinance No. 1838 approving the Original Agreement, which was June 5, 2008. The Term of the Original Agreement was extended for two (2) periods of five (5) years, or until June 4, 2018. The Term will be extended for an additional two (2) years, or until June 4, 2020 (“Extension”). Following expiration of the Extension, or if sooner terminated, this Agreement shall have no force and effect, subject, however, to post-termination obligations of Sobrato.”

**2. Additional Fee Provisions**

New Sections 3.5 through 3.6 are hereby added to read as follows:

“3.5 Regional Traffic Fee. For Phase II of the Project, Developer agrees to the sum of two dollars and fifty cents (\$2.50) per square foot of new construction payable to the City prior to the issuance of Building Permits for that square footage.

3.6 Water Fees. For Phase II of the Project, Developer agrees to a pay a water connection fee for the new construction, in the amount established by resolution of the City Council. The water connection fee shall be paid prior to the issuance of Building Permits for Phase II.”

**3. Counterparts; Facsimile Signatures.**

This Second Amendment may be executed in counterparts, each of which shall be deemed an original and which together shall constitute one instrument. The signatures of any party or parties on this Second Amendment transmitted by facsimile shall be deemed the same as an original signature and shall be binding on the party transmitting the same.

**4. Modification.**

Except as modified above, the terms and conditions of the Original Agreement shall remain unmodified and in full force and effect. In the event of any conflict or inconsistency between the terms of this Second Amendment and the terms of the Original Agreement, the terms of this Second Amendment shall control.

**CITY OF SANTA CLARA,  
CALIFORNIA,**

**a chartered California municipal  
corporation**

APPROVED AS TO FORM:

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BRIAN DOYLE  
City Attorney

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DEANNA J. SANTANA  
City Manager  
1500 Warburton Avenue  
Santa Clara, CA 95050  
Telephone: (408) 615-2210  
Fax: (408) 241-6771

ATTEST:

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JENNIFER YAMAGUMA  
Acting City Clerk

**SI 55, LLC  
a California limited liability company**

By: Sobrato Interests 3,  
a California limited partnership  
Its: Sole Member

By: Sobrato Development Companies, LLC,  
a California limited liability company  
Its: General

By: \_\_\_\_\_  
John Michael Sobrato  
Its: Manager

Local Address: 10600 North De Anza Blvd., Suite 600  
Cupertino, CA 95014  
Telephone: (408) 446-0700  
Fax: (408) 446-0583

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE THE SECOND AMENDMENT BETWEEN THE CITY OF SANTA CLARA AND SI 55, LLC (PREVIOUSLY SOBRATO DEVELOPMENT COMPANIES NO. 70) FOR THE PROPERTY LOCATED AT 2200, 2211 AND 2231 LAWSON LANE, SANTA CLARA**

PLN2018-13058 (Development Agreement Amendment)

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

**WHEREAS**, Sobrato Development Companies No. 70 (“Original Property Owner”) entered into a Development Agreement with the City of Santa Clara, effective June 5, 2008 and recorded on June 19, 2008 as document 19892167 in the Official Records of Santa Clara County (the “2008 Agreement” or “2008 Development Agreement”) concerning that certain real property that consists of two lots located at 2200, 2211 and 2231 Lawson Lane, Santa Clara. The west project site (“West Site”) is comprised of approximately seven and 55/100 (7.55) acres, and is bounded by San Tomas Expressway, Lawson Lane and Central Expressway. The east project site (“East Site”) consists of approximately eight and 80/100 (8.80) acres and is located directly across Lawson Lane and the West Site. Both sites are further discussed in the 2008 Development Agreement.

**WHEREAS**, concurrently with the submission of its Development Agreement application, the Original Property Owner submitted to the City a Planned Development (“PD”) zoning application for development of the East and West Sites (collectively, the “Property”). The PD application requested that Sobrato develop the West Site of the Property as a six (6) story office building containing approximately two hundred nine thousand, one hundred (209,100) square feet of office space along with a related parking garage (“West Site Project”) and the East Site as two

(2), five (5) story buildings together, consisting of approximately three hundred six thousand, nine hundred (306,900) square feet of office space along with a related parking garage (“East Site Project”). The West Site Project and East Site Project are referred to herein, collectively, as the “Project”;

**WHEREAS**, the 2008 Development Agreement contemplated that the Project would be developed in several phases which are outlined in more detail in the Development Plan and the Conditions of Approval, as those terms are defined in the 2008 Development Agreement. Phase I was to consist of two (2), five (5) story office buildings, totaling a combined approximately three hundred six thousand, nine hundred (306,900) square feet of office space and included a parking structure that would have accommodated approximately six hundred ninety-seven (697) parking spaces, in addition to approximately three hundred twenty-nine (329) surface parking spaces;

**WHEREAS**, under the 2008 Development Agreement, Phase II was to consist of a single six (6) story office building consisting of approximately two hundred nine thousand, one hundred (209,100) square feet of office space, and would have included a parking structure that would have accommodated approximately four hundred sixty-five (465) parking spaces, in addition to approximately two hundred thirty-two (232) surface parking spaces;

**WHEREAS**, on September 5, 2010, Sobrato Development Companies No. 70, LP conveyed all of its right, title and interest in the Property to SI 55, LLC, a California limited liability company (“Sobrato”), through a grant deed recorded as Document No. 20894354 in the Official Records of Santa Clara County;

**WHEREAS**, SI 55, LLC is the successor in interest to Sobrato Development Companies No. 70, LP under the 2008 Development Agreement;

**WHEREAS**, on May 21, 2013 and June 11, 2013, respectively, the City Council approved an amendment to the PD zoning designation and a First Amendment to the Development

Agreement (collectively, the “Revised Project”). Under the Revised Project, Phase II increased in size by 97,800 square feet of office space plus 17,158 square feet of common space on the West Site, for a total of up to 324,058 square feet of office/commons space. The Revised Project will result in a total of up to 638,958 square feet of development over the entire 16-acre project site. The Revised Project also increased the parking on the Property, providing a ratio of four (4) spaces per 1,000 square feet of development for a combined total of 2,948 parking spaces. Development on the East Site was modified to include a fifth level of parking and to add square footage to the common building. The 2008 Development Agreement, as modified by the First Amendment to the Development Agreement, shall be referred to herein as the “Original Agreement” or “Original Development Agreement”;

**WHEREAS**, Section 10.4 of the Original Development Agreement provides that City and Sobrato, by mutual consent, may modify the terms of the Original Agreement, and City staff and Sobrato have recently negotiated a proposed “Second Amendment to Development Agreement,” attached hereto and incorporated herein by this reference (“Amendment No. 2”);

**WHEREAS**, on April 15, 2008, in Resolution 08-7508, the City Council certified an Environmental Impact Report (“EIR”) for the Project;

**WHEREAS**, on April 23, 2013, in Resolution 13-8034, the City Council adopted the Mitigated Negative Declaration (“MND”) for the Revised Project;

**WHEREAS**, on January 22, 2018, Peter Tsai (“Applicant”), on behalf of Sobrato, applied for a “Second Amendment to Development Agreement” , attached hereto and incorporated by this reference (“Amendment No. 2”) to extend the term of the Original Development Agreement for two additional years, with expiration of the Development Agreement on June 23, 2020;

**WHEREAS**, as a result of the application for Amendment No. 2 to the Original Development Agreement, City staff prepared an Addendum to the 2008 Final EIR and 2013 MND for the Lawson Lane Development Agreement Extension Project, attached hereto by this reference;

**WHEREAS**, on March 28, 2018, the Planning Commission reviewed and considered the Addendum to the 2008 Final EIR and 2013 MND;

**WHEREAS**, Santa Clara City Code Section (SCCC) 17.10.130 provides for the review and recommendation of the City's Planning Commission of all Development Agreements before action is to be taken by the City Council;

**WHEREAS**, on March 14, 2018, the City published notice in the Santa Clara Weekly, a newspaper of general circulation, of a public hearing to be conducted before the Planning Commission on March 28, 2018 to consider the proposed Second Amendment to the Development Agreement; and

**WHEREAS**, on March 14, 2018, the City mailed notice of the public hearing to all property owners located within 300 feet of the Project Site, and on March 15, 2018, the City posted notice of the public hearing in three locations; and

**WHEREAS**, on March 28, 2018, the Planning Commission held a duly noticed public hearing, at which time the Commission received and considered all verbal and written testimony and evidence submitted.

**NOW THEREFORE, BE IT FURTHER 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 approve the Second Amendment to Development Agreement between the City of Santa Clara and SI 55, LLC for the properties located at 2200, 2211 and 2231 Lawson Lane, incorporated by this reference
3. Pursuant to Government Code section 65867.5, the Planning Commission hereby finds that the provisions of the Amendment No. 2 are consistent with the General Plan, in that: (1)

mitigation measures have been identified and incorporated into the Revised Project to reduce potential environmental impacts to less than significant levels; and (2) the Revised Project would locate an industrial office campus development in proximity to workforce housing, commercial uses, services, and major transportation corridors. The Planning Commission further finds that consideration of this Amendment is based on the Addendum to the 2008 Final EIR and 2013 MND for the Lawson Lane Development Agreement Extension Project and complies in all aspects with CEQA.

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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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_ DAY OF MARCH, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Amendment No. 2 to the Development Agreement with SI 55, LLC
2. Addendum to the 2008 Final Environmental Impact Report and 2013 Mitigated Negative Declaration for the Lawson Lane Development Agreement Extension Project

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA,  
APPROVING THE AMENDMENT NO. 2 TO THE DEVELOPMENT  
AGREEMENT BETWEEN THE CITY OF SANTA CLARA AND SI  
55, LLC (PREVIOUSLY SOBRATO DEVELOPMENT COMPANIES  
NO. 70 LP) FOR THE PROPERTY LOCATED AT 2200, 2211 AND  
2231 LAWSON LANE, SANTA CLARA**

**[Original Ordinance No. 1838 Adopted May 6, 2008]**

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

**WHEREAS**, California Government Code sections 65864 through 65869.51 (collectively, the “Development Agreement Act”) authorize cities to enter into binding development agreements with owners of real property and these agreements govern the development of the property;

**WHEREAS**, Sobrato Development Companies No. 70, LP and the City of Santa Clara (“City”) are parties to that certain Development Agreement effective June 5, 2008 and recorded on June 19, 2008 as document number 19892167 in the Official Records of Santa Clara County (the “2008 Agreement” or “2008 Development Agreement”) concerning that certain real property that consists of two lots. The west project site (“West Site”) is comprised of approximately seven and 55/100 (7.55) acres, and is bounded by San Tomas Expressway, Lawson Lane and Central Expressway. The east project site (“East Site”) which site consists of approximately eight and 80/100 (8.80) acres is located directly across Lawson Lane from the West Site. Both sites are further described in the 2008 Development Agreement;

**WHEREAS**, concurrently with the submission of its Development Agreement application, Sobrato Development Companies No. 70, LP submitted to the City a Planned Development (“PD”) zoning application for development of the East and West Sites (collectively, the “Property”). The PD application requested to develop the West Site of the Property as a six (6) story office building containing approximately two hundred nine thousand one hundred (209,100) square feet of office space along with a related parking garage (“West Site Project”) and the East Site as two (2) five (5) story buildings together consisting of approximately three hundred six thousand nine hundred

(306,900) square feet of office space along with a related parking garage (“East Site Project”). The West Site Project and East Site Project are referred to herein, collectively, as the “Project”;

**WHEREAS**, the 2008 Development Agreement contemplated that the Project would be developed in several phases which are outlined in more detail in the Development Plan and the Conditions of Approval, as those terms are defined in the 2008 Development Agreement. Phase I was to consist of two (2) five (5) story office buildings, totaling a combined approximately three hundred six thousand nine hundred (306,900) square feet of office space, a 8,000 square foot commons building, and a parking structure that would have accommodated approximately six hundred ninety-four (694) parking spaces, in addition to approximately three hundred twenty-nine (329) surface parking spaces;

**WHEREAS**, under the 2008 Development Agreement, Phase II was to consist of a single six (6) story office building consisting of approximately two hundred nine thousand one hundred (209,100) square feet of office space, and would have included a parking structure that would have accommodated approximately four hundred sixty-five (465) parking spaces, in addition to approximately two hundred thirty-two (232) surface parking spaces;

**WHEREAS**, on September 5, 2010, Sobrato Development Companies No. 70, LP conveyed all of its right, title, and interest in the Property to SI 55, LLC, a California limited liability company, through a grant deed recorded as Document No. 20894354 in the Official Records of Santa Clara County;

**WHEREAS**, SI 55, LLC is the successor in interest to Sobrato Development Companies No. 70, LP under the Original Development Agreement;

**WHEREAS**, on May 21, 2013 and June 11, 2013, respectively, the City Council approved an amendment to the PD zoning designation and a First Amendment to the Development Agreement (collectively, the “Revised Project”). Under the Revised Project, Phase II increased in size by 97,800 square feet of office space plus 17,158 square feet of common space on the West Site, for a total of up to 324,058 square feet of office/commons space. The Revised Project will result in a total of up to 638,958 square feet of development over the entire 16-acre project site. The Revised Project also

increased the parking on the Property, providing a ratio of four (4) spaces per 1,000 square feet of development on the West Site. Development on the East Site was modified to include a fifth level of parking and to add square footage to the common building. The 2008 Development Agreement, as modified by the First Amendment to the Development Agreement, shall be referred to herein as the “Original Agreement”;

**WHEREAS**, Section 10.4 of the Original Development Agreement provides that the Parties, by mutual consent, may modify the terms of the Original Agreement, and the Parties negotiated a proposed Second Amendment to Development Agreement, attached hereto and incorporated herein by this reference (“Amendment No. 2”);

**WHEREAS**, on April 15, 2008, in Resolution 08-7508, the City Council certified the Environmental Impact report (“EIR”) for the Project;

**WHEREAS**, on April 23, 2013, in Resolution 13-8034, the City Council adopted the Mitigated Negative Declaration (“MND”) for the Revised Project;

**WHEREAS**, on January 22, 2018, SI 55, LLC applied for a “Second Amendment to Development Agreement”, attached hereto and incorporated by this reference (“Amendment No. 2”) to extend the term of the Original Development Agreement for two additional years, with expiration of the Development Agreement on June 23, 2020;

**WHEREAS**, as a result of the application for Amendment No. 2 to the Original Development Agreement, City staff prepared an Addendum to the 2008 Final Environmental Impact Report and 2013 MND for the Lawson Lane Development Agreement Extension Project:

**WHEREAS**, on March 21, 2018, the City published notice of a public hearing to be conducted on April 3, 2018 to consider the Amendment No. 2 in the Santa Clara Weekly, a newspaper of general circulation, and on March 23, 2018, the City mailed notice to all property owners located within 300 feet of the Project Site and posted a notice of the public hearing in three locations;

**WHEREAS**, on March 28, 2018, the Planning Commission conducted a duly noticed public hearing to consider Amendment No. 2, at the conclusion of which, the Planning Commission voted to

recommend that the City Council approve Amendment No. 2;

**WHEREAS**, on April 3, 2018, the City Council reviewed and considered the Addendum to the 2008 Final Environmental Impact Report and 2013 MND; and

**WHEREAS**, on April 3, 2018, the City Council conducted a public hearing, at which time the Council received and considered all written testimony and evidence submitted.

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

**SECTION 1:** The City Council hereby finds that all of the foregoing recitals are true and correct.

**SECTION 2:** Pursuant to Government Code section 65867.5, the City Council hereby finds that the provisions of the Amendment No. 2 are consistent with the General Plan, in that it would locate an industrial office campus development in proximity to workforce housing, commercial uses, services, and major transportation corridors.

**SECTION 3:** The City Council has reviewed the Amendment No. 2, and based on its review finds that the 2008 Development Agreement, as amended by Amendment No. 2, complies with all requirements of Government Code section 65865.2 [entitled "Contents" (of a Development Agreement)].

**SECTION 4:** The City Council hereby approves Amendment No. 2, substantially in the form attached hereto.

**SECTION 5:** The City Manager is hereby authorized to execute Amendment No. 2 on behalf of the City upon adoption of this Ordinance, together with such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof. The City Manager, or designee, is also authorized and directed to take any action and execute any documents or agreements necessary to implement the Development Agreement as amended, including but not limited to conducting annual review of compliance as specified therein.

**SECTION 6:** Except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

**SECTION 7:** Within ten (10) days after the City Manager executes Amendment No. 2, the Acting City Clerk shall cause Amendment No. 2 to be recorded with the Santa Clara County recorder.

**SECTION 8:** This Ordinance shall not be codified in the Santa Clara City Code.

**SECTION 9: Savings clause.** The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

**SECTION 10: Effective Date.** This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

**PASSED FOR THE PURPOSE OF PUBLICATION** this \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST: \_\_\_\_\_  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Amendment No. 2 to the Development Agreement with SI 55, LLC

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