

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, TO APPROVE A REZONING FROM GENERAL
OFFICE (OG) TO PLANNED DEVELOPMENT (PD) TO ALLOW
A RESIDENTIAL DEVELOPMENT CONSISTING OF 108
DWELLING UNITS LOCATED AT 1601 CIVIC CENTER DRIVE,
SANTA CLARA**

PLN21-15206 (General Plan Amendment and Rezone)
SCH# 2022060217 (Mitigated Negative Declaration)

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

WHEREAS, on September 2, 2021, Charities Housing (“Owner”) filed an application for the 1.4 acre parcel located at 1601 Civic Center Drive (APN: 224-49-006), which is currently developed with a 28,950 square foot two-story office building, surface parking lot and landscaping (“Project Site”);

WHEREAS, the Owner simultaneously applied for a General Plan Amendment from Community Commercial to High Density Residential and Rezone of the Project Site from General Office (OG) to Planned Development (PD) to allow an affordable housing development consisting of 108 multifamily units in a five-story structure with resident amenities, 82 surface and garage parking spaces, landscaping, and public and private improvements (“Project”), as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, a rezone of the property from OG to PD is required to allow creative development standards for site and building design, that are not otherwise allowed in standard zoning districts, to construct 106 affordable housing units at 30 to 50 percent AMI and two market rate caretaker units for on-site management and security;

WHEREAS, in conformance with CEQA, the Mitigated Negative Declaration (MND) prepared for the Project was noticed and circulated for a 30-day public review period from June 13, 2022 to July 12, 2022;

WHEREAS, the MND identified potential significant impacts of Project development that with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program (“MMRP”) will reduce potential mitigation measures to less than significant and will be incorporated into the Project;

WHEREAS, Santa Clara City Code (SCCC) Section 18.112.030 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, on August 3, 2022, the Planning Commission held a duly noticed public hearing to consider the Project, MND, MMRP and all pertinent information in the record, including public testimony, at the conclusion which the Planning Commission voted to recommend that the City Council adopt the MND and MMRP, approve the General Plan Amendment and rezoning to allow an affordable housing development consisting of 108 multifamily units in a five-story structure with resident amenities, 82 surface and garage parking spaces, landscaping, and public and private improvements; and

WHEREAS, on September 27, 2022, the City Council held a duly noticed public hearing to consider the Rezoning application, at which time all interested persons were given an opportunity to give testimony and evidence offered in favor and in opposition to the Project.

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

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City Council hereby rezones the Project Site from OG to PD to allow development of the Project, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein by this reference.

3. Pursuant to SCCC Code Section 18.112.040, the Planning Commission determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site does not allow for residential development and the creation of housing opportunities envisioned by the 2010-2035 General Plan. A PD zoning of the Project Site to allow residential development would implement the General Plan's Land Use and Housing goals and policies to provide affordable housing in proximity to existing residential, neighborhood and community commercial uses, support services, local and regional transit facilities, outdoor open space and recreation areas.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area, in that the proposal redevelops an underutilized commercial parcel for residential development that incorporates Transition Policies of the General Plan for site and building design, on- and -off-site improvements to integrate into the community, and would implement project conditions of approval to avoid and reduce impacts of development.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change would allow for high density residential development within a five-story structure, managed on-site parking and security, tenant private and common open space, and community space for outdoor public gathering and indoor meeting space. Construction of the project would contribute to the City's housing inventory and assist in production of affordable housing units to achieve RHNA targets as mandated by the State.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts in that the proposed zone change would allow flexibility in the development standards to minimize building

footprint and increase building height to provide high density housing with tenant private and common open space that is significantly setback from neighboring residences, and that also provides common space that is available for public use. .

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, MND and MMRP, the City Council rezones the Project Site to allow a 108 multifamily dwelling units consisting of 106 affordable units at 30 to 50 percent AMI and two market rate caretaker units in a five-story structure with resident amenities, 82 surface and garage parking spaces, landscaping, and public and private improvements, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27th DAY OF SEPTEMBER, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

Attachments Incorporated by Reference:

1. Rezone Conditions of Approval
2. Development Plans

ATTEST: _____
NORA PIMENNTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA