

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO APPROVE A REZONING FROM THOROUGHFARE
COMMERCIAL (CT) TO PLANNED DEVELOPMENT (PD) TO
ALLOW A RESIDENTIAL DEVELOPMENT CONSISTING OF 60
RESIDENTIAL UNITS LOCATED AT 314 – 3155 EL CAMINO
REAL, SANTA CLARA**

PLN2020-014674 (Rezone)
PLN2020-14705 (Tentative Tract Map)
CEQ2020-01080 (Mitigated Negative Declaration)

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

WHEREAS, on October 29, 2020, Oak Investment Group, LLC (“Applicant”) filed an application for the 2.14 acre site consisting of two contiguous parcels located at 3141 – 3155 El Camino Real with surface parking lots and seven one-story commercial buildings totaling 21,780 square feet (“Project Site”);

WHEREAS, the Applicant applied to rezone the Project Site from Thoroughfare Commercial (CT) to Planned Development (PD) to allow a 60-unit residential development consisting of 40 townhomes and 20 flats, private streets, and on-and off-site improvements (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

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 February 14, 2022 to March 16, 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 June 2, 2022, the notice of public hearing for the June 15, 2022 Planning Commission meeting and the July 12, 2022 City Council meeting were posted for this item in at least three conspicuous locations within 300 feet of the Project Site and was mailed to property owners within a 500 foot radius of the Project Site boundaries;

WHEREAS, on June 15, 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 rezoning to allow a 60-unit residential development consisting of 40 townhomes and 20 flats, and approve a Tentative Tract Map to subdivide the land into residential condominiums and a common interest lot to serve the development; and

WHEREAS, on July 12, 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 Thoroughfare Commercial (CT) to Planned Development (PD) to allow a 60 condominium residential development consisting of 40 townhomes and 20 flats, 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 18.112.010, the City Council 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 residential development and creation of housing opportunities envisioned by the 2010-2035 General Plan. The Planned Development (PD) zoning would allow residential

development to implement the General Plan's vision for the El Camino Real Focus Area more fully than the existing Commercial Thoroughfare (CT) zoning for the Project Site.

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 two contiguous auto-oriented properties and visually improves the Project Site and surrounding neighborhood with physical and financial investment in the construction of a modern and visually aesthetic residential home ownership development with on-site parking, site improvements, landscaping, and streetscape enhancements.

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 provides residential development contemplated by the General Plan for the El Camino Real Focus Area that is designed to activate the streetscape, is pedestrian-oriented, supports public investments in existing and planned transit service along the El Camino Real transit corridor, and provides high quality homeownership opportunities to the City's housing stock.

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 construct for-sale condominiums that are compatible with existing and planned development within the El Camino Real Focus Area.

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 hereby rezones the Project Site to allow a 60 condominium residential development consisting of 40 townhomes and 20 flats, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED
AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING
THEREOF HELD ON THE 12th DAY OF JULY, 2022, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

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

Attachments incorporated by reference:
1. Conditions of Rezoning Approval
2. Development Plans