

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO APPROVE THE TENTATIVE TRACT MAP FOR THE
PROPERTIES LOCATED AT 3141 – 3155 EL CAMINO REAL, TO
SUBDIVIDE THE 2.14 ACRE PROJECT SITE INTO 60
RESIDENTIAL CONDOMINIUMS AND ONE COMMON LOT**

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 has simultaneously 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 street, and on- and off-site improvements (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be reduced to less-than-significant with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

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

WHEREAS, consistent with the proposed uses under the development plan, the proposal includes the division of the site into condominium and common lots, as shown on Exhibit “Tentative Tract Map” and attached hereto by this reference;

WHEREAS, on March 29, 2022, the Subdivision Committee determined that the application was complete and that the Tentative Tract Map be reviewed by the Planning Commission and the City Council in conformance with Section 17.05.300 of the SCCC as a Tentative Tract Map along with the Project;

WHEREAS, Section 17.05.300 (g) of the SCCC requires that the City conduct a public hearing before considering the approval of a Tentative Tract Map for the division of land;

WHEREAS, notice of the public hearing on the Tentative Tract Map was published in *The Weekly*, a newspaper of general circulation for the City, on June 1, 2022 for the June 15, 2022 Planning Commission meeting and July 12, 2022 City Council meeting;

WHEREAS on June 2, 2022, notices of the public hearing on the Tentative Tract Map were posted at least three conspicuous locations within 300 feet of the Project Site and were mailed to all property owners within 500 feet of the Project Site boundaries for the June 15, 2022 Planning commission meeting and July 12, 2022 City Council meeting;

WHEREAS, on June 15, 202, 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 of 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 the Tentative Tract Map to subdivide the land into residential condominium 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 Tentative Tract Map application, at which time all interested persons were given an opportunity to

give testimony and the City Council considered the information presented in the Staff Report, MN, MMRP ad all verbal and written evidence.

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 this Resolution incorporates, and by this reference makes a part hereof, that certain Tentative Tract Map, attached hereto as Exhibit "Tentative Tract Map".
3. Tentative Tract Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(g), the City Council finds and determines that:
 - A. The Tentative Tract Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Tentative Tract Map is to allow the development of 60 ownership residential units (consisting of 40 townhomes and 20 flats), private streets, on-site resident and visitor parking, common landscaped area, and on- and off-site improvements compatible with neighboring residential development and existing and planned development within the El Camino Real Focus Area, subject to conditions set forth in the Tentative Tract Map Conditions of Approval, attached hereto and incorporated by this reference. The project proposes a density of 25 dwelling units per acre, consistent with the site's Community Mixed Use General Plan designation. The project is also consistent with the El Camino Real Focus Area policies.
 - B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Tentative Tract Map is subject to the conditions set forth in Exhibit "Tentative Tract Map Conditions of Approval", attached hereto and incorporated by this reference.
 - C. The site is physically suitable for the proposed type of development in that the project is designed to provide high quality housing that is designed to be consistent with the on-going and

proposed development along El Camino Real. Moreover, the Project is designed to retain the contextual consistency of the corridor.

D. This site is physically suitable for the proposed density of development in that the Project Site is located in an urbanized area and allows for redevelopment consistent with the height, uses and development that are existing and planned in the surrounding area.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the proposed residential subdivision will implement Covenants Conditions and Restrictions for operation and maintenance of the buildings, private street and site improvements, and does 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 and will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project Site is located in an urbanized setting, on a previously developed site, and includes mitigation measures, as identified in the MND and MMRP, that reduce impacts to wildlife habitat to less-than-significant levels.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that, the Project is designed to avoid encroachments and conflicts with public easements in the site design.

H. The Tentative Tract 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.

4. Based on the findings set forth in this Resolution and the evidence in the Staff Report, MND, MMRP, and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the Tentative Tract Map to the City Council, substantially in the form on file as shown in the "Tentative Tract Map"

attached hereto, subject to conditions of approval attached as “Conditions of Tentative Tract Map Approval” and hereby incorporated by this reference.

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. Tentative Tract Map
2. Tentative Tract Map Conditions of Approval