

**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"

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