

RESOLUTION NO. ____ - ____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA TO APPROVE THE REZONING FROM
THOROUGHFARE COMMERCIAL (CT) TO PLANNED
DEVELOPMENT (PD) TO ALLOW A MIXED-USE
DEVELOPMENT FOR THE PROPERTY LOCATED AT 3402 EL
CAMINO REAL, SANTA CLARA**

PLN2017-12723 (Rezone)
CEQ2016-01009 (Mitigated Negative Declaration)

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

WHEREAS, on April 3, 2017, Jeremy Heggberg, on behalf of De Anza Properties ("Applicant") filed an application for the 2.27 acre site located at 3402 El Camino Real currently occupied by two, one-story commercial buildings totaling approximately 23,450 square feet of floor area and surface parking lot ("Project Site");

WHEREAS, the Applicant applied to rezone the Project Site from Thoroughfare Commercial (CT) to Planned Development (PD) to allow a mixed-use development of 66 apartment units over 9,919 square feet of commercial space ("Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, in conformance with CEQA, a Mitigated Negative Declaration ("MND") was prepared for the Project, which was noticed and circulated for a 30-day public review period from March 5, 2018 to April 5, 2018;

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 18.112.040 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 April 11, 2018, the Planning Commission held a duly noticed public hearing to consider the Project, MND, MMRP, and all pertinent information in the record, at the conclusion of which, the Planning Commission voted to recommend that the City Council adopt the MND and MMRP and approve the rezoning;

WHEREAS, on May 4, 2018, the notice of public hearing for the May 15, 2018, City Council meeting for this item was posted at least three conspicuous locations within 1,000 feet of the project site and was mailed to all property owners within a 1,000 foot radius and additional residential properties beyond 1,000 feet of the Project Site; and

WHEREAS, On May 29, 2018, the City Council held a duly noticed public hearing to consider the Project, MND, MMRP, and all pertinent information in the record during which the Council invited and considered any and all verbal and written testimony and evidence offered in favor of 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 mixed-use development of 66 apartment units over 9,919 square feet of commercial space as shown on the attached exhibit 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 near the density range identified in the 2010-2035 General Plan. The Planned Development

(PD) zoning would allow mixed use development that more closely implements the General Plan's vision for the El Camino Real Focus Area than the existing Thoroufare Commercial (CT) zoning.

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 property and visually improves the Project Site and surrounding neighborhood with physical and financial investment in the construction of a modern and aesthetically pleasing mixed-use 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 and commercial 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 a high quality apartment project that is 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 as set forth herein.

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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 ____ 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. Conditions of Rezoning Approval
2. Development Plans

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