

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA APPROVING THE VESTING TENTATIVE
SUBDIVISION MAP FOR THE PROPERTY LOCATED AT 1375,
1385, AND 1399 EL CAMINO REAL, SANTA CLARA TO DIVIDE
THE 2.23 ACRE PROJECT SITE INTO 10 LOTS.**

PLN2017-12726 (Rezone)
PLN2017-12728 (Vesting Tentative Map)
CEQ2017-01045 (Mitigated Negative Declaration)

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

WHEREAS, on June 30, 2017, SCS Development (“Applicant”) filed an application for the 2.23 acres site located at 1375, 1385, and 1399 El Camino Real currently occupied by four, one-story commercial buildings totaling approximately 28,000 square feet of floor area and surface parking lots (“Project Site”);

WHEREAS, the Applicant has simultaneously applied to rezone the Project Site from Thoroughfare Commercial (CT) to Planned Development (PD) to allow a residential development consisting of 54 townhouse units, including 8 live-work units (“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 avoided 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 17.05.300 of the Code of the City of Santa Clara (“SCCC”), a tentative subdivision 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 10 parcels, as shown on Exhibit “Vesting Tentative Map” and attached hereto by this reference;

WHEREAS, on March 6, 2018, the Subdivision Committee determined that the application was complete and that the subdivision map be reviewed by the Planning Commission and the City Council in conformance with Section 17.05.700 of the SCCC as a Vesting Tentative Map along with the project;

WHEREAS, Section 17.05.700 (d) of the SCCC requires that the City conduct a public hearing before considering the approval of a Vesting Tentative Subdivision Map for the division of land;

WHEREAS, notice of the public hearings on the Vesting Tentative Subdivision Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on April 25, 2018;

WHEREAS, on May 11, 2018, notices of the public hearing on the Vesting Tentative Subdivision Map were posted at three conspicuous locations within 300 feet of the Project Site and were mailed to all property owners within 1,000 feet of the Project Site;

WHEREAS, before considering the Vesting Tentative Map, the City Council reviewed and considered the information contained in the Mitigated Negative Declaration ("MND") for the Project and Mitigation Monitoring and Reporting Program, and found that the mitigation measures identified and incorporated into the Project and this Vesting Tentative Map, mitigate or avoid the significant environmental effects; and,

WHEREAS, the City Council has reviewed the Vesting Tentative Map and conducted a public hearing on May 22, 2018, at which time all interested persons were given an opportunity to provide testimony and the Council considered the information presented in the staff report and 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 Vesting Tentative Map, attached hereto as Exhibit "Vesting Tentative Map".

3. Tentative 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 Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Vesting Tentative Map is to allow the development of townhouse units, including live-work units, with associated parking, landscaping and site improvements. The project proposes a density of 24 dwelling unit 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 Vesting Tentative Subdivision Map is subject to the conditions set forth in 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 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 site is surrounded by residential development and does not propose the use of hazardous chemicals or 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 is located in an urbanized setting, on a previously developed site, and includes mitigation measures, as identified in the Mitigated Negative Declaration, 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 Vesting Tentative 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 City Council, the City Council hereby approves the Vesting Tentative Map, substantially in the form on file as shown in the "Vesting Tentative Map" attached hereto, subject to conditions of approval attached as "Conditions of Vesting Tentative Map Approval" and hereby incorporated by this reference.

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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 COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 22ND DAY OF MAY, 2018, BY THE FOLLOWING VOTE:

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 22ND DAY OF MAY 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

Attachments incorporated by reference:

1. Vesting Tentative Subdivision Map
2. Conditions of Vesting Tentative Subdivision Map Approval
3. Mitigation Monitoring and Reporting Program