

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, RECOMMENDING
THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO
APPROVE THE DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SANTA CLARA AND BENTON AND EL
CAMINO, LP FOR THE PROPERTY LOCATED AT
575 BENTON STREET, SANTA CLARA**

SCH#2015032076

CEQ2015-01188 (Mission Town Center FEIR Addendum#1)

PLN2017-12489 (General Plan Amendment)

PLN2017-12574 (Application for Rezoning)

PLN2017-12575 (Vesting Tentative Parcel Map)

PLN2017-12837 (Development Agreement)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA,
CALIFORNIA, AS FOLLOWS:**

WHEREAS, California Government Code Sections 65864 through 65869.51
("Development Agreement Act") authorize cities to enter into binding development
agreements with owners of real property and these agreements govern the development of
the property; and

WHEREAS, Benton and El Camino, LP has requested that the City of Santa Clara ("City")
enter into the type of agreement contemplated by the Development Agreement Act; and

WEHERAS, City staff have negotiated and recommended for approval a Development
Agreement subject to specific conditions of approval, all attached as Exhibit "Development
Agreement", with Developer in connection with the proposed development located at 575,
611, 625, 645, 675 Benton Street, 3330, 3350, 3390, 3410 The Alameda; 1188, 1250
Sherman Street; 602 Fremont Street ("Project"); and

WHEREAS, the Project approvals will include Addendum #1 to the Mission Town Center
FEIR; a General Plan Amendment from Santa Clara Station High Density Residential to

Santa Clara Station Very High Density Residential; a rezoning of the Project Site from Light Industrial (ML), Single Family (RI-61), Duplex (R2-7L), and Thoroughfare Commercial (CT) to a Planned Development (PD) zone; the vacation and sale of a portion of Fremont Street east of the Alameda and a portion of Sherman Street north of Benton Street; along with the adoption of a Development Agreement Ordinance;

WHEREAS, Santa Clara City Code § 17.10.120 requires the Planning Commission to hold a public hearing before making a recommendation on the approval of a Development Agreement;

WHEREAS, before considering the Development Agreement, the Planning Commission reviewed and considered the information contained in the Addendum #1 to the Mission Town Center FEIR (SCH#2015032076);

WHEREAS, notice of the public hearing on the proposed Development Agreement Amendment was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on May 9, 2018;

WHEREAS, notices of the public hearing on the Development Agreement were mailed to all property owners within 1,000 feet of the property, according to the most recent assessor's roll, on May 11, 2018;

WHEREAS, the Planning Commission has reviewed the Development Agreement, and has considered all available facts related to the Development Agreement;

WHEREAS, pursuant to Government Code Section 65867.5, which requires that any such Development Agreement be approved by ordinance, a draft ordinance to approve the development agreement has been prepared which contains the findings required for approval of a development agreement. The proposed ordinance is attached to this

Resolution as Exhibit "Ordinance to Approve DA" and is incorporated herein by this reference;

WHEREAS, In connection with its consideration of the Development Agreement, the Planning Commission reviewed the proposed ordinance and the findings therein and incorporates by reference herein the findings and declarations set forth in the proposed ordinance; and

WHEREAS, on May 23, 2018, the Planning Commission conducted a duly noticed public hearing to consider the proposed Development Agreement, at which time all interested persons were given an opportunity to give testimony and present evidence, both in favor of and in opposition to the proposed Development Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. The Planning Commission hereby finds and determines that the forgoing recitals are true and correct and by reference makes them a part hereof.
2. That the Planning Commission hereby recommends that the City Council approve the Development Agreement between the City of Santa Clara and Benton and El Camino, LP for the property located at 575, 611, 625, 645, 675 Benton Street, 3340, 3370, 3390, 3410 The Alameda; 1188, 1250 Sherman Street; 602 Fremont Street, incorporated by this reference.
3. Pursuant to Government Code Sections 65867 and 65867.5, the Planning Commission hereby finds that the provisions of the Development Agreement Amendment are consistent with the General Plan, in that the proposed project creates a mixed-use development of the scale and character that complements and is supportive of the surrounding uses; and creates a mixed-use development that maximizes density with

accessibility to alternative transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

4. The Planning Commission hereby finds and determines that the Development Agreement complies with all requirements of the Government Code Section 65865.2, in that the Agreement specifies the duration of the Agreement (10 years), lists the permitted uses of the property (residential/mixed use), sets the density and intensity of the proposed uses (61.7 dwelling units per acre with 19,985 sf of retail), sets the maximum height and size of the proposed buildings (86'6" tall, and as depicted on the attached Development Plans), and includes provisions for the dedication of land for public purposes (a 0.14 acre public park).

5. The Planning Commission hereby recommends that the City Council approve and adopt, substantially in form attached hereto, the ordinance approving the Development Agreement with Benton and El Camino, LP.

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6. 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13th DAY OF JUNE, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Ordinance to Approve Development Agreement
2. Exhibit "Development Agreement for 575 Benton (mixed-use)"

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