

## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING A REZONING FROM LIGHT INDUSTRIAL (ML), SINGLE FAMILY (R1-6L), DUPLEX (R2- 7L), AND THOROUGHFARE COMMERCIAL (CT) TO PLANNED DEVELOPMENT (PD) OF 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 CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, on February 9, 2017, Prometheus Real Estate Group (“Applicant”) made an application for the development of a 5.7-acre site located at 575, 611, 625, 645, 675 Benton Street, 3340, 3370, 3390, 3410 The Alameda; 1188, 1250 Sherman Street; 602 Fremont Street, a 5.7-acre site located at the intersection of Benton Street and El Camino Real, which is currently occupied by several commercial, light industrial buildings, associated parking lots, and residential units (“Project Site”);

**WHEREAS**, the application includes a proposed General Plan Amendment (GPA) to change the existing land use designation from Santa Clara Station High Density Residential to Santa Clara Station Very High Density Residential;

**WHEREAS**, the Project Site is currently zoned Light Industrial (ML), Single Family (R1-6L), Duplex (R2-7L), and Thoroughfare Commercial (CT);

**WHEREAS**, in order to effectuate the development application and its change in use, the project site needs to be rezoned to a Planned Development (PD) zone to allow the construction of a residential/mixed use development comprised of 355 apartment units, approximately 20,000 square feet (sf) of retail space and potentially an additional 2,364

square feet of commercial space within the 8 live-work units, approximately 6,000 sf of amenity space including leasing space, amenity roof deck, and pet spa and a parking garage ("Project") as shown on the Development Plan, attached hereto as Exhibit "Development Plans" and incorporated herein by this reference;

**WHEREAS**, before considering the rezoning of the Project Site, the City Council reviewed and considered the information contained in the Addendum #1 to the Mission Town Center Final Environmental Impact Report ("FEIR") for the Project (SCH #2015032076);

**WHEREAS**, on May 23 and June 13, 2018, the Planning Commission held a duly noticed public hearing to consider the rezoning application, at the conclusion of which, the Commission voted to recommend that the City Council approve the rezoning;

**WHEREAS**, on June 15, 2018, a notice of public hearing for the City Council meeting of June 26, 2018 was posted in three conspicuous locations within 1,000 feet of the project site, and 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 June 26 and July 17, 2018, the City Council conducted a public hearing to consider the proposed rezoning. At the hearing, the City Council considered the Planning Commission's recommendation, as well as inviting and considering any and all verbal and written testimony offered in favor of and in opposition to the proposed rezoning.

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

1. That the City Council hereby rezones the project site, shown on Exhibit "Plans" ("Development Plan") and conditioned in Exhibit "Conditions of Approval," both of which are attached hereto and incorporated by this reference, from Light Industrial (ML), Single Family (R1-6L), Duplex (R2-7L), and Thoroughfare Commercial (CT) to a Planned Development (PD) Zone to allow the construction of a residential/mixed use development

comprised of 355 apartment units, approximately 20,000 square feet (sf) of retail space in addition to 2,364 square feet of commercial space within the 8 live-work units, approximately 6,000 sf of amenity space including leasing space, amenity roof deck, and pet spa and a parking garage, as shown on the Development Plan, attached hereto as Exhibit "Development Plans".

2. Pursuant to SCCC 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 Santa Clara Station Focus Area than the existing zoning.

B. The proposed rezoning would conserve property values, protect and improve the existing character and stability of the area in question, and promote the orderly and beneficial development of such area, because the project incorporates smart-growth elements such as redevelopment of underutilized properties and implementation of higher-density development along established transit corridors, and would create a sustainable infill mixed-use project that complements the surrounding mix of uses;

C. The proposed rezoning is required by the public necessity, public convenience, or the general welfare of the City, in that the rezoning would permit development of a residential/mixed use project on the site. The project is located in an urbanized area served by existing municipal services and would create a mixed-use

development of a scale and character that complements and is supportive of the surrounding uses;

D. The proposed rezoning would allow imaginative planning and design concepts to be utilized which would otherwise be restricted in other zoning districts, in that the zone change would allow flexibility in the development standards associated with building heights that support the benefits of green building construction and the proposed LEED, or equivalent, design for a sustainable building that promotes energy conservation.

3. That, based on the findings set forth in this Resolution, Addendum #1 to the Mission Town Center FEIR, and the evidence in the City Staff Report, the City Council hereby rezones the Project Site as set forth herein.

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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 17TH DAY OF JULY, 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 "Development Plans"
2. Exhibit "Conditions of Approval"