

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 TOD BROKAW, LLC FOR THE PROPERTY LOCATED AT 1205 COLEMAN AVENUE, SANTA CLARA**

SCH#2017022066  
CEQ2016-01025 (EIR)  
PLN2016-12318 (General Plan Amendment and Rezoning)  
PLN2016-12321 (Vesting Tentative Subdivision Map)  
PLN2016-12481 (Development Agreement)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA 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**, TOD Brokaw, LLC ("Owner") 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 of 1,600 multi-family dwelling units, an 182,000 square foot full-service hotel with 225 rooms, 15,000 square feet of ground floor ancillary retail, surface and structured parking, private streets, landscaped open space, on- and off-site public right-of-way improvements, and site infrastructure and utilities ("Project") at 1205 Coleman Avenue, Santa Clara ("Project Site");

**WHEREAS**, the Project approvals will include the Environmental Impact Report (EIR for the Gateway Crossings Project; General Plan Amendment from Santa Clara Station Regional Commercial (commercial up to 3.0 FAR), Santa Clara Station High Density Residential (37-50

du/acre), and Santa Clara Station Very High Density Residential (51-100 du/acre) to Santa Clara Station Very High Density Residential (51-100 du/ac) with a minimum commercial FAR of 0.20; Rezoning from Light Industrial (ML) to Very High Density Mixed Use; Vesting Tentative Subdivision Map; and 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 DEIR, FEIR and Appendix to the FEIR, that combined constitute the EIR for the Project (SCH#2017022066);

**WHEREAS**, notice of the public hearing on the proposed Development Agreement was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on October 31, 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 November 2, 2018, and to all local agencies expected to provide essential facilities or services to the Project;

**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 Development Agreement" 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 November 14, 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 TOD Brokaw, LLC for the property located at 1205 Coleman Avenue (APNs: 230-46-069 and 230-46-070), incorporated by this reference, subject to such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof.
3. Pursuant to Government Code Sections 65867 and 65867.5, the Planning Commission hereby finds that the provisions of the Development Agreement 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 existing and planned transit facilities; 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 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/commercial mixed use), sets the density and intensity of the proposed uses (74.8 dwelling units per acre with 15,000 square feet of ground floor retail and a 182,000 square foot full- service hotel with 225 rooms), sets the maximum height and size of the proposed

buildings (150 feet, as depicted on the attached Development Plans), and includes provisions for the dedication of land for public purposes (a 2.1 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 TOD Brokaw, LLC.

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 14<sup>th</sup> DAY OF NOVEMBER, 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 Gateway Crossings"

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