

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF SANTA CLARA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONING FROM MEDIUM-DENSITY MULTIPLE DWELLING (R3-36D) TO PLANNED DEVELOPMENT (PD) TO ALLOW A RESIDENTIAL SUBDIVISION PROJECT FOR THE PROPERTY LOCATED AT 1444 MADISON STREET AND 1411 LEWIS STREET, SANTA CLARA**

PLN2018-13427 (Rezone)

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

**WHEREAS**, on July 24, 2018, Greg Mussalem (“Applicant”) filed an application to allow the development on the property located at 1444 Madison Street and 1411 Lewis Street (“Project Site”);

**WHEREAS**, the applicant requests a rezoning of the 13,175 square foot property from Medium-Density Multiple Dwelling (R3-36D) to Planned Development (PD) and a Tentative Parcel Map to subdivide the property into three parcels to allow the development of three detached single-family residences with detached garages and site improvements (“Project”), as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, the Project is exempt from formal review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Class 3, Section 15303(a), “New Construction or Conversion of Small Structures,” which exempts projects for the construction and location of limited numbers of new, small facilities or structures, as the activity consists of the development of not more than three single-family residences in an urbanized area;

**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 November 30, 2018, the notice of public hearing for the December 12, 2018, Planning Commission meeting for this item was posted in three conspicuous locations within 300 feet of the project site and was mailed to property owners within a 500 foot radius; and

**WHEREAS**, on December 12, 2018, the Planning Commission held a duly noticed public hearing to consider the rezoning application, during which all interested persons were given an opportunity to give testimony and present evidence, both in support of and in opposition to the proposed rezoning.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby recommends that the City Council rezone the Project Site from Medium-Density Multiple Dwelling (R3-36D) to Planned Development (PD) to allow the development of three detached single-family residences with detached garages and site improvements, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Approval, incorporated by this reference.

3. Pursuant to SCCC Section 18.112.010, the Planning Commission 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 with a subdivision of three parcels that would be consistent with the density range allowed in the 2010-2035 General Plan. The Planned Development (PD) zoning would allow a residential subdivision of three detached single-family residences that closely implements the General Plan's vision for residential development.

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 an aesthetically pleasing residential subdivision 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 development contemplated by the General Plan to provide Very Low Density Residential development and increase 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 residential subdivision project that is compatible with existing residential neighborhood. The proposed project modifies zoning development standards to maximize the efficient use of the Project Site.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, the Planning Commission recommends that the City Council rezone the Project Site as set forth herein.

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 PLANNING COMMISSION OF THE CITY OF  
SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE  
\_\_\_ DAY OF DECEMBER, 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. Conditions of Rezoning Approval
2. Development Plans

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