

**RESOLUTION NO. 19-8661**

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA CITY COUNCIL APPROVING THE VESTING  
TENTATIVE SUBDIVISION MAP FOR THE PROPERTY  
LOCATED AT 1834 WORTHINGTON CIRCLE, SANTA CLARA,  
TO DIVIDE THE 5.8 ACRE PROJECT SITE INTO SEVEN LOTS**

PLN2016-12389 (Rezone)  
PLN2016-12390 (Vesting Tentative Map)  
CEQ2016-01017 (EIR)

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

**WHEREAS**, on December 5, 2016, The Core Companies ("Applicant") filed an application for the vacant 5.8 acre site located at 1834 Worthington Circle ("Project Site");

**WHEREAS**, the Applicant applied to rezone the Project Site from Planned Development (PD) to Planned Development (PD) to allow a residential development consisting of 165 affordable senior apartments, 160 multi-family mixed-income apartments, and 36 townhouses ("Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, in conformance with CEQA, an Environmental Impact Report ("EIR") was prepared for the Project, and was noticed and circulated for a 45-day public Comment Period from April 11, 2018 to May 29, 2018;

**WHEREAS**, the City prepared written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"). The FEIR consists of a list of agencies and organizations to which the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, and copies of comment letters. The FEIR was distributed for public review on July 5, 2018;

**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 seven parcels, as shown on Exhibit "Vesting Tentative Map" and attached hereto by this reference;

**WHEREAS,** on May 15, 2018, the Subdivision Committee determined that the application was complete and that the vesting tentative 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,** pursuant to SCCC Section 17.05.300(g), the Planning Commission conducted a duly noticed public hearing on August 8, 2018 to consider the Project, at the conclusion of which the Commission voted to recommend that the City Council approve the Vesting Tentative Subdivision Map;

**WHEREAS,** Section 17.05.300 (h) of the SCCC requires that the City Council conduct a public hearing before considering the approval of a Vesting Tentative Map for the division of land;

**WHEREAS,** notice of the public hearing on the Vesting Tentative Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on January 16, 2019;

**WHEREAS,** on January 18, 2019, notices of the public hearing on the Vesting Tentative Map were posted at three conspicuous locations within 300 feet of the Project Site, and were mailed to all property owners within 1000 feet of the Project Site;

**WHEREAS,** before considering the Vesting Tentative Map, the City Council reviewed and considered the information contained in the EIR, MMRP, and Statement of Overriding Considerations, 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,

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**WHEREAS**, the City Council has reviewed the Vesting Tentative Map and conducted a public hearing on January 29, 2019, 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 Vesting 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 165 affordable senior apartments, 160 multi-family mixed-income apartments, and 36 townhouses, with associated parking, landscaping and site improvements.
  - B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative 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 in the area.
  - 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 public 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 Environmental Impact Report, 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, FEIR, 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 OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 29<sup>TH</sup> DAY OF JANUARY, 2019, BY THE FOLLOWING VOTE:

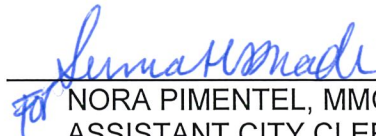
AYES: COUNCILORS: Chahal, Davis, Hardy, Mahan, O'Neill and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST: \_\_\_\_\_

  
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

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

## LEGEND

TENTATIVE MAP BOUNDARY	---
PROPOSED LOT LINE	---
EXISTING PROPERTY LINE	---
EXISTING EASEMENT	---
PROPOSED EASEMENT	---
CENTER LINE	---
SIDEWALK EASEMENT	---
PRIVATE DRIVE (SEE NOTE 1)	---
EMERGENCY VEHICLE ACCESS (SEE NOTE 2)	---

EMERGENCY VEHICLE ACCESS EASEMENT	E.V.A.E.
PRIVATE INGRESS EGRESS EASEMENT	P.I.E.E.
PRIVATE SANITARY SEWER EASEMENT	P.S.S.E.
PRIVATE STORM DRAIN EASEMENT	P.S.D.E.
PRIVATE STORM DRAIN OVERLAND RELEASE EASEMENT	P.S.D.O.R.E.
PUBLIC PEDESTRIAN ACCESS EASEMENT	P.A.E.
PUBLIC UTILITY EASEMENT	P.U.E.
PRIVATE WATER LINE EASEMENT	P.W.L.E.
WATER LINE EASEMENT	W.L.E.
UNDERGROUND ELECTRIC EASEMENT	U.G.E.E.
SIDEWALK EASEMENT	S.W.E.
PRIVATE UTILITY EASEMENT	P.R.U.E.

NOTE 1: THESE AREAS INCLUDE P.A.E., P.I.E.E., P.U.E., P.R.U.E. (SEE NOTE 4), W.L.E., S.W.E.

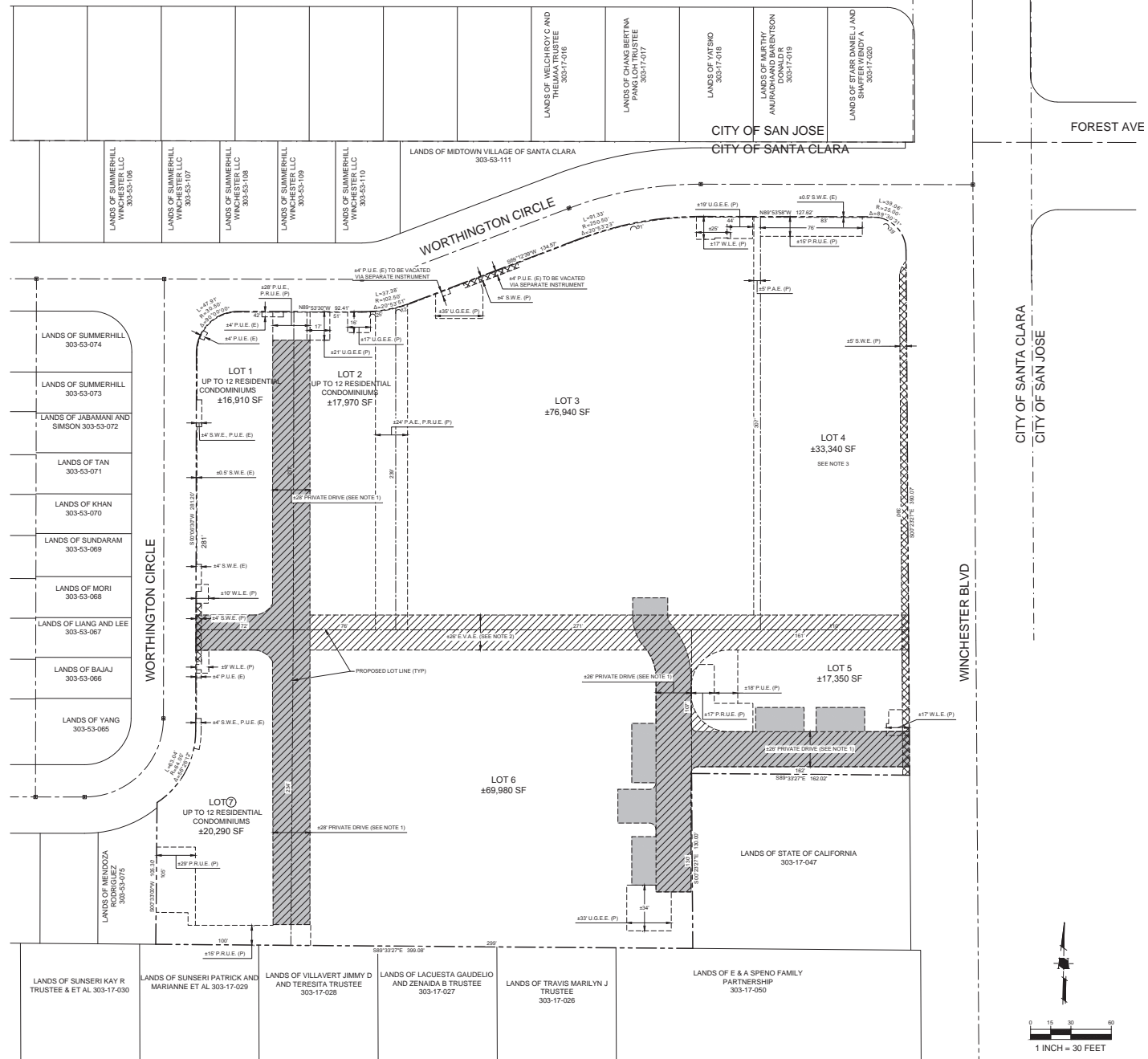
NOTE 2: THESE AREAS INCLUDE E.V.A.E., P.A.E., P.S.S.E., P.S.D.E. (SEE NOTE 4).

NOTE 3: THIS LOT CONTAINS A BLANKET P.A.E. AND P.S.D.O.R.E.

NOTE 4: P.R.U.E. INCLUDES P.S.S.E., P.S.D.E., P.W.L.E., P.S.D.O.R.E.

## GENERAL NOTES

- PROJECT NAME: SANTA CLARA AGRIHOOD
- OWNER: THE CORE COMPANIES  
470 S. MARKET STREET  
SAN JOSE, CA 95113
- SUBDIVIDER: SAME AS THE OWNER
- ENGINEER: HMM ENGINEERS  
1570 OAKLAND ROAD  
SAN JOSE, CA 95131  
ZEP JIMENEZ
- STREET LOCATION: 90 WINCHESTER BOULEVARD
- EXISTING ZONING: PLANNED DEVELOPMENT
- EXISTING GP DESIGNATION: MEDIUM DENSITY RESIDENTIAL
- EXISTING USE: VACANT/PARKING LOT
- PROPOSED USE: RESIDENTIAL AND URBAN AGRICULTURE
- WATER SUPPLY: CITY OF SANTA CLARA
- SEWAGE DISPOSAL: CITY OF SANTA CLARA
- ASSESSOR'S PARCEL #S: 303-17-053
- STREET TREES: SHALL CONFORM TO CITY OF SANTA CLARA STANDARDS
- TOTAL SITE AREA: 45.80 ACRES
- PUBLIC STREET DEDICATION: 40.00 ACRES
- NET SITE AREA: 45.80 NET ACRES
- PROPOSED LOTS: 7
- FLOOD ZONE: ZONE D
- TITLE REPORT: THE TITLE REPORT THAT WAS USED FOR THE PREPARATION OF THIS MAP WAS PREPARED BY CHICAGO TITLE COMPANY, ORDER NUMBER FWPS-2982150827-SK, DATED JULY 5, 2016
- REFER TO PLANNED DEVELOPMENT ZONING (PLAN2016-12389, -12390) ENTITLED, PLANNED DEVELOPMENT ZONING FOR SANTA CLARA AGRIHOOD, FOR GRADING, STORMWATER, AND CROSS SECTIONS FOR THE PROJECT.
- THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF SANTA CLARA.
- MULTIPLE FINAL MAPS MAY BE FILED BASED ON THIS TENTATIVE MAP.
- ALL DIMENSIONS DEPICTED HEREON ARE APPROXIMATE AND ARE SUBJECT TO REVISION AT FINAL MAP(S) STAGE.
- NO WELLS EXIST ON THIS SITE.
- NO NEW STREET NAMES HAVE BEEN APPROVED AT THIS TIME.



## CONDITIONS OF TENTATIVE MAP APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are required:

### **COMMUNITY DEVELOPMENT**

- C1. Submit plans for final architectural review to the Planning Division for Architectural Committee review and approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting, signage, and stormwater management plan.

### **ENGINEERING**

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E4. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E5. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E1. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E2. After City Council approval of the Tentative Subdivision, submit 10 copies of the Final Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. The City approved Final Map shall be recorded by developer prior to building permit issuance.
- E6. File and record Subdivision Map for proposed development and pay all appropriate fees prior to Building Permit issuance.
- E7. Any portion of the public sidewalk and driveway curb cut that encroaches into private property will be require dedication of a sidewalk easement by means of subdivision map or approve instrument at time of development.
- E8. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E9. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E10. All proposed walkway, sidewalk, driveways, and curb ramps shall be ADA compliant.
- E11. Driveways shall be per City standard details ST-9.

- E12. Provide pedestrian ADA walkway from proposed buildings to public sidewalk.
  - E13. Show on site plan and comply with City's driveway triangle of safety requirements at all driveways and intersection vision triangle requirements at Winchester Boulevard and Worthington Circle. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near intersections and driveways in order to allow an unobstructed view of oncoming traffic.
  - E14. The developer shall be required to prepare and submit a Traffic Impact Analysis for this development.
  - E15. The developer shall comply with the mitigations identified in the Traffic Impact Analysis/EIR.
  - E16. Mill and overlay 2" entire street width of Winchester Boulevard along property frontage.
  - E17. Slurry seal with digouts entire street width of Worthington Circle along property frontage.
  - E18. Provide loading/unloading zone on-site for residents.
  - E19. Red curb markings shall be painted within the driveway triangle of safety for the driveways along Winchester Boulevard and both driveway along Worthington Circle.
  - E20. All traffic striping, symbols and markings shall be thermoplastic.
  - E21. The project shall maintain a minimum driveway throat depth of 25' for the driveway on the east-west portion of Worthington Circle. All throat lengths measured from face of curb.
  - E22. On-street parking shall not be counted toward on-site parking requirements.
  - E23. Provide 5' wide minimum sidewalk along Worthington Circle property frontage.
  - E24. Provide 10' wide minimum sidewalk and a 4' wide planter strip along the Winchester Boulevard property frontage.
  - E25. For safety purposes, driveway on Winchester Boulevard shall be a signed to allow left and right-in movements and right-out only movements.
- Driveway on the east-west portion of Worthington Circle shall be a full access driveway.

## **FIRE**

- F1. As discussed in PCC meeting dated 4/17/18 Emergency Vehicle Access Easements (EVAE's) shall include the dead-end roadways adjacent to the townhomes.

I:\PLANNING\2017\Project Files Active\PLN2017-12726 1375 El Camino Real\PC\Attachment 6\_Rezoning Project Conditions.doc



**MITIGATION MONITORING AND REPORTING PROGRAM**

**Agrihood Project**

**CITY OF SANTA CLARA**

**July 2018**

# **P R E F A C E**

Section 21081 of the California Environmental Quality Act requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented. This document does not discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less than significant.

**MITIGATION MONITORING AND REPORTING PROGRAM  
AGRIHOOD PROJECT**

<b>Impact</b>	<b>Mitigation</b>	<b>Implementation Timeframe</b>	<b>Implementation Responsibility</b>	<b>Implementation Oversight</b>
<b>AIR QUALITY</b>				
<b>Impact AQ-1:</b> Construction of the proposed project would temporarily increase maximum cancer risks for nearby sensitive receptors.	<b>MM AQ-1.1:</b> The project applicant shall select equipment during construction to minimize emissions consistent with at least one of the following methods: <ul style="list-style-type: none"> <li>• Mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, United States Environmental Protection Agency particulate matter emissions standards for Tier 2 engines or equivalent;</li> <li>• Use of equipment that includes California Air Resources Board-certified Level 3 Diesel Particulate Filters;</li> <li>• Use of alternatively fueled equipment (i.e., non-diesel) would meet this requirement; or</li> <li>• Other measures may be the use of added exhaust devices, or a combination of measures above that are demonstrated to reduce community risk impacts to a less than significant level.</li> </ul>	During all phases of construction	Project applicant and contractors during all phases of construction	Community Development Director
<b>BIOLOGICAL RESOURCES</b>				
<b>Impact BIO-1:</b> Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or	<b>MM BIO-1.1:</b> Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area extends from February 1 <sup>st</sup> through August 31 <sup>st</sup> .  If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist	Prior to issuance of demolition or grading permits	Project applicant and contractors during all phases of construction	Community Development Director  (CDFW)

**MITIGATION MONITORING AND REPORTING PROGRAM  
AGRIHOOD PROJECT**

<b>Impact</b>	<b>Mitigation</b>	<b>Implementation Timeframe</b>	<b>Implementation Responsibility</b>	<b>Implementation Oversight</b>
nest abandonment.	<p>to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that raptor or migratory bird nests would not be disturbed during project construction.</p>			
<b>CULTURAL RESOURCES</b>				
<b>Impact CUL-1:</b> Subsurface cultural resources could be uncovered during demolition/construction of the proposed project.	<p><b>MM CUL-1.1:</b> A qualified archaeologist shall be on-site to monitor the initial excavation of native soil once all engineered soil is removed from the project site. After monitoring the initial excavation, the archaeologist shall make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring shall be required.</p> <p>If a find has been made and deemed to be significant, an Archaeological Resources Treatment Plan shall be prepared by</p>	During all phases of ground disturbing activities.	Project applicant and contractors during all phases of construction	<p>Community Development Director</p> <p>NAHC (for human remains)</p>

**MITIGATION MONITORING AND REPORTING PROGRAM  
AGRIHOOD PROJECT**

Impact	Mitigation	Implementation Timeframe	Implementation Responsibility	Implementation Oversight
	<p>a qualified archaeologist. The plan shall be prepared and submitted to the Community Development Director prior to the continuance of ground disturbing activities at the project site. Consistent with the Santa Clara Gardens Development Final Environmental Impact Report, the Archaeological Resources Treatment Plan shall contain the following:</p> <ul style="list-style-type: none"> <li>• Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.</li> <li>• Description of the environmental setting (past and present) and the historic and prehistoric background of the parcel.</li> <li>• Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).</li> <li>• Detailed field strategy used to record, recover, or avoid the finds and address research goals.</li> <li>• Analytical methods.</li> <li>• Report structure and outline of document contents.</li> <li>• Disposition of the artifacts.</li> <li>• Appendices: all site records, correspondence, and consultation with Native Americans, etc.</li> </ul> <p><b>MM CUL-1.2:</b> In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a</p>			

**MITIGATION MONITORING AND REPORTING PROGRAM  
AGRIHOOD PROJECT**

Impact	Mitigation	Implementation Timeframe	Implementation Responsibility	Implementation Oversight
	determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the California Environmental Quality Act Guidelines. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the Most Likely Descendent. A report of findings documenting any data recovery shall be submitted to the Director of Community Development and the Northwest Information Center.			

Source: City of Santa Clara. Agrihood Project Draft Environmental Impact Report. April 2018.