

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA TO APPROVE THE VESTING TENTATIVE
SUBDIVISION MAP (PLN2018-13662) AT 2780 EL CAMINO
REAL, SANTA CLARA**

PLN2018-13662 (Vesting Tentative Subdivision Map)

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

WHEREAS, on December 12, 2018, Peter Lezak (“Applicant”) on behalf of KB Home South Bay, Inc. (“Property Owner”) filed an application (PLN2018-13662) to subdivide an existing 2.88-acre parcel located at 2780 El Camino Real (“Project Site”) into condominium lots in accordance with the development plan approved for the Project Site;

WHEREAS, on May 22, 2018, the City Council approved a General Plan Amendment (PLN2017-12669) from Regional Commercial to Medium Density Residential, Rezone (PLN2017-12712) from Community Commercial (CC) to Planned Development (PD) to construct 58 townhomes and Vesting Tentative Subdivision Map (PLN2017-12713) to create 58 fee simple lots and 13 common lots to serve the development;

WHEREAS, the application is to replace the previously approved Vesting Tentative Subdivision Map (PLN2018-13662) with a new map establishing seven condominium lots with 58 condominium units and 13 common lots to serve the development;

WHEREAS, the proposed subdivision is consistent with the approved site plan and improvements on the Project Site for the development of 58 residential units in clustered townhome arrangements with private street, surface parking, landscaped open space areas, and associated utilities as entitled on May 22, 2018;

WHEREAS, pursuant to Section 17.05.210 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, on April 2, 2019, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map be reviewed

by the Planning Commission and the City Council in conformance with Section 17.05.300 of the SCCC;

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

WHEREAS, the proposal is to create seven condominium lots for 58 condominium units and 13 common lots to serve the development ("Project") as shown on the Vesting Tentative Subdivision Map, attached hereto and incorporated herein by this reference;

WHEREAS, a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program were prepared in accordance with the California Environmental Quality Act and adopted by the City Council on May 22, 2018 for the previously approved Project;

WHEREAS, the proposed Vesting Tentative Subdivision Map is consistent with the previously approved Project and would not result in a new impact on the environment or significantly increase the severity of any previously identified impact;

WHEREAS, notice of the public hearing on the Vesting Tentative Parcel Map was published in *The Weekly*, a newspaper of general circulation for the City, on May 8, 2019 for the May 22, 2019 Planning Commission meeting and the June 25, 2019 City Council meeting;

WHEREAS notices of the public hearing on the Vesting Tentative Subdivision Map were posted in three conspicuous locations within 300 feet of the Project Site boundaries and were mailed to property owners within 1,000 feet of the Project Site boundaries on June 14, 2019;

WHEREAS, the Planning Commission held a duly noticed public hearing on May 22, 2019, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence; at the conclusion of which the Planning Commission voted to recommend that the City Council approve the Vesting Tentative Subdivision Map to create seven condominium lots and 13 common lots to support the development; and

WHEREAS, on June 25, 2019, the City Council held a duly noticed public hearing to consider the Vesting Tentative Subdivision Map application, at which time all interested persons were given an opportunity to give testimony and the City 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. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the City Council finds and determines that:

A. The Vesting Tentative Subdivision Map is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan in that the Vesting Tentative Subdivision Map subdivides the existing 2.88 acre Project Site into seven condominium lots and 13 common lots to effectuate the previously approved residential development of 58 ownership townhome units, private street, on-site resident and visitor parking, and common landscaped areas with shared maintenance of the building and public and private site improvements compatible with neighboring low intensity residential development and existing and planned development within the El Camino Real Focus Area, subject to conditions set forth in the Conditions of Vesting Tentative Subdivision Map Approval, attached hereto and incorporated by this reference.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Subdivision Map facilitates development of a diversified housing stock and construction of ownership housing opportunities for the community; and furthermore complies with General Plan Land Use and Transitional Goals and Policies of the General Plan in that it transforms the property from a vacant, low-intensity

commercial use to a medium density residential development that would transition in scale and intensity of use with existing and planned land uses; and is in proximity to transit with multi-modal connections to local and regional transit service to support transit ridership and reduce vehicle miles traveled.

C. The site is physically suitable for the proposed type of development, in that the Project provides a transition between low intensity residential development and high intensity mixed-use development contemplated for the El Camino Real Focus Area with ownership housing three-stories in height, shared common and landscaped area, on-site resident and visitor parking, private street and emergency vehicle access, and implementation of Covenants Conditions and Restrictions for the maintenance of the development.

D. The site is physically suitable for the proposed intensity of development, in that the Project Site is located in an urbanized area and is served by existing utilities and infrastructure.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems, in that the proposed residential subdivision will implement Covenants Conditions and Restrictions for operation and maintenance of the building and site improvements and does not propose the use of hazardous 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 Site is located in an urbanized setting, is a developed site, and the proposed subdivision includes mitigation measures, as identified in the MND and MMRP, that reduces impacts to biological resources 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 it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Vesting Tentative Subdivision 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.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report 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 Subdivision Map, substantially in the form on file as shown on the attached Vesting Tentative Subdivision Map and Conditions of Vesting Tentative Subdivision Map Approval, hereby incorporated by this reference.

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 25th DAY OF JUNE, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Vesting Tentative Subdivision Map
2. Conditions of Vesting Tentative Subdivision Map Approval

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