

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA TO APPROVE THE VESTING TENTATIVE  
SUBDIVISION MAP FOR THE PROPERTIES LOCATED AT  
1433-1493 EL CAMINO REAL, SANTA CLARA, TO SUBDIVIDE  
THE 1.7 ACRE PROJECT SITE INTO NINE LOTS**

PLN2018-13609 (Rezone)  
PLN2018-13610 (Vesting Tentative Subdivision Map)  
CEQ2018-01065 (Mitigated Negative Declaration)

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

**WHEREAS**, on November 6, 2018, SCS Development (“Applicant”) filed an application for the subdivision of a 1.7 acre site at 1433 – 1493 El Camino Real with surface parking lots and two, vacant one-story commercial buildings totaling 14,880 square feet and an unoccupied 1,200 square foot one-story single family residence with two detached accessory buildings (“Project Site”);

**WHEREAS**, the Applicant has simultaneously applied to rezone the Project Site from Thoroughfare Commercial (CT) and General Office (OG) to Planned Development (PD) to allow a residential development consisting of 39 condominiums, including seven live/work units (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

**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**, consistent with the proposed uses under the development plan, the proposal includes the division of the site into nine parcels, as shown on Exhibit “Vesting Tentative Subdivision Map” and attached hereto by this reference;

**WHEREAS**, on February 12, 2019, the Subdivision Committee determined that the application was complete and that the Vesting Tentative Subdivision Map be reviewed by the Planning Commission and the City Council in conformance with Section 17.05.300 of the SCCC as a Vesting Tentative Subdivision Map along with the project;

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

**WHEREAS**, notice of the public hearing on the Vesting Tentative Subdivision 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 June 25, 2019 City Council meeting;

**WHEREAS**, on June 14, 2019, notices of the public hearing on the Vesting Tentative Subdivision Map were posted in three conspicuous locations within 300 feet of the Project Site, and were mailed to all property owners within 1,000 feet of the Project Site boundaries, as well as to all local agencies expected to provide essential facilities or services to the Project;

**WHEREAS**, on May 22, 2019, the Planning Commission held a duly noticed public hearing to consider the Project, MND, MMRP and all pertinent information in the record, including public testimony, at the conclusion of which the Planning Commission voted to recommend that the City Council adopt the MND and MMRP, approve the rezoning to allow a residential development consisting of 39 condominium units, including seven live/work units, and approve the Vesting Tentative Subdivision Map to create five condominium lots and four 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, MND, MMRP 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 Subdivision Map, attached hereto as Exhibit "Vesting Tentative Subdivision Map".

3. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(g), the City Council determines that:

A. The Vesting Tentative Subdivision 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 Subdivision Map is to allow the development of 39 ownership residential units, private street, on-site resident and visitor parking, common landscaped areas landscaping and site improvements compatible with neighboring 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. The project proposes a density of 22 dwelling unit per acre, consistent with the site's Community Mixed Use General Plan designation. The project is also consistent with the El Camino Real Focus Area policies.

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 three vacant and underutilized properties 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.

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 along El Camino Real. Moreover, the project is designed to retain the contextual consistency of the corridor.

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 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, on a previously developed site, and includes mitigation measures, as identified in the MND and MMRP, 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 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.

4. Based on the findings set forth in this Resolution and the evidence in the Staff Report, MND, 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 Subdivision Map, substantially in the form on file as shown in the “Vesting Tentative Subdivision Map” attached hereto, subject to conditions of approval attached as “Conditions of Vesting Tentative Map Approval” and hereby incorporated by this reference.

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 25<sup>th</sup> 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

I:\PLANNING\2018\Project Files Active\PLN2018-13609 1433 El Camino Real\CC\Vesting Tentative Subdivision Map Resolution.doc