

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT #87 TO (1) CHANGE THE LAND USE DESIGNATIONS OF A 20.4 ACRE PROJECT SITE LOCATED AT 1205 COLEMAN AVENUE, SANTA CLARA, FROM SANTA CLARA STATION REGIONAL COMMERCIAL, SANTA CLARA STATION HIGH DENSITY RESIDENTIAL, AND SANTA CLARA STATION VERY HIGH DENSITY RESIDENTIAL TO A NEW LAND USE CLASSIFICATION OF SANTA CLARA STATION VERY HIGH DENSITY RESIDENTIAL WITH A MINIMUM COMMERCIAL FLOOR AREA RATIO OF 0.20; (2) AMEND THE GENERAL PLAN LAND USE MAP FOR THE SANTA CLARA STATION AREA TO REFLECT THE LAND USE CHANGE; AND (3) UPDATE THE CLIMATE ACTION PLAN WITH TRIP REDUCTION TARGETS FOR THE LAND USE CLASSIFICATION**

SCH#2017022066  
CEQ2016-01025 (EIR)  
PLN2016-12318 (General Plan Amendment and Rezoning)  
PLN2016-12321 (Vesting Tentative Subdivision Map)  
PLN2017-12481 (Development Agreement)

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

**WHEREAS**, on November 9, 2016, TOD Brokaw, LLC (“Owner”) made an application for a General Plan Amendment in connection with development of a 21.4 acre site located at 1205 Coleman Avenue (APNs: 230-46-069 and 230-46-070) with 20.4 acres located in Santa Clara and 1.0 acre located in San Jose, CA, and is currently undeveloped (“Project Site”), in order to change the General Plan Land Use Designation for the property located in Santa Clara to allow a transit-oriented mixed use development;

**WHEREAS**, the Project Site was formerly developed with industrial and office/research and development buildings, surface parking lots, landscaping, and site improvements that were demolished between 2016 and 2017;

**WHEREAS**, the General Plan Amendment proposes to change the existing land use designations for the Project Site from Santa Clara Station Regional Commercial (commercial up to 3.0 Floor Area Ratio (FAR)), Santa Clara Station High Density Residential (37-50 dwelling

units per acre (du/acre)), and Santa Clara Station Very High Density Residential (51-100 du/acre) to a new land use classification of Santa Clara Station Very High Density Residential (51-120 du/ac) with a minimum commercial FAR of 0.20, and amend the General Plan Land Use Map (Figure 5.4-4) for the Santa Clara Station Focus Area to reflect the General Plan change;

**WHEREAS**, the General Plan Amendment includes an amendment to the Climate Action Plan setting forth vehicle trip reduction targets for the land use classification;

**WHEREAS**, Owner simultaneously applied for a Zoning Code text amendment to add a new zoning designation of Very High Density Mixed Use (VHDMU) and a rezone of the Project Site from Light Industrial (ML) to the new zoning designation to allow the construction of 1,600 multi-family dwelling units, a 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 to support the development ("Project");

**WHEREAS**, the application included a Vesting Tentative Subdivision Map to create commercial and mixed use development parcels, a public park parcel, and common lots to facilitate development and serve the land uses on the Project Site;

**WHEREAS**, the Owner also requested to enter into a Development Agreement with the City, and City staff have negotiated and recommended a draft Development Agreement for approval;

**WHEREAS**, Santa Clara City Charter Section 1007 requires that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

**WHEREAS**, on November 14, 2018, the Planning Commission conducted a duly noticed public hearing to consider the Project, at the conclusion of which the Commission recommended to the City Council approval of the proposed General Plan Amendment;

**WHEREAS**, Government Code Section 65355 requires the City Council to hold a public hearing prior to adopting a General Plan Amendment;

**WHEREAS**, on December 4, 2018, the City Council conducted a public hearing for review of the General Plan Amendment, and following public testimony and the close of public hearing, continued the Project to allow for additional public outreach and consideration of revisions to the Project;

**WHEREAS**, the Owner conducted two community public outreach meetings and subsequently revised the Project in response to community input to include 1,600 multi-family dwelling units, a 162,000 square foot hotel with 225 rooms, 25,000 square feet of ground floor ancillary retail, two public parks, surface and structured parking, private streets, landscaped open space, on- and off-site public right-of-way improvements, and site infrastructure and utilities to support the development ("Revised Project"),

**WHEREAS**, the Revised Project was submitted on April 15, 2019 and determined to be consistent with land uses, density and intensity of development contemplated with the proposed General Plan Amendment application for the Project Site to Santa Clara Station Very High Density Residential (51-120 du/ac) with a minimum commercial FAR of 0.20;

**WHEREAS**, notice of the May 21, 2019 public hearing on the proposed General Plan Amendment was published in *The Weekly* (formerly the *Santa Clara Weekly*), a newspaper of general circulation for the City, on May 8, 2019 for the City Council meeting of May 21, 2019;

**WHEREAS**, on May 10, 2019 notices of the May 21, 2019 public hearing on the proposed General Plan Amendment were posted at three conspicuous locations within 300 feet of the Project Site and mailed to property owners within an expanded notification radius to include approximately 4,800 properties and to all local agencies expected to provide essential facilities or services to the Project;

**WHEREAS**, on May 21, 2019, the City Council conducted a public hearing to consider the proposed General Plan Amendment, and following public testimony, continued the Project to July 9, 2019, with the request to the Owner to increase the retail floor area in the project design;

**WHEREAS**, the Owner subsequently modified the project design to provide 1,565 residential units, a 152,000 square hotel with 225 rooms, and 45,000 square feet of ancillary retail on-site “Final Project”;

**WHEREAS**, before considering the General Plan Amendment for the Project Site, the City Council reviewed and considered the information contained in the Environmental Impact Report (“EIR”), Supplemental Text Revisions to the Final EIR, dated June 18, 2019, and Statement of Overriding Considerations for the Final Project

**WHEREAS**, the City Council has reviewed the General Plan Amendment; and,

**WHEREAS**, on July 9, 2019, the City Council conducted a continued public hearing, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed General Plan Amendment.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF 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. General Plan Amendment Findings: That the City Council finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

A. The proposed General Plan Amendment is deemed to be in the public interest, in that:

The proposed General Plan Amendment is a prerequisite to the adoption of the Project, which is in an urbanized area served by existing municipal services and implements smart growth principles by redeveloping underutilized properties with high intensity mixed-use, pedestrian- and transit-oriented development that will contribute to the City both socially and economically. This infill development is intended to provide desirable jobs, housing and services where infrastructure improvements can be efficient and cost effective for the City compared to development of greenfields elsewhere that might further extend and disperse utility and roadway

infrastructure and limit opportunities to take advantage of and support transit use and other alternative modes of travel and access.

B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Project Site is located in the Santa Clara Station Focus Area and is in proximity to existing and planned transit facilities at the Santa Clara Transit Center and future Bay Area Rapid Transit Station and terminus along the Union Pacific Railroad corridor, approximately 280 feet west of the Project Site. The Project aligns with the goals and policies of the Santa Clara Station Focus Area in that the Project is an integrated mixed-use development that combines high density housing, commercial uses, park and open space at a gateway location to promote pedestrian, bicycle and transit use and maximize local and regional transit investments in bus rail service. The Project provides market rate and affordable housing units, contributes to the City's housing stock, and lessens the jobs/housing imbalance in support of General Plan land use goals and policies. The Project is consistent and compatible with planned uses along Coleman Avenue, such as the build-out of the Coleman Highline Project, and future development of the Santa Clara Station Area as envisioned in the General Plan.

C. The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), in that:

A Draft Environmental Impact Report ("DEIR") was prepared in accordance with CEQA and the City circulated copies of the DEIR and Notice of Availability to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies, and the City sought the comments of such persons, organizations and agencies. The City prepared and circulated written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"), in accordance with CEQA. Additional comments were received following the

distribution of the FEIR and the City prepared responses to the comments received for incorporation into an Appendix to the FEIR and made available for review. Subsequent to changes made to the Project in response to community input at the City Council meeting of December 4, 2018, an analysis of the environmental impacts of the Revised Project was completed comparing the effects of the Revised Project with the impacts identified in the DEIR. The analysis concluded that the Revised Project would not result in new impacts or a substantial increase in the severity of any significant impacts disclosed previously in the DEIR. The Revised Project description and analysis of environmental impacts are incorporated into the FEIR as supplemental text revisions, dated May 14, 2019 and are not considered significant new information pursuant to CEQA Guidelines Section 15088.5, and therefore did not require recirculation of the DEIR.

Following the changes made to the Revised Project in response to City Council and community input at the City Council meeting of May 21, 2019, an analysis was conducted of the environmental effects of the Final Project comparing the effects of the Revised Project with the impacts identified in the DEIR. The analysis concluded that the Final Project would not result in new impacts or a substantial increase in the severity of any significant impacts disclosed previously in the DEIR. The Final Project description and analysis of environmental impacts are incorporated into the FEIR as supplemental text revisions, dated June 26, 2019 and are not considered significant new information pursuant to CEQA Guidelines Section 15088.5, and therefore did not require recirculation of the DEIR. The Council adopted and certified the FEIR.

D. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

The Council has adopted a Mitigation Monitoring and Reporting Program for implementation with Project development to reduce potentially significant impacts identified in the EIR to less than significant levels; and the Council adopted a set of CEQA Findings and a

Statement of Overriding Considerations for the significant unavoidable impacts that cannot be mitigated to less than significant levels.

3. That the City Council, pursuant to Government Code § 65358, amends the General Plan by changing the General Plan Land Use Designation for the Project Site to Santa Clara Station Very High Density Residential (51-120 du/ac) to allow a transit-oriented mixed-use development with a minimum commercial FAR of 0.20.

4. That the City Council amends the General Plan by adding Policy 5.4.3-P22 and Policy 5.4.3-P23 to Subsection 5.4.3 (“Santa Clara Station Focus Area Goals and Policies”) of Section 5.4 (“Focus Areas”) of Chapter 5 (“Goals and Policies”) of the General Plan, to be inserted immediately after existing Policy 5.4.3-P21 as follows:

“5.4.3-P22 Allow active retail uses at ground level and commercial uses at any level on parcels designated Very High Density Residential within the Santa Clara Station Focus Area.”

“5.4.3-P23 Require Very High Density Residential development in the Santa Clara Station Focus Area to provide a minimum commercial FAR of 0.20.”

5. That the City Council amends the General Plan by revising Figures 5.2-2 (“Land Use Diagram, Phase II”) and 5.2-3 (“Land Use Diagram, Phase III”) of Subsection 5.2.2 (“Land Use Classifications and Diagram”) of Section 5.2 (“Land Use Diagram”) of Chapter 5 (“Goals and Policies”) of the General Plan, to reflect the General Plan land use change.

6. That the City Council amends the General Plan by revising Figure 5.4-4 (“Santa Clara Station Focus Area”) of Subsection 5.4.3 (“Santa Clara Station Focus Area Goals and Policies”) of Section 5.4 (“Focus Areas”) of Chapter 5 (“Goals and Policies”) of the General Plan, to reflect the General Plan land use change.

7. That the City Council amends Appendix 8.13 of the General Plan by modifying the Climate Action Plan to include new trip reduction standards for the Santa Clara Station Very High Density Residential Designation, by adding a new column to Table 9 of the Climate Action Plan, entitled Santa Clara Station Very High Density Residential, showing a trip generation rate

of 8 trips per one thousand (1,000) square feet of new floor area, and requiring trip reductions in Transportation District 2, Downtown, of 20%, with 10% coming from Transportation Demand Management (TDM) measures; and 30% trip reduction after BART is operational at the Santa Clara Station with 20% from TDM measures.

8. That based on the findings set forth in this Resolution, the EIR Resolution, and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter, the City Council approves the General Plan Amendment.

9. 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 COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9<sup>th</sup> DAY OF JULY, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

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NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

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