

**RESOLUTION NO. 19-8727**

**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 ongoing 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:	Chahal, Davis, Hardy, Mahan, O'Neill, and Watanabe, and Mayor Gillmor
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	None
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ABSTAINED:	COUNCILORS:	None
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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



## CONDITIONS OF VESTING TENTATIVE SUBDIVISION MAP APPROVAL

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

### **GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

### **GENERAL**

- G3. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G4. Comply with all applicable codes, regulations, ordinances and resolutions.

### **ATTORNEY'S OFFICE**

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

### **COMMUNITY DEVELOPMENT**

- C1. The project shall comply with Conditions of Approval for the Catalina II Residential Project (PLN2018-13609) and Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program (CEQ2018-01065).
- C2. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&Rs) or equivalent instrument assigning and governing perpetual maintenance of the private street in good condition for the life of the Project, prior to issuance of building permits. Said document shall be recorded along with the Title for each property with the Santa Clara County Recorder's Office.

### **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. 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 parcel map and/or issuance of building permits.
- E4. Work within the State right-of-way shall require a Caltrans encroachment permit.

- E5. Relocate existing public sanitary sewer main along El Camino Real, as required, to provide minimum 5' clearance from face-of-curb.
- E6. After City Council approval of the Vesting Tentative Subdivision Map, submit 10 copies of the Subdivision 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 Subdivision Map shall be recorded by developer prior to building permit issuance.
- E7. File and record Subdivision Map for proposed development and pay all appropriate fees prior to issuance of the Building Permit.
- 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. Proposed trees shall be 5' minimum clear of sidewalks, excluding the landscape strip. Provide root barrier if trees are planted such that 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. 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.
- E11. Slurry seal entire width of Civic Center Drive fronting the subject property.
- E12. Dedicate, as required, on-site easements for new public utilities and/or sidewalk by means of a Subdivision Map or approved instrument at time of development.
- E13. Dedicate public street and public utility easement along El Camino Real by means of a Subdivision Map or approved instrument.
- E14. Dedicate private reciprocal vehicle and pedestrian ingress/egress easements and storm drain overland release easement by means of a Subdivision Map or approved instrument.
- E15. Existing 2" PG&E gas line on El Camino Real shall be abandoned per PG&E approval and City standards.
- E16. SVP manhole lids shall be outside the public sidewalk, unless approved by the City Engineer.
- E17. All proposed on-site driveways and paths shall accommodate fire truck/engine turning template.
- E18. All traffic striping, messages, and symbols shall be thermoplastic.
- E19. Existing non-standard or non-ADA compliant frontage shall be replaced with current City-standard frontage improvements.
- E20. All proposed walkway, sidewalk, driveways, and curb ramps shall be ADA compliant.
- E21. Proposed driveways along Civic Center Drive shall be per City standard detail ST-8.
- E22. Show and comply with City's driveway vision triangle requirements at proposed driveway. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and intersections in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
- E23. Provide minimum 5' wide sidewalk with 4' wide landscape strip along the Civic Center Drive frontage.
- E24. Provide minimum 10' wide separated sidewalk with 4' wide landscape strip along El Camino Real frontage.



- E25. On-street parking shall not be counted towards on-site parking requirements.  
Show existing T-markers (City street parking) on Civic Center Drive. Remove existing T-markers (on-City street parking) that will be in conflict with proposed driveways.

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