

**RESOLUTION NO. 19-8735**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SANTA CLARA, CALIFORNIA APPROVING A VESTING  
TENTATIVE SUBDIVISION MAP AT 1205 COLEMAN AVENUE,  
SANTA CLARA**

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 the development of a 21.4 acre site located at 1205 Coleman Avenue (APNs: 230-46-069 and 230-46-070), which is currently undeveloped ("Project Site") and within the Santa Clara Station Focus Area;

**WHEREAS**, the application proposes a General Plan Amendment 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/ac)), and Santa Clara Station Very High Density Residential (51-100 du/ac) to 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 VHDMU designation to allow the construction of 1,600 multi-family dwelling units, an 182,000 square foot full-service hotel with 225 rooms, 25,000 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**, 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 September 11, 2018 the Subdivision Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map should proceed to the Planning Commission in conformance with Section 17.05.300(e)(2) of the SCCC;

**WHEREAS**, SCCC Section 17.05.300(g) requires that the Planning Commission make recommendations of denial, approval or conditional approval to the City Council on the Tentative Subdivision Map;

**WHEREAS**, on November 14, 2018, the Planning Commission conducted a duly noticed public hearing to consider the proposed Vesting Tentative Subdivision Map, at the conclusion of which the Commission voted to recommend that the City Council approve the Vesting Tentative Subdivision Map;

**WHEREAS**, 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”);

**WHEREAS**, a Mitigation Monitoring and Reporting Program has been prepared for implementation with Project development to reduce potentially significant impacts identified in the EIR, to less than significant levels, and a Statement of Overriding Considerations for the significant unavoidable impacts that cannot be mitigated to less than significant has been prepared in accordance with CEQA;

**WHEREAS**, the City Council held a duly noticed public hearing on December 4, 2018, at the close of which, the City Council continued the Project to allow for additional public outreach and consideration of revisions to the Project;

**WHEREAS**, the Owner conducted two additional community public outreach meetings following the December 4, 2018 City Council meeting 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 Subdivision Committee reviewed the revised Vesting Tentative Subdivision Map on April 30, 2019 to create two commercial parcels, four mixed use residential and commercial parcels, two dedicated park parcels and six common lots to serve the development;

**WHEREAS**, on May 7, 2019, the Subdivision Committee determined that the application was complete and in general conformance with the Vesting Tentative Subdivision Map reviewed by Planning Commission on November 14, 2018, and determined that it should proceed to the City Council;

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

**WHEREAS**, on May 10, 2019, notices of the public hearing on the proposed Vesting Tentative Subdivision Map 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 on May 10, 2019 for the Council meeting of May 21, 2019, and to all local agencies expected to provide essential facilities or services to the Project;

**WHEREAS**, the City Council held a duly noticed public hearing on May 21, 2019 and following public testimony, continued the public hearing to July 9, 2019 with the request to the Owner to increase 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") without change to the proposed Vesting Tentative Subdivision Map;

**WHEREAS**, an analysis of the environmental impacts of the Final Project was completed comparing the effects of the changes in residential unit count and commercial floor area with the impacts identified in the DEIR and 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, and are not considered significant new information pursuant to CEQA Guidelines Section 15088.5; 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 provide 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 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. 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 21.4 acre Project Site into a two commercial parcels, four mixed use residential and commercial parcels, two dedicated public park parcels

and six common parcels for development of 1,565 multi-family dwelling units, an 152,000 square foot hotel with 225 rooms, 45,000 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 compatible with existing and planned land uses in the Santa Clara Station Focus Area surrounding the Project Site, 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 high density mixed use project in proximity to transit. The residential component includes affordable and market rate units that contribute to the City's housing stock, assists to offset the jobs/housing imbalance, and provides ridership to maximize local and regional investments in transit infrastructure. The commercial and park components provide services and amenities to support residents, employees and visitors on-site and assist to reduce vehicle miles travelled with the integration of land uses in Project development. The Project transforms the property from a vacant light industrial use to an active mixed use development that would transition in scale and intensity of use with existing and planned land uses in the Santa Clara Station Area surrounding the Project Site and serve as a catalyst for investment in the Project area to support increased transit ridership and General Fund revenues.

C. The site is physically suitable for the proposed type of development, in that the Project is an infill transit-oriented mixed use development that includes a mix of high density housing, local and regional commercial uses, parks and landscaped open space and street frontages, and public and private improvements as contemplated in the Santa Clara Station Focus Area.

D. The site is physically suitable for the proposed density 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 public health problems, in that the Project is a transit supportive mixed use development consisting of 1,565 multi-family dwelling units, an 152,000 square foot hotel with 225 rooms, 45,000 square feet of ground floor ancillary retail and associated public and private improvements to support the development that is compatible with existing and planned development surrounding the Project Site; that will include and implement Covenants Conditions and Restrictions for operation and maintenance of the buildings and site improvements; and that 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 is located in an urbanized setting, on a developed site, and includes mitigation measures, as identified in the EIR, 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 the Project 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.

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3. Based on the findings set forth in this Resolution and the evidence in the Staff Report, EIR 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 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: Chahal, Davis, Hardy, Mahan, O'Neill, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:

  
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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





