

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA CLARA AND TOD BROKAW, LLC FOR THE PROPERTY LOCATED AT 1205 COLEMAN AVENUE, SANTA CLARA

PLN2020-14403 (Development Agreement Amendment)

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

WHEREAS, the City of Santa Clara (“City”) and TOD Brokaw, LLC (“Property Owner”) entered into a Development Agreement that was effective on September 26, 2019 and recorded on October 9, 2019 as document 24300322 in the Official Records of Santa Clara County (the “Original Development Agreement”) concerning the certain real property located at 1205 Coleman Avenue (“Project Site”) that consists of two parcels totaling 21.4 acres (APNs: 230-46-069 and 230-46-070);

WHEREAS, the Original Development Agreement authorizes phased development on the Project Site of up to 1,565 multi-family residential units; 45,000 square feet of supporting retail and associated parking within four multi-story buildings on individual parcels (Buildings 1 – 4); a 152,000 square foot high-rise hotel with associated parking on a separate parcel; 2.6 acres of dedicated parkland; private streets and shared surface parking on common lots; site landscaping; and public and private on- and off-site improvements (“Project”);

WHEREAS, Section 2.8 of the Original Development Agreement specifies that the timing of hotel construction is to commence during Phase 1 of Project development prior to the issuance of building permits for construction of the second residential building (“Building 2”) on the Project Site in Phase 1;

WHEREAS, on May 4, 2020, the “Property Owner” filed an application to amend the Original Development Agreement (“First Amendment to Development Agreement”) to move the timing of hotel construction from Phase 1 to before the issuance of the first residential building (“Building 3”) in Phase 2 of Project development;

WHEREAS, the First Amendment to Development Agreement is attached hereto and incorporated by this reference;

WHEREAS, on July 9, 2019, in Resolution 19-8733, the City Council certified an Environmental Impact Report (“EIR”) and approved the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project;

WHEREAS, the requested First Amendment to Development Agreement to move hotel construction from Phase 1 to before the issuance of the first residential building (“Building 3”) in Phase 2 development does not modify the approved land uses, intensity of development or timing of full build-out of the Project as approved, and therefore would not result in new significant impacts or impacts of substantially greater severity to require further environmental analysis;

WHEREAS, Santa Clara City Code § 17.10.130 provides for the review and recommendation of the City’s Planning Commission of all development agreements before action is to be taken by the City Council;

WHEREAS, notice of the public hearing on the proposed First Amendment to Development Agreement was published in the *Weekly*, a newspaper of general circulation for the City, on May 27, 2020;

WHEREAS, on May 29, 2020, the City mailed notice of the public hearing to all property owners within 1,000 feet of the Project Site and approximately 4,800 properties in the Old Quad, and on May 29, 2020 the City posted notice of the public hearing in three conspicuous locations within 300 feet of the Project Site; and

WHEREAS, on June 10, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed First Amendment to Development Agreement, at which time all interested persons were given an opportunity to give testimony and present evidence, both in favor of and in opposition to the proposed First Amendment to Development Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds and determines that the forgoing recitals are true and the Planning Commission has reviewed the First Amendment to Development Agreement, and based on its review finds that the Original Development Agreement, as amended by the First Amendment to Development Agreement, complies with all requirements of Government Code section 65865.2 [entitled “Contents” (of a Development Agreement)].

2. That the mitigation measures in the certified EIR and approved MMRP remain unchanged and will be implemented with each phase of Project development.

3. That the Planning Commission hereby recommends that the City Council approve the First Amendment to Development Agreement between the City of Santa Clara and TOD Brokaw, LLC for the properties located at 1205 Coleman Avenue (APNs: 230-46-069 and 230-46-070).

4. Pursuant to Government Code Sections 65867.5, the Planning Commission hereby finds that the provisions of the First Amendment to Development Agreement do not include changes to the approved land use types, intensity of development that is to occur on the site, or number of phases of Project development and is therefore consistent with the General Plan land use designation and approved development plan for the Project Site.

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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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 10th DAY OF JUNE, 2020, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. First Amendment to Development Agreement