

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO APPROVE A TENTATIVE PARCEL MAP FOR THE
PROPERTY LOCATED AT 5407 AND 5409 STEVENS CREEK
BOULEVARD, SANTA CLARA, CALIFORNIA**

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

WHEREAS, on May 27, 2020, James Howard with Vance Brown Builders (“Applicant”) made an application for a Tentative Parcel Map on behalf of Peery-Arrillaga (“Property Owner”) to subdivide an existing 5.07 acre parcel (APN: 316-19-031), into two parcels located at 5407 and 5409 Stevens Creek Boulevard in the City of Santa Clara (“Project Site”);

WHEREAS, the General Plan land use designation for the Project Site is High Intensity Office/Research and Development (R&D) and the zoning designation is Planned Development (PD) which allows for phased development of a 295,000 square foot office campus on the Project Site consisting of two six-story office buildings, above and below grade parking structures with a total of 973 parking spaces, and on-site and public right-of-way improvement;

WHEREAS, Phase 1 construction is completed and consists of a five-level parking structure and six-story 187,500 square foot office building over a subgrade parking garage and Phase 2 construction is currently underway with construction of a six-story 108,000 square foot office building over a subgrade parking garage and on- and off-site improvements;

WHEREAS, consistent with the General Plan and zoning designation for the Project Site, the proposal involves the subdivision of the Project Site into two parcels as shown on Exhibit “Tentative Parcel Map”, attached hereto and incorporated herein by this reference;

WHEREAS, pursuant to Section 17.05.220 of the Code of the City of Santa Clara (“SCCC”), a Tentative Parcel Map shall be required for all divisions of land into four or fewer parcels;

WHEREAS, on July 21, 2020, the Subdivision Committee determined that the application was complete and directed that the parcel map be reviewed by the City Council in conformance with

Section 17.05.400 of the SCCC as a Tentative Parcel Map, subdividing the existing 5.07 acre parcel into two parcels;

WHEREAS, SCCC Section 17.05.110(h) requires that the Subdivision Committee makes recommendations of denial, approval or conditional approval to the City Council on the Tentative Parcel Map;

WHEREAS, on July 21, 2020, the Subdivision Committee recommended that the City Council approve the Tentative Parcel Map, subject to conditions;

WHEREAS, the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. CEQA contains a list of categorical exemptions for projects that are not required to undergo environmental evaluation. The Project is categorically exempt from CEQA per Guidelines Section 15315, in that the Project involves subdivision of the existing parcel into two separate parcels in a manner that is consistent with the General Plan High Intensity Office/R&D designation and PD zoning designation for the Project Site, in an urbanized area, all services and access to the proposed parcels to City standards are available, the Project Site was not involved in the division of a larger parcel, within the previous two years, the parcel does not have a slope greater than 20 percent, and no issuance of a variance or exception is necessary;

WHEREAS, Section 17.05.400 (d) of the SCCC requires that the City Council hold a public hearing before considering the approval of a Tentative Parcel Map for the division of land;

WHEREAS, Section 17.05.400(d) of the SCCC further requires that notice of the public hearing before the City Council be given by publishing notice in a newspaper of general circulation, by providing notice to all property owners within three hundred (300) feet of the proposed Tentative Parcel Map area by mail, by providing mailed notice to each local agency expected to provide essential facilities to the project, and by posting a notice of public hearing in at least three places within the vicinity of the project site;

WHEREAS, notice of the public hearing on the proposed Tentative Parcel Map was published in the *Weekly*, a newspaper of general circulation for the City, on October 28, 2020;

WHEREAS, on October 29, 2020, the City posted notice of the public hearing at three conspicuous locations within three hundred (300) feet of the Project Site;

WHEREAS, on October 29, 2020, the City mailed notice of the public hearing to the Santa Clara Valley Water District, which will supply water to the site;

WHEREAS, on October 29, 2020, notices of the public hearing on the Tentative Parcel Map were mailed to all property owners within 500 feet of the Project Site, according to the most recent assessor's roll; and,

WHEREAS, on November 10, 2020, the City Council reviewed the Tentative Parcel Map and conducted a public hearing, at which time all interested persons were given an opportunity to provide testimony and the City Council considered 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. Tentative Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.400(e), and (f), City Council finds and determines that:

A. The proposed subdivision is substantially consistent with the objectives, policies, general land use and programs specified in the City's General Plan. The existing 5.07 acre parcel (APN: 316-19-031) will be reconfigured to create two parcels, one at 3.12 acres and one at 1.95 acres, located in Santa Clara. Both parcels will continue to maintain the General Plan High Intensity Office/R&D designation and the PD zoning designation. The subdivision facilitates development of the site in a manner consistent with the General Plan and Zoning of the City of Santa Clara.

B. The design and improvements of the proposed subdivision are substantially consistent with the City's General Plan in that the Tentative Parcel Map facilitates development in accordance with the approved entitlements for the Project Site and is subject to conditions set forth in the Conditions of Approval, attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development, in that the Project Site is served by existing municipal facilities; and water, sanitary sewer, storm drain, electric and vehicle ingress/egress easements are retained for service of the Project Site, as specified in the Conditions of Approval, attached hereto and incorporated herein by this reference.

D. The site is physically suitable for the planned intensity of development, in that the site is located in an urbanized area served by existing public infrastructure and facilities.

E. The design of the subdivision and type of improvements are not likely to cause serious public health problems, in that the site is surrounded by urban uses; is currently developed and has no value as habitat for endangered, rare or threatened species; would not result in significant related traffic, noise, air quality, or water quality impacts; and is adequately served by all required utilities and public services..

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.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, in that the Project is designed to avoid encroachments and conflicts with public easements.

H. The Tentative Subdivision Map provides, to the extent feasible, for future or natural heating or cooling opportunities, in that the approved PD zoning for the Project Site allows for flexibility in the development standards to maximize the benefits of green building standards for site and building design.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the Tentative Parcel Map, substantially in the form on file as shown in Exhibit "Tentative Parcel Map", subject to the conditions of approval, attached as Exhibit "Conditions of Tentative Parcel Map Approval".

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 OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2020, 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. Conditions of Tentative Parcel Map Approval
2. Tentative Parcel Map