

RESOLUTION NO. 20-8907

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO APPROVE A TENTATIVE PARCEL MAP TO CREATE A
SINGLE LOT SUBDIVISION FOR THE PROPERTY LOCATED
AT 2250 LAWSON LANE, SANTA CLARA, CALIFORNIA**

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

WHEREAS, on July 21, 2020, Ryan Amaya with Kier+Wright Civil Engineers ("Applicant") on behalf of The Sobrato Organization ("Property Owner") made an application for a Tentative Parcel Map create a single lot subdivision with three commercial condominium units on an existing 7.55 acre parcel (APN: 224-44-024), located at 2250 Lawson Lane in the City of Santa Clara ("Project Site");

WHEREAS, the General Plan land use designation for the Project Site is Low Intensity Office/Research and Development (R&D) and the zoning designation is Planned Development (PD) which allows for the construction of two, five-story buildings totaling 486,074 square feet of office, 18,361 square feet of common building space, a six-level parking garage and surface parking for a total of 1,445 parking spaces, and landscaping and on- and off-site improvements on the Project Site;

WHEREAS, consistent with the General Plan and zoning designation for the Project Site, the proposal involves the creation of a single lot subdivision with three commercial units and common area 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 August 8, 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, to create a single lot subdivision for commercial purposes consisting of the two office buildings and common building, and common area;

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 October 20, 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 creates a single lot subdivision with three commercial units and common area in a manner that is consistent with the General Plan Low 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, 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 November 4, 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, notices of the public hearing on the Tentative Parcel Map were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor's roll; and,

WHEREAS, on November 17, 2020, the City Council reviewed the Tentative Parcel Map for the proposed single lot subdivision 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 7.55 acre parcel (APN: 224-44-024) is proposed a single lot subdivision with three commercial condominium units and common area. The project site will continue to maintain the General Plan Low 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.

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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.

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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 17TH DAY OF NOVEMBER, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, 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. Conditions of Tentative Parcel Map Approval
2. Tentative Parcel Map

CONDITIONS OF TENTATIVE PARCEL MAP APPROVAL

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

CONDITIONS OF 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.

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 the mitigation measures identified in the Environmental Impact Report for the Lawson Lane Project and the Mitigated Negative Declaration for the Lawson Lane West Campus Expansion Project.
- C1. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&Rs) or equivalent 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 Public Works 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 Public Works 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 Public Works 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. All work within Santa Clara County right-of-way shall require Santa Clara County encroachment permit.
- E4. 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.

- E5. Dedicate, as required, on-site easements for new public utilities and/or sidewalk, and emergency vehicle access by means of a Subdivision Map or approved instrument at time of development.
- E6. After City Council approval of the Tentative 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 Public Works Department. The submittal shall include a title report, closure calculations, and all appropriate fees.
- E7. File and record Subdivision Map to create parcels and pay all appropriate fee(s).
- E8. Submit payment for Public Works Project Clearance Committee review.
- E9. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction.
- E10. Coordinate proposed non-access easement dedication and vacation with County of Santa Clara and provide documentation of recordation to the City of Santa Clara.

STREETS

- ST1. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures in perpetuity. Applicants should contact Karin Hickey at (408) 615-3097 or KaHickey@santaclaraca.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>. For porous pavement and underground vault, inspection of these facilities is to be done annually.

