

RESOLUTION NO. 16-8281

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, REZONING THE PROPERTY LOCATED
AT 100 N. WINCHESTER BOULEVARD, SANTA CLARA
FROM GENERAL OFFICE (OG) TO PLANNED
DEVELOPMENT (PD)**

PLN2015-11231(GPA and Zoning)
CEQ2015-01197 (Mitigated Negative Declaration)

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

WHEREAS, on June 29, 2015, USA Properties Fund, Inc. (“Applicant”) applied for a Rezoning from General Office (OG) to Planned Development (PD) of a 1.86-acre site, which is currently occupied by a three-story office building and an associated parking lot, located at 100 N. Winchester Boulevard, Santa Clara (“Project Site”);

WHEREAS, an application has simultaneously been made to amend the 2010-2035 City of Santa Clara General Plan designation of the Project Site from Regional Commercial to High Density Residential;

WHEREAS, the Project Site is currently zoned as General Office (OG);

WHEREAS, in order to effectuate the development application and its change in use, the Project Site needs to be rezoned to a Planned Development (PD) to allow construction of 92-unit market rate senior apartment project with 105 parking spaces, landscaping and other site improvements on the Project Site as shown on the Development Plans, as attached as Exhibit “Development Plans”;

WHEREAS, a Mitigated Negative Declaration (MND) was prepared, distributed and noticed for 20-day public review and comment of the potential environmental impacts related to the proposal, beginning November 2, 2015 and concluding on November 23, 2015;

WHEREAS, mitigation measures have been identified and incorporated into the Project to reduce potential impacts to less than significant levels;

WHEREAS, the Planning Commission held a duly noticed hearing on December 10, 2015 to consider the general plan amendment, and rezoning applications, including the MND and MMRP;

WHEREAS, at the conclusion of the public hearing the Planning Commission made a recommendation to the City Council to approve the rezoning application;

WHEREAS, on December 21, 2015, pursuant to section 18.112.060 of the City of Santa Clara Code, a notice of public hearing was posted in at least three conspicuous places within three hundred (300) feet of the effected property, and mailed to property owners within three hundred (300) feet of the Project Site; and,

WHEREAS, the City Council conducted a duly noticed public hearing on January 12, 2016, to consider the rezoning application, during which the Commission invited and considered any and all verbal and written testimony offered in favor and in opposition to the Project.

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. The City Council rezones the Project Site, as shown on Exhibit “Development Plans” and conditioned in Exhibit “Conditions of Approval - Rezone”, incorporated by this reference, from General Office (OG) to Planned Development (PD) to allow construction of a 92-unit market rate senior apartments project with 105 total parking spaces, site circulation, landscaping, and public and private improvements on the Project Site.
3. Pursuant to SCCC Section 18.112.010, the City Council determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site does not allow residential uses and building height proposed. The City’s Zoning

Code currently does not have a zoning district consistent with the proposed High Density Residential General Plan designation. The project, as proposed, is generally consistent with the existing land uses in the immediate project area, and is near retail and transit.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area in that the proposal provides high quality senior apartments, one-bedroom to two-bedroom units, in an urbanized area which increases the City's housing stock while providing adequate choices of housing tenure, type and location. The project is located in an urbanized area served by existing municipal services. The development will be paying a parkland fee to the City for potential future parkland acquisition or rehabilitation. In addition, the project proposes on site recreational areas and amenities which help to alleviate impacts to public parks and other recreational facilities in the City.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change allows development of high quality housing units in proximity to retail and transit. Nearby hospitals include O'Connor Hospital and Santa Clara Valley Medical Center, both of which are within 2 miles of the project site.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts in that the proposed zone change would allow development of a 92-unit residential project in a manner that is consistent with the ongoing and future development adjacent to the project site. Moreover, the rezone would allow for an enhanced streetscape along Winchester Boulevard. Moreover, the project is designed in a manner that respects neighbors' privacy and provides sufficient on-site vehicular and bicycle parking.

4. That based on the findings set forth in this Resolution, the MND Resolution, the evidence in the City Staff Report, and all evidence presented at the hearing, the City Council hereby rezones the Project Site as set forth herein.

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

6. 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 12th DAY OF JANUARY, 2016, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Development Plans
2. Conditions of Approval - Zoning

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