



Agenda Report

20-84

Agenda Date: 1/28/2020

REPORT TO COUNCIL

SUBJECT

Supplementary Declaration of Covenants, Conditions and Restrictions (CC&Rs) for the Catalina Townhomes [Council Pillar: Promote and Enhance Economic and Housing Development]

BACKGROUND

The City's subdivision ordinance, Santa Clara City Code (SCCC) Chapter 17.05, and the Zoning Ordinance, SCCC Chapter 18.54, provide that the City shall review draft declarations of covenants, conditions and restrictions (CC&Rs) for proposed subdivisions. The Zoning Ordinance also provides that if a development subsequently proposes to amend its CC&Rs, the amendment must be filed with the City Council, which then has an opportunity to veto the proposed amendment. If the Council takes no action, the amendment automatically becomes effective, 60 days after filing.

In 2018, the City Council approved a Final Map for Phase 1 of the Catalina Residential Project located at 1375, 1385, and 1399 El Camino Real to allow the construction of 54 townhouse units, including 8 live-work units, with CC&Rs that were reviewed and approved by City staff. In 2019, the Council approved the Vesting Tentative Subdivision Map for Phase 2 of the Catalina Project, for an additional 39 townhomes, including 7 live-work units, directly adjacent to Phase 1, at 1433, 1453, 1483 and 1493 El Camino Real.

DISCUSSION

The CC&Rs for Phase 1 authorize the developer to annex Phase 2 into Phase 1, so that one condominium association will manage the entire development.

To allow this annexation to occur, it is necessary to address some minor variations in the conditions of approval between Phase 1 and Phase 2, such as a new requirement to submit a Transportation Demand Management plan and annual updates to the Director of Community Development. In order to comply with all of the conditions of approval for both phases, the Developer proposed executing the attached Supplemental Declaration, which amends the original CC&Rs.

As provided in SCCC Section 18.54.080(c)(2), the City Council has 60 days to veto any proposed amendment to existing CC&Rs. Staff has reviewed the proposed Supplemental Declaration and has no objection to the amendments, and has determined that they conform to all of the conditions of approval for both phases.

If the Council takes no action, the Supplementary Declaration can take effect and the developer will be able to proceed with selling units in both Phases. If the Council chooses to exercise its authority to veto the proposed Declaration, staff could work with the Developer to come up with an amendment that would be satisfactory to the Council.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense.

COORDINATION

This report has been coordinated with the City Attorney's Office.

ENVIRONMENTAL REVIEW

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Note and file the proposed Supplemental Declaration of Covenants, Conditions and Restrictions For the Catalina Townhomes.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Supplemental Declaration of Covenants, Conditions and Restrictions for the Catalina Townhomes