

**RESOLUTION NO. 07-7430**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING  
THE GENERAL PLAN AMENDMENT FOR THE  
SANTA CLARA GARDENS PROJECT  
(90 N. Winchester Blvd.)**

**SCH 2003072093**

**CEQ2006-01032** (DEIR)

**CEQ2006-01033** (RDEIR)

**CEQ2007-01039** (Final EIR)

**PLN2003-03744** (Rezone from "A" Agriculture to PD Planned Development for 110 units of SF)

**PLN2003-03745** (General Plan Amendment)

**PLN2003-03958** (Rezoning of Senior parcel to PD [R3-18D])

**PLN2007-06295** (Tentative Subdivision Map creating 110+ parcels)

**PLN2007-06327** (Rezoning application from "A" Agriculture to "B" Public park)

**PLN2007-06329** (Development Agreement)

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS  
FOLLOWS:**

**WHEREAS**, on March 8, 2003, the State of California and SummerHill Homes, Inc., made application for a General Plan Amendment in connection with the development of the approximately 17 acres of property located at 90 North Winchester Boulevard (the "Project Site"), in order to change the General Plan Land Use Map to decrease the overall density allowance on the 17-acre site from *Moderate Density Residential* uses (19-25 dwelling units per acre) to *Single Family Attached* residential uses (12-18 dwelling units per acre) and to identify a 1-acre public park designated as *Parks and Recreation* use; and

**WHEREAS**, Government Code section 65355 requires the City Council to hold at least one noticed, public hearing on any proposed General Plan amendment; and

**WHEREAS**, the Government Code further requires that a General Plan amendment be made only "in the public good"; and

**WHEREAS**, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed General Plan amendment; and

**WHEREAS**, notice of the public hearing on the General Plan Amendment was published in the *San Jose Mercury News*, a newspaper of general circulation, on May 26, 2007; and

**WHEREAS**, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 1000 feet of the property, according to the most recent assessor's roll, on June 4, 2007; and

**WHEREAS**, following a noticed, public hearing on the rezoning and other project approvals, the Planning Commission adopted Resolution No. 07-002, Certifying the Final Environmental Impact Report, Making Findings Concerning Mitigation Measures, Adopting the Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting the Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the EIR ("Planning Commission CEQA Resolution") and Resolution No. 07-003, Recommending to the City Council of the City of Santa Clara that it (1) Approve the General Plan Amendment; (2) Rezone the Property to Planned Development and Public Use and Approve a Density Bonus; (3) Approve the Vesting Tentative Map; and (4) Adopt the Development Agreement ("Planning Project Resolution"); and

**WHEREAS**, the Santa Clara Municipal Code and California State Law permit the granting of Density Bonus incentives for projects that meet guidelines and requirements for the provision of affordable housing, which guidelines and requirements are met by providing 100 percent of the senior housing project on 6 acres of the site at rents to accommodate Very Low Income levels; and

**WHEREAS**, the Santa Clara Gardens Project includes all of the Santa Clara Gardens Project entitlements, including Resolution No. 07-7429 ("CEQA Resolution"); Resolution No. 07-7431 ("Parcel Map Resolution"); Resolution No. 07-7432 ("Rezoning Resolution"); Resolution No. 07-7433 ("Vesting Tentative Map Resolution"); Ordinance No. 1821 ("Development Agreement Ordinance"); and this General Plan Amendment Resolution (collectively the "Project"); and

**WHEREAS**, before considering this General Plan amendment, the City Council reviewed and considered the information contained in the Final Environmental Impact Report for the Santa Clara Gardens Project (SCH #2003072093) ("FEIR") and adopted City Council Resolution No. 07-7429 ("CEQA Resolution"); and

**WHEREAS**, the City Council finds that mitigation measures identified in the FEIR have been imposed on and incorporated into the project which mitigate or avoid the significant environmental effects, that certain mitigation

measures are within the responsibility and jurisdiction of another public agency and such changes can and should be adopted by such other agency, that specific economic, social and other considerations make infeasible the project alternatives that would avoid or mitigate the environmental impacts and that social, economic and other benefits outweigh the environmental impacts that cannot be fully mitigated; and

**WHEREAS**, the City Council has reviewed the General Plan Amendment and conducted a public hearing.

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA THAT IT APPROVES THE PARCEL MAP AS FOLLOWS:**

1. General Plan Amendment Findings. That pursuant to California Government Code section 65358, the City Council finds and determines that the General Plan Amendment is in the interest of the public good because the General Plan Amendment will change the General Plan Land Use Map to decrease the overall density allowance on the 17-acre site in consideration of the lower residential densities surrounding the site, but will not prohibit the increase of density on the senior parcel that will facilitate the provision of housing units available for low and very-low income seniors; and to recognize a new 1-acre public park.
2. That the General Plan is hereby amended by changing the General Plan Land Use Map to decrease the overall density allowance on the 17-acre site from *Moderate Density Residential* uses (19-25 dwelling units per acre) to *Single Family Attached* residential uses (12-18 dwelling unites per acre) and to identify a 1-acre public park designated as *Parks and Recreation* use.
3. That, based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the City Council and the Planning Commission, the City Council hereby approves the General Plan Amendment, substantially in the form on file with the Director of Planning and Inspection.
4. 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 Council of the City of Santa Clara 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.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 19TH DAY OF JUNE, 2007, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Kennedy, Kolstad, Kornder, Moore and Mayor Mahan
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	McLeod

ATTEST: \_\_\_\_\_ /s/  
ROD DIRIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:  
1. Project plans

# 90 North Winchester

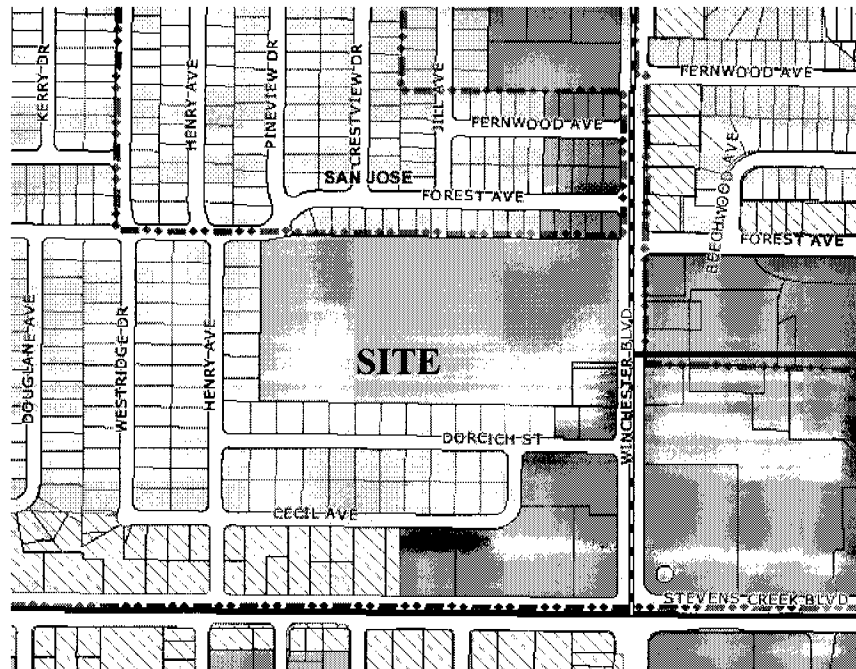
Resolution / Santa Clara Gardens General Plan Amendment / Exhibit

June 2007

## GENERAL PLAN

Current: Moderate Density Residential 19-25 du/ac

Proposed Single-family Attached 12-18 du/ac



## PROJECT PLAN

