

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO APPROVE AND CERTIFY A FINAL ENVIRONMENTAL
IMPACT REPORT, TO ADOPT CEQA FINDINGS AND A
STATEMENT OF OVERRIDING CONSIDERATIONS WITH
RESPECT THERETO, AND TO ADOPT A MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE MISSION
POINT PROJECT, “OPTION B”**

SCH No.: 2018072068
Mission Point Project Environmental Impact Report

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly owned subsidiary Innovation commons Owner, LLC (“Owner”) made an application for a General Plan Amendment in connection with the redevelopment of a 48.6-acre site generally bounded by Tasman Drive, Patrick Henry Drive, Old Ironsides Drive, and the SFPUC Hetchy Hetchy Right of Way (APNs: 104-04-150, 104-04-142, 104-04-143, 104-04-151, 104-04-112, 104-04-113, 104-04-065, 104-04-111, 104-04-064), which is currently developed with four light industrial buildings and a parking lot (“Project Site”);

WHEREAS, the Project approvals will include a General Plan Amendment to change the General Plan land use designation from High-Intensity Office/Research & Development to the newly created designations of Urban Center Mixed Use and Urban Center Mission Point; a Rezoning of the Project Site from High-Intensity Office/Research and Development (“HO-RD”) to Planned Development (“PD”); a Vesting Tentative Subdivision Map to subdivide the property into five lots, with up to three parcels for future parkland dedication and potential residential and commercial condominium purposes and to vacate Democracy Way; and a Development Agreement (collectively, the “Project”);

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15081, this Project was determined after an Initial Study to identify potentially significant effects on the environment, resulting in the preparation of an Environmental Impact Report (“EIR”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, in addition to the Project, the EIR studied the Reduced Office/Increased Housing Alternative, which assumed the development of 800 multi-family housing units in Area C (for a total of up to 2,600 housing units for the entire Project) instead of approximately 789,000 gsf of office/R&D space, but otherwise maintained all other land use and developments assumptions of the Project;

WHEREAS, the Revised Project is a mixed-use commercial/residential development project with the same overall size as the Project and on the same Project Site, where the only changes involve the composition and ratio of residential to commercial uses;

WHEREAS, the Reduced Office/Increased Housing Alternative analyzed in the EIR and presented for public input has the same footprint, and is very similar in scope and use to the Revised Project;

WHEREAS, the FEIR includes Attachment 3 – Impacts of Option B, which analyzed the Revised Project and determined the Revised Project is essentially the same as the Reduced Office/Increased Housing Alternative analyzed in detail in the EIR and that the Revised Project would result in impacts that are the same as or similar to those of the Project, some Air Quality and Population and Housing impacts would be less than those caused by the Project, and no impacts would be greater than the Project and therefore the impacts of the Revised Project are fully within the scope of the analysis in the Final EIR and the Revised Project does not result in a new significant environmental impact nor a substantial increase in the severity of an environmental impact already disclosed in the EIR;

WHEREAS, the City distributed a Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the Project on July 27, 2018 and a revised version on October 1, 2018 and April 18, 2022, and in each instance, the City posted the Notice of Preparation at the Santa Clara County Clerk's office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR; and

WHEREAS, in conformance with CEQA, the EIR was noticed and circulated for a 45-day public review period to the State Office of Planning and Research, Santa Clara County Clerk's Office,

interested parties, and property owners within one quarter mile of the Project Site from November 17, 2023 to January 2, 2024 (“Comment Period”), where during that period comment letters were received from Caltrans, the California Department of Toxic Substances Control, Santa Clara Unified School District, Santa Clara Valley Water District, City of San Jose Airport Planning and Development, San Francisco Public Utilities Commission, Santa Clara Valley Transportation Authority, and a law firm representing Silicon Valley Residents for Responsible Development;

WHEREAS, the City prepared written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report (“FEIR”). The FEIR consists of a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, and copies of comment letters. The FEIR was distributed for a 10-day review period beginning on March 13, 2024;

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project (and the Revised Project) as proposed;

WHEREAS, the EIR outlined various mitigation measures that would substantially lessen or avoid the Revised Project’s significant effects on the environment, as well as alternatives to the Revised Project as proposed that would provide some environmental advantages;

WHEREAS, the City is required, pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

WHEREAS, Public Resources Code Section 21081, subdivision (a) requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, the “CEQA Findings” attached to this Resolution is a set of Findings of Fact and a

Statement of Overriding Considerations prepared in order to satisfy the requirements of Public Resources Code Section 21081, subdivision (a);

WHEREAS, the City Council has determined the No Project alternative and the Reduced Density alternative, which is the environmentally superior alternative, would not sufficiently satisfy the Project Objectives and that other alternatives in the EIR are not environmentally superior alternatives. The details supporting these determinations are set forth in the CEQA Findings;

WHEREAS, in taking this course, the City Council has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

WHEREAS, many of the significant and potentially significant environmental effects associated with the Revised Project can either be substantially lessened or avoided through the inclusion of mitigation measures specified in the EIR and the MMRP;

WHEREAS, the City Council, in reviewing the Revised Project, intends to adopt all mitigation measures set forth in the EIR;

WHEREAS, on November 6, 2024, the Planning Commission conducted a duly noticed public hearing to consider the EIR, CEQA Findings, Statement of Overriding Considerations, and MMRP, at the conclusion of which, the Planning Commission voted to recommend approval to the City Council;

WHEREAS, notice of the November 19, 2024 public hearing on the EIR was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on November 6, 2024;

WHEREAS, on November 7, 2024, notices of the November 19, 2024 public hearing to consider the EIR mailed to all property owners within one quarter mile of the property, according to the most recent Assessor's roll, and to all local agencies expected to provide essential facilities or services to the Project;

WHEREAS, on November 19, 2024, the City Council held a public hearing, at which time all interested persons were given an opportunity to provide testimony and the Council considered the

information presented in the Staff Report, and all verbal and written evidence.

NOW THEREFORE, BE IT 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. That the City Council hereby finds the EIR has been presented to the Council, which reviewed and considered the information and analysis contained therein before making its determination, and that the EIR reflects the Council's independent judgment and analysis.
3. That the City Council hereby finds that the EIR is complete and prepared in compliance with CEQA.
4. That the City Council hereby finds that many of the potentially significant environmental impacts that could directly or indirectly result from the Revised Project would be reduced to a less-than-significant level by the mitigation measures specified in the EIR and MMRP.
5. That the City Council hereby finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that the proposed mitigation measures described in the EIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest as conditions of approval when the Revised Project is approved.
6. That the City Council hereby finds that none of the Project Alternatives set forth in the EIR would both be feasible and substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures.
7. That the City Council hereby finds that the EIR set forth program and cumulative environmental impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Council finds that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those impacts, as detailed in the "CEQA Findings & Statement of Overriding Considerations" attached hereto.
8. That, in order to comply with Public Resources Code Section 21081.6, the City Council

adopts the Mitigation Monitoring and Reporting Program as set forth in the attached MMRP. The MMRP is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the action to be taken and the party responsible for implementation.

9. That the City Council hereby approves and certifies the EIR, adopts the CEQA Findings & Statement of Overriding Considerations, and adopt the MMRP for the Project as required by the CEQA Guidelines.

10. 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 19TH DAY OF NOVEMBER, 2024, 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. CEQA Findings & Statement of Overriding Considerations, Option A
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Attachment 3 – Impacts of Option B

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