

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA CLARA AND INNOVATION COMMONS OWNER LLC FOR THE PROPERTY LOCATED AT 5010 OLD IRONSIDES DRIVE (INCLUDING PROPERTIES ON TASMAN DRIVE, DEMOCRACY WAY, PATRICK HENRY DRIVE AND OLD IRONSIDES DRIVE), SANTA CLARA, 95054

PLN2019-13873 (Development Agreement Amendment)

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

WHEREAS, the City of Santa Clara (“City”) and Yahoo!, Inc., a Delaware corporation (“Yahoo”) entered into a Development Agreement dated May 25, 2010, recorded June 28, 2010 as Document No. 2075596, and re-recorded on October 1, 2010 as Document No. 20896671 in the Official Records of Santa Clara County (the “Development Agreement”), as well as an Operating Memorandum between the City and Yahoo, recorded June 17, 2015 as Document No. 22989859, in the Santa Clara County Clerk-Recorder’s Office, which was amended by that certain First Amendment to Operating Memorandum between City and Yahoo, recorded December 2, 2015 as Document No. 23106419, in the Santa Clara County Clerk-Recorder’s Office (collectively, the “Memoranda”). The Development Agreement and Memoranda concerned that certain real property consisting of nine lots located at 5010 Old Ironsides Drive (the “Project Site”);

WHEREAS, the Development Agreement authorizes the development of the Project Site with up to 3.06 million square feet of office/R&D/commercial uses consisting of 13 six-story buildings, three two-story commons buildings, surface parking, two levels of below grade parking, site

circulation, landscaping, and public and private improvements (the “Project”);

WHEREAS, on May 10, 2010, in Resolution 10-7724, the City Council certified an Environmental Impact Report (“EIR”) for the Project;

WHEREAS, on or about June 16, 2016, Yahoo and LeEco Real Estate Group, LLC, a Delaware limited liability company (“LeEco”) entered into an Assignment of Development Agreement wherein Yahoo conveyed all of its rights, title and interests under the Development Agreement to LeEco and LeEco agreed to be bound by and perform all of Yahoo’s obligations under the Development Agreement and Memoranda. On or about June 28, 2018, LeEco transferred all of its rights and obligations in the Development Agreement to Innovations Commons Owner LLC, a Delaware limited liability company (“Developer”);

WHEREAS, Developer is the successor in interest to Yahoo under the Development Agreement;

WHEREAS, Section 11.1 of the Original Development Agreement provides that City and Yahoo, by mutual consent, may modify the terms of the Original Agreement;

WHEREAS, on May 6, 2019, Andrea Jones (“Applicant”), on behalf of Developer, applied for a “First Amendment to Development Agreement” attached hereto and incorporated herein by this reference (“Amendment No. 1”) to extend the term of the Development Agreement for three additional years, with the proposed new expiration date of the Development Agreement on May 25, 2023;

WHEREAS, as a result of the application for Amendment No. 1, City staff prepared an Addendum to the 2010 Final EIR for the Yahoo Santa Clara Campus Project, attached hereto and incorporated herein by this reference;

WHEREAS, Santa Clara City Code (SCCC) Section 17.10.130 provides for the review and recommendation of the City’s Planning Commission of all development agreements before

action is to be taken by the City Council;

WHEREAS, on October 9, 2019, the City published notice in the Weekly, a newspaper of general circulation, of a public hearing to be conducted before the Planning Commission on October 23, 2019 to consider the proposed Amendment No. 1;

WHEREAS, on October 11, 2019, the City mailed notice of the public hearing to all property owners located within 1,000 feet of the Project Site, and on October 11, 2019, the City posted notice of the public hearing in three conspicuous locations within 300 feet of the Project Site;

WHEREAS, on October 11, 2019, the City also mailed notice to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the Project; and

WHEREAS, on October 23, 2019, the Planning Commission held a duly noticed public hearing to consider Amendment No. 1, at which time the Commission received and considered all verbal and written testimony and evidence submitted.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission finds that consideration of Amendment No. 1 is based on the Addendum to the 2010 Final EIR for the Yahoo Santa Clara Campus Project. The Planning Commission has reviewed the Addendum, and based upon its independent judgment, finds that it is complete and complies in all aspects with CEQA.
3. The Planning Commission has reviewed Amendment No. 1, and based on its review finds that the Development Agreement, as amended by Amendment No. 1, complies with all requirements of Government Code section 65865.2 [entitled "Contents" (of a Development Agreement)].

4. That the Planning Commission hereby recommends that the City Council approve the First Amendment to Development Agreement between the City of Santa Clara and Innovation Commons Owner LLC for the property located at 5010 Old Ironsides Drive.

5. Pursuant to Government Code section 65867.5, the Planning Commission hereby finds that the provisions of Amendment No. 1 are consistent with the General Plan, in that the Project would locate an industrial office campus development in proximity to workforce housing, commercial uses, services, and major transportation corridors. The General Plan's stated goals include locating higher-intensity employment centers near major transit services and major transportation corridors to reduce vehicle miles traveled, and providing sufficient industrial land to meet the demand for local employment and retention of the City's economic base.

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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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF OCTOBER, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. First Amendment to the Development Agreement with Innovation Commons Owner LLC
2. Addendum to the 2010 Final Environmental Impact Report for the Yahoo Santa Clara Campus Project