

RESOLUTION NO. 16-8341

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING OVERRIDING FINDINGS REGARDING SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION DETERMINATION OF INCONSISTENCY FOR THE CITYPLACE PROJECT LOCATED NORTH OF TASMAN DRIVE, EAST OF GREAT AMERICA PARKWAY AND SAN TOMAS AQUINO CREEK, WEST OF THE GUADALUPE RIVER, AND SOUTH OF GREAT AMERICA WAY AND STATE ROUTE 237, IN THE CITY OF SANTA CLARA

SCH#2014072078

CEQ2014-01180 (EIR)

PLN2014-10554 (General Plan Amendment, Rezoning and Development Agreement)

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

WHEREAS, on May 18, 2015, pursuant to the provisions of Section 21670 et seq. of the California Public Utilities Code (“Section 21670”), the City referred the General Plan Amendment and Planned Development-Master Community Plan (“PD-MC”) zoning for the CityPlace Project (PLN2014-10554) located north of Tasman Drive, east of Great America Parkway and San Tomas Aquino Creek, west of the Guadalupe River, and south of Great America Way and State Route 237 on properties (APNs: 104-03-036, 104-03-037, 104-03-038, 104-03-039, 104-01-102, 097-01-039 and 097-01-073) within the Mineta San Jose International Airport Influence Area (“AIA”) to the Airport Land Use Commission of Santa Clara County (“ALUC”) for a determination of consistency with the ALUC’s Comprehensive Land Use Plan (“CLUP”);

WHEREAS, on June 24, 2015, the ALUC, acting pursuant to its authority under Section 21670 determined that the proposed General Plan Amendment and PD-MC zoning to allow residential development as part of the proposed CityPlace Project is inconsistent with ALUC Noise Policy

N-4, of the CLUP for Areas Surrounding Santa Clara County Airports, in that the CityPlace Project would locate residential development within the 65 dBA CNEL noise contour;

WHEREAS, a city may overrule a determination of the ALUC if it makes findings that the proposed project is consistent with the purposes of Section 21670 regarding the protection of public health, safety and welfare in areas surrounding airports and by providing the ALUC with a copy of the proposed decision and findings at least 45 days prior to the City's action to overrule the ALUC;

WHEREAS, on February 8, 2016, the City of Santa Clara provided the ALUC and the California Department of Transportation, Division of Aeronautics ("Division") with the proposed decision and findings in accordance with the 45 day period required under Section 21670;

WHEREAS, the Public Utilities Code provides that the ALUC and the Division shall respond to the referral of the findings of override within 30 days of receiving the proposed decision and findings;

WHEREAS, in the event that the ALUC or Division's comments are not available within this time limit, the City may act without them;

WHEREAS, on February 24, 2016, at a regularly scheduled meeting, the ALUC reviewed the City's proposed decision and findings to overrule the ALUC's determination of inconsistency with ALUC Noise Policy N-4 and directed County staff to forward comments of the ALUC to the City of Santa Clara;

WHEREAS, the City has obtained the meeting minutes from the February 24, 2016 containing ALUC comments, which are attached herein and incorporated hereto by this reference;

WHEREAS, the City received comments from the Division on March 7, 2016, regarding the City's proposed decision and findings to override the ALUC's determination of inconsistency with ALUC Noise Policy N-4, which are attached hereto and incorporated by this reference;

WHEREAS, the comments by the ALUC or Division are advisory to the City under State law and;

WHEREAS, the City Council shall include comments from the ALUC and the Division in the final record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the Council.

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

1. That the City of Santa Clara hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That Public Utilities Code Section 21676 provides that a local governing body may overrule the Commission if it makes specific findings that the proposed action is consistent with the purposes of Public Utilities Code Section 21670. The City Council therefore finds the following:

A. The first purpose of Section 21670 is to provide for the orderly development of each public use airport in this State and the area surrounding these airports so as to promote the overall goals and objectives of California airport noise standards and to prevent the creation of new noise and safety problems. The second purpose of Section 21670 is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

B. With respect to safety, the subject property is not located within any of the Safety Zones for the Mineta San Jose International Airport, so none of the ALUC safety policies are applicable to the project. Moreover, the CityPlace Project will have no impact on Federal Aviation Administration Federal Aviation Regulations (FAA FAR) Part 77. The FAA FAR Part 77 Surface Map is a map used by the FAA and the ALUC to identify potential obstructions and hazards to aviation traffic. The Santa Clara County ALUC uses the map as a height restriction boundary for purposes of making consistency determinations with its CLUP. The CityPlace Project has a topography ranging from 21 feet to 65 feet above Mean Sea Level (MSL) with the lowest imaginary surface above the subject project area at a transitional 362 MSL surface of the FAA Part 77 Surfaces. According to the Project Description in the CityPlace Project Environmental Impact Report (“EIR”) dated October 2015, the proposed building heights would not exceed 219 feet above MSL. As the maximum building height of the CityPlace Project would be 219 feet above MSL and highest elevation of the site is 65 MSL, there would be no conflict with the lowest imaginary surface of 362 feet MSL. Furthermore, an aviation easement shall be granted to the City of San Jose for any development proposed within the 65 dBA CNEL noise contour for aircraft operations. The aviation easement will set maximum elevation limits for proposed future development of the CityPlace Project in conformance with Part 77 Federal Aviation Regulations.

With respect to noise, the EIR, CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the CityPlace Project respond to ALUC concerns regarding residential development within the AIA, and promote the overall goals and objectives of the California Airport Noise Standards through the General Plan Environmental Safety Goals and Policies. Implementation of noise control measures and construction standards

will lessen noise impacts to residents. Prior to the issuance of building permits, detailed acoustical analyses shall be done as part of final design for the proposed residential structures. The project shall incorporate construction methods, sound attenuation features, and sound reducing barriers that reduce noise impacts in accordance with Section 21670 to meet the interior noise level of 45 dBA CNEL. Sound control treatments shall include mechanical ventilation for all units so that windows can be kept closed at the occupant's discretion to control noise, and special building construction techniques (such as sound-rated windows and building façade treatments) for all units. Future tenants and lessees of the residential component of the CityPlace Project shall be advised of the properties' location within the AIA, in compliance with State law (California Civil Code Section 4255).

In addition, the City recognizes that in a comment letter dated October 27, 2015 responding to the Draft EIR, Cary Greene of the Mineta San Jose International Airport noted that according to the most recent data, the Project site is not within the 65 dB CNEL impact area of Mineta San Jose International Airport. Moreover, a part of the site lies beyond the 60 dB CNEL impact area. This comment letter is attached hereto and incorporated by this reference.

Conservatively, the City finds that the CityPlace Project site partially lies within the 65 dBA CNEL Noise Contour for Mineta San Jose International Airport and includes residential development with associated outdoor activity areas. Nonetheless, mitigated interior noise levels would not exceed 45dBA CNEL, and any exposure to higher levels of outdoor noise would be temporary.


3. That the City of Santa Clara, based on the above findings, does hereby override the ALUC determination of inconsistency, as provided by laws of the State of California.

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 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.

5. 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 28th DAY OF JUNE, 2016, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Davis, Kolstad, O'Neill and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Marsalli
ABSTAINED:	COUNCILORS:	None

ATTEST: 

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit "ALUC-Comments" (Comments from ALUC and California Department of Transportation, Division of Aeronautics)
2. Comment Letter on DEIR dated October 27, 2015, from Mineta San Jose International Airport

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3 RESULT: APPROVED AS AMENDED [5 TO 0]
MOVER: Walter Windus, Commissioner
SECONDER: Glenn Hendricks, Commissioner
AYES: Windus, Barragan, Donahue, Willoughby, Hendricks
ABSTAIN: Sweeney, Britton

4. Discuss and approve Airport Land Use Commission (ALUC) Work Plan for Fiscal Year July 1, 2016 through June 30, 2017 (FY 2017) and Accomplishments for FY 2016, to be submitted to the Clerk of the Board by April 1, 2016, and subsequently forwarded to the Board of Supervisors through the Housing, Land Use, Environment and Transportation Committee. (ID# 80047)

Mark Connolly, Planner, Department of Planning and Development, gave a brief overview relating to the purpose and process of the annual work plan and asked the Commission for any necessary edits.

Approved as amended to correct the lettering sequence in the second goal/objective of the work plan, under the proposed activities column.

4 RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Ralph Britton, Commissioner
SECONDER: Walter Windus, Commissioner
AYES: Windus, Barragan, Sweeney, Donahue, Britton, Willoughby, Hendricks

5. Discuss the proposed decision and findings by the City of Santa Clara to overrule the June 24, 2015 action by the Santa Clara County Airport Land Use Commission (ALUC) determination for the City Place Project and direct County staff to forward comments of the ALUC to the City of Santa Clara. (ID# 80026)

Mr. Connolly reported that although the ALUC found this referral inconsistent with noise policies contained in the San Jose International Airport (SJC) Comprehensive Land Use Plan (CLUP) on June 24, 2015, the City of Santa Clara decided to overrule the determination made by the ALUC. He further reported that the ALUC now has an opportunity to review the resolution of findings and provide comments which will be included with the Santa Clara City Council action to overrule. Mr. Connolly clarified that although the ALUC did not find the project inconsistent with safety and height policies, the ALUC will not be liable for any aviation issue or incident.

In response to Commissioner Hendricks request for clarification of the Commission's action, Commissioner Windus explained that the City of Santa Clara is required to provide findings of fact to justify their decision. He further explained that if the Commission believes the facts are not accurate or sufficient, the Commission is obligated to bring those concerns the attention of the City of Santa Clara.

Commissioner Windus commented that it is unusual that the City of Santa Clara is proposing a sound barrier which typically reduces sound at the street level, however aviation noise occurs overhead.

Mr. Connolly explained that the proposed sound barriers are not just outdoor structures but also building treatments such as double and triple pane windows to achieve the 45 decibel interior noise levels.

Commissioner Windus commented that the term 'temporary' at the bottom of the document implies that the noise occurs occasionally but with SJC, the noise will occur continually.

Chairperson Donahue requested that as a condition of approval, the tenants and lessees be advised of the location within the Airport Influence Area pursuant to CLUP policy N5, not pursuant to any California State law.

In response to a question from Commissioner Windus, John Davidson, Project Manager, Planning Division, City of Santa Clara, stated that full disclosure will be provided to future residents in the 65 decibel Community Noise Equivalent Level (CNEL) noise contours.

In response to a question from Commissioner Hendricks, Mr. Davidson stated that the level of clarity of the disclosure will be similar to a property disclosure indicating that the property is within a 65 decibel CNEL boundary and will refer the potential resident to a website for more information.

Commissioner Hendricks stated that for the average person seeking a place to live, he does not believe this type of description as part of the of the lease documents, will provide a clear and transparent understanding of the concern raised by the ALUC.

Bill Camille, Consultant, Related Companies, stated that as the developer of this project, Related Companies understands this is an important liability issue and assured the Commission that if the project is approved, the noise issue will not be hidden from future residents. He further stated that the details of the lease have not been developed yet.

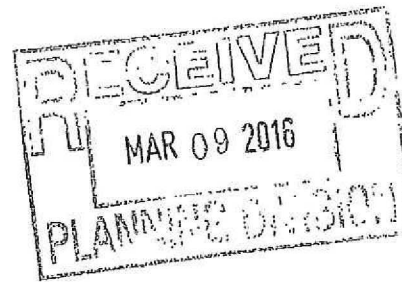
In response to a question from Commissioner Hendricks, Mr. Camille stated that because the lease details will be shared with the public, it should not be a problem to forward the lease document to the ALUC for review, when available.

In response to a question from Proxy Commissioner Willoughby, Mr. Connolly stated that it is unlikely any changes to the project will be implemented before it goes to the City Council meeting because it would trigger a new referral to the ALUC.

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*Serious drought!
 Help Save Water!*



March 7, 2016

Ms. Debby Fernandez, Associate Planner
 City of Santa Clara Planning Division
 1500 Warburton Avenue
 Santa Clara, CA 95050-3713

Dear Ms. Fernandez:

Thank you for providing the California Department of Transportation, Division of Aeronautics (Division) an opportunity to comment on the city of Santa Clara's (City) notice of intent to overrule¹. On June 24, 2015, the Santa Clara County Airport Land Use Commission (ALUC) found the application for City Place Project² inconsistent with the ALUC's noise policies, as defined in the San Jose International Airport Comprehensive Land Use Plan (SJC CLUP). ALUC staff, on June 25, 2015, then notified the City of the inconsistency determination by the ALUC. On February 9, 2016, the City forwarded a copy of the notice of intent to overrule letter to the Division via email. Pursuant to the California Public Utilities Code (PUC) section 21676(b), the Division has 30 days to provide comments to the City. The Division comments to the City must be included in the public record and of any final decision to overrule the ALUC, which may only be adopted by two-thirds vote of the governing body (PUC sections 21675.1 and 21676).

California Land Use Planning Handbook³ (Handbook), Chapter 3, section 3.2.1, discusses the foundational principles of noise measurements and cites applicable statutes, regulations and policies to minimize noise impacts. State law⁴ established less than or equal to 65 decibel (dB) Community Noise Equivalent Level (CNEL) as the acceptable exterior noise level for persons residing within the vicinity of an airport. Handbook section 4.2.3, primarily discusses maximum exterior airport related noise and adjustment factors associated with obtaining normalized CNEL an ALUC may consider. Its purpose is to allow ALUCs to account for existing circumstances or conditions unique to a certain airport and minimizing noise related impacts. Applying the CNEL normalization factors and recommended ALUC policies are the

¹ California Public Utilities Code section 21676(b) in part states, "If the (airport land use) commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670."

² City Place Project; Environmental Impact Report (CEQA2014-01180, PLN2014-10554 (General Plan Amendment, Rezone, Planned Development Master Community Plan, Tentative or Vesting Subdivision Map, Development Area Plan, Development Disposition Agreement, Development Agreement and Ground Lease located north of Tasman Drive, east of Great American Parkway and San Tomas Aquino Creek, west of Guadalupe River and south of Great American Way and State Route 237)

³ California Land Use Handbook is accessible on the Division's website:
<http://www.dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>

⁴ California Government Code (Title 21, Division 2.5, Chapter 6) section 5006

responsibility of the ALUC. This Handbook section notes that for "airport land use compatibility planning, Caltrans advises that 65 dB is not an appropriate criterion for new noise sensitive uses around most airports." Further, Handbook, Table 4B, provides noise compatibility criteria ALUCs should consider. The California Governor's Office of Planning and Research (OPR) General Plan Guidelines suggests a maximum 60 dB CNEL for exterior noise levels.

Handbook section 4.2.4 primarily discusses maximum interior noise attributable to exterior sources. The California Building Code sets 45 dB CNEL the maximum acceptable interior noise levels for residential uses. This Handbook section provides recommended interior noise compatibility measures. Further, PUC section 21675(b) specifically empowers ALUCs to determine building standards and soundproofing for noise attenuation, but according to the Handbook, it is not the preferred measure for airport land use compatibility planning. Handbook section 4.2.5 provides recommended noise compatibility measures and it provides sample policies. The sample policies include:

- New residential uses are incompatible within the CNEL contour as determined by the ALUC.
- New nonresidential uses are incompatible in locations where airport-related noise exposure would be highly disruptive
- Maximum residential interior noise is 45 dB CNEL in habitable rooms
- Maximum nonresidential interior noise is 50 dB CNEL in offices, restaurants, and retail stores

In addition to means, methods and measures for noise compatibility, Handbook section 3.2.2 discusses noise-related concerns beyond the boundary of mapped CNEL contours from aircraft flying overhead that potentially cause annoyance to persons below. This Handbook section states that buyer-awareness is the primary strategy in dealing with potential annoyance from aircraft overflight. Handbook section 4.3.1 provides recommended measures for ALUCs to implement, including the recordation of deed notices and real estate disclosure statements for areas within the airport influence area (AIA).

The City Place Project is a multi-phase and mixed-use development. It proposes more than nine million square feet of office space, retail, hotel rooms, entertainment facilities, residential units, and open space. Many of the land uses proposed for the project are in conceptual form. Actual locations of land use types will occur as the project phases are proposed. A portion of the City Place Project would lie within the 65 dB CNEL noise contour as diagrammed in the SJC CLUP. The entire proposed project site would lie within the AIA.

In its letter to the ALUC dated February 8, 2016, the City proposes mitigation measures in support of the intent to overrule. The mitigation measures proposed are consistent with the City's specific findings contained in the draft resolution that was attached to the City's letter. The resolution proposes the following specific findings for the portion of the project within the 65 dB CNEL contour:

"Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability"

- The proposed City Place Project is not located in any safety zones as diagrammed in the SJC CLUP;
- The proposed City Place Project will have no impact on Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77. The lowest imaginary surface with respect to the proposed project area is at a transitional 362 feet mean sea level (MSL). Building heights for the proposed project would not exceed 219 feet MSL.
- An aviation easement shall be granted to the city of San Jose (the airport operator) for any development proposed within the 65 dB CNEL noise contour.
- The environmental impact report statement of overriding considerations and mitigation monitoring or reporting program for City Place Project responds to concerns regarding residential development within the AIA and promotes the goals and objectives of the California Airport Noise Standards through the implementation of the (City's) General Plan Environmental Safety Goals and Policies.
- The City proposes noise control measures and construction standards to lessen noise impacts to residents. Prior to issuance of building permits a detailed acoustical analysis shall be done as part of final design of residential structures. Sound control treatments shall include forced-air mechanical ventilation so that windows can be kept closed. Construction techniques such as sound-rated windows and building façade treatments shall be a part of all residential units to meet the 45 dB CNEL.
- Disclosures shall advise tenants and lessees of the properties' location within the AIA.

The notice of intent to overrule and the City's resolution with specific findings would be inconsistent with the intent and purpose of the State Aeronautics Act (SAA)⁵, OPR guidance and Handbook specific guidance. The Handbook-recommended guidance for developing ALUC policies states, "with few exceptions, new noise-sensitive land uses should not be allowed where current or projected airport related noise exceeds a CNEL of 65 dB." For new development, "Caltrans advises that 65 dB is not an appropriate criterion for new noise sensitive uses" and "communities should assess the suitability and feasibility of setting a lower standard for new residential and other noise sensitive development." The other noise-sensitive development phrase of the previous statement is reinforced by the Handbook Sample Policy pertaining to new nonresidential uses. Further, the residential component of the project, specifically, would be inconsistent with the SJC CLUP and Handbook if located within the SJC CLUP 65 dB CNEL noise contour. Similarly, the residential component of the project would exceed the Governor's OPR suggested maximum of 60 dB CNEL.

In addition, Handbook, Table 4C, Sample Policy 2(a) recommends a maximum residential interior noise of 45 dB CNEL in habitable rooms. Also Handbook, Table 4C, Sample Policy 2(b) recommends a maximum nonresidential interior noise of 50 dB CNEL in offices, restaurants, and retail stores. The handbook reinforces the sample policies by stating that sound insulation is not a preferred remedy for minimizing interior noise levels as follows:

⁵ PUC section 21670 et seq.

- Rather than accepting the use of sound insulation as a mitigation action, ALUCs' primary objective should be to prevent development of land uses that are basically incompatible with the noise conditions.
- Installation of sound insulation—whether funded by airports as mitigation for noise impacts or set by ALUCs as a condition for approval of new development— should be accompanied by dedication of an aviation easement for aircraft noise to the airport.
- Also important to remember is that, even where sound insulation may make a high level of noise exposure acceptable, high-intensity land uses may be unacceptable because of safety factors.
- With regard to new development, sound insulation should be regarded as a measure of last resort. It is not a substitute for good land use compatibility planning in the first place.

The specific finding pertaining to aviation easement dedication is inconsistent with Policy G-5 of the SJC CLUP as cited by the ALUC. Though the Handbook does not provide specific guidance regarding aviation easement dedication, the ALUCs policy G-5 requires aviation easement dedication for projects within the AIA. According to the ALUC policy, an aviation easement dedication should be required for the entire project area (not just with the 65 dB CNEL noise contour, as cited in the specific finding) within the AIA.

The specific findings pertaining to noise are not consistent with the intent and purpose of the SAA. The City Place Project's EIR⁶ noise mitigation, NOI-1.3, states, "the project developer shall conduct a design-level acoustic study that identifies exterior noise levels for residential and commercial uses." It then states, "where this study finds the exterior noise level would exceed the residential compatibility standard of 55 dB or the commercial incompatibility standard of 65 dB, the project developer shall prepare a design-level operational control plan to provide acceptable interior noise levels. This plan shall identify all Project features and treatments that will be implemented to ensure that the Project is in compliance with interior noise...standards specified for new construction within the CLUP for SJC." This specific finding lists features and treatments to minimize noise exposure. As cited herein, the Handbook does not recommend sound insulation features and treatments listed in the specific finding for new noise sensitive land use. In addition, the Handbook recommends a maximum residential interior noise of 45 dB CNEL and 50 dB CNEL in offices, restaurants, and retail stores. The Governor's OPR complements Handbook guidance by suggesting a maximum 60 dB CNEL be used for exterior noise levels.

The City's specific finding regarding disclosure should be modified to more specifically ensure airport-related noise disclosure is made available to all project parties, including those listed in the specific finding, all property owners and assignees. Further, the Division recommends the City adopt an airport overlay zone for the City Place Project within the AIA. This will alert planners to consider airport-related noise, overflight, safety and airspace protection matters as such arise within the project area. If the City adopts an airport overlay zone, the Division also recommends that the processes and procedures for notifying the FAA of proposed construction

⁶ The City Place Project EIR's noise mitigation, NOI-1.3, is on the City's website and can be accessed electronically via this link: <http://santaclaraca.gov/government/departments/planning-inspection/planning-division/ccqa-documents>

Ms. Debby Fernandez
March 7, 2016
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are included. According to FAR Part 77, Notification of Proposed Construction or Alteration, requires FAA notification for any construction or alteration exceeding 200 feet above ground level, or any construction or alteration within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 feet.

The Division also recommends that public and private schools, though none are being proposed, be located outside the 60 dB CNEL noise contour, if proposed in future phasing. This will ensure the Handbook recommended hourly equivalent continuous sound level of 45 dB is met. Also, schools are encouraged to meet the American National Standard Acoustical Performance Criteria, Design Requirements and Guidelines for Schools.

Please contact me at (916) 654-5314 or via email at Robert.Fiore@dot.ca.gov if you would like to discuss our comments in this letter in more detail.

Sincerely,



ROBERT FIORE, Aviation Planner
Office of Aviation Planning

c: Mr. Mark J. Connolly, Staff Coordinator, Airport Land Use Commission

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AND CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT, MAKE FINDINGS WITH RESPECT THERETO, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING OR REPORTING PROGRAM FOR THE CITYPLACE SANTA CLARA PROJECT LOCATED AT 5155 STARS AND STRIPES DRIVE, ET AL, SANTA CLARA

SCH#2014072078

CEQ2014-01180 (EIR)

PLN2014-10554 (General Plan Amendment, Rezoning and Development Agreement)

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

WHEREAS, Related Santa Clara, LLC, (“Developer”) made an application for the development of approximately two hundred forty (240) acres of land generally located north of Tasman Drive, east of Great America Parkway and San Tomas Aquino Creek, west of the Guadalupe River, and south of Great America Way and State Route (SR) 237 (APNs 104-03-036, 104-03-037, 104-01-102, 097-01-039, 097-01-073, 104-03-038, and 104-03-039), most of which was formerly occupied by a landfill and is now occupied by the Santa Clara Golf & Tennis Club, a restaurant and banquet facility, a maintenance building, Fire Station 10, a Bicycle-Motocross (BMX) track, the Ameresco Methane Plant, the Eastside Retention Basin, a City vehicle washing station, and vacant lots used for parking (“Project Site”);

WHEREAS, the Developer proposes a General Plan Amendment from Parks/Open Space and Regional Commercial to Urban Center/Entertainment District, Revision to Figure 2.3-1 Areas of Potential Development and General Plan Table 8.6-2 Proposed Development (Approved, Not Constructed and Pending Projects), Amendment to the City of Santa Clara Climate Action,