

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A DEVELOPMENT AREA PLAN FOR PHASE TWO OF THE RELATED SANTA CLARA PROJECT SITUATED ON APPROXIMATELY 44.5 ACRES OF LAND LOCATED AT 5155 STARS AND STRIPES DRIVE (APN 104-03-036)**

SCH#2014072078  
CEQ2014-11180 (EIR)  
PLN2019-14249 (Development Area Plan)

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

**WHEREAS**, on June 28, 2016, the Santa Clara City Council approved a number of entitlements for the proposed construction by Related Santa Clara, LLC (the “Applicant”) of a new multi-phased, mixed-use development known as the Related Santa Clara Project (the “Project”);

**WHEREAS**, the Project entitlements approved by the City Council on June 28, 2016, included Resolution No. 16-8339, which rezoned the Project site to the PD-MC (Planned Development-Master Community) zoning district;

**WHEREAS**, on June 28, 2016, the City Council adopted Resolution No. 16-8337, certifying a Final Environmental Impact Report (“Final EIR”) pursuant to the provisions of the California Environmental Quality Act (Cal. Pub. Res. §§ 21000 et seq.) (“CEQA”) together with the State CEQA Guidelines (14 CCR § 15000 et seq.) (“CEQA Guidelines”) and adopting CEQA findings and a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with CEQA and the CEQA Guidelines;

**WHEREAS**, pursuant to Resolution No. 16-8339, buildout of the Project is governed by a Master Community Plan (the “MCP”) dated April 5, 2017, which anticipates up to seven potential phases of development, each of which would be governed by a “Development Area Plan,” or “DAP”;

**WHEREAS**, after certification of the Final EIR, on March 24, 2020, the City Council adopted a First Addendum to the Environmental Impact Report (“First Addendum”) in connection with the Resolution/Approval of Related Santa Clara Project DAP 2

approval of a Development Area Plan for Phase One of the Project (“DAP 1”), and references to the Final EIR in this Resolution shall include both the Final EIR and the First Addendum;

**WHEREAS**, the Project analyzed in the Final EIR and approved via the MCP consists of up to 9.16 million gross square feet of office buildings, retail and entertainment facilities, residential units, hotel rooms, surface and structured parking facilities, new open space and roads, landscaping and tree replacement, and new/upgraded/expanded infrastructure and utilities;

**WHEREAS**, on December 11, 2019, in conformance with the Development Area Plans and Architectural Review Submittal and Approval Procedures (the “DAP Procedures”) attached as Appendix C to the MCP, the Applicant filed an application for City Council approval of a Development Area Plan (“DAP 2 Application”) for Phase Two of the Project;

**WHEREAS**, the Development Area Plan for Phase Two of the Project (“DAP 2”) consists of components from the DAP 2 Application which incorporate City comments on the DAP 2 Application and that is dated December 11, 2019;

**WHEREAS**, the DAP 2 Application proposes certain modifications to the Project analyzed in the Final EIR, First Addendum and approved via the MCP, consisting of minor changes to the boundaries of Phase Two of the Project, and minor differences in the square footages proposed within Phase Two of the Project with a decrease in all uses except for office space;

**WHEREAS**, in order to ensure that all potential environmental impacts of the Project as modified by the DAP 2 Application were thoroughly analyzed, the City caused an addendum to the Final EIR (the “Second Addendum”) to be prepared pursuant to CEQA Guidelines 15164;

**WHEREAS**, prior to taking action on this Resolution, the City Council has exercised its independent judgement and reviewed and considered the final EIR, together with the Second Addendum thereto, and determined that no further environmental review is required for the modifications to the Project contemplated by the DAP 2 Application;

**WHEREAS**; the City Council separately has adopted the Second Addendum in connection with its consideration of DAP 2;

**WHEREAS**, Section 2.7.2.4 of the DAP Procedures provides for the review and recommendation of the City's Planning Commission of each DAP application before action is taken by the City Council; and

**WHEREAS**, on May 27, 2020, the Planning Commission held a duly noticed public hearing to consider DAP 2, at the conclusion of which, the Planning Commission adopted Resolution No. 20-

007 making findings pursuant to Section 2.7.2.6 of the DAP Procedures and recommending that the City Council approve DAP 2 as conditioned in Attachment 1 to Resolution No. 20-007; and

**WHEREAS**, Section 2.7.2.5 of the DAP Procedures provides that the City Council shall consider the DAP application at a public meeting after receiving the Planning Commission's recommendation; and

**WHEREAS**, Section 2.7.2.6 of the DAP Procedures provides that the City Council may approve or conditionally approve a DAP application upon making specified findings; and

**WHEREAS**, on July 13, 2020, the City Council held a duly noticed public hearing to consider DAP 2, at which time interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed DAP 2.

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

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

2. Findings. Pursuant to Section 2.7.2.6 of the DAP Procedures, the City Council makes the following findings:

*(a) DAP 2 conforms to and is consistent with the applicable Development Requirements and the MCP.*

As defined in the MCP, the Development Requirements mean the project approvals taken following certification of the Final EIR, the various project transaction documents, and the

documents approved under the DAP Procedures. Except as specifically modified by the DAP 2 conditions of approval, all of the conditions of approval adopted in connection with the earlier project approvals continue to apply to development within the DAP 2 area. In addition, the Second Addendum identifies which mitigation measures adopted in connection with the Final EIR are applicable to the DAP 2 development. In summary, DAP 2 includes a mixed-use development program featuring approximately 1,750,000 square feet of office, retail, residential, and hotel uses that is within the development program contemplated by the MCP to establish the heart of the City Center Mixed Use Zone on a portion of Parcel 4. As allowed by the MCP, DAP 2 requests a parking reduction of 14% that is justified by the parking demand utilization decreasing from 2016 due to changes in behavioral patterns such as the influx of Transportation Network Companies (TNCs), an anticipated reduction in vehicle ownership, close proximity to Santa Clara / Great America Transit Center, and the proposal to develop serviced apartments. Shared parking is provided in parking structures and is arranged to maximize shared parking opportunities to reduce the overall demand for parking within the DAP 2 area. The DAP 2 development is further consistent with other MCP standards regarding phasing, lot coverage, massing, floor area ratios, and similar design criteria. The DAP 2 conditions of approval will require all construction documents and building permits to meet applicable City standards. Accordingly, as proposed and conditioned, DAP 2 conforms to all applicable City standards.

*(b) The Infrastructure that the Applicant proposes to construct in connection with Phase Two is sufficient to serve the DAP 2 proposed development on the subject property.*

As defined in the MCP, Infrastructure means those items identified in the Infrastructure Master Plan, which include open space improvements, streets and transportation improvements, sewer and storm drainage systems, water systems, traffic signal systems, dry utilities, and other necessary improvements. All shared outdoor space improvements required to serve Phases One and Two of the Project are provided in DAP 2. DAP 2 includes conceptual plans for a new network of streets to serve the development. Finally, DAP 2 includes conceptual information

about how the project will accommodate all of the necessary dry utilities and other necessary improvements.

The DAP 2 conditions of approval will require all construction documents and building permits to meet applicable City standards. Accordingly, as proposed and conditioned, DAP 2 will include Infrastructure that is sufficient to serve the proposed development.

*(c) The proposed shared outdoor space provided for Phase Two in accordance with the MCP is reasonable and appropriate to the proposed level of development under DAP 2.*

DAP 1 included residential development triggering the requirement to provide 1.21 acres of open space. Consistent with Section 4.3.5 of the Development Agreement, the applicant deferred the requirement to DAP 2. Based on the deferral and the requirements for DAP 2, the total required open space in DAP 2 is 4.25 acres. DAP 2 would provide 4.25 acres of open space provided in a 3.9-acre park between Avenue C and the rail line (2.9 acres south of Second Street and one acre north of Second Street) and an approximately 0.75-acre private rooftop open space on Block 4D (counted at 50 percent). The proposed open space will serve residents within DAP 1 and DAP 2, and it consistent with the MCP requirements for appropriate open space to serve the proposed development under the first two phases of the Project.

3. Approval. That the City Council hereby approves DAP 2, as conditioned in Attachment 1, which is attached hereto and incorporated by this reference.

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4. Effective date. This resolution shall become effective immediately.

5. Notice of Determination. The Development Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies in accordance with CEQA.

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 SPECIAL MEETING THEREOF HELD ON THE 13TH DAY OF JULY, 2020, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: \_\_\_\_\_

NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachment Incorporated by Reference:

1. Conditions of Approval