

RESOLUTION NO. 24-9397

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
APPROVING A GENERAL PLAN AMENDMENT TO ESTABLISH
TWO NEW LAND USE DESIGNATIONS, URBAN CENTER MIXED
USE AND URBAN CENTER MISSION POINT, AND TO CHANGE
THE LAND USE DESIGNATION FOR THE 48.6-ACRE KYLLI SITE
TO THE NEW DESIGNATIONS, OPTION B**

PLN2017-12924 (General Plan Amendment)

WHEREAS, on October 17, 2017, Kylli, Inc., through its wholly owned subsidiary, Innovations Common Owner, LLC (“Owner”) made an application for a General Plan Amendment (“GPA”) 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 Owner applied for a General Plan Amendment to establish two new General Plan land use designations of Urban Center Mixed Use, which would allow a residential maximum density up to 250 dwelling units per acre, and Urban Center Mission Point, which would require a minimum floor area ratio (“FAR”) of 1.5;

WHEREAS, the Owner subsequently applied for a Planned Development Rezoning to redevelop the 48.6 acre site with up to 4,913,000 gross square feet of new development, including up to 1,800 units (approximately 1.8 million square feet of residential uses), up to 3 million square feet of office/research-and-development (R&D), approximately 100,000 square feet of retail, and approximately 10,000 square feet of childcare facilities; 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, along with the GPA, the “Project”);

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WHEREAS, in conformance with the California Environmental Quality Act (“CEQA”), the Environmental Impact Report (“EIR”) prepared for the Project was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024;

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 City prepared a Final Environmental Impact Report (“FEIR”), including Attachment 3 to the FEIR analyzing the Office/R&D – Residential Flex option for the Planned Development zoning, which would permit development of up to 800 additional residential units in Area C (for a total of 2,600 units for the Project), or a mix of residential and office/R&D uses in Area C, with a corresponding reduction in square footage of office/R&D uses and a proportional increase in deed-restricted affordable residential units in Area C (“Revised Project”), as shown in Exhibit “PD Development Plans: Revised Project” to Resolution No. [REDACTED];

WHEREAS, while considering the General Plan Amendment for the Project Site, the City Council reviewed and considered the information contained in the EIR for the Project, including the Reduced Office/Increased Housing Alternative and Attachment 3 to the FEIR analyzing potential environmental ramifications of the Revised Project;

WHEREAS, on November 6, 2024, the Planning Commission conducted a duly noticed public hearing to consider the proposed General Plan Amendment, 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 proposed General Plan Amendment was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on November 6, 2024;

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WHEREAS, on November 7, 2024, notices of the November 19, 2024 public hearing on the General Plan Amendment were mailed to all property owners within a 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; and

WHEREAS, on November 19, 2024, the City Council held a public hearing to consider the General Plan Amendment and related applications, 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. General Plan Amendment Findings: that the City Council finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

A. The proposed amendment is deemed to be in the public interest, in that:

The Project is located in an urbanized area served by existing infrastructure and municipal services. The Revised Project would contribute up to 2,600 units to the housing stock in proximity to a mixed use and transportation corridor with access to neighborhood and community commercial uses, support services, local and regional transit facilities, outdoor open space and recreation areas. The Revised Project would contribute to the City’s housing stock and lessen the jobs/housing imbalance in support of the City’s General Plan Land Use and Housing goals and policies. The Revised Project would implement project conditions of approval to avoid and reduce impacts of development.

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B. The proposed General Plan Amendment for the Revised Project is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Revised Project would combine and redevelop underutilized industrial parcels to provide housing and commercial opportunities for the north Santa Clara Area, which support the City's Housing Goals and assist the City in achieving Regional Housing Needs Assessment targets for production of affordable housing units as mandated by the State, and in accordance with the City's Affordable Housing ordinance.

C. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and CEQA, in that:

An EIR was prepared for the Project and was noticed and circulated for a 45-day public review period from November 17, 2023 to January 2, 2024 to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons, organizations and agencies, and the City sought the comments of such persons, organizations and agencies. The City prepared and circulated written responses to the comments received during the Comment Period and included those responses in the FEIR, in accordance with CEQA. Attachment 3 to the FEIR analyzed the Revised Project and found it to be entirely within the scope of the Project and Reduced Office/Increased Housing Alternative analyzed in the EIR, and would not result in new significant or substantially increased environmental impacts.

D. The potential impacts of the proposed General Plan Amendment for the Revised Project have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

A Mitigation Monitoring and Reporting Program has been prepared and adopted, and made conditions of approval for implementation with Revised Project development to reduce potentially significant impacts identified in the EIR to less than significant and no additional mitigation is required for the Revised Project.

3. That pursuant to Government Code Section 65354, the City Council hereby amends the General Plan by including two additional land use designations “Urban Center Mixed Use” and “Urban Center Mission Point” contained in Subsection 5.2.2 (“Land Use Classifications and Diagram”) of Section 5.2 (“Land Use Diagram”) of Chapter 5 (“Goals and Policies”) to read as follows:

“Urban Center Mixed Use

The Urban Center Mixed Use designation is intended for pedestrian-oriented, high-intensity and very high-density mixed-use development in a transit-rich area. It permits high-rise commercial office and residential development (in either mixed-use or stand-alone buildings), subject to Federal Aviation Administration height restrictions; ground-level retail; and landscaped areas for employee and resident activities. Permitted uses include multi-family residential and co-living, office and R&D uses, light manufacturing, and retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. The residential density range is 60 - 250 dwelling units per acre. Townhomes are only permitted as follows: (1) Townhomes designed and integrated as a part of a multi-family building in which additional multi-family units are included above the townhome units (entire building must achieve a minimum 60 du/ac); or, (2) Townhomes integrated as part of a multi-family building without additional multi-family units above, not to exceed 25% of the buildable land area for area C or D (must achieve a minimum of 60 du/ac in area D, and, if residential is constructed in area C, in area C). The following are prohibited: (1) standalone townhomes without additional multifamily units, (2) single-family detached units, and (3) duplexes.

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Urban Center Mission Point

The Urban Center Mission Point designation is intended for pedestrian-oriented, high-intensity and very high-density nonresidential development in a transit-rich area. It permits high-rise commercial office development, subject to Federal Aviation Administration height restrictions; ground-level retail; and landscaped areas for employee and resident activities. Permitted uses include office and R&D uses, light manufacturing, and retail and services that serve local employees, residents, and visitors. Parking is typically structured or below grade. The minimum FAR is 1.5.”

4. That the City Council hereby changes the land use designation for Areas “A” and “B” to the new Urban Center Mission Point land use designation, and Areas “C” and “D” to the new Urban Center Mixed Use land use designation, as depicted on the attached Land Use Diagram, attached hereto and incorporated herein by this reference.

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5. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter the City Council approves the General Plan Amendment.

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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 19TH DAY OF NOVEMBER, 2024, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: 
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Land Use Diagram

ATTACHMENT 1
LAND USE DIAGRAM

