

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, TO ADOPT THE MITIGATED NEGATIVE
DECLARATION AND THE MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE CIVIC CENTER FAMILY
HOUSING PROJECT LOCATED AT 1601 CIVIC CENTER
DRIVE, SANTA CLARA**

PLN21-15206 (General Plan Amendment and Rezone)
SCH# 2022060217 (Mitigated Negative Declaration)

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

WHEREAS, on September 2, 2021, Charities Housing (“Owner”) filed a development application for the 1.4- acre site located at 1601 Civic Center Drive, currently developed with a 28,950 square foot two-story office building, surface parking lot and landscaping (“Project Site”);

WHEREAS, the Owner applied for a General Plan Amendment from Community Commercial to High Density Residential and Rezone of the Project Site from General Office (OG) to Planned Development (PD) to allow a 100 percent affordable housing development consisting of 108 multifamily units in a five-story structure with resident amenities, 82 surface and garage parking spaces, landscaping, and public and private improvements (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, the Project approvals will include Resolution No. _____ (“City Council General Plan Amendment ”); Resolution No. _____ (“City Council Rezoning Resolution”); and this California Environmental Quality Act (“CEQA”) Resolution (collectively, the “Approvals”);

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, in conformance with CEQA, the MND was noticed and circulated for a 30-day public review period to the State Office of Planning and Research, Santa Clara County Clerk’s

Office, interested parties, and property owners within 1,000 feet of the Project Site from June 13, 2022 to July 13, 2022, where during that period comment letters were received from the Department of Toxic Substances Control, Valley Water, Santa Clara Valley Transportation Authority and public comments from Jamie Lau, Keyhan Sinai, Jean Song and David Bayto; along with the attached Responses to Comments Received on the MND are made part of the record;

WHEREAS, on July 20, 2022, a newspaper notice for this item was published in *The Weekly*, a newspaper of general circulation for the City, for the Planning Commission meeting of August 3, 2022 and City Council meeting of September 27, 2022; on July 21, 2022, notices of the public meeting for the Planning Commission meeting of August 3, 2022 August 3, 2022 and City Council meeting of September 27, 2022; were posted in three conspicuous locations within 300 feet of the Project Site, and mailed to all property owners within 1,000 feet of the Project Site boundaries; and

WHEREAS, on August 3, 2022, the Planning Commission considered the Project, MND, MMRP and all pertinent information in the record including public testimony, at the conclusion of which the Planning Commission voted to recommend that the City Council adopt the MND and MMRP, approve the General Plan Amendment and rezone to allow a 100 percent affordable housing development consisting of 108 multifamily units in a five-story structure with resident amenities, 82 surface and garage parking spaces, landscaping, and public and private improvements; and

WHEREAS, the City Council reviewed the MND prepared for the Project, City staff report pertaining to the MND and all evidence at a duly noticed public hearing on September 27, 2022. All these documents and evidence are herein incorporated by reference into this Resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION 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 that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less than significant level by the mitigation measures specified in the MND and MMRP.

3. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the Planning Commission.

4. That the City Council finds that the MND and MMRP completed for this Project has been completed in compliance with CEQA, and that approval of this Project as mitigated will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated would fall within the environmental thresholds identified by CEQA.

5. That the City Council adopts the MND and MMRP for the Project as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074).

6. The City Council hereby designates the Planning Division of the Community Development Department as the location for the documents and other material that constitute the record of proceedings upon which this decision is based and designates the Director of Community Development as the custodian of records.

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7. 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 27th DAY OF SEPTEMBER, 2022, 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. Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP)
2. Responses to Comments Received on the MND
3. Development Plans