

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT, MAKE
FINDINGS WITH RESPECT THERETO, AND ADOPT THE
MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 950 MONROE STREET MIXED-USE PROJECT LOCATED
AT 906-950 MONROE STREET AND 1341 HOMESTEAD ROAD,
SANTA CLARA**

PLN2020-14457 (General Plan Amendment and Rezone)
SCH# 2021100581

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

WHEREAS,

on June 16, 2020, Lamb Partners, LLC (“Owner”) made an application for a General Plan Amendment in connection with development of a 0.87-acre site located at 906-950 Monroe Street and 1341 Homestead Road (APNs: 269-20-086, 269-20-087, and 269-20-095), which is currently developed with a 6,537 square foot commercial building and three existing single-family residences (“Project Site”);

WHEREAS, the Project approvals will include a General Plan Amendment to modify the text of the Community Mixed-use land use designation and related policies; a Rezone of the Project Site from General Office (OG), Historic Combining (HT), and Community Commercial to Planned Development (PD); and a Vesting Tentative Subdivision Map to allow a residential mixed-use development consisting of 50 condominium units in a six-story structure, four townhomes, and three existing single-family residences with onsite and offsite improvements (“Project”), as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15081, this Project was determined after an Initial Study to identify potentially significant effects on the environment, resulting in the drafting of an Environmental Impact Report (“EIR”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, on October 25, 2021, the City distributed a Notice of Preparation of a Draft Environmental Impact Report ("DEIR") for the Project; and

WHEREAS, on October 25, 2021, the City posted the Notice of Preparation at the Santa Clara County Clerk's office, soliciting guidance on the scope and content of the environmental information to be included in the DEIR; and

WHEREAS, in conformance with CEQA, the EIR was noticed and circulated for a 45-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 October 14, 2022 to November 30, 2022 ("Comment Period"), where during that period comment letters were received from the Department of Toxic Substances Control, the Santa Clara Valley Transportation Authority, and Valley Water.

WHEREAS, the City prepared written Responses to Comments Received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"). The FEIR consists of a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, and copies of comment letters;

WHEREAS, the DEIR and FEIR constitute the EIR for the Project;

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project as proposed;

WHEREAS, the EIR outlined various mitigation measures that would avoid the Project's significant effects on the environment, as well as alternatives to the Project as proposed that would provide some environmental advantages;

WHEREAS, CEQA Guidelines Section 15091 requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, the "CEQA Findings" attached to this Resolution is a set of Findings of Fact prepared in order to satisfy the requirements of Guidelines Section 15091;

WHEREAS, on July 13, 2023, the Planning Commission conducted a duly noticed public hearing, at the conclusion of which, the Commission voted unanimously (7-0) to recommend that the City Council certify the EIR and adopt the CEQA Findings and MMRP;

WHEREAS, on August 11, 2023, notices of the public hearing for the City Council meeting of August 22, 2023 were posted within 300 feet of the Project Site and mailed to all property owners within 1,000 feet of the property, according to the most recent Assessor's roll;

WHEREAS, the City Council reviewed the EIR prepared for the Project, City staff report pertaining to the EIR and all evidence at a duly noticed public hearing on August 22, 2023, at which time all interested persons were given an opportunity to provide testimony and submit evidence. All these documents and evidence are herein incorporated by reference into this Resolution.

NOW THEREFORE, BE IT FURTHER 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. 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 EIR and MMRP.
3. That the City Council hereby finds the EIR has been presented to the Council, which reviewed and considered the information and analysis contained therein before making its determination, and that the EIR reflects the Council's independent judgment and analysis.
4. That the City Council hereby finds, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, that all of the proposed mitigation measures described in the EIR are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest as conditions of approval when the Project is approved.

5. That the City Council hereby finds that the EIR is complete and prepared in compliance with CEQA.

6. That the City Council finds that the 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.

7. That, in order to comply with Public Resources Code Section 21081.6, the City Council adopt the Mitigation Monitoring and Reporting Program as set forth in the attached "MMRP". The MMRP is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the action to be taken and the party responsible for implementation.

8. That the City Council hereby certifies the EIR, adopts the CEQA Findings, and adopts the MMRP for the Project as required by the CEQA Guidelines.

9. That the City Council hereby designates the Director of Community Development as the Custodian of Records for the Project, and the Planning Division at City Hall, 1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based.

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10. 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 22nd DAY OF AUGUST 2023, 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. Environmental Impact Report (EIR)
2. Mitigation Monitoring and Reporting Program (MMRP)
3. CEQA Findings
4. Responses to Comments Received on the EIR
5. Development Plans