

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

**A RESOLUTION TO APPROVE AND CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT, MAKE FINDINGS WITH RESPECT THERETO, AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FREEDOM CIRCLE FUTURE FOCUS AREA AND GREYSTAR GENERAL PLAN AMENDMENT**

SCH # 2020060425

PLN2017-12516 (EIR, Greystar General Plan Amendment, and Greystar Zoning Amendment)  
PLN22-00054 (Freedom Circle Focus Area)

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

**WHEREAS**, the City of Santa Clara (the “City”) is contemplating the adoption of the Freedom Circle Future Focus Area and Greystar General Plan Amendment and related rezoning (collectively, the “Project”), which together would allow for up to 3,600 dwelling units and up to 2 million additional square feet of office space beyond what would be allowed the current General Plan designation, subject to a future planning study; and

**WHEREAS**, the Freedom Circle Future Focus Area sets out a vision for a vibrant urban neighborhood for the area bounded by Great America Parkway to the west, the southern boundary of the Great America theme park to the north, San Tomas Aquino Creek to the east, and Highway 101 to the south; and

**WHEREAS**, the Greystar General Plan Amendment and associated development proposal will create up to 1,100 units of housing and an associated 2.0-acre park (the “Greystar Project”); and

**WHEREAS**, Santa Clara City Charter Section 1007 and Government Code Section 65353 require that the Planning Commission provide input to the City Council on any proposed General Plan Amendment;

**WHEREAS**, the Project approvals will include a resolution certifying the EIR; a resolution approving the General Plan Amendment creating the Freedom Circle Future Focus Area and making related text changes to the General Plan; a resolution approving the Greystar GPA to

change the land use designation from High Intensity Office / R&D to Very High Density Residential; and a resolution rezoning the Greystar Site from Commercial Park (CP) to Planned Development (PD) (collectively, the “Approvals”);

**WHEREAS**, implementation of the Project also requires separate applications for the Greystar Tentative and/or Vesting Tentative Subdivision Maps and architectural review that are not part of this application, but which were analyzed as part of the environmental analysis; and

**WHEREAS**, once the Freedom Circle Future Focus Area has been created, future development (beyond the Greystar project) would first require the preparation of a comprehensive plan such as a Specific Plan, consistent with General Plan prerequisite 5.1.1-P8, which would be subject to separate environmental review; and

**WHEREAS**, on June 26, 2020, the City distributed a Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) for the Freedom Circle Future Focus Area and Greystar General Plan Amendment; and

**WHEREAS**, on June 26, 2020, 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**, on July 1, 2020, the City hosted a public scoping meeting to obtain community input on the scope and content of the DEIR;

**WHEREAS**, the DEIR was prepared in accordance with CEQA and the City circulated copies of the DEIR and Notice of Availability 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 on November 5, 2021 for a 45-day review period, ending on December 20, 2021 (the “Comment Period”);

**WHEREAS**, the City prepared written responses to the 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. The FEIR was distributed to commenting parties and to the public on March 30, 2022;

**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 substantially lessen or 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**, the City is required, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

**WHEREAS**, the EIR analyzed a "No Project" alternative for the Freedom Circle Future Focus area that considers full build-out under the existing land use designation (No Project/Light Industrial Development) both with and without the Greystar project, along with a Mainly Commercial Office Development alternative, a Mainly Residential Development Alternative and a Development Alternative with Reduced Focus Area Plan and with the Greystar project; and

**WHEREAS**, for the Greystar project, the EIR also analyzed a "No Project" alternative that maintains development potential for the Greystar site and the Freedom Circle Future Focus Area as currently allowed in the Santa Clara General Plan, along with a Same Greystar Residential Buildout But With Larger Park alternative, and a Reduced Greystar Residential Development Alternative but With Larger Park; and

**WHEREAS**, significant and unavoidable air quality, historic resources, and traffic noise impacts would remain with the proposed project;

**WHEREAS**, Public Resources Code § 21081, subdivision (a) 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 and a Statement of Overriding Considerations prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

**WHEREAS**, as the CEQA Findings explain, the City Council intends to adopt the associated General Plan Amendments including for both the creation of the Freedom Circle Future Focus Area and for the Greystar General Plan Amendment, along with the approval of the Greystar rezoning;

**WHEREAS**, the City Council has determined that none of the alternatives addressed in the EIR, would be both feasible and environmentally superior to the Project as proposed. Neither the No Project alternatives, nor the Reduced Development alternative, nor the Mainly Residential nor the Mainly Commercial alternatives, nor the Larger Park alternatives would sufficiently satisfy the Project Objectives. The details supporting these determinations are set forth in the CEQA Findings;

**WHEREAS**, in taking this course, the City Council has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

**WHEREAS**, many of the significant and potentially significant environmental effects associated with the Project can either be substantially lessened or avoided through the inclusion of mitigation measures proposed in the EIR;

**WHEREAS**, the City Council, in reviewing the Project, intends to adopt all mitigation measures set forth in the EIR;

**WHEREAS**, the significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable;

**WHEREAS**, as detailed in the CEQA Findings, the City Council has determined that, despite the occurrence of significant unavoidable environmental effects associated with the Project, as mitigated and adopted, there exist certain overriding economic, social and other considerations for approving the Project which justify the occurrence of those impacts and render them acceptable;

**WHEREAS**, notice of the public hearing on the proposed project was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on May 11, 2022;

**WHEREAS**, notices of the public hearing on the proposed project were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor's roll, on March 30, 2022; and

**WHEREAS**, the Planning Commission reviewed the EIR and Mitigation Monitoring and Reporting Program, attached as the "MMRP", as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA, along with the City Staff report pertaining to the EIR for the Project (SCH #2020060425), and all evidence received at a duly noticed public hearing on April 13, 2022. Following the Public Hearing, the Planning Commission made a recommendation to the City Council to adopt and certify the Freedom Circle Focus Area / Greystar General Plan Amendment EIR.

**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 the EIR has been completed in compliance with CEQA.

3. That the City Council hereby finds the EIR has been presented to the City 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 California Code of Regulations, Title 14, Section 15091, that many 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 none of the Project Alternatives set forth in the EIR can feasibly substantially lessen or avoid those significant adverse environmental effects not otherwise lessened or avoided by the adoption of all feasible mitigation measures.

6. That, in order to comply with Public Resources Code Section 21081.6, the City Council adopts 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.

7. That the City Council hereby finds that the EIR set forth program and cumulative environmental impacts that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the City Council finds that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those impacts, as detailed in the "CEQA Findings" exhibit attached hereto.

8. Based on the findings set forth in this Resolution, the evidence in the City Staff Report, and the attached CEQA Findings, the City Council approves and certifies the EIR, makes findings concerning mitigation measures, adopts the MMRP, makes findings concerning

alternatives and make findings that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those associated impacts and adopt the CEQA Findings and Statement of Overriding Considerations, all in accordance with CEQA for the Project.

9. 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 COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 7<sup>th</sup> DAY OF JUNE, 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. Mitigation Monitoring and Reporting Program (MMRP)  
2. CEQA findings and Statement of Overriding Considerations

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