

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM IN
ORDER TO ALLOW A RESIDENTIAL DEVELOPMENT
CONSISTING OF EIGHT SEMI-ATTACHED SINGLE-FAMILY
RESIDENCES LOCATED AT 2303 GIANERA STREET, SANTA
CLARA**

PLN23-00577 (Rezone)
PLN24-00262 (Vesting Tentative Subdivision Map)

WHEREAS, on November 29, 2023, VCI Companies (“Applicant”) filed an application (PLN23-00577) to redevelop a 16,893 square-foot parcel, located at 2303 Gianera Street (“Project Site”) with eight residential single family units;

WHEREAS, the Owner simultaneously applied to rezone the Project Site from Low Density Residential (R2) to Planned Development (PD) and subdivide the land through a Vesting Tentative Subdivision Map application to allow the construction of eight two-story for-sale semi-attached single-family residences, associated on- and off-site improvements and a common lot to be used as a utility corridor, vehicle access, landscape open space, and bioretention areas to serve the development (“Project”);

WHEREAS, the City, as Lead Agency, in tandem with Consultant ‘David J. Powers’ prepared an Initial Study (“IS”) and a Negative Mitigation Declaration (“MND”) for the Project in accordance with the California Environmental Quality Act (“CEQA”) and the City circulated copies of the IS/MND for a 20-day review between November 8 and December 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;

WHEREAS, the IS/MND identified possible impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation Monitoring and

Reporting Program ("MMRP") for the Project would reduce the potentially significant effects to less than significant;

WHEREAS, the City through consultant 'David J. Powers' prepared written responses to the comments received during the Comment Period and included these responses in a Final Mitigated Negative Declaration ("MND");

WHEREAS, in the Responses to Comments, the City responded to a comment from Tamien Nation, which requested certain modifications to Mitigation Measure MM CUL-1.2. Text has been added to MM CUL-1.2 to clarify that a representative from a Native American tribe traditionally and culturally affiliated with the project area be retained (in addition to a qualified archaeologist) in the event a prehistoric or historic resource is encountered during project construction, to examine the find. The text of mitigation measure MM CUL-1.2 has also been refined to clarify that, if a treatment plan is prepared, it would be made available to interested Native American tribe(s) for review;

WHEREAS, the Mitigation Monitoring and Reporting Program ("MMRP") has been prepared for implementation with Project development to reduce potentially significant impacts identified in the IS/MND for the Project, to less than significant;

WHEREAS, on May 14, 2025, notices of the Planning Commission Hearing and City Council Hearing were mailed to all property owners within 1000 feet of the Project Site boundaries;

WHEREAS, on June 5, 2025, notice of the Planning Commission Hearing and City Council Hearing was posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City's website; and

WHEREAS, on June 11, 2025, the Planning Commission held a duly noticed public hearing to consider the Project, at the conclusion of which, the Commission voted 7-0 to recommend approval to the City Council to adopt the MND and MMRP;

WHEREAS, on July 15, 2025, City Council held a duly noticed public hearing to consider the Project during which the City Council invited and considered any, and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF 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 pursuant to CEQA Guidelines Section 15074(b), the City Council has reviewed and considered the information contained in the MND for the Project.
3. That pursuant to CEQA Guidelines Section 15074(b), the City Council hereby adopts the MND and the findings made in the MND, and further finds that approval of the Project as mitigated will have no significant negative effects on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated fall within the environmental thresholds identified by CEQA.
4. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the City Council.
5. That pursuant to CEQA Guidelines Section 15074.1(b), with respect to Mitigation Measure MM CUL-1.2, the City Council hereby finds that the modified mitigation measure is equivalent or more effective in mitigating or avoiding potential significant impacts, and that the modification of the mitigation measure itself will not cause any potentially significant effect on the environment. Here, the modifications are additive, and all the prior requirements of MM CUL-1.2 will continue to apply to the Project, and so there is no potential for the mitigation measure to lose any effectiveness. The modifications will impose additional obligations on the developer to ensure that adequate tribal notification occurs in the event of discovery of a tribal cultural resource and will provide additional opportunities for tribal involvement in the event of such a find. These

additional notification and consultation requirements do not present any possibility for an additional environmental impact.

6. That the City Council hereby adopts the MMRP for implementation with Project Development as required by Section 15097(a) of the CEQA Guidelines.

7. That pursuant Section 15074(c) of the CEQA Guidelines, 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.

8. 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 15TH DAY OF JULY 2025, 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. Initial Study / Mitigated Negative Declaration
2. Mitigation Monitoring and Reporting Program