

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

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA  
TO APPROVE AND CERTIFY A FINAL ENVIRONMENTAL  
IMPACT REPORT, MAKE FINDINGS WITH RESPECT  
THERE TO, AND ADOPT A STATEMENT OF OVERRIDING  
CONSIDERATIONS AND A MITIGATION MONITORING AND  
REPORTING PROGRAM FOR THE 1957 PRUNERIDGE  
AVENUE RESIDENTIAL PROJECT LOCATED AT 1957  
PRUNERIDGE AVENUE, SANTA CLARA**

PLN22-00505 (Rezone)  
PLN23-00264 (Vesting Tentative Subdivision Map)  
SCH# 202300200 (Environmental Impact Report)

**WHEREAS**, On September 6, 2022, SCS Development (“Owner”) filed an application for the development of a 2.47-acre site located at 1957 Pruneridge Avenue, Santa Clara (“Project Site”);

**WHEREAS**, the Project Site has a General Plan designation of Very Low Density Residential and is zoned Public, Quasi-Public, and Public Park or Recreation (B);

**WHEREAS**, the Project Site is developed with assembly uses (religious worship and education) and contains St. Mark’s Church complex, comprising a one-story parish hall and administration building, two-story classroom, church building, surface parking lots and site landscaping;

**WHEREAS**, the Owner has applied to rezone the Project Site from Public, Quasi-Public, and Public Park or Recreation (B) to Planned Development (PD) to allow construction of 22 two-story detached residences, a private street, and associated on- and off-site improvements, in addition to a Vesting Tentative Subdivision Map to subdivide the property into individual for-sale lots and four common lots for use as a utility corridor, vehicle access, landscape open space and bioretention areas (“Project”), as shown on the Development Plans and Vesting Tentative Subdivision Map, attached hereto and incorporated herein by this reference;

**WHEREAS**, the Project approvals will include Resolution No. \_\_\_\_\_ (“City Council Rezoning Resolution”); Resolution No. \_\_\_\_\_ (“City Council Vesting Tentative Subdivision Map Resolution”); and this California Environmental Quality Act (“CEQA”) Resolution (collectively,

the “Approvals”);

**WHEREAS**, on October 6, 2023, the City of Santa Clara (“City”) distributed a Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) and posted the Notice 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;

**WHEREAS**, the DEIR was prepared in accordance with the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.) and the City circulated copies of the DEIR to the public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and the City sought the comments of such persons and agencies for forty-five (45) days, beginning on November 17, 2023 and concluding on January 2, 2024 (“Comment Period”);

**WHEREAS**, the City did not receive any comments on the DEIR during the review period;

**WHEREAS**, the Final EIR (“FEIR”) consists of a list of agencies and organizations to whom the DEIR was sent and minor revisions to text and Figure 2.2-1 (Conceptual Site Plan) and Figure 2.2-2 (Landscape Plan) that do not change the conclusions nor require recirculation of the DEIR. The FEIR was subsequently distributed for a 10-day review period beginning on January 9, 2024 and concluding on January 19, 2024;

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

**WHEREAS**, the City Council has reviewed the EIR prepared for the Project, the City Staff reports pertaining to the EIR, and all evidence received at a duly noticed public hearing on March 19, 2024. All of these documents and evidence are herein incorporated by reference into this Resolution;

**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 determined that the project would have a less-than-significant impact in the resource areas of Energy and Greenhouse Gas Emissions, based on a requirement in the City’s

Reach Code that the project construct All-Electric Buildings, with no installation of natural gas infrastructure. Because recent litigation has raised a question about the enforceability of the City's Reach Code, the developer has voluntarily committed to construct All-Electric Buildings, regardless of whether the Reach Code is enforceable;

**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 whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the 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 and Statement of Overriding Considerations" attached to this Resolution is a set of Findings of Fact prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

**WHEREAS**, as the CEQA Findings explain, the City Council, reflecting the advice of City staff, has expressed its intention to adopt the proposed Project as described;

**WHEREAS**, the City Council has determined that the alternatives addressed in the EIR would not be feasible and would not 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**, 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**, Public Resources Code § 21081, subdivision (b) and CEQA Guidelines § 15093 require the City Council to adopt a Statement of Overriding Considerations before approving a project with significant unavoidable environmental effects;

**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; and

**WHEREAS**, the City Council has reviewed the EIR and Mitigation Monitoring and Reporting Program, attached as the “MMRP”, the CEQA Findings, the City Staff reports pertaining to the EIR, and all evidence received at a duly noticed public hearing on March 19, 2024. All of these documents and evidence are incorporated herein by reference into this Resolution.

**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. 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 Council, which reviewed and considered the information and analysis contained therein, at a duly noticed public hearing on March 19, 2024.

4. That the City Council 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 when the Project is approved.

5. That the City Council 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 while still sufficiently achieving the project objectives.

6. 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 Program 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 party responsible for implementation.

7. That the EIR set forth project-level 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 the City Council believes 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 and the evidence in the City Staff Report, and the attached CEQA Findings, the City Council hereby approves and certifies the EIR, makes the findings attached hereto, adopts an MMRP, and adopts a Statement of Overriding Considerations finding that there exist certain overriding economic, social and other

considerations for approving the Project that justify the occurrence of the associated impacts, all in accordance with CEQA for the Project.

9. That 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.

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 19<sup>th</sup> DAY OF MARCH, 2024 BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

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JOVAN GROGAN  
CITY MANAGER  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Vesting Tentative Subdivision Map
3. CEQA Findings and Statement of Overriding Considerations
4. Mitigation Monitoring and Reporting Program (MMRP)