

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

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA  
TO APPROVE A VESTING TENTATIVE SUBDIVISION MAP  
FOR PHASE ONE OF THE RELATED SANTA CLARA PROJECT  
SITUATED ON APPROXIMATELY 14.3 ACRES OF LAND  
LOCATED AT 5155 STARS AND STRIPES DRIVE (APNs 104-  
03-036 (portion), 104-03-040 (portion), 104-03-037; 104-03-038  
AND 104-03-039)**

PLN21-15283 (Vesting Tentative Subdivision Map for Development Area Plan 1)

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

**WHEREAS**, on June 28, 2016, the Santa Clara City Council approved a number of entitlements for the proposed construction by Related Santa Clara, LLC for the project site located at 5155 Stars and Stripes Drive (“Project Site”) to facilitate development of the new multi-phased, mixed-use development known as the Related Santa Clara Project (the “Project”);

**WHEREAS**, the Project entitlements approved by the City Council on June 28, 2016, included Resolution No. 16-8339, which rezoned the Project site to the PD-MC (Planned Development-Master Community) zoning district;

**WHEREAS**, on June 28, 2016, the City Council adopted Resolution No. 16-8337, certifying a Final Environmental Impact Report (“Final EIR”) pursuant to the provisions of the California Environmental Quality Act (Cal. Pub. Res. §§ 21000 et seq.) (“CEQA”) together with the State CEQA Guidelines (14 CCR § 15000 et seq.) (“CEQA Guidelines”) and adopting CEQA findings and a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with CEQA and the CEQA Guidelines;

**WHEREAS**, pursuant to Resolution No. 16-8339, buildout of the Project is governed by a Master Community Plan (the “MCP”) dated April 5, 2017, which anticipates up to eight potential phases of development, each of which would be governed by a “Development Area Plan,” or “DAP”;

**WHEREAS**, the Project analyzed in the Final EIR and approved via the MCP consists of up to 9.16 million gross square feet of office buildings, retail and entertainment facilities, residential

units, hotel rooms, surface and structured parking facilities, new open space and roads, landscaping and tree replacement, and new/upgraded/expanded infrastructure and utilities;

**WHEREAS**, on March 24, 2020, the City Council approved the Development Area Plan (“DAP 1”) for Phase One of the Project (Resolution No. 20-8825);

**WHEREAS**, DAP 1 included certain modifications to the Project analyzed in the Final EIR, consisting of minor changes to the boundaries of Phase One of the Project, a minor increase in the maximum square footage permitted within Phase One of the Project, and a small change to the use mix permitted within Phase One of the Project;

**WHEREAS**, on March 24, 2020, in order to ensure that all potential environmental impacts of the Project under DAP 1 had been thoroughly analyzed, the City Council approved an addendum to the Final EIR, which found that implementation of DAP 1 would not result in substantial changes or introduce new information not already analyzed in the previously-certified Project EIR, and would not cause new significant environmental impacts or a substantial increase in the severity of previously identified significant unavoidable impacts (Resolution No. 20-8824);

**WHEREAS**, on December 10, 2021, Related Companies (the “Applicant”) filed an application (PLN21-15283) to modify the parcels within the boundary of DAP 1 and the general surroundings in order to subdivide the area to be in alignment with the approved MCP;

**WHEREAS**, the application is for a Vesting Tentative Subdivision Map (PLN21-15283) to subdivide the subdivides existing 14.3 acre Site (DAP 1) into seven parcels, consistent with the approved master Community Plan (MCP) (“Project”) as shown on the proposed Vesting Tentative Subdivision Map, attached hereto and incorporated herein by this reference;

**WHEREAS**, pursuant to Section 17.05.210 of the Code of the City of Santa Clara (“SCCC”), a Tentative Subdivision Map shall be required for all divisions of land into five or more parcels;

**WHEREAS**, on September 20, 2022, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map should proceed to the Planning Commission in conformance with Section 17.05.300 of the SCCC;

**WHEREAS**, the 2016 EIR and the 2020 Addendum to the EIR (collectively, the “Environmental Documents”) discussed and analyzed the proposed subdivision;

**WHEREAS**, the proposed Vesting Tentative Subdivision Map is consistent with the previously approved Project and would not result in a new impact on the environment or significantly increase the severity of any previously identified impact;

**WHEREAS**, SCCC Section 17.05.300(h) requires that the City Council conduct a public hearing before the approval of a Vesting Tentative Subdivision Map for the division of land;

**WHEREAS**, a notice of the public hearing was published in *The Weekly*, a newspaper of general circulation, on October 12, 2022, for the October 26, 2022, Planning Commission meeting and November 15, 2022, City Council meeting;

**WHEREAS**, on October 13, 2022, notices of the public hearing on the Vesting Tentative Subdivision Map were posted within 1000 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 Planning Commission held a duly noticed public hearing on October 26, 2022, at the conclusion of which, the Planning Commission voted to recommend that the City Council approve the Vesting Tentative Subdivision Map; and

**WHEREAS**, on November 15, 2022, the City Council held a duly noticed public hearing to consider the Vesting Tentative Subdivision Map application, at which time all interested persons were given an opportunity to give testimony and the City Council considered the information presented in the Staff Report and all verbal and written evidence.

**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. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the City Council finds and determines that:

A. The Vesting Tentative Subdivision Map is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan in that the Vesting Tentative Subdivision Map subdivides the existing 14.3 acre Site (DAP 1) into seven parcels, and such a subdivision was contemplated in the Urban Center/Entertainment Land Use Designation for the Project Site and associated MCP. This includes three parcels for office, hotel, and serviced apartments as well as a vertical subdivision for the underground garage spanning the majority of Phase 1 build out, subject to conditions set forth in the Conditions of Tentative Subdivision Map Approval, attached hereto and incorporated by this reference.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Subdivision Map facilitates development of a mixed-use development program featuring approximately 1,047,000 square feet of office, retail, residential, and hotel uses that is within the development program contemplated by the MCP to establish a gateway into the City Center Mixed Use Zone primarily on Parcel 5; and furthermore complies with General Plan Land Use and Transitional Goals and Policies of the General Plan in that it transforms the underutilized properties from a vacant, low-intensity commercial use to a mixed use development that would transition in scale and intensity of use with existing and planned land uses.

C. The site is physically suitable for the proposed type of development, in that the Project would develop the underutilized land with a large mixed use development and establish a gateway into the City.

D. The site is physically suitable for the proposed density of development, in that the Project Site is in an urbanized area and is served by existing utilities and infrastructure and will

additionally be served by new infrastructure to be constructed pursuant to the 2016 Infrastructure Master Plan.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems, in that the proposed subdivision is consistent with the approved DAP I and MCP, and does not propose the use of hazardous materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project Site is located in an urbanized setting, is a developed site, and the proposed subdivision includes mitigation measures, as identified in the Environmental Documents and MMRP, which reduce impacts to biological resources to the maximum extent feasible.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that it is designed to avoid encroachment and conflicts with public easements in the site design.

H. The Vesting Tentative Subdivision Map provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that it would allow flexibility in the development standards to maximize the benefits of green building standards for site and building design.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter, the City Council hereby approves the Vesting Tentative Subdivision Map, substantially in the form on file as shown on the attached Vesting Tentative Subdivision Map, and adopts the Conditions of Vesting Tentative Subdivision Map Approval, all of which are incorporated herein by this reference.

4. 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 15TH DAY OF NOVEMBER 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. Vesting Tentative Subdivision Map
  2. Conditions of Vesting Tentative Subdivision Map Approval