

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING A SECOND ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE RELATED SANTA CLARA PROJECT IN CONNECTION WITH THE APPROVAL OF A DEVELOPMENT AREA PLAN FOR PHASE TWO OF THE PROJECT SITUATED ON APPROXIMATELY 44.5 ACRES OF LAND LOCATED AT 5155 STARS AND STRIPES DRIVE (APN 104-03-036)

SCH#2014072078
CEQ2014-11180 (EIR)
PLN2019-14249 (Development Area Plan)

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

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code § 21000 et seq.) (“CEQA”) together with the State CEQA Guidelines (14 CCR § 15000 et seq.) (“CEQA Guidelines”), the City of Santa Clara prepared a Final Environmental Impact Report (“Final EIR”) for the proposed construction by Related Santa Clara, LLC (the “Applicant”) of a new multi-phased, mixed-use development known as the Related Santa Clara Project (the “Project”);

WHEREAS, on June 28, 2016, the City Council adopted Resolution No. 16-8337, certifying the Final EIR and adopting CEQA findings and a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with CEQA and the CEQA Guidelines;

WHEREAS, on June 28, 2016, the Santa Clara City Council approved a number of Project entitlements, including Resolution No. 16-8339, which rezoned the Project site to the PD-MC (Planned Development-Master Community) zoning district;

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 seven 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, after certification of the Final EIR, on March 24, 2020, the Santa Clara City Council adopted a First Addendum to the Environmental Impact Report (“First Addendum”) in connection with the approval of a Development Area Plan for Phase One of the Project (“DAP 1”);

WHEREAS, on December 11, 2019, in conformance with the Development Area Plans and Architectural Review Submittal and Approval Procedures (the “DAP Procedures”) attached as Appendix C to the MCP, the Applicant filed an application for City Council approval of a Development Area Plan for Phase Two of the Project (“DAP 2 Application”);

WHEREAS, the DAP 2 Application proposes certain modifications to the Project analyzed in the Final EIR and the First Addendum and approved via the MCP and DAP 1, consisting of minor changes to the boundaries of Phase Two of the Project, and minor differences in the square footages proposed within Phase Two of the Project with a decrease in all uses except for Office space;

WHEREAS, in order to ensure that all potential environmental impacts of the Project (as modified by the DAP 2 Application) were thoroughly analyzed, the City caused a second addendum to the Final EIR (the “Addendum”) to be prepared pursuant to CEQA Guidelines 15164, which Addendum is attached hereto as Attachment 1 and incorporated herein by this reference;

WHEREAS, the Second Addendum provides analysis and cites substantial evidence that supports the conclusion that no subsequent environmental review is required because the criteria of CEQA Section 21166 and CEQA Guidelines Section 15162 requiring additional environmental review under CEQA have not been met;

WHEREAS, Section 2.7.2.4 of the DAP Procedures provides for the review and recommendation Resolution/Approval of CEQA Addendum for Related SC Project DAP 2

of the City's Planning Commission of each DAP application before action is taken by the City Council; and

WHEREAS, on May 27, 2020, the Planning Commission held a duly noticed public hearing to consider the Addendum and the DAP 2 Application, at the conclusion of which, the Planning Commission adopted Resolution No. 20-006 making findings that the criteria of CEQA Section 21166 and CEQA Guidelines Section 15162 that would have required additional environmental review under CEQA have not been met and recommending that the City Council adopt the Addendum prior to acting on the DAP 2 Application; and

WHEREAS, on July 13, 2020, the City Council held a duly noticed public hearing to consider DAP 2, at which time interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed DAP 2.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. Recitals. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. Findings. That the City Council has exercised its independent judgement and reviewed and considered the Final EIR and the First Addendum, together with the proposed Second Addendum thereto, and has determined that the criteria of CEQA Section 21166 and CEQA Guidelines Section 15162 that would have required additional environmental review under CEQA have not been met. Specifically, and without limitation, substantial evidence exists to support the conclusion that no supplemental or subsequent environmental review is required in connection with the City's consideration of the DAP 2 Application because (1) the Project (as modified by the DAP 2 Application) would not result in any new or more severe significant impacts than those studied in the EIR, (2) there exists no new information of substantial importance that would result in any new or more severe significant impacts as compared to

those studied in the EIR; (3) there are no substantial changes in circumstances that would result in any new or more severe significant impacts than those identified in the EIR; and (4) there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed that has not been adopted.

3. Approval. That the City Council hereby adopts the Addendum.

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 SPECIAL MEETING THEREOF HELD ON THE 13TH DAY OF JULY, 2020, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachment Incorporated by Reference:

1. CEQA Addendum