

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

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT #98 TO CREATE AND APPLY THE FREEDOM CIRCLE FUTURE FOCUS AREA, WHICH IS BOUNDED BY GREAT AMERICA PARKWAY TO THE WEST, THE SOUTHERN PROPERTY LINE OF CALIFORNIA'S GREAT AMERICA TO THE NORTH, SAN TOMAS AQUINO CREEK TO THE EAST AND HIGHWAY 101 TO THE SOUTH; AND TO REVISE THE PROCESS FOR DEVELOPMENT OF FUTURE FOCUS AREAS**

SCH # 2020060425  
PLN2017-12516 (EIR)  
PLN22-00054 (Freedom Circle Focus Area)

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

**WHEREAS**, on May 3, 2017, the Greystar Corporation applied for a General Plan Amendment and rezoning to develop a vacant 13.3 acre site north of Highway 101 and west of the San Tomas Aquino Creek in the City of Santa Clara (the "Greystar Site"); and

**WHEREAS**, Greystar is proposing to amend the General Plan for the Greystar Site from High-Intensity Office/R&D (maximum Floor Area Ratio of 2.0) to Very High Density Residential (51-100 Dwelling Unit/Acre) (the "Greystar GPA"); and

**WHEREAS**, Greystar has also applied for a Planned Development rezoning to develop up to 1,100 dwelling units, along with a 2.0 acre park and up to 2,000 square feet of amenity space (together with the Greystar GPA, the "Greystar Project"); and

**WHEREAS**, the Greystar Site adjoins an existing industrial office area; and

**WHEREAS**, City staff was directed by the City Council to plan for future development in the area surrounding the Greystar Site, bounded by Great America Parkway to the West, the southern property line of California's Great America to the North, San Tomas Aquino Creek to the East and Highway 101 to the South (the "Project Site"); and

**WHEREAS**, the City is proposing to add a Freedom Circle Future Focus area to the General Plan to help direct potential development in the area, subject to a Specific Plan (together with the Greystar

Project, the “Project”); and

**WHEREAS**, the intent of the Freedom Circle Future Focus area is create a dynamic, mixed-use district that includes residential developments and community amenities as well as a diverse range of employment uses, which will complement other North Santa Clara neighborhoods and provide a complete network of pedestrian, bicycle and roadway connections to destinations including employment centers, transit stops and trails; 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; and

**WHEREAS**, on April 13, 2022, the Planning Commission conducted a duly noticed public hearing to consider the GPA, at the conclusion of which, the Commission voted to recommend approval of the GPA to the City Council, with the additional recommendation to upgrade all Class II bike lanes in the Plan Area to Class IV separated bikeways;

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

**WHEREAS**, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor’s roll, and to all local agencies expect to provide essential facilities or services to the project, on March 30, 2022;

**WHEREAS**, before considering making a recommendation for the General Plan Amendment for the Freedom Circle area, the City Council reviewed and considered the potential environmental impacts of the Project, identified mitigation measures, and recommended that the Council adopt and certify the Environmental Impact Report (“EIR”) for the Project (SCH # 2020060425), as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA;

**WHEREAS**, the City Council has reviewed the General Plan Amendment; and

**WHEREAS**, on May 24, 2022, the City conducted a duly noticed public hearing to consider the GPA, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed General Plan Amendment.

**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. General Plan Amendment Findings. That the City Council finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

A. The proposed General Plan Amendment is deemed to be in the public interest, in that:

The proposed General Plan Amendment is a prerequisite to the adoption of the Project, which is located in an urbanized area served by existing municipal services and implements smart growth principles by developing underutilized properties with a high density residential, transit-oriented development that will contribute to the City both socially and economically.

B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that:

The Project furthers and is consistent with the goals, policies and major strategies of the General Plan that enhance the City's quality of life, preserve and cultivate neighborhoods, promote sustainability, enhance City identity, support Focus Areas and community vitality, maintain the City's fiscal health and quality of services, and maximize health and safety benefits with the creation a new residential development close to jobs, amenities and services and the City's primary north-south bike corridor.

C. The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), in that:

A Draft Environmental Impact Report (“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. The City prepared and circulated written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report (“FEIR”), in accordance with CEQA.

D. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that:

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for implementation with Project development to reduce potentially significant impacts identified in the EIR to less than significant and a set of CEQA Findings and a Statement of Overriding Considerations have been prepared for the significant unavoidable impacts that cannot be mitigated to less than significant; and the Planning Commission has recommended that the City Council adopt these documents.

3. That pursuant to Government Code § 65356, the City Council hereby amends the General Plan by:

A. Adding the Freedom Circle Future Focus Area Plan, attached hereto and incorporated herein by this reference, to Subchapter 5.4, Focus Areas, of Chapter 5, Goals and Policies by creating a new Section 5.4.8, Freedom Circle Future Focus Area Goals and Policies. The Focus Area Plan diagram reflects the Planning Commission’s recommendation to make all proposed Class II on-street bike lanes in the plan area into Class IV separated bikeways.

B. Adding a new land use designation, Very High Intensity Office/Research and Development (R&D), to Section 5.2.2, Land Use Classifications, of the General Plan with the following text:

“Very High-Intensity Office/Research and Development (R&D). This classification is intended for landmark high-rise developments for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Permitted uses include offices and prototype R&D uses. Data centers under this designation are limited to those that serve the use on-site. Medical facilities, except pharmacies, are not allowed. In addition, manufacturing uses are limited to less than ten percent of the building area. Accessory, or secondary, small-scale supporting retail uses that serve local employees and visitors are also permitted. Parking is typically structured or below-grade. The maximum FAR is 3.00, excluding any FAR devoted to supporting retail uses.”

C. Adding additional language to Section 5.4.7, Future Focus Areas Goals and Policies, of Subchapter 5.4, Focus Areas, of Chapter 5, Goals and Policies, immediately after the three bullet points (“Central Expressway / De La Cruz / Great America Parkway”):

“In addition to the three Future Focus Areas identified in the General Plan as adopted on November 16, 2010, additional Future Focus Areas may be added to the General Plan Land Use diagram through the General Plan Amendment process. Subject to the discretion provided pursuant to Policy 5.4.7-P11, the creation of an Additional Future Focus Area is a precursor to the comprehensive planning process required for all Focus Areas.”

D. Adding a new Policy 5.4.7-P11 to Section 5.4.7, Future Focus Areas Goals and Policies, to Subchapter 5.4, Focus Areas, of Chapter 5, Goals and Policies, to read as follows:

“5.4.7-P11: Allow for General Plan Amendments and rezonings outside of existing Future Focus Areas in combination with the designation of new Additional Future Focus Areas.”

E. Changing the General Plan Land Use diagram for the Freedom Circle Area by modifying Figure 5.2-3 of the General Plan to reflect the land use designations shown on the Freedom Circle Land Use and Urban Design Framework diagram, as set forth on the final page of the Freedom Circle Future Focus Area Plan.

4. That based on the findings set forth in this Resolution, the EIR Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearing on this matter, the City Council hereby approves the General Plan Amendment.

5. 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 24<sup>th</sup> DAY OF MAY, 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. Freedom Circle Focus Area Plan

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