

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA APPROVING AND CERTIFYING A FINAL  
ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS  
WITH RESPECT THERETO, AND ADOPTING A STATEMENT  
OF OVERRIDING CONSIDERATIONS AND A MITIGATION  
MONITORING AND REPORTING PROGRAM FOR THE  
PATRICK HENRY DRIVE SPECIFIC PLAN**

SCH #2019120515

PLN2019-14257 (CEQA Resolution, Specific Plan, General Plan Amendment, and Zoning  
Amendment)

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

**WHEREAS,** the City of Santa Clara (the “City”) is contemplating the adoption of the Patrick Henry Drive Specific Plan (the “Project”), a specific plan for a transit-oriented pedestrian-friendly neighborhood of up to 12,000 residential units with supportive retail uses, located on approximately 62 net acres of land located within one-half mile of the Tasman Drive light rail line that are currently developed with industrial uses;

**WHEREAS,** the proposed Specific Plan also includes an alternative development scenario that allows for up to 10,300 residential units, with up to 785,000 square feet of office space, and 310,000 square feet of other non-residential uses; and

**WHEREAS,** under the proposed Specific Plan, the Patrick Henry Drive area is intended to be a walkable urban neighborhood, with parking reflective of a variety of available transit modes, including bicycle parking; and

**WHEREAS,** the Patrick Henry Drive area will include a variety of forms of urban housing, including podium buildings, residential towers, and residential mixed-use buildings;

**WHEREAS,** the proposed Patrick Henry Drive Specific Plan is consistent with the Goals and Policies of the Future Focus Areas section in the General Plan;

**WHEREAS,** as a part of implementing the Specific Plan, the City is contemplating the adoption of a General Plan Amendment (“GPA”) to amend the General Plan land use diagram by changing the existing land use designations of the Project Site from Light Industrial to a variety

of residential designations that would allow dwelling unit densities of 51 to 250 Dwelling Units per acre, with supportive retail uses, along with a High Density flex designation that would allow either residential densities of between 60 to 149 DU/AC, or a non-residential Floor Area Ratio (FAR) of up to 2.0;

**WHEREAS**, the GPA includes an amendment to General Plan Appendix 8.13 (the Climate Action Plan) setting forth vehicle trip reduction targets for the new land use designations applicable to the Patrick Henry Drive area; and

**WHEREAS**, the City is contemplating the amendment of SCCC Title 18, the Zoning Code to create new Patrick Henry Drive zoning districts that implement and are consistent with the proposed General Plan designations, and to apply those zoning designations across the Project Site;

**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;

**WHEREAS**, the Project approvals will include a resolution certifying the EIR; a resolution approving the General Plan Amendment; a resolution approving the Patrick Henry Drive Specific Plan; and an ordinance amending the Zoning Code to correspond to the Specific Plan (collectively, the “Approvals”);

**WHEREAS**, implementation of the Project will also require separate applications for individual development approvals and Tentative and/or Vesting Tentative Subdivision Maps for City review and approval that are not part of this application;

**WHEREAS**, on December 19, 2019, the City distributed a Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) for the Patrick Henry Drive Specific Plan that contemplated either up to 12,000 net new residential units and 310,000 net new square feet of non-residential uses, including retail and education facilities, or a second scenario which would substitute office for high-density residential along the east edge of the Plan Area, amounting to

an approximate total of 10,300 net new residential units, 785,000 net new square feet of office, and 310,000 net new square feet of other nonresidential uses; and

**WHEREAS**, on December 19, 2019, the City posted the Notice of Preparation 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**, on January 8, 2020, the City hosted a public scoping meeting to obtain community input on the scope and content of the DEIR;

**WHEREAS**, the 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 on July 30, 2021 for a 45-day review period, ending on September 13, 2021 (the "Comment Period");

**WHEREAS**, the City prepared written responses to the comments received during the Comment Period and included those responses in a Final Environmental Impact Report ("FEIR"). The FEIR consists of a list of agencies and organizations to whom the DEIR was sent, a list of the comment letters received on the DEIR, revisions to the text of the DEIR, responses to comments received on the DEIR, and copies of comment letters. The FEIR was distributed to commenting parties and to the public on January 12, 2022;

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

**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 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, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation measures or feasible

project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

**WHEREAS**, the EIR analyzed a “No Project” alternative for the Patrick Henry Drive area that considers full build-out under the existing land use designation (No Project/Light Industrial Development), along with an All Commercial Office Development alternative, an All Residential Development Alternative and a Reduced Overall Development Alternative;

**WHEREAS**, significant and unavoidable air quality, historic resources, and traffic noise impacts would remain with the proposed 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” attached to this Resolution is a set of Findings of Fact and a Statement of Overriding Considerations prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

**WHEREAS**, on January 26, 2022, the Planning Commission conducted a duly noticed public hearing, at the conclusion of which, the Commission recommended that the City Council adopt the EIR, Specific Plan, associated General Plan Amendments, and Zoning Ordinance Amendment (the “Project”);

**WHEREAS**, the City Council has determined that none of the alternatives addressed in the EIR, would be both feasible and environmentally superior to the Project as proposed. Neither the No Project alternative, nor the Reduced Development alternative, nor the All Residential nor the All Commercial alternatives would 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**, many of the significant and potentially significant environmental effects associated with the Project can either be substantially lessened or avoided through the inclusion of mitigation measures proposed in the EIR;

**WHEREAS**, the City Council 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**, 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;

**WHEREAS**, notice of the public hearing on the proposed project was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on January 12, 2022;

**WHEREAS**, notices of the public hearing on the proposed project were mailed to all property owners within 500 feet of the Project Site, according to the most recent assessor's roll, on January 13, 2022; and

**WHEREAS**, the City Council reviewed the EIR and Mitigation Monitoring and Reporting Program, attached as the "MMRP", as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA, along with the City Staff report pertaining to the EIR for the Project (SCH #2019120515), and all evidence received at a duly noticed public hearing on March 22, 2022. All of these documents and evidence are incorporated herein by reference into this Resolution.

**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. 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 City Council, which reviewed and considered the information and analysis contained therein before making its determination, and that the EIR reflects the Council's independent judgment and analysis.
4. That the City Council hereby 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 as conditions of approval when the Project is approved.
5. That the City Council hereby 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.
6. That, in order to comply with Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program as set forth in the attached "MMRP". The MMRP 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 action to be taken and the party responsible for implementation.
7. That the City Council hereby finds that the EIR set forth program 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 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, the evidence in the City Staff Report, and the attached CEQA Findings, the City Council approves and certifies the EIR, makes findings concerning mitigation measures, adopts the MMRP, makes findings concerning alternatives and makes findings that there exist certain overriding economic, social and other considerations for approving the Project that justify the occurrence of those associated impacts and adopt the CEQA Findings and Statement of Overriding Considerations, all in accordance with CEQA for the Project.

9. 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.

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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 COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 22<sup>ND</sup> DAY OF MARCH, 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. Mitigation Monitoring and Reporting Program (MMRP)
2. CEQA findings and Statement of Overriding Considerations

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