

**RESOLUTION NO. \_\_\_\_ - \_\_\_\_**

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA TO ADOPT THE MITIGATED NEGATIVE  
DECLARATION AND THE MITIGATION MONITORING AND  
REPORTING PROGRAM FOR THE MIXED-USE  
DEVELOPMENT PROJECT LOCATED AT 3402 EL CAMINO  
REAL, SANTA CLARA**

PLN2017-12578 (Rezone)  
CEQ2017-01033 (Mitigated Negative Declaration)

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

**WHEREAS**, on April 3, 2017, Jeremy Heggberg, on behalf of De Anza Properties ("Applicant") filed an application for the 2.27 acre site located at 3402 El Camino Real currently occupied by two, one-story commercial buildings totaling approximately 23,450 square feet of floor area and surface parking lot ("Project Site");

**WHEREAS**, the Applicant applied to rezone the Project Site from Thoroughfare Commercial (CT) to Planned Development (PD) to allow a mixed-use development of 66 apartment units over 9,919 square feet of commercial space ("Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP");

**WHEREAS**, in conformance with CEQA, the MND was noticed and circulated for a 30-day public review period from March 5, 2018 to April 5, 2018;

**WHEREAS**, On April 11, 2018, the Planning Commission held a duly noticed public hearing to consider the Project, MND, MMRP, and all pertinent information in the record, at the conclusion of which, the Planning Commission voted to recommend that the City Council adopt the MND and MMRP;

**WHEREAS,** on May 4, 2018, the notice of public hearing for the May 15, 2018, City Council meeting for this item was posted at least three conspicuous locations within 1,000 feet of the project site and was mailed to all property owners within a 1,000 foot radius and additional residential properties beyond 1,000 feet of the Project Site; and

**WHEREAS,** On May 29, 2018, the City Council held a duly noticed public hearing to consider the Project, MND, MMRP, and all pertinent information in the record during which the Council invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

**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 all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the MND and MMRP.
3. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the City Council.
4. That the City Council hereby finds that the MND and MMRP for this Project have been completed in compliance with CEQA, and that approval of this project as mitigated will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated would fall within the environmental thresholds identified by CEQA.
5. That the City Council hereby adopts the MND and MMRP for the Project as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074).

6. 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 \_\_ DAY OF \_\_\_\_\_, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: \_\_\_\_\_  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigated Negative Declaration (Previously Distributed)
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Development Plans

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