

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the City to balance the benefits of the Project against its significant unavoidable environmental effects in determining whether to approve the Project. Since the EIR identifies project-level significant impacts of the Project that cannot feasibly be mitigated below a level of significance, the City must state in writing its specific reasons for approving the Project in a “statement of overriding considerations” pursuant to sections 15043 and 15093 of the CEQA Guidelines.

In making the statement of overriding considerations, “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable’.” (CEQA Guidelines, Section 15093(a).)

The City has examined a reasonable range of alternatives to the Project, as more fully documented in the EIR. Based on this examination, the City has determined that (1) there are numerous tradeoffs in impacts associated with the various alternatives, (2) the alternatives would result in varying degrees of achieving the Project goals and objectives, (3) the Reduced Intensity (340 Units) Alternative is the environmentally superior alternative as it would avoid the significant impact at the City of San Jose intersection of Stevens Creek Boulevard and North Winchester Boulevard while still meeting many of the project objectives; and, (4) because the No Project cannot be selected, the “Reduced Intensity (340 Units) Alternative” becomes the environmentally superior alternative; however, this alternative would threaten the economic viability of the Project and would eliminate the benefit derived from additional affordable housing units.

Project Goals and Objectives

The stated objectives of the Project proponent, The Core Companies, are to:

1. Develop the site into an economically viable, mixed-income residential project with up to 325 multi-family apartments (including the previously approved 165 senior units) and up to 36 townhouses that will provide a distinct mix and variety of unit types to serve a broad population that will help address the City’s housing needs.
2. Establish intergenerational physical and social connections through the provision of a varied mix of housing types and amenities that support community vitality in accordance with the City’s General Plan.
3. Enhance the City’s identity by providing project residents and the community with an “Agrihood” that provides access to a variety of local, unique and community-serving on-site amenities including a production farm, orchard, gardens, public plaza, café and community room.
4. Create and maintain a residential built environment that promotes the safety and well-being of its residents and the surrounding community.
5. Create a residential transit-oriented project balanced with community-serving amenities that connects to and enhances the City’s bike, pedestrian and transit network, while reducing vehicle trips.
6. Promote sustainability by developing a residential project on an infill and easily accessible project site and through the incorporation environmentally responsible

construction techniques and conservation of energy and water in accordance with the major strategies of the City's General Plan.

These goals and objectives are in conformance with the City of Santa Clara's General Plan land use goals of providing affordable housing opportunities.

Environmental Impact Analysis

The DEIR found that the proposed project could have a number of significant environmental impacts, but identified mitigation measures to reduce most of these impacts to less than significant levels. Nevertheless, despite implementing all feasible mitigation measures, the DEIR also concluded that the proposed project would have the following significant unavoidable impacts that cannot be mitigated to a less than significant level if the project is implemented. Based on the conclusions in the Draft EIR, implementation of the proposed project would result in Significant Unavoidable project-level impacts with regard to greenhouse gas (GHG) emissions and traffic. The EIR identified air quality, noise and vibration, geology and soils, hydrology and water quality, biological resources, cultural resources, hazards and hazardous materials impacts that can be reduced to a less than significant level with mitigation measures incorporated into the project.

Consistent with CEQA requirements, a reasonable range of alternatives was evaluated that could feasibly avoid or lessen any significant environmental impacts while substantially attaining the basic objectives of the proposed project. The EIR identifies three project alternatives to the proposed development. These include: a "No Project Alternative" in which the property would remain vacant and there is no new development on the site; a "No Project – Existing Zoning (165 Senior Housing) Alternative" which would allow for the development of the previously approved 165 senior affordable housing units only; and, an "Reduced Intensity (340 Units) Alternative" which would allow for up to 340 housing units to be developed on the site.

CEQA also requires that an EIR identify alternatives to the project as proposed and that these alternatives feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. As indicated in the EIR, the "Reduced Intensity (340 Units) Alternative" is identified as the environmentally superior alternative and would attain most of the project objectives.

Statement of Overriding Considerations

The City finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of the following overriding considerations:

- (i) The Project will provide much needed affordable housing for seniors and mixed-income residents of the City.
- (ii) The Project is expected to include high quality design, which will be confirmed as part of the Architectural Review process, and variation in architectural style of the structures will enhance the character of the surrounding area, and provide a visually interesting streetscape and park experience;

- (iii) The Project will incorporate environmentally sustainable practices (“green building”) in project construction, promoting energy conservation, to offset air quality and global climate change impacts as well as to serve as an example for future projects in the City; and,
- (iv) The Project will provide a publicly accessible, privately maintained open space agricultural area, unique to the City.

For the foregoing reasons, the City finds that the Project’s benefits would outweigh, and therefore override, any adverse environmental impacts that could potentially remain after recommended mitigation measures are implemented. In making this determination, the City incorporates by reference the Findings of Fact set forth above, as well as all of the supporting evidence cited therein and in the administrative record.