

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA APPROVING AND CERTIFYING THE 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
AGRIHOOD PROJECT LOCATED AT 1834 WORTHINGTON
CIRCLE, SANTA CLARA.**

PLN2016-12389(Rezone)
CEQ2016-01017 (EIR)

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

WHEREAS, on December 5, 2016, The Core Companies (“Applicant”) filed an application for the vacant 5.8 acre site located at 1834 Worthington Circle (“Project Site”);

WHEREAS, the Applicant applied to rezone the Project Site from Planned Development (PD) to Planned Development (PD) to allow a residential development consisting of 165 affordable senior apartments, 160 multi-family mixed-income apartments, and 36 townhouses (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, on April 27, 2017, the City of Santa Clara (“City”) distributed a Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) and on April 27, 2017, posted the Notice 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, 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 beginning on April 11, 2018 for a 45-day review period ending on May 29, 2018 (“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 which 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 for public review on July 5, 2018;

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

WHEREAS, On August 8, 2018, the Planning Commission held a duly noticed public hearing to consider the Project, EIR, MMRP, and Statement of Overriding Considerations and all pertinent information in the record, at the conclusion of which, the Planning Commission voted to recommend that the City Council adopt the EIR, MMRP, and Statement of Overriding Considerations;

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 identifies a reduced intensity alternative which would allow for development of approximately 340 units where 361 are proposed;

WHEREAS, significant and unavoidable greenhouse gas emissions impacts would remain with the reduced intensity alternative;

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, 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 in the form of increased noise and vibration and air quality, can either be substantially lessened or avoided through the inclusion of mitigation measures proposed 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, the City Council has determined that none of the remaining alternatives addressed in the EIR would be both feasible and environmentally superior to the Project as proposed, because they would not sufficiently satisfy the Project Objectives;

WHEREAS, as detailed in the “CEQA Findings and Statement of Overriding Considerations” attached hereto, the City Council has determined that, despite the occurrence of two project level significant unavoidable environmental effects associated with the Agrihood PD Rezone 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, on January 18, 2019, the notice of public hearing for the January 29, 2019 City Council meeting for this item was posted in three conspicuous locations within 300 feet of the project site and was mailed to property owners within a 1000 foot radius; and

WHEREAS, On January 29, 2019, the City Council held a duly noticed public hearing to consider the Project, EIR, MMRP, Statement of Overriding Considerations, 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 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.
4. That the City Council hereby finds that the EIR reflects the Council's independent judgment and analysis.
5. That the City Council 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 when the Project is approved.
6. That the City Council 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.
7. That, in order to comply with Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program as set forth in the attached Exhibit "MMRP". The Program 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.

8. That the City Council finds that the EIR set forth project-level 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 and Statement of Overriding Considerations” exhibit attached hereto.

9. Pursuant to 14 Cal. Code of Regs. Section 15091(e), the City Council hereby designates the Director of Planning and Inspection as the Custodian of Records for the Project, and the Planning and Inspection Division at City Hall, 1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based.

10. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, the City Council approves and certifies the EIR, makes findings concerning mitigation measures, adopts a 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, all in accordance with CEQA for the Project.

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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 OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 29th DAY OF JANUARY, 2019, 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. Final Environmental Impact Report
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Development Plans
4. CEQA Findings and Statement of Overriding Considerations

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