

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
CONSIDERING A PROGRAM ENVIRONMENTAL IMPACT
REPORT, ADOPTING CEQA FINDINGS WITH RESPECT
THERE TO, AND ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS AND A MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE ROONEY RANCH WIND
REPOWERING PROJECT**

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

WHEREAS, the generation of renewable electricity on lands owned by the City of Santa Clara (“City”) is a public purpose and a part of the City’s powers; and

WHEREAS, the City retains land use authority for activities related to public purposes on its lands; and

WHEREAS, the City intends to issue a Notice to Proceed (“NTP”) to Rooney Ranch, LLC, a renewable energy provider, authorizing the installation of seven new wind turbines on two City-owned parcels comprising 578 acres, located in Alameda County, commonly known as Rooney Ranch (“Project”); and

WHEREAS, Alameda County prepared, and on November 12, 2014 certified, a program EIR (SCH # 2010082063) (“PEIR”) for the installation of newer, larger wind turbines in the Altamont Pass Wind Resource Area (“APWRA”), of which the repowering of the Rooney Ranch property is a part; and,

WHEREAS, for the purposes of the Project’s CEQA review, the City is a responsible agency under the California Environmental Quality Act (“CEQA”); and

WHEREAS, the City Council of the City has had the opportunity to review and consider the PEIR, and the associated Environmental Analysis and CEQA Checklist prepared for the Project (“CEQA Checklist”); and

WHEREAS, the City’s attached CEQA findings for the Project (“CEQA Findings”), statement of overriding considerations (“Statement of Overriding Considerations”), and CEQA Checklist show the Project is within the scope of the PEIR and would not result in new or more intense

significant impacts beyond those analyzed in the PEIR; and

WHEREAS, as explained in the CEQA Findings, the PEIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the Project as proposed; and

WHEREAS, the PEIR outlined various mitigation measures that would substantially lessen or avoid the Project's significant effects on the environment, as well as alternatives that would provide some environmental advantages; and identified certain effects that would remain significant and unavoidable after application of all feasible mitigation measures; and

WHEREAS, CEQA requires the City to adopt all feasible mitigation measures and alternatives that can substantially lessen or avoid any significant environmental effects of the Project. For a responsible agency such as the City, this obligation applies to the aspects of the project that the City will be called on to carry out or approve; and

WHEREAS, Public Resources Code § 21081 requires an agency to adopt findings before approving a project for which an EIR has been prepared and certified; and

WHEREAS, the CEQA Findings and Statement of Overriding Considerations were prepared to satisfy the requirements of Public Resources Code § 21081; and

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 the mitigation measures of the PEIR, as stated in the CEQA Checklist and CEQA Findings; and

WHEREAS, the City Council intends to adopt all mitigation measures of the PEIR applicable to the Project; and

WHEREAS, the significant effects of the Project that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable, as stated in the CEQA Checklist and CEQA Findings; and

WHEREAS, as detailed in the Statement of Overriding Considerations, the City Council has determined that, despite the occurrence of certain significant unavoidable environmental effects

associated with the Project, there exist overriding economic, social and other considerations for approving the Project which justify the occurrence of those impacts and render them acceptable; and

WHEREAS, the City has determined, as detailed in the CEQA Findings, that certain alternatives identified in the PEIR are infeasible due to specified economic, legal, social, technological, or other considerations; and

WHEREAS, in accordance with the requirements of CEQA, the City Council reviewed the PEIR and the attached Mitigation Monitoring and Reporting Program ("MMRP"), as well as the CEQA Findings, the Statement of Overriding Considerations, and the CEQA Checklist, along with the City Staff report pertaining to the Project, and all evidence received at a duly noticed public hearing on June 25, 2019. 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 the above Recitals true and correct and by this reference makes them a part hereof.
2. That the City Council has reviewed and considered the information and analysis contained in the PEIR and in the CEQA Checklist.
3. That, pursuant to Public Resources Code Section 21081 and California Code of Regulations, Title 14, Section 15091, the City Council hereby adopts the attached CEQA Findings.
4. That the City Council hereby finds that, as explained in the CEQA Checklist and Statement of Overriding Considerations, the PEIR sets forth environmental impacts of the Project that are significant and unavoidable that cannot be mitigated or avoided through the adoption of feasible mitigation measures. As to these impacts, the City Council finds there exist certain overriding economic, social and other considerations for approving the Project that justify

the occurrence of those impacts, as detailed in the attached Statement of Overriding Considerations, which the City hereby adopts.

5. That, pursuant to Public Resources Code Section 21081.6, the City Council adopts the attached MMRP and makes compliance with the mitigation measures listed in the MMRP an enforceable condition of approval of the NTP authorizing the Project. The MMRP is designed to ensure that, during project implementation, the City, Rooney Ranch Wind, LLC, their assigns and successors in interest, and any other responsible parties comply with the mitigation measures listed in the MMRP. The MMRP identifies, for each mitigation measure, the action to be taken and the party responsible for implementation.

6. That based on the findings set forth in this Resolution, the evidence in the City Staff Report, the CEQA Checklist, the CEQA Findings, and the Statement of Overriding Considerations, the City Council affirms that it has reviewed and considered the PEIR, makes findings concerning significant effects, makes findings that there exist certain overriding economic, social and other considerations for issuing the NTP that justify the occurrence of the significant and unavoidable impacts associated with the Project, adopts the CEQA Findings and Statement of Overriding Considerations, and adopts the MMRP, all in compliance with CEQA as applied to the Project.

7. That pursuant to CEQA Guidelines Section 15091(e), the City Council hereby designates the Director of Community Development as the Custodian of Records for the Project, and the Community Development Department 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.

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8. 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 TWENTY-FIFTH DAY OF JUNE, 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. Rooney Ranch Wind Repowering Environmental Analysis and CEQA Checklist
 2. Rooney Ranch Findings of Significant Effects
 3. Rooney Ranch Statement of Overriding Considerations
 4. Rooney Ranch Mitigation Monitoring and Reporting Program
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