

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA ADOPTING A FIRST ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE RELATED SANTA CLARA PROJECT IN CONNECTION WITH THE APPROVAL OF A DEVELOPMENT AREA PLAN FOR PHASE ONE OF THE PROJECT SITUATED ON APPROXIMATELY 14.3 ACRES OF LAND LOCATED AT 5155 STARS AND STRIPES DRIVE (APNs 104-03-036 (portion), 104-03-037 (portion), 104- 03-038 AND 104-03-039)

SCH#2014072078
CEQ2014-11180 (EIR)

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

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code § 21000 et seq.) (“CEQA”) together with the State CEQA Guidelines (14 CCR § 15000 et seq.) (“CEQA Guidelines”), the City of Santa Clara prepared a Final Environmental Impact Report (“Final EIR”) for the proposed construction by Related Santa Clara, LLC (the “Applicant”) of a new multi-phased, mixed-use development known as the Related Santa Clara Project (the “Project”);

WHEREAS, on June 28, 2016, the City Council adopted Resolution No. 16-8337, certifying the Final EIR and adopting CEQA findings and a Mitigation Monitoring and Reporting Program (“MMRP”) in accordance with CEQA and the CEQA Guidelines;

WHEREAS, on June 28, 2016, the Santa Clara City Council approved a number of Project entitlements, including Resolution No. 16-8339, which rezoned the Project site to the PD-MC (Planned Development-Master Community) zoning district;

WHEREAS, pursuant to Resolution No. 16-8339, buildout of the Project is governed by a Master Community Plan (the “MCP”) dated April 5, 2017, which anticipates up to eight potential phases of development, each of which would be governed by a “Development Area Plan,” or “DAP”;

WHEREAS, the Project analyzed in the Final EIR and approved via the MCP consists of up to 9.16 million gross square feet of office buildings, retail and entertainment facilities, residential units, hotel rooms, surface and structured parking facilities, new open space and roads, landscaping and tree replacement, and new/upgraded/expanded infrastructure and utilities;

WHEREAS, after certification of the Final EIR, on November 4, 2019, in conformance with the Development Area Plans and Architectural Review Submittal and Approval Procedures (the “DAP Procedures”) attached as Appendix C to the MCP, the Applicant filed an application for City Council approval of a Development Area Plan for Phase One of the Project (“DAP 1 Application”);

WHEREAS, the DAP 1 Application proposes certain modifications to the Project analyzed in the Final EIR and approved via the MCP, consisting of minor changes to the boundaries of Phase One of the Project, a minor increase in the maximum square footage permitted within Phase One of the Project, and a small change to the use mix permitted within Phase One of the Project;

WHEREAS, in order to ensure that all potential environmental impacts of the Project (as modified by the DAP 1 Application) were thoroughly analyzed, the City caused an addendum to the Final EIR (the “Addendum”) to be prepared pursuant to CEQA Guidelines 15164, which Addendum is attached hereto as Attachment 1 and incorporated herein by this reference;

WHEREAS, the Addendum provides analysis and cites substantial evidence that supports the conclusion that no subsequent environmental review is required because the criteria of CEQA Section 21166 and CEQA Guidelines Section 15162 requiring additional environmental review under CEQA have not been met;

WHEREAS, Section 2.7.2.4 of the DAP Procedures provides for the review and recommendation of the City’s Planning Commission of each DAP application before action is taken by the City Council; and

WHEREAS, on February 20, 2020, the Planning Commission held a duly noticed public hearing to consider the Addendum and the DAP 1 Application, at which time interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed DAP 1; and

WHEREAS, following the close of the public hearing and deliberations among the Planning Commissioners, on February 20, 2020 the Planning Commission adopted Resolution No. 20-001 making findings that the criteria of CEQA Section 21166 and CEQA Guidelines Section 15162 that would have required additional environmental review under CEQA have not been met and recommending that the City Council adopt the Addendum prior to acting on the DAP 1 Application; and

WHEREAS, on March 17, 2020, the City Council held a duly noticed public hearing to consider DAP 1, at which time interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed DAP 1.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. Recitals. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. Findings. That the City Council has exercised its independent judgement and reviewed and considered the Final EIR, together with the Addendum thereto, and has determined that the criteria of CEQA Section 21166 and CEQA Guidelines Section 15162 that would have required additional environmental review under CEQA have not been met. Specifically, and without limitation, substantial evidence exists to support the conclusion that no supplemental or subsequent environmental review is required in connection with the City's consideration of the DAP 1 Application because (1) the Project (as modified by the DAP 1 Application) would not result in any new or more severe significant impacts than those studied in the EIR, (2) there exists no new information of substantial importance that would result in any new or more severe

significant impacts as compared to those studied in the EIR; (3) there are no substantial changes in circumstances that would result in any new or more severe significant impacts than those identified in the EIR; and (4) there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed that has not been adopted.

3. Approval. That the City Council hereby adopts the Addendum.

4. 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 17TH DAY OF MARCH, 2020, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachment Incorporated by Reference:

1. CEQA Addendum