

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING A DEVELOPMENT AREA PLAN FOR PHASE ONE OF THE RELATED SANTA CLARA 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)
PLN2019-14186 (Development Area Plan)

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

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

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

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, 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 (“DAP 1 Application”) for Phase One of the Project;

WHEREAS, the Development Area Plan for Phase One of the Project (“DAP 1”) consists of components from the DAP 1 Application which incorporate City comments on the DAP 1 Application and that is dated November 1, 2019;

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;

WHEREAS, prior to taking action on this Resolution, the City Council has exercised its independent judgement and reviewed and considered the final EIR, together with the Addendum thereto, and determined that no further environmental review is required for the modifications to the Project contemplated by the DAP 1 Application;

WHEREAS; the City Council separately has adopted the Addendum in connection with its consideration of DAP 1;

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 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; 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. 20-002 making findings pursuant to Section 2.7.2.6 of the DAP Procedures and recommending that the City Council approve DAP 1 as conditioned in Attachment 1 to Resolution No. 20-002; and

WHEREAS, Section 2.7.2.5 of the DAP Procedures provides that the City Council shall consider the DAP application at a public meeting after receiving the Planning Commission's recommendation; and

WHEREAS, Section 2.7.2.6 of the DAP Procedures provides that the City Council may approve or conditionally approve a DAP application upon making specified findings; 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. Pursuant to Section 2.7.2.6 of the DAP Procedures, the City Council makes the following findings:

(a) DAP 1 conforms to and is consistent with the applicable Development Requirements and the MCP.

As defined in the MCP, the Development Requirements mean the project approvals taken following certification of the Final EIR, the various project transaction documents, and the documents approved under the DAP Procedures. Except as specifically modified by the DAP 1 conditions of approval, all of the conditions of approval adopted in connection with the earlier project approvals continue to apply to development within the DAP 1 area. In addition, the Addendum identifies which mitigation measures adopted in connection with the Final EIR are applicable to the DAP 1 development. The Staff Reports prepared for the February 20, 2020 Planning Commission meeting and the March 17, 2020 City Council meeting include narrative descriptions and tabular analysis that demonstrate how DAP 1 conforms with the applicable MCP requirements, which analysis is incorporated by reference as though set forth herein. In summary, DAP 1 includes a mixed-use development program featuring approximately 1,047,000 square feet of office, retail, residential, and hotel uses that is within the development program contemplated by the MCP to establish a gateway into the City Center Mixed Use Zone primarily on Parcel 5. As required by the MCP, DAP 1 parking is provided in subterranean parking structures and is arranged to maximize shared parking opportunities to reduce the overall demand for parking within the DAP 1 area. The DAP 1 development is further consistent with other MCP standards regarding phasing, lot coverage, massing, floor area ratios, and similar design criteria. The DAP 1 conditions of approval will require all construction documents and building permits to meet applicable City standards. Accordingly, as proposed and conditioned, DAP 1 conforms with all applicable City standards.

(b) The Infrastructure that the Applicant proposes to construct in connection with Phase One is sufficient to serve the DAP 1 proposed development on the subject property.

As defined in the MCP, Infrastructure means those items identified in the Infrastructure Master Plan, which include open space improvements, streets and transportation improvements, sewer

and storm drainage systems, water systems, traffic signal systems, dry utilities, and other necessary improvements. Consistent with Section 4.3.5 of the Development Agreement, all shared outdoor space improvements required for DAP 1 are permitted to be provided in connection with Phase Two of the project and will serve the DAP 1 development accordingly. DAP 1 includes conceptual plans for a new network of streets to serve the development, which will also be served by transit facilities adjacent to Phase One development. Finally, DAP 1 includes conceptual information about how the project will accommodate all of the necessary dry utilities and other necessary improvements. The DAP 1 conditions of approval will require all construction documents and building permits to meet applicable City standards. Accordingly, as proposed and conditioned, DAP 1 will include Infrastructure that is sufficient to serve the proposed development.

(c) The proposed shared outdoor space provided for Phase One in accordance with the MCP is reasonable and appropriate to the proposed level of development under DAP 1.

Consistent with Section 4.3.5 of the Development Agreement, all public park improvements are permitted to be provided in connection with Phase Two of the project and will serve the DAP 1 development accordingly. When it approved the Development Agreement, the City determined that it was reasonable to meet the shared outdoor space needs of the DAP 1 development in connection with development of Phase Two under DAP 2, and DAP 2 is anticipated to provide 1.21 acres of shared outdoor space to serve the residents in Phase One. DAP 1 will, however, provide approximately 2.22 acres of private open space.

3. Approval. That the City Council hereby approves DAP 1, as conditioned in Attachment 1, which is attached hereto and incorporated by this reference.
4. Effective date. This resolution shall become effective immediately.
5. Notice of Determination. The Development Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies in accordance with CEQA.

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. Conditions of Approval