

**RESOLUTION NO. 20-8825**

**A RESOLUTION 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  
CEQ2014-01180 (EIR)  
PLN2019-14186 (Development Area Plan)

**BE IT RESOLVED BY 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";

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**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;

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**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;

**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;

**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;

**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;

**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 24, 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 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:

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*(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 24, 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. 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.

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5. 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 SPECIAL MEETING THEREOF HELD ON THE 24<sup>TH</sup> DAY OF MARCH, 2020, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Davis, Hardy, O'Neill, and Watanabe,  
and Mayor Gillmor

NOES: COUNCILORS: Chahal

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachment Incorporated by Reference:  
1. Conditions of Approval

## CONDITIONS OF APPROVAL

The DAP Phase 1 project shall continue to comply with all Conditions of Planned Development – Master Community (PD-MC) Zoning Approval (City Council Resolution 16-8339) and all adopted mitigation measures under the approved MMRP, unless specifically superseded by any of these conditions.

The DAP Phase 1 project will comply with all applicable codes, regulations, standards, ordinances, and resolutions in effect at the time of each DAP 1 plan submission, to the extent applicable under the MCP, DA, DDA and other Project approvals. The following conditions of approval are recommended:

### GENERAL

- G1. Prior to issuance of a building permit for each building, Developer will submit plan(s) for review and approval by the Community Development Director detailing the following:
- minimum building setbacks and lot coverage for each building;
  - detailed streetscape and landscape plans, including elements of landscape zones described in the MCP;
  - shared outdoor space elements, if any, to the extent known;
  - public art installation locations, if any, to the extent known;
  - onsite loading/unloading zones for all anticipated uses, including but not limited to delivery vehicles, trash pick-up, ride-share services, bicycle parking facilities, commuter buses, and/or private shuttles;
  - access and circulation plans for all entrances and exits to parking garages; and
  - bicycle facilities and amenities.

### COMMUNITY DEVELOPMENT

- C1. The Residential Serviced Apartments on Block 5C, as residential dwelling units to be constructed under Land Use Scheme A of the Master Community Plan (the land use scheme selected by the Master Developer), are required to be used for more than 30 days under a written contract such that they shall not meet the City's definition of Transient Occupancy in SCCC 3.25.020(g).
- C2. Prior to commencement of grading activities, a review meeting conducted by the City and attended by all on-site field superintendent(s) will be held.
- C3. **This Condition of Approval shall replace Condition of Approval P15 from the Master Community (PD-MC) Zoning Approval (included by reference herein under City Council Resolution 16-8339).** The Comprehensive Sign Program required by the MCP for Parcels 4 and 5 shall be considered concurrently with and approved or conditionally approved as a part of the DAP for Phase 2 by the City Council. The Comprehensive Sign Program required by the MCP for Parcels 1 and 2 shall be submitted with the initial DAP submission for Parcel 1 or 2, whichever is submitted first, and shall be considered concurrently with and approved or conditionally approved as a part of the applicable DAP by the City Council.

### ENGINEERING

- E1. Replace existing curb ramps at the northeast and northwest corners of the intersection of Tasman Drive/Centennial Boulevard with two ADA compliant curb ramps at each corner.
- E2. Sidewalks along Tasman Drive between the Avenue A and Avenue C shall be a minimum of 12 feet wide with an additional 5-foot landscape strip with street trees and irrigation.

- E3. Storm drain mains and laterals, and sanitary sewer mains and laterals, shall be outside the drip line of mature trees or 10 feet clear of the tree trunk, whichever is greater. Provide root barriers when the future drip line of the project installed trees will cover the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E4. In conjunction with installation of off-site improvements, the applicant shall perform pavement reconstruction for the entire north side of Tasman Drive along the Project frontage.
- E5. Relocate existing Valley Transportation Authority (VTA) bus stops that are affected by the proposed site access during construction and/or in final condition, as necessary based upon consultation between Developer, City, and VTA.
- E6. The detailed design and construction of streets and sidewalks (including landscape strips) of DAP 1 shall be in substantial conformance with the MCP, to the satisfaction of the Director of Public Works, recognizing the changes in street configuration and site design that have been made between conceptual MCP and the DAP.
- E7. The detailed design and construction of **Station Road** at the intersection of Station Road and Avenue C (including length of the left turn pocket) shall be approved by the Director of Public Works.
- E8. Detailed traffic signal and intersection design at the intersections of Stars and Stripes Drive/Centennial Boulevard and Avenue C/Station Road shall be approved by the Traffic Division of the Department of Public Works.
- E9. Developer and City shall cooperate to establish time limits for parking along the public roadways with parking including Avenue A, Avenue C and Stars and Stripes Drive.
- E10. **This Condition of Approval shall replace Condition of Approval E2 from the Master Community (PD-MC) Zoning Approval (included by reference herein under City Council Resolution 16-8339).** Following approval of Tentative Maps and/or Vesting Tentative Maps by Council, the Developer shall file Final Maps for approval and recordation to the satisfaction of the Director of Public Works prior to the issuance of building permits for the DAP. However, for DAP 1, a Tentative Map or Vesting Tentative Map shall be approved by Council prior to the issuance of building permits for buildings located on property covered by DAP 1, and a Final Map approved to the satisfaction of the Director of Public Works shall have been filed for recordation covering property on which the building is located prior to the issuance of any certificate of occupancy for any building within DAP 1.

#### **WATER**

- W.1 If, during the design process, deficiencies are identified in the existing water and/or sanitary sewer system resulting specifically from the projected additional demands or loads from the DAP 1 development, prior to issuance of the first building permit for a building within DAP 1, the developer shall submit design documents which correct the identified deficiencies in a manner consistent with City and/or other applicable regulatory standards. Any and all water and recycled water distribution systems in the proposed DAP 1 area, including areas within the 100-foot zone area of the landfill area, shall be subject to State Department of Drinking Water requirements and approval to the extent specifically required by State law.



## **FIRE**

- F1. The maximum fire flow reduction for the development for installation of fire sprinklers will be limited to 50-percent. The number of fire hydrants will be based on the based fire-flow without fire sprinkler reduction.
- F2. The streets that travel over the below-grade Tasman Garage (such as Centennial and Avenue C between Stars and Stripes and Tasman) shall be capable of supporting multiple 100k lb. fire trucks on any area of such streets.
- F3. The Fire Department connections shall be on the street front for which the building street name is assigned. The final location will be determined by the Fire Department.

## **STREETS**

- ST1. **This Condition of Approval shall replace Condition of Approval P11 from the Master Community (PD-MC) Zoning Approval (included by reference herein under City Council Resolution 16-8339):** Prior to the issuance of a grading or building permit, the Developer shall provide the Streets Division of Public Works third-party certification that the stormwater control plan meets applicable C.3 requirements, along with an Operations and Maintenance Agreement approved by the City for post-construction maintenance of C.3 devices/measures. Each DAP phase shall meet its C.3 requirements on its own merit. If a banking system is to be created to achieve a compliance for the entire project's full implementation, the applicant shall first create area treatment surplus (credit) during the earlier DAP phase(s) to be used by subsequent project phase(s).
- ST2. Prior to issuance of the first building permit, a Stormwater Management Plan shall be completed for the DAP 1 area. Developer at its cost shall relocate the existing bioretention swale along the east side of the City garage structure to a location mutually acceptable to City and Developer.