

RESOLUTION NO. 21-8990

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ADOPTING FINDINGS FOR PURPOSES OF AND PURSUANT TO
THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT IN CONNECTION WITH THE APPROVAL OF
DISCRETIONARY ACTIONS BY THE CITY NECESSARY FOR
THE CONSTRUCTION OF THE VALLEY TRANSPORTATION
AUTHORITY'S BAY AREA RAPID TRANSIT SILICON VALLEY
PHASE II EXTENSION PROJECT**

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

WHEREAS, the Santa Clara Valley Transportation Authority (the "Authority") has approved the Authority's Bay Area Rapid Transit ("BART") Silicon Valley Phase II Extension Project (the "Project");

WHEREAS, the City of Santa Clara ("City") desires to support the Authority with the design and construction of the Project;

WHEREAS, it is reasonably foreseeable that the City will be considering proposed discretionary actions necessary to support the implementation of the Project within its jurisdiction, including but not limited to the approval of cooperative agreements and the issuance of encroachment permits, for work inconnection with the Project affecting City-owned infrastructure;

WHEREAS, the Authority, as a lead agency under the California Environmental Quality Act of 1970, together with implementing guidelines promulgated thereunder, all as amended to date (collectively, "CEQA"), prepared an supplemental environmental impact report (the "Final EIR"), under CEQA for the Project, which documents describe the Project including all components that pertain to City-owned infrastructure;

WHEREAS, the Authority conducted coordination meetings with the City and community from 2015 to 2017. These meetings are documented in Chapter 10 Agency and Community Participation of the FEIR and included meetings with City staff, the Santa Clara Community Working Group, the Santa Clara City Council, and Santa Clara University;

WHEREAS, on March 6, 2017, the City transmitted a comment letter for the Draft Supplemental Environmental Impact Statements/Environmental Impact Report for the VTA's Bart Silicon Valley Phase II Extension Project. As part of the VTA's Final EIR process, the VTA provided Responses to Comments which are included within Volume II Chapter 2 Responses to Comments – Local Agencies of the Final EIR which are satisfactory to the City;

WHEREAS, on April 5, 2018, the Board of the Authority certified the Final EIR and adopted findings as required by CEQA, each together with a mitigation monitoring and reporting program and a statement of overriding considerations (collectively, the "CEQA Findings"), and also approved the implementation of the Project; and,

WHEREAS, prior to approving discretionary actions necessary to support the implementation of the Project within its jurisdiction, the City Council, as a responsible agency under CEQA, desires to make certain findings pursuant to 14 California Code of Regulations, Sections 15091 and 15096, promulgated under CEQA in connection with the reasonably foreseeable discretionary actions to be considered and taken by the City in connection with the implementation of the Project in City's jurisdiction.

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

1. That the City has reviewed the information contained in the FEIR that is relevant to its approval of discretionary actions within City's jurisdiction necessary for City support of the design and construction of the Project as described in the FEIR.
2. That the City has reviewed the CEQA Findings, and the City Council hereby determines and concludes all of the following:
 - A. The Authority has already identified, disclosed, and adopted the mitigation measures recommended in the FEIR.

B. The Authority has authority to implement those mitigation measures or to seek any required approvals for those mitigation measures identified in the CEQA Findings, and City has no direct authority to implement the mitigation measures identified in the FEIR and related CEQA Findings.

C. The City Council has reviewed and considered the FEIR together with the related CEQA Findings and determines that the information and analyses contained in the FEIR, together with the related CEQA Findings, are adequate for its use as a decision-making body for a responsible agency and for its consideration of discretionary actions necessary to implement the Project within its jurisdiction.

D. Approvals of the discretionary actions within the City are within the scope of the activities described and evaluated in the FEIR.

E. Since the FEIR were finalized, there have been no substantial changes to the Project and no substantial changes in Project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR.

F. The City has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment.

3. That therefore, based upon all of the foregoing, City as a responsible agency under CEQA hereby adopts the Authority's CEQA findings for the Project as its own findings under CEQA to the fullest possible extent that said CEQA findings are relevant to City's decision to approve discretionary actions necessary to implement the Project within its jurisdiction.

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4. That the City, as a responsible agency, also adopts the Valley Transportation Authority's Statement of Overriding Considerations, and reiterates the benefits of the project, including improving public transit options, enhancing regional connectivity, reducing congestion on highways and supporting road networks, and improving regional air quality. Additionally, the Project will support goals included within the City's General Plan relating to the Santa Clara Station Focus Area generally bounded by De La Cruz Boulevard, Reed Street, and Martin Avenue to the northeast, and Franklin Street and El Camino Real to the southwest. As stated in the City's General Plan, the vision for the Santa Clara Station Focus Area offers an opportunity to establish a new gateway into the City, as well as to expand the City's economic base with new office, hotel and retail uses and add high-density residential development in order to maximize the use of existing and planned transit. Completion of the Project will support this vision for the Santa Clara Station Focus Area as it would connect the BART regional transportation system to Santa Clara to the existing Santa Clara Transit Station, which is served by Caltrain, Altamont Commuter Express, and Valley Transportation Authority (VTA) bus service.

5. That the Director of Public Works or his designee is directed to file a Notice of Determination for the Project as required by Section 15096 of the CEQA Guidelines.

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6. 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 13TH DAY OF JULY, 2021, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Becker, Chahal, Jain, Park, and Watanabe,
and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Hardy

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None