



## Agenda Report

22-686

Agenda Date: 10/26/2022

### REPORT TO PLANNING COMMISSION

#### SUBJECT

Action on a Development Area Plan (DAP) 1 Vesting Tentative Subdivision Map for the Related Santa Clara Project at 5155 Stars and Stripes Drive

#### BACKGROUND

The Applicant, Related Companies, has filed an application requesting approval of the Development Area Plan (DAP) 1 Vesting Tentative Subdivision Map (File No. PLN21-15283) to modify the parcels within the boundary of DAP 1 in order to subdivide the area and the general surroundings, to be in alignment with the planned development of the Related Santa Clara project (previously known as "City Place"). DAP 1 of the MCP is composed of three parcels (APN's: 104-03-037, 038 and 039), portions of two other parcels (APN's: 104-03-036 and 040), the east-west segment of Stars and Stripes Drive, and the segment of Centennial Boulevard right-of-way north of Tasman Drive. The project would divide DAP 1 into seven parcels, including three parcels for office, hotel, and serviced apartments as well as a vertical subdivision for the underground garage spanning the majority of the DAP 1 build out. The proposed Vesting Tentative Map would create separate parcels for Centennial and Avenue C that are above the underground garage and would carve a parcel out of the City's Tasman Garage parcel for Avenue A, also to be built as part of the project.

The overall Related Santa Clara project includes the proposed development 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. The City previously (on June 28, 2016) certified an Environmental Impact Report (EIR) for the Project and approved a Planned Development - Master Community (PD-MC) Zoning. Each phase of the project is implemented through a Development Area Plan (DAP), which provides a more detailed land use entitlement than the Zoning. Two DAPs (DAP 1 and DAP 2) have been approved by the City Council, following recommendations of approval from the Planning Commission.

On March 24, 2020, the City Council approved the DAP 1 proposal (File Nos. PLN2019-14186, PLN2014-10554 and CEQ2014-01180). The staff report from the March 24, 2020 City Council meeting is provided as Attachment # 3 with this report. DAP 1 was analyzed and found to be consistent with the MCP and other applicable City standards. The Council also adopted an EIR Addendum for DAP 1, after finding that implementation of DAP 1 would not result in substantial changes or introduce new information not already analyzed in the previously-certified Project EIR, and would not cause new significant environmental impacts or a substantial increase in the severity of previously identified significant unavoidable impacts.

DAP 1 allows the development of three blocks within the area identified in the approved MCP as Block 5A, Block 5B and Block 5C. The proposed Block 5A would allow for construction of 440,000

square feet in area of new office, and 35,200 square feet of new retail food and beverage floor area. Block 5B would allow for the construction of 381,000 square feet of new hotel space for 480 rooms and 15,800 square feet of retail food and beverage service space. Block 5C would allow for the construction of 175,000 square feet of new residential floor area for 200 residential serviced apartments. The Vesting Tentative Map also includes a vertical subdivision to provide an underground garage spanning the majority of the Phase 1 build out area.

The subject Vesting Tentative Map application is within DAP 1 identified in the MCP. DAP 1 is the first phase of the project and an approximately 14.3-acre area located along the north side of Tasman Drive, opposite Levi's Stadium and the City's Youth Soccer Park. It would allow for the combined development of up to 1,047,000 square feet of gross building floor area consisting of new office, retail, hotel and residential serviced apartments built over a two-level underground parking garage, as identified in the MCP.

Planning Commission review, and a recommendation to the City Council, is required under Santa Clara City Code (SCCC) section 17.05.300(g) for Subdivision Map applications.

## **DISCUSSION**

Vesting Tentative Subdivision Map applications are reviewed for General Plan and Zoning Code consistency and conformance with the Subdivision Map Act and the City's subdivision ordinance. The proposed Vesting Tentative Subdivision Map was reviewed by the City's Subdivision Clearance Committee and determined to be complete and to comply with the City's subdivision ordinance on October 4, 2022. Staff has also confirmed that the proposed subdivision will not result in any inconsistencies with the approved MCP for the property.

Pursuant to Section 17.05.300(g), the Planning Commission reviews the complete application and provides a recommendation to the City Council on whether a proposed subdivision complies with all of the requirements of the subdivision ordinance. The proposed subdivision conforms to and is consistent with the regulations set forth in Section 17.05.300 in that it is consistent with the policies and programs of the General Plan and the land use designation for the site, facilitating the General Plan's objective of transforming an underutilized site into a mix of retail, residential and hotel uses. The site is also physically suitable for the type and density of development given its location in an urbanized area, the presence of existing infrastructure, and the proposed construction of additional infrastructure pursuant to the Infrastructure Master Plan (which was completed with the MCP). In addition, the environmental impacts of the project have been analyzed in the 2016 EIR and 2020 Addendum and mitigated to the maximum extent feasible. Consequently, the proposed subdivision complies with all applicable provisions of the City's subdivision ordinance.

Conditions of Approval have been prepared and are provided as Attachment # 2. The conditions include a requirement for recordation of Covenants, Conditions and Restrictions (CC&R's) governing the shared use and maintenance of building structures and private on-site improvements (e.g. private street, surface parking, utilities, landscaping, fencing), as well public right-of-way improvements (complete street landscaping).

## **ENVIRONMENTAL REVIEW**

On June 28, 2016, the City Council certified the Environmental Impact Report (EIR), adopted a Statement of Overriding Considerations (SOC) and adopted a Mitigation Monitoring or Reporting Program (MMRP) for the project. Although the EIR and MMRP identified mitigation measures to

reduce most project impacts to less-than-significant levels, the SOC was required given the EIR's conclusion that the proposed project would have significant unavoidable impacts in the areas of land use, transportation, air quality, greenhouse gas emissions, noise, and biology; and cumulative significant unavoidable utilities impacts.

The proposed subdivision was contemplated by and analyzed in the 2016 EIR and the 2020 Addendum to the EIR. The 2020 Addendum was prepared by consultant Environmental Science Associates to document analysis specific to DAP 1. The Addendum found that implementation of DAP 1 would not result in substantial changes or introduce new information not already analyzed in the Related Santa Clara EIR, primarily because the level of development now proposed for the site is within the broader development assumptions analyzed in the EIR, and would not cause new significant environmental impacts not previously identified in the EIR, or result in a substantial increase in the severity of previously identified significant unavoidable impacts. The Addendum concludes that the potential environmental impacts associated with DAP 1 have already been adequately analyzed in the Project EIR that was previously certified by the City on June 28, 2016, and no further review or analysis under CEQA is required.

### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time to review and process the proposed Vesting Tentative Map. These expenses are paid for by the applicant through the tentative map application fee.

As was previously considered by the City Council in the decisions to offer development of the project site and subsequent approval of the initial land use entitlements, it was noted there will be social and economic benefits that will accrue to the City and region in terms of new retail and entertainment opportunities not readily found in the South Bay area, as well as creation of jobs, property tax and sales tax revenues, and land lease revenues. Development of the Project will provide substantial land lease revenues to the City. Development fees and other exactions paid for and provided by the Project (including up to \$17.4 million for implementation of a multimodal improvement plan and a voluntary contribution to VTA of approximately \$16 million) will also benefit the City.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

The notice of public hearing for this item was posted in three locations within the City, including at least one posting within 1,000 feet of the project site, and was mailed to property owners within 1,000 feet of the project site, on October 13, 2022. In addition, a Notice of Hearing for this Application was published in the Weekly newspaper on October 12, 2022.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Adopt a resolution recommending the City Council to approve the DAP I Vesting Tentative Subdivision Map Phase 1 for the Related development for the property located at 5155 Stars and Stripes Drive.

Prepared by: Nimisha Agrawal, Associate Planner  
Reviewed by: Alexander Abbe, Assistant City Attorney  
Approved by: Lesley Xavier, Planning Manager

**ATTACHMENTS**

1. Resolution Recommending Council Approval of the Vesting Tentative Subdivision Map
2. Conditions of Vesting Tentative Subdivision Map Approval
3. Web link slip sheet- City Council Staff Report, March 24, 2020
4. Vesting Tentative Subdivision Map