

Attachment 8

Resolution Approving the Rezoning to PD-MC

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A REZONING FROM PUBLIC, QUASI-PUBLIC, PUBLIC PARK OR RECREATION (B) AND COMMERCIAL PARK (CP) TO PLANNED DEVELOPMENT – MASTER COMMUNITY (PD-MC) OF APPROXIMATELY 240 ACRES OF LAND (APNs 104-03-036, 104-03-037, 104-01-102, 097-01-039, 097-01-073, 104-03-038, AND 104-03-039), COMMONLY KNOWN AS THE “CITYPLACE” PROJECT SITE

SCH#2014072078

CEQ2014-01180 (EIR)

PLN2014-10554 (General Plan Amendment, Rezoning and Development Agreement)

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

WHEREAS, on May 23, 2014, Santa Clara Centennial Gateway, LLC (predecessor in interest to Montana Property Group), filed a preliminary application for the development of a mixed-use project on approximately 9.48 acres of real property (together, the “Tasman Parcels”) located at 5120 Stars and Stripes Drive (APNs 104-03-038 and -039);

WHEREAS, on June 9, 2014, Related Santa Clara LLC (the “Applicant”) filed a preliminary application for the development of a mixed-use project on approximately 230 acres of real property (together, the “City Landfill Parcels”) located at 5155 Stars and Stripes Drive (APNs 104-03-036, 104-03-037, 104-01-102, 097-01-039, 097-01-073), generally located to the north and northeast of the Tasman Parcels;

WHEREAS, the Tasman Parcels and the City Landfill Parcels (together, the “Project Site”) encompass approximately two hundred forty (240) acres of land generally located north of Tasman Drive, east of Great America Parkway and San Tomas Aquino Creek, west of the Guadalupe River, and south of Great America Way and State Route (SR) 237, most of which was formerly occupied by a landfill and is currently occupied by the Santa Clara Golf & Tennis

Club, a restaurant and banquet facility, a maintenance building, Fire Station 10, a Bicycle-Motocross (BMX) track, the Ameresco Methane Plant, the Eastside Retention Basin, a City vehicle washing station, and vacant lots used for parking;

WHEREAS, on August 5, 2014, an application was filed by Related Santa Clara, LLC (the “Applicant”), to combine the two development proposals into a single project (the “Original Project”) that would encompass up to 9.16 million gross square feet (gsf) of office buildings, retail and entertainment facilities, residential units, and hotel rooms, consistent with the elements of the “CityPlace Project” discussed in the Master Community Plan attached hereto and incorporated herein by this reference;

WHEREAS, on February 5, 2015, Montana Property Group and the Applicant formed a joint venture to develop the “City Center” portion of the Project Site (as described in the Master Community Plan), with the remainder of the Project Site to be developed by the Applicant;

WHEREAS, the Applicant later proposed a modification to the Original Project, referred to as the “Enhanced Open Space Variant” (the “EOS Variant”) to reserve a portion of one of the parcels (APN 104-01-102) (designated as “Parcel 3” in the Master Community Plan) for parks and open space uses, with the office uses and associated parking that would otherwise have been developable on Parcel 3 being reallocated to other parts of the Project Site, all as consistent with the elements of the Supplement to the Master Community Plan attached hereto and incorporated herein by this reference;

WHEREAS, among other entitlements, the Applicant has requested a General Plan Amendment (the “GPA”) to, among other things, change the existing land use designations of the Project Site from Parks/Open Space and Regional Commercial to Urban Center/Entertainment District (a newly-created Mixed Use designation);

WHEREAS, the Project Site is currently zoned as Public, Quasi-Public, Public Park or Recreation (B), and Commercial Park (CP);

WHEREAS, in order to effectuate the Project and its change in use, the entire Project Site must be rezoned to a Planned Development – Master Community (PD-MC) Zone in order to ensure the orderly and comprehensively-regulated development of the Project;

WHEREAS, SCCC Sections 18.56.040(a) and 18.56.060 require that a PD-MC rezoning and Master Community Plan be consistent with the General Plan;

WHEREAS, the City has prepared a set of findings detailing how the project is consistent with the General Plan, attached hereto and incorporated herein by this reference.

WHEREAS, before considering the rezoning of the Project Site, the City Council reviewed and considered the potential environmental impacts of the Project, identified mitigation measures, and adopted and certified the Final Environmental Impact Report for the CityPlace Project (SCH#2014072078) (the “FEIR”), as well as a set of CEQA Findings and a Statement of Overriding Considerations, in accordance with the requirements of CEQA;

WHEREAS, in taking the action to adopt and certify the FEIR, the City Council selected the “Increased Housing Alternative” identified in the EIR, combined with the EOS Variant, as the Project (the “Project”);

WHEREAS, on June 8, 2016, the Planning Commission held a duly noticed public hearing to consider the rezoning 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 rezoning;

WHEREAS, at the conclusion of the public hearing the Planning Commission made a recommendation to the City Council to approve the rezoning application;

WHEREAS, on June 16, 2016, pursuant to section 18.112.060 of the City of Santa Clara Code, a notice of public hearing was posted in at least eight conspicuous places within one thousand (1,000) feet of the affected property, and mailed to property owners within one thousand (1,000) feet of the Project Site; and,

WHEREAS, the City Council conducted a duly noticed public hearing on June 28, 2016 to consider the rezoning application, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed rezoning.

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

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. Pursuant to SCCC Sections 18.56.040(a) and 18.56.060, the City Council hereby finds that the PD-MC zoning designation for the Project Site and the Master Community Plan (MCP) are consistent with the General Plan, for the reasons set forth in the General Plan Consistency Findings, attached hereto and incorporated herein by this reference.
3. That the City Council hereby rezones the Project Site, subject to Project Conditions of Approval as attached hereto and incorporated by this reference, from Public, Quasi-Public, Public Park or Recreation (B) and Commercial Park (CP) to Planned Development – Master Community (PD-MC).
4. That the City Council hereby adopts the Master Community Plan, attached hereto and incorporated by this reference, as modified by the Supplement to the Master Community Plan attached hereto and incorporated by this reference, as part of the zoning map of the City, to allow the construction of the mixed-use CityPlace Project.

5. That the City Council hereby directs the Applicant to prepare and submit an Integrated MCP to the Director of Planning and Inspection for his or her consideration and approval. The Integrated MCP shall revise the text and figures in the MCP as necessary to reflect the EOS Variant and eliminate any inconsistencies with the EOS Variant, as described by the Supplement to the MCP;

7. Pursuant to SCCC Section 18.112.010, the City Council hereby determines that the following findings exist in support of the rezoning:

A. The rezoning will promote the public welfare, in that it will permit development of the CityPlace Project on the Project Site. The Project, which is located in an urbanized area served by existing municipal services, would create a mixed-use development of a scale and character that complements and is supportive of the surrounding uses, and will:

- Further the City's goals for economic and housing development by providing up to a total of approximately 9,164,400 square feet of development, including retail/restaurant/entertainment (up to 2,021,000 square feet) hotel (up to 700 rooms), residential (up to 1,680 units), and office (up to 6,684,400 square feet);
- Provide public benefits to the City such as extensive infrastructure improvements, transportation improvements, increased public access and open space, and recreational and entertainment opportunities, while creating jobs and a vibrant, sustainable community; and
- Produce annual revenues for the City of approximately \$16,119,000 upon completion of Phases 1-3 and \$20,744,000 at Project completion, from property taxes, retail sales taxes, hotel taxes, and ground rent.

B. The proposed rezoning would conserve and enhance property values, protect and improve the existing character and stability of the area in question, and promote the orderly and

beneficial development of such area, in that it will facilitate development of the Project, which will:

- Create a sustainable infill mixed-use project that complements the nearby important local and regional attractions such as the stadium, convention center, and amusement park to create a well-defined center of activity for Santa Clara and the Silicon Valley;

- Establish a new mixed-use urban neighborhood that could extend and diversify the City's housing stock while fostering a sense of community; and

- Promote a flexible accommodation of growth and change over time.

C. The proposed rezoning would allow imaginative planning and design concepts to be utilized, which would otherwise be restricted in other zoning districts, in that the zone change would:

- Feature a mixture of several types of uses, including pedestrian-oriented, commercial retail and services, and urban residential, hotel and employment-generating uses, all within a defined planning area;

- Encourage master planned phases that may entail numerous individual parcels or development areas;

- Permit variation in the intensity of development within individual parcels or sub-areas, thereby allowing a more dense urban form in key locations throughout the Project Site; and

- Support the benefits of green building construction.

D. The existing zoning is inappropriate or inequitable in that the City's Zoning Code currently does not have a zoning district consistent with the proposed Urban Center/Entertainment Mixed Use General Plan designation.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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9. Effective date. This resolution shall become effective at such time as Ordinance No. _____ approving the Development Agreement becomes effective, and if such Ordinance has not become effective by December 31, 2018, this resolution shall be deemed to be void and of no further force or effect.

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 28TH DAY OF JUNE, 2016, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Approval
2. Master Community Plan
3. Supplement to Master Community Plan
4. General Plan Consistency Findings

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