Meeting Date: 3910

AGENDA REPORT

City of Santa Clara, California



Agenda Item #_05-2

Date:

Santa Clara Carrier

March 2, 2010

To:

Executive Director for Redevelopment Agency Action and City Manager for City Council

Action

From:

Director of Planning and Inspection

Subject:

Agency Adopt a Resolution Adopting Findings Concerning Significant Environmental Impacts, Mitigation Measures and Alternatives, a Statement of Overriding Considerations and a Mitigation Monitoring or Reporting Program for the 49ers Santa Clara Stadium Project as a Responsible Agency (CEQ2008-01060); and, Adopt a Resolution Recommending Adoption of Amendment No. 20 to the Bayshore North Redevelopment Plan; and Council Direct City Manager to Prepare an Ordinance to Adopt RDA Plan

Amendment

EXECUTIVE SUMMARY:

RDA #20 would change the text of the Bayshore North Redevelopment Project to allow tourist oriented uses, as well as the parking currently designated there, including facilities such as stadiums and arenas.

On January 12, 2010, the Redevelopment Agency adopted a resolution authorizing submission to the City Council and the Planning Commission of the Proposed Amendment No. 20 to the Redevelopment Plan for the Bayshore North Project and the final City Council Report and the Final Environmental Impact Report for the Proposed Plan Amendment.

The amendment, in summary, would specify stadium and arena facilities as suitable within the category of tourist oriented uses, would allow stadium height as high as 200 feet and would allow flexibility in the boundary between the Recreation and the Tourist Commercial and Parking land use categories identified in the Redevelopment Plan. On February 3, 2010, the Planning Commission made findings that the proposed Redevelopment Plan Amendment is consistent with General Plan Amendment No. 72 that has been considered by the Commission and is before the Council at this same hearing.

Also from January 12, 2010, both the City Council and the Redevelopment Agency adopted resolutions authorizing a Joint Public Hearing of the two bodies on March 9, 2010 to consider the proposed Amendment No. 20 to the Redevelopment Plan for the Bayshore North Project, and the accompanying Final Environmental Impact Report and final report to the City Council.

A Resolution recommending adoption of Redevelopment Plan Amendment No. 20 has been prepared and is attached to this report, and it is anticipated that an Ordinance adopting Redevelopment Plan Amendment No. 20 will be introduced to the City Council at the meeting of March 30, 2010. Please see the DISCUSSION section for additional details.

The EIR analyzes the potential environmental effects of the construction and operation of the stadium, the possible mitigation measures to address these effects and a range of alternatives to the proposal. On

December 8, 2009, the City Council as the lead agency certified the EIR, making findings that the EIR was completed in compliance with CEQA, based upon its independent judgment and analysis. After certification, a responsible agency such as the Redevelopment Agency must adopt CEQA findings, a Mitigation Monitoring or Reporting Program and a Statement of Overriding Considerations for any impacts under its jurisdiction before the Agency can make any binding project approvals. Redevelopment Plan Amendment No. 20 would be the first binding Agency approval for the 49ers Stadium Project, and so the Agency must adopt the CEQA resolution if the Project is to proceed.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Redevelopment Plan Amendment No. 20 presents changes in the Redevelopment Plan land uses that essentially mirror the language in General Plan Amendment #72 to recognize stadiums and arenas and allowed increased height.

ECONOMIC/FISCAL IMPACT:

The cost of the preparation of the EIR has been borne by the 49ers organization as the project proponents. There have been staff costs associated with the administrative review and processing of the EIR, much of which has been covered by Redevelopment Agency (RDA) funding previously budgeted for the stadium proposal.

RECOMMENDATION:

That the Agency Adopt a Resolution Adopting Findings Concerning Significant Environmental Impacts, Mitigation Measures and Alternatives, a Statement of Overriding Considerations and a Mitigation Monitoring or Reporting Program for the 49ers Santa Clara Stadium Project as a Responsible Agency (CEQ2008-01060); and, Adopt a Resolution Recommending Adoption of Amendment No. 20 to the Bayshore North Redevelopment Plan; and,

That the Council Direct the City Manager to Prepare an Ordinance to Adopt the RDA Plan Amendment.

Kevin L. Riley, AICP

Director of Planning and Inspection

APPROVED:

Jennifer Aparacino \

City Manager / Executive Director for

Redevelopment Agency

Documents Related to this Report:

- 1) Agency Resolution to Adopt Findings of Environmental Impacts, a Statement of Overriding Considerations and a Mitigation Monitoring or Reporting Program for the 49ers Santa Clara Stadium Project
 - a) Exhibit A CEQA Findings and Statement of Overriding Considerations
 - b) Exhibit B Mitigation Monitoring or Reporting Program
- 2) Resolution Recommending Adopting Redevelopment Plan Amendment No. 20 To The Redevelopment Plan
- 3) Report on Amendment No. 20 To Redevelopment Plan For The Bayshore North Project
- 4) Amendment No. 20 To Redevelopment Plan For The Bayshore North Project
- 5) Planning Commission materials from Public Hearing of February 3, 2010
 - a) Planning Commission Staff Report for the Meeting of February 3, 2010
 - b) Staff Summary of Planning Commission Meeting Minutes and Comments from February 3, 2010
 - c) Planning Commission Resolution- Bayshore North Redevelopment Plan Amendment
 - d) Correspondence Received Since the City Council meeting of December 8, 2009

DISCUSSION SECTION:

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) was prepared and certified by the City Council for various pending actions related to the proposed 49ers Santa Clara Stadium Project at 4900 Centennial Boulevard (CEQ2008-01060 / SCH#2008082084). The EIR analyzed the amendments to the General Plan and the Redevelopment Plan as a part of the project. The language prepared for the General Plan and the Redevelopment Plan Amendments is consistent with the language presented and evaluated in the certified stadium EIR.

At the time the City Council certified the EIR on December 8, 2009, the Council did not consider or adopt findings, mitigation measures, a mitigation monitoring or reporting program (MMRP) or a statement of overriding considerations since there was no binding project approval before them. The General Plan Amendment and the Redevelopment Plan Amendment are the first binding actions related to the 49ers Stadium Project (although neither action requires that the Agency proceed with the stadium project). Before the Agency can take such binding action, the Agency must consider the adoption of findings, a mitigation monitoring or reporting program and a statement of overriding considerations for impacts to the project that are under the jurisdiction of the Agency. These are included in the CEQA Resolution attached to this report.

The CEQA Findings, Mitigation Monitoring or Reporting Program (MMRP) and Statement of Overriding Considerations that accompany this report comprehensively consider the potential environmental effects of the whole project, as presented in the certified EIR, not just the General Plan and the Redevelopment Area (RDA) Plan amendments before the Agency at this time. All of the mitigation measures that will be applicable to the design, development and use of the Project are included here as they are a part of the certified EIR. Should the Agency Board approve the Findings, the approval would require that the mitigation measures included in the Findings be imposed as conditions of approval at such time as any actual stadium approval items come before the Agency, should the voters support the pending ballot measure, and when zoning and other entitlements come forward following a positive vote.

Therefore, adoption of the CEQA Findings by the Agency Board at this point ensures that all feasible mitigation measures will be required as conditions of approval for the Project, should the Project proceed. These Findings note that there are some effects that cannot be mitigated, that some mitigation measures are not feasible, and that overriding considerations must be made to approve the project, inclusive of the GPA and RDA amendments.

PUBLIC NOTICES AND COMMENTS

In preparation for the public hearing reviews of proposed Redevelopment Plan Amendment No. 20, notice has been provided in accordance with Health and Safety Code Sections 33451, 33452, 33453 and 33454 and including mailing of notice of this hearing to all property owners and occupants in the Project Area and publication of notice of this hearing at least three time in the Santa Clara weekly.

The following additional background materials analytical materials provided by the 49ers are also included under Correspondence:

- WSP-Flack & Kurtz letter, dated January 7, 2010, regarding energy consumption costs for an enclosed stadium option
- CS&L letter/report, dated January 28, 2010, regarding financial analysis of an enclosed stadium option

- AECOM letter/report, dated January 28, 2010, regarding the feasibility of transportation related mitigation measures in the 49ers Santa Clara Stadium EIR
- Portions of the Hunters Point EIR regarding alternatives to the Project

BACKGROUND AND PREVIOUS ACTIONS

On November 18, 2009, the Planning Commission unanimously recommended certification of the EIR to the City Council. On December 8, 2009, the City Council certified the Environmental Impact Report (EIR) prepared for the various pending actions related to the proposed 49ers Santa Clara Stadium Project at 4900 Centennial Boulevard. A citizens' initiative on the stadium project will be voted on by the citizens of Santa Clara on the June 2010 ballot.

If the voters ultimately support the stadium proposal, the specific stadium project approval by the City would then be processed as the PD rezoning application and related actions following the election.

The language prepared for the General Plan and the Redevelopment Plan amendments is consistent with the language presented and evaluated in the certified stadium EIR. If the City Council chooses to act favorably upon either plan amendment following the Joint Public Hearing, certain findings will be required to be made with respect to the environmental impacts identified in the certified EIR.

At a public hearing on December 15, 2009, the City Council **continued** items relating to the approval of the **Mitigation**, **Monitoring or Reporting Plan** and related findings prior to any project approval and **refer** any Environmental Impact Report (EIR) or Mitigation, Monitoring, or Reporting (MMRP) related questions, including noise impacts, to staff.

At a public hearing on February 3, 2010, the Planning Commission considered the CEQA Findings and Statement of Overriding Considerations associated with the 49ers Santa Clara Stadium Project and provided the comments in the attached minutes from the meeting, to the City Council, prior to adopting Resolutions Recommending the City Council Approve General Plan Amendment No. 72 (Resolution No. 10-004) and Redevelopment Plan Amendment No. 20 (Resolution No. 10-005).

Redevelopment Plan Amendment No. 20 presents changes in the Redevelopment Plan land uses that essentially mirror the language in General Plan Amendment #72 to recognize stadiums and arenas and allowed increased height. A resolution to this effect is attached, making the necessary findings of the Commission that the Redevelopment Plan Amendment is consistent with the General Plan as provided in and when adopted as General Plan Amendment #72.

SITE LOCATION AND CONTEXT

Generally, the Bayshore North Redevelopment Project boundaries are the Bayshore Freeway (State Highway 101) on the south, thence northward on Calabazas Creek, eastward on Old Mountain View-Alviso Road, northward on San Tomas Aquino Creek, eastward on State Highway 237, southward on Lafayette Street, westward on the Hetch-Hetchy right-of-way, and southward on San Tomas Aquino Creek to the Bayshore Freeway. A map of the Bayshore North Redevelopment Project Area is included as "Exhibit A" in the Planning Commission Resolution at the end of this report.

PROJECT DESCRIPTION

Proposed Amendment No. 20 of the Bayshore North Redevelopment Plan includes changes to the text of the Land Use section of the Plan as shown below. <u>Underlined text</u> is proposed to be added; crossed out text is proposed to be deleted, as follows:

2) Recreational

The following areas are intended to <u>include facilities and</u> open space whose primary purpose is recreation. Building height and coverage, <u>where applicable</u>, should be considerate of the most restrictive adjacent land use.

The area generally southerly of Yerba Buena Way but northerly of Stars and Stripes Drive and northeasterly of San Tomas Aquino Creek between Great America Parkway and the Union Pacific Railroad Tracks/Lafayette Street, is primarily a closed landfill site on which is located the Santa Clara Golf Club and Tennis Club, restaurant and banquet facilities (approximately 121 acres total). A public safety facility, Fire Station #10, is located in this area north of Stars and Stripes Drive and east of Centennial Boulevard. Pedestrian bridges connect the first holes of the golf course to the last holes across Lafayette Street, as well as to the Santa Clara Convention Center complex.

The recreational designation also applies to that area at the southeast corner of Centennial Boulevard and Tasman Drive, totaling approximately 22 acres. While not limited to such uses, that area contains a youth-oriented Soccer Facility with up to three playing fields is planned beside the existing and the San Francisco 49er's Football Training Facility near the Santa Clara Great America Train Station. The boundary between this area and the adjoining Tourist Commercial and Parking area to the west across Centennial Boulevard may be adjusted to accommodate uses in the Tourist Commercial and Parking Area.

4) Tourist Commercial and Parking

Located generally between Stars and Stripes Drive and Tasman on both sides of Centennial Boulevard and southeasterly of Great America Parkway and Tasman Drive to Centennial Boulevard, these areas are near the Great America Theme Park and the City's Convention Center, and adjacent to the Tasman Light Rail Line. Quality hotel, office, recreation and other tourist-oriented uses such as theatres, museums, stadiums and arenas and specialty retail and restaurants are encouraged within this designation and private and public development funds may be used as permitted by law. Building height typically does not exceed 150 feet, except that a stadium may be as high as 200 feet. Besides landscaped surface parking areas, the City may construct a parking structure across Tasman Drive or in other areas currently in use for surface parking for public users of the facilities at the Convention Center, theme park and other nearby uses. The boundary between this area and the adjoining Recreational area to the east across Centennial Boulevard may be adjusted to accommodate uses in the Tourist Commercial and Parking Area.

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