CITY OF SANTA CLARA
PLANNING COMMMISSION
STAFF REPORT

Agenda Item # 10
File No: PLN2008-06947 and PLN2010-08216
Date: September 8, 2010

PROJECT NAME: 49ers Santa Clara Stadium Project

PROPOSAL:
The applicant seeks land uses entitlements to facilitate the implementation of the 49ers Santa Clara Stadium proposal presented in ballot initiative Measure J, which was approved by the voters on June 8, 2010. Because of the size and nature of a large multi-use public facility such as this, the overall project site ("Overall Project Site") defines a comprehensive area of various properties and street areas that are considered elements of the greater Stadium project. The Overall Project Site includes the existing Great America Theme Park overflow parking lot, the 49ers Training Facility, Centennial Boulevard south of Tasman Drive, a small portion of the Youth Soccer Park Facility, the site of the existing Tasman Drive Substation, the proposed City parking garage site, the City's Northern Receiving Station (NRS), and City owned parcels between the existing water tanks and NRS, totaling 50.9 acres. The Stadium project includes an application to rezone an approximately 31.4 acre core portion of the Overall Project Site ("Planned Development Project Site"), that encompasses the proposed Stadium and the adjacent Forty-Niners Training Facility. This would change the zoning from Public or Quasi-Public and Public Park or Recreation (B) at the Stadium site, and Planned Development (PD) at the training facility, to PD at both sites. The applicant also seeks approval of an associated tentative subdivision map to reconfigure development parcels, abandon a portion of public street right-of-way and relocate and establish easements for access and utilities. Another key project component is the Transportation Management and Operations Plan (TMOP), which will address circulation, transit operations, and parking for games and events. The TMOP will include an off-site parking program for the Stadium that will utilize available parking on nearby private and public properties to optimize use of existing parking resources within close vicinity of the Planned Development Project Site. The completed TMOP objectives and framework is attached to this report. Specific details will be added to the TMOP over the next few years, with implementation of the plan prior to the first event at the Stadium, anticipated in the fall of 2014.

RECOMMENDATION: That the Planning Commission adopt resolutions recommending that the City Council:

1. Approve a Rezone from Public or Quasi Public, and Public Park or Recreation (B) to Planned Development (PD) and amend an existing Planned Development (PD) Zone;
2. Approve the architectural design; and
3. Approve the tentative subdivision map.

EXECUTIVE SUMMARY
On June 8, 2010, the citizens of Santa Clara approved Measure J by a majority vote, which authorized the City to lease land for the purposes of development of a Stadium under certain terms and conditions as set forth in the ballot measure. The Term Sheet that was negotiated

between the City, the Redevelopment Agency and the 49ers was attached to the ballot measure and includes additional terms regarding the financing and operation of the stadium.

The proposed Stadium would have a permanent seating capacity of up to 68,500 seats, and would be designed to expand to approximately 75,000 seats for special events. The Stadium structure would have a maximum height of 175 feet above ground surface, with light standards on top of the structure reaching a maximum of 200 feet above ground surface. The project would require the abandonment of Centennial Boulevard south of Tasman Drive to establish a site sufficient to accommodate the footprint of the Stadium; however, multi-modal access would continue to be provided via a new shared driveway on the east side of the Stadium to the Youth Soccer Park Facility, and the existing 49ers Training Facility. The PD rezone review and related design review by the Planning Commission and City Council will define the architectural aspects of the structure and the grounds, with staff completing more detailed review prior to the issuance of building permits. Selected drawings of the project plans representing the PD zoning application are attached to this report.

When utilized for football games and other large events, the applicant indicates that the parking demand for the Stadium will be approximately 19,000 attendee parking spaces and 1,740 employee parking stalls. Parking on the project site is limited; however, there are in excess of 40,000 parking stalls within a 20 minute walk of the Stadium, including approximately 11,000 parking spaces on a number of City owned parcels within close proximity of the project site that can provide parking for the Stadium. The Stadium will rely upon off-site parking on nearby lots, which will be secured through agreements and by City issued permits, consistent with the requirements of Zoning Ordinance Chapter 18.86, Off-Site Parking Provisions. Evidence of adequate parking will be required for any events held at the Stadium

The TMOP will be completed through inter-jurisdictional cooperation prior to the first event at the Stadium, consistent with the objectives and framework attached to this report, and will include details for the off-site parking program for the Stadium. The TMOP will also include requirements related to vehicular, transit, bicycle and pedestrian access to the site, public safety, neighborhood interface, annual scheduling for the Stadium, and public outreach and education. The TMOP will be reviewed annually and updated as necessary.

PROJECT SUMMARY

Project Applicant/Property Owner: Larry MacNeil, Forty-Niners Stadium LLC/City of Santa Clara
Project Applications: PLN2008-06947 (Rezone from B to PD and amend existing PD zoning, to allow the construction of a 68,500 seat Stadium that is expandable to approximately 75,000 seats, and development of a TMOP and associated Parking Program), PLN2010-08216 (Tentative Subdivision Map), and Certified Environmental Impact Report (CEQ2008-01060 / SCH#2008082084)

Project Location:
Overall Project Site: The Planned Development Project Site, the site of the existing Tasman substation, a vacant lot immediately east of San Tomas Aquino Creek and North of Tasman Drive (parking garage site), the Northern Receiving Station (substation site), and City owned parcels between the water tanks and the Northern Receiving Station (proposed for parking).

Planned Development Project Site: 4900 Centennial Boulevard (Great America Theme Park overflow parking lot), 4949 Centennial Boulevard (Forty-Niners Training Facility), small portion of 5049 Centennial Boulevard (Youth Soccer Park Facility), and Centennial Boulevard right-of-way.

The Planned Development Project Site is bound on the north by Tasman Drive, on the east by the Santa Clara Youth Soccer Park and Stars and Stripes Boulevard, on the South by Silicon Valley Power's Northern Receiving Station (NRS) and the City of Santa Clara's North Side Water Storage Tanks, and on the west by San Tomas Aquino Creek. Refer to plan set sheet A-100.

Assessors Parcel Numbers and proposed use:
Overall Project Site: Planned Development Project Site, and 104-43-053 (portion- site of existing substation) 104-06-040 (portion – site of relocated substation), 104-03-040 (parking structure), 104-06-012 (parking), 013 (parking), 014 (parking), 017 (parking), and 085 (Stadium access road)

Planned Development Project Site: 104-43-030 (Stadium), 047 (training facility), 049 (portion – youth soccer facility), 104-06-086 and (Stadium)

Site Acreage, Floor-Area-Ratio (FAR) and Lot Coverage:

Overall Project Site: The overall project site includes a total of approximately 50.9 acres.

Planned Development Project Site: The Planned Development project site is approximately 31.4 acres (1,367,784 square feet), inclusive of the 9.4 acre 49ers Training Facility and 22 acre Stadium site. The footprint of the Stadium would be 563,000 gross square feet, which would result in 59 percent lot coverage. The floor area ratio of the Stadium would be 1.9.

Existing General Plan Designation:

Overall Project Site: Tourist Commercial

Planned Development Project Site: Tourist Commercial

Existing Zoning:

Overall Project Site: Public or Quasi Public, and Park or Recreation (B), Planned Development (PD), Commercial Park (CP)

Planned Development Project Site: Public or Quasi Public, and Park or Recreation (B), and PD

Existing Use:

Overall Project Site: The Overall Project Site currently includes the overflow parking lot for Great America Theme Park, the 49ers Training Facility, a small portion of the Youth Soccer Park, Centennial Boulevard right-of-way south of Tasman Drive, the Tasman substation, a vacant lot immediately east of San Tomas Aquino Creek and North of Tasman Drive, the Northern Receiving Station, and vacant City owned parcels between the water tanks and the Northern Receiving Station.

Planned Development Project Site: The Planned Development Project Site currently includes the overflow parking lot for Great America Theme Park, the 49ers Training Facility, a small portion of the Youth Soccer Park and Centennial Boulevard right-of-way south of Tasman Drive.

Environmental Determination: Environmental Impact Report (EIR), certified December 8, 2009.

Notification Radius: The notice of public hearing for this item was posted within 1,000 feet of the site and was mailed to property owners within a 1,000 foot radius of the project site. In addition, Notice of Hearing for the project was published in the Santa Clara Weekly on August 25, 2010.

Project Planner: Rachel Grossman, Assistant Planner II

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BACKGROUND AND PREVIOUS ACTIONS

The City and the 49ers Stadium LLC have been in discussions regarding the potential for a professional football stadium in Santa Clara for a number of years. Over that time period, the following has occurred.

Term Sheet

The term sheet was adopted by the City Council and the Redevelopment Agency on June 2, 2009. The purpose of the Term Sheet is to establish the nonbinding framework for future negotiations with the 49ers and, and to inform the public regarding the goals and principles identified by the City Staff and City Council to guide the proposed Stadium throughout the development review process. The Term Sheet proposed that the Stadium will be developed and operated through a "public-private partnership" between the City and the 49ers Stadium LLC. The lands upon which the Stadium is proposed to be built, and the immediately surrounding properties, are City owned.

Airport Land Use Commission (ALUC)

On June 24, of 2009, the ALUC reviewed the requested General Plan Text Amendment for the Tourist Commercial designation, and found that it was consistent with the Land Use Plan for Areas Surrounding Santa Clara County Airports.

Environmental Impact Report Certification

An Environmental Impact Report (EIR) was prepared for the proposed project and includes analysis regarding the potential for significant impacts resulting from the implementation of five specific project components. These components include the Stadium, the substation relocation,

the parking garage, the off-site parking, and the Transportation Management Plan. On November 18, 2009, the Planning Commission recommended certification of the Final EIR to the Council and the Final EIR was certified by the City Council on December 8, 2009, when the Council adopted findings that the EIR document was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), that the Council reviewed the EIR, and that the EIR represents the City's independent judgment and analysis. The certification resolution did not adopt findings with regard to mitigation measures or project alternatives since the Council did not take any action on the project itself, on that date.

At the time that the City Council approved the General Plan and Redevelopment Plan amendments discussed below, they also adopted findings, including impositions of mitigation measures, a mitigation monitoring or reporting program (MMRP) and a statement of overriding considerations. The signed resolution for this action is included as an attachment to this report.

General Plan Amendment

On March 9, 2010 the City Council adopted General Plan Amendment #72. The approved text amendment for the Tourist Commercial land use designation of the General Plan provides more specificity in the recreation and other tourist-oriented uses allowed currently and in the future, to include Stadiums, arenas, sports and other cultural facilities; encourages shared parking arrangements; allows flexibility in building height above 150 feet where appropriate; allows flexibility in building coverage from the current 25 percent to 75 percent, or more, for special facilities, including Stadiums, arenas, theatres and the like, and allows structured or shared on-site parking for the site, or for use by surrounding properties where substantial landscape and pedestrian plazas are incorporated as site features or amenities.

Redevelopment Plan Amendment

On March 9, 2010 the Redevelopment Agency recommended adoption of Redevelopment Plan Amendment No. 20, to change the text of the Redevelopment Plan for the Bayshore Redevelopment Project to specify Stadium and arena facilities as suitable within the category of tourist oriented uses, allow Stadium height of 200 feet and allow flexibility in the boundary between the *Recreation* and the *Tourist Commercial and Parking* land use categories identified in the Redevelopment Plan. The City Council adopted an ordinance approving Redevelopment Plan Amendment No. 20 on April 20, 2010.

Formation of Mello-Roos Community Facilities District

On May 25, 2010, the City Council adopted Ordinance Number 1859 Levying Special Taxes within the City of Santa Clara Community Facilities District (CFD) No.2010-1. The CFD includes all hotel property owners in the proximate area (there are currently eight) and subjects them to a special tax based on hotel room revenue, equivalent to a two percent transient occupancy tax, and this special tax is pledged to finance portions of the publicly owned infrastructure for the proposed Stadium project up to a cap of $35 million (excluding debt service and other financing costs). The formation of the Mello Roos CFD was initiated by the hotel owners, recognizing the benefits of an increase in non-business related occupancies that would come with use of the Stadium.

Measure J Vote

On June 8, 2010, the citizens of the City of Santa Clara passed Measure J with a majority vote, which authorized the City to enter into a ground lease for City owned land for the purposes of the development of a Stadium and provided terms and conditions for such a ground lease. The public vote was not required by State law or by the City Charter, but the City Council initiated the City-wide election in order to evaluate citizen support for the Stadium concept, including City

funding support.

Tasman Substation Relocation
On June 15, 2010, the City Council authorized funding for the Tasman Substation Relocation /Esperanca Substation Project, which will relocate the existing Tasman Substation to the City's Northern Receiving Station (NRS), which is immediately south of the proposed Stadium site. The construction of the Esperanca Substation is anticipated to be completed in the middle of 2012, with decommissioning of the Tasman Drive Substation immediately following.

Parking Garage
On July 6, 2010, the City Council reviewed the proposed architectural design of the Tasman Drive Parking Structure, to be located at the northeast corner of Tasman Drive and San Tomas Aquino Creek. Staff anticipates that a contract will be awarded for the project early 2011, and that the garage will be completed by mid 2012. The parking garage is part of the Convention Center Facility, but will provide parking for other uses in the area, including the Stadium.

Parks and Recreation Commission
On July 20, 2010, the Parks and Recreation Commission reviewed the proposed project, specifically the proposed reconfigured entry to the Youth Soccer Park Facility and the associated parking solutions. Following review of the proposed project, the Commission formally recommended:

1. That the seven parking spaces on the Youth Soccer Park Facility that will be lost as a result of the reconfigured entry not be replaced on site, due to the associated loss of incidental turf space; and
2. That staff shall work with the applicant to establish two equal access points to the Youth Soccer Park Facility. The two access points shall be located on the eastern and western sides of the facility, at the terminus of the new driveway on the Centennial Boulevard alignment and at Stars and Stripes Drive.

Minutes from this meeting are included as an attachment to this report.

Bicycle Advisory Committee
The City of Santa Clara Bicycle Advisory Committee reviewed the project plans at their regular meeting on August 25, 2010. They were provided with a conceptual plan that identified proposed bicycle parking and an alternate route that would be utilized during a stadium event that may disrupt use of the San Tomas Aquino Creek Trail. Staff will continue to engage the Bicycle Advisory Committee throughout the development of the Transportation Management and Operations Plan.

Stadium Authority
In the near future, the City Council will initiate formation of a Stadium Authority. The Stadium Authority will be a joint powers entity created by the City and the Redevelopment Agency. The Stadium Authority will build, own and operate the Stadium, and will be a separate and distinct legal entity from the City and the Redevelopment Agency.

SITE LOCATION AND CONTEXT

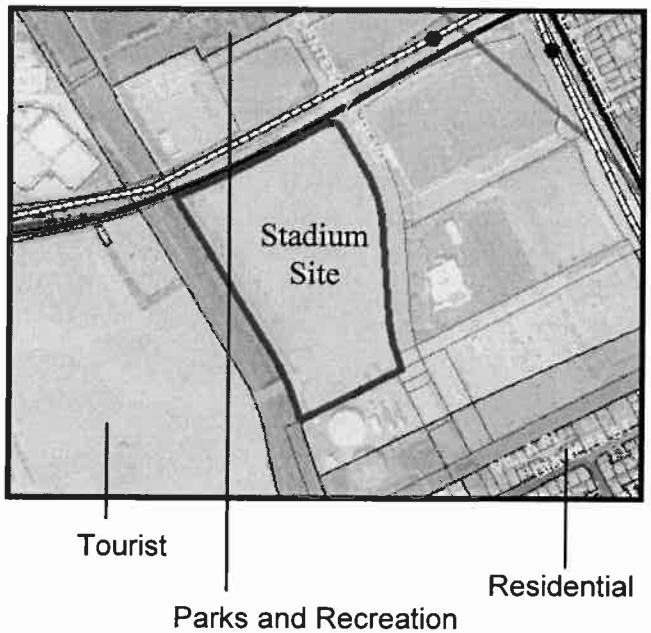
Surrounding Land Uses
Development in the project area is a mixture of office, light industrial, commercial, recreational, and residential uses. The largest structures are office buildings with heights up to 15 stories.

Great America Theme Park is located immediately west of the project site, the City's Convention Center, Santa Clara Golf and Tennis Club, David's Restaurant and Banquet Facility, and Fire Station #10 are located immediately north of the project site, the Santa Clara Youth Soccer Park Facility and the 49ers Training Facility is immediately east of the project site, and Silicon Valley Power's (SVP) Northern Receiving Station, the City of Santa Clara's North Side Water Storage Tanks, and single family residences are located to the south of the project site.

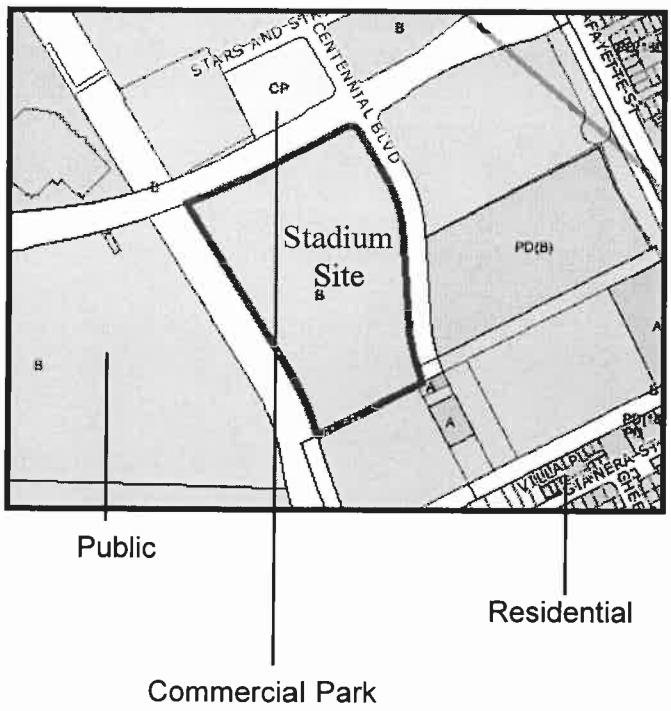
Surrounding General Plan and Zoning

The Planned Development Project Site is currently zoned Public or Quasi Public, and Park or Recreation (B) and Planned Development (PD) and the General Plan land use designation for the site is Tourist Commercial. Parcels to the west of the planned development project site are generally zoned for industrial or public use and the associated land use designations are Tourist Commercial and Office Research and Development. Parcels to the north of the planned development project site are generally zoned for public uses and designated Park and Recreation in the General Plan. To the east of the project site, the majority of the parcels are zoned for residential uses and designated for residential land uses in the General Plan. Finally, parcels to the south are both zoned and designated for residential uses. The Zoning and General Plan maps for the project site and the surrounding land uses are provided below.

General Plan Map



Zoning Map



General Plan, Redevelopment Plan and Zoning Conformance

On March 9, 2010, the City Council adopted a General Plan text amendment and Redevelopment Plan amendment. The proposed project conforms to the General Plan and Redevelopment Plan, as amended, because it is a use permitted by both Plans, and is compliant with the land use requirements contained within the General Plan and Redevelopment Plan pertinent to the Planned Development Project Site. As a result of the proposed rezone of the Planned Development Project Site to PD, the proposed project will conform to zoning ordinance requirements because the PD zone allows for flexibility in

application of land use standards to facilitate imaginative planning and design concepts that would be prevented in other zone districts.

Bayshore North Entertainment Zone

Several years ago, the City Council established a goal of promoting entertainment activities in the Bayshore North area, building upon the existing theme park and Convention Center facilities. As the City's area planned for the highest intensity employment, the entertainment zone goals were to make the most of the non-industrial and corporate opportunities in the area. The Council's defined 2007-2009 Principles and Priorities specifically identified a focus that would "examine the feasibility of a Stadium in the Bayshore North Entertainment Zone." The proposed project is consistent with this identified Council priority.

Conformance with Other Applicable Plans and Guidelines

The project proposes, and is conditioned, to meet or exceed, United States Green Building Council Leadership in Energy and Environmental Design (LEED) Certified standards for new construction. LEED is an internationally recognized green building certification system, providing third-party verification that a building was designed and built using strategies aimed at improving performance across key metrics that affect environmental sustainability, including energy savings, water efficiency, CO_2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. Current Stadium design elements that will facilitate the building meeting or exceeding LEED certified standards include, proximity to alternative transportation, installation of photovoltaic panels, installation of a green roof, use of grey and reclaimed water, and use of energy efficient mechanical equipment.

PROJECT DESCRIPTION

Stadium Component

The Stadium would be developed and operated on City owned property in accordance with the terms and conditions of a Disposition and Development Agreement, Ground Lease and other documents currently being negotiated. The Stadium would be leased to the 49ers, a National Football League (NFL) franchise for playing home games during the NFL pre-season, regular season, and post-season, and for NFL related events. As contemplated in the EIR, the 49ers would have the option to sublease the Stadium to a second NFL team, although no second team is currently proposed. In addition to football events, use of the Stadium may range from incidental use of meeting room facilities within the main building, including support of Convention Center activities, to larger activities such as concerts, and other sporting events that would use a significant amount of available seating. Approximately 17 non-NFL large events per a year are contemplated and as many as 250 smaller events.

The proposed Stadium would be constructed on an approximately 22 acre portion of the Planned Development Project Site bound on the north by Tasman Drive, on the east by the Santa Clara Youth Soccer Park and Stars and Stripes Drive, on the south by Silicon Valley Power's (SVP) Northern Receiving Station, and the City of Santa Clara's North Side Water Storage Tanks, and on the west by San Tomas Aquino Creek. Most of the portion of the Planned Development Project Site to be developed with the Stadium is currently designated under the Santa Clara Redevelopment Agency's lease with Cedar Fair as an overflow parking lot for the proximate California's Great America theme park.

The proposed Stadium would have a permanent seating capacity of up to 68,500 seats, and will be designed to expand to approximately 75,000 seats for special events. An NFL Super Bowl game would be an example of event requiring additional seating. The Stadium structure would

reach a maximum height of 175 feet above the ground surface with light standards on top of the structure reaching a maximum height of 200 feet above the ground surface. The main entrances to the Stadium will be located on the northwest and northeast sides of the structure, and it is anticipated that approximately 75 percent of event attendees will utilize these entrances. There will be a third public entrance on the southwest corner of the Stadium. The entrance on the northwest corner of the Stadium will include a public plaza that is contemplated to be available to the general public during daytime hours.

The Stadium will be five levels on the east, north, and south sides, and nine levels (the suite tower) on the west side. The field level of the Stadium, which would be at approximately the current grade level, would include the playing field, locker rooms, main commissary, facilities for ground keeping staff, operations (including management, security and janitorial), truck docks, and facilities for various support functions. The plaza level will include the box office, the 49ers Team store, Stadium Authority Office, and for-lease retail commercial space. The press as well as television and/or radio broadcast personnel will have facilities at Press Level, located on the top floor of the suite tower. An approximately 27,000 square foot portion of the tower roof will be a green roof that will be accessible to event attendees. In addition, approximately 20,000 square feet of photovoltaic panels will be placed on the roof.

The construction of the Stadium will require the abandonment of Centennial Boulevard south of Tasman Drive. The existing roadway will be removed, and utilities located in Centennial Boulevard will be relocated. A two-lane access driveway will be added proximate to the eastern side of the proposed Stadium to provide access to new parking spaces, to the Youth Soccer Park Facility and the 49ers Training Facility. Circulation and access improvements are proposed for the Planned Development Project Site, as well as adjacent facilities. Access to both the Youth Soccer Park Facility and the 49ers Training Facility will be reconfigured, and as a result, seven parking spaces on the Youth Soccer Park Facility will be removed. The applicant has illustrated a replacement option for consideration by the Planning Commission and City Council. As indicated previously, the Parks and Recreation Commission did not support the replacement option that would remove some non-playfield grass area in the facility.

Various improvements will be made to the surrounding transportation infrastructure including new signage, traffic cameras, and pedestrian pathways, as well as new in-Stadium traffic control center to aid in the management of traffic during stadium events. The new in-stadium traffic control center would be connected to, and integrated with, the City of Santa Clara's existing electronic traffic control system. Game day operations related to transportation and circulation will be detailed in the Transportation Management and Operations Plan (TMOP), which shall be completed prior to the first event at the Stadium. The set of objectives and a framework for the TMOP is attached to this report, and an overview of the TMOP objectives and framework are provided in this staff report.

Substation Relocation Component

The existing electrical substation equipment located on the Tasman Substation site, west of San Tomas Aquino Creek, will be relocated to the Silicon Valley Power Northern Receiving Station. Relocation of the substation would include abandonment, removal, and relocation of portions of the transmission lines serving the substation, and relocation of portions of transmission lines serving the substation and surrounding properties. The abandoned substation site would be developed with additional surface parking available to Great America Theme Park patrons. As presented previously in this report, the City Council approved and authorized funding for this project on June 15, 2010.

Parking Garage Component

A six-story parking garage will be constructed directly across Tasman Drive on two acres of City property currently used as overflow parking for the Convention Center. The parking garage was approved several years ago by the Council to support the Convention Center activities. The parking garage is currently proposed to include 1,820 parking spaces, which would be utilized as a shared facility by the Convention Center, the Stadium, and Great America Theme Park. Vehicular access to the parking garage will be provided via Tasman Drive and from Stars and Stripes Boulevard via Centennial Boulevard. The garage will be completed prior to completion of the Stadium.

Training Facility PD Zone Amendment

On June 9, 1987, the City Council approved a rezone of the 49ers Training Facility site located at 4949 Centennial Boulevard, from B to PD, and an associated Use Permit to permit construction of either a football training facility, or a two-story, 75,000 square foot office building. This project will amend the 49ers Training Facility PD zone by expanding it to include the Stadium site. The land use entitlements conferred to the original 11 acre Training Facility site will be retained by the parcel after the PD zone is expanded to include the proposed Stadium site.

On-site and Off-site Parking

Per the EIR certified for the project, based upon historic usage of the existing 49ers Stadium in San Francisco and analysis of available public transit options at the Project Site, 19,000 parking spaces are required for event attendees, and 1,740 parking spaces are required for Stadium employees. The Planned Development Project Site provides a total of 404 parking spaces, and therefore, the anticipated parking demand cannot be accommodated on-site. The subject project proposes to stripe all on-site parking spaces as universal-stalls (uni-stalls) that measure eight feet six inches wide by 18 feet deep, with a 24 foot two-way drive aisle, rather than a combination of standard and compact spaces. Utilization of the uni-stall design optimizes the use of the parking area and minimizes the amount of impervious surfaces on the site and is permissible in the PD zone.

On August 17, 2010, the City Council adopted zoning ordinance amendments that facilitate the provision of required on-site parking in off-site lots, with approval of an Off-Site Parking Permit for private lots. The applicant proposes to utilize this mechanism to provide the majority of the necessary parking for the Stadium. Per Chapter 18.86 Off-Site Parking Provisions, the Stadium will be subject to a Parking Program, which will be included in the TMOP, as outlined in the objectives and framework attached to this staff report.

Parking on the Planned Development Project Site is limited. Portions of the required parking will be provided in existing and planned commercial and public parking facilities in the immediate project area, depending upon the size of events and availability of City controlled parking areas. There are in excess of 40,000 parking stalls within a 20 minute walk of the Stadium, including approximately 11,000 parking spaces on a number of City owned parcels within close proximity of the Planned Development Project Site that can provide parking for the Stadium. The applicant has secured letters of intent from a number of adjacent property owners who intend to provide off-site parking for the Stadium. Examples of these letters of intent, with confidential information blacked out, are included as an attachment to this report. These property owners would be required to obtain an Off-Site Parking Permit, and would be subject to the requirements of the Stadium Parking Program, which will be developed through the TMOP effort that will be ongoing through the next four years as the project development moves towards opening day.

The Stadium Parking Program is a component of the TMOP, as outlined in the objectives and framework attached to this report. The TMOP will require the development of an annual calendar that will specify the date, time, duration, type, size, and necessary parking for all events. This calendar may be amended with approval of the Director of Planning and Inspection, or City Manager (approval authority will be dependent upon event size) if additional events are contemplated that were not previously included in the annual events calendar. For all events that cannot satisfy their parking requirement on adjacent public lots, the applicant will be required to provide proof of sufficient off-site parking permits to meet the parking demand of each event. Only events that demonstrate adequate parking will be allowed to occur.

Per the Stadium Parking Program, off-site parking lots will be subject to management requirements, including, but not limited to:

1. Waste and recycling collection;
2. Debris removal;
3. Adequate lighting for pedestrian safety;
4. Security for the duration of the event;
5. Identification of a pedestrian route to the Stadium;
6. Hours of operation; and
7. Tailgating requirements in lots where tailgating is permissible.

The Stadium Authority will ensure that off-site parking lots are compliant with the management requirements contained within the Parking Program. If off-site parking lots do not maintain compliance with the requirements of the Stadium Parking Program, they could be subject to code enforcement actions.

Tentative Subdivision Map

The Stadium project requires approval of a tentative subdivision map in order to abandon Centennial Boulevard, reconfigure and merge parcels on the Overall Project Site, and establish access and utility easements. The tentative subdivision map will not result in the creation of any new parcels, and recordation of a final map shall be required prior to issuance of the certificate of final occupancy by the Building Division. A copy of the tentative subdivision map is attached to this report.

Landscaping

The plant palette proposed for the Stadium predominantly utilizes drought tolerant plants, approximately half of which are native species. The Stadium will have trees around the perimeter, with shrubs and groundcover in locations more proximate to the structure. Some of the proposed landscape areas will be utilized for stormwater treatment to facilitate project compliance with the regional C.3 Stormwater requirements. As proposed, the 22 acre portion of the Planned Development Project Site where the Stadium will be developed is approximately 14 percent landscaping, which includes the green roof and playing field.

Due to the size of the structure and the necessary infrastructure improvements, the existing 80 trees on the Planned Development Project Site will need to be removed. The majority of these trees are less than 20 feet in height and not subject to the City's Policy and Procedure 33, pertinent to tree removal on City Property. However, the applicant will be providing 101 replacement trees, as illustrated on the concept landscape plan that is included in the project plans.

Noise

The Final Environmental Impact Report prepared for the project and certified by the City Council, determined that the use of the Stadium for NFL events would substantially increase noise levels on as many as 20 game days per year (with up to two teams) for up to ten hours per game, resulting in a significant noise impact. In addition, large non-NFL events would substantially increase noise levels on as many as 26 days per year, resulting in a significant noise impact. There were no feasible mitigation measures identified in the FEIR for these impacts that would reduce noise levels generated by all NFL game related activities and large non-NFL events to background noise levels at nearby residences.

As part of the project submittal, the applicant provided a *Community Noise Analysis and Improvements Measures Report*, prepared by WJHW on May 27, 2010. This report and associated graphics are included as an attachment to this report. The purpose of the analysis was to determine what changes could feasibly be made to the project to lower the noise impact below the level projected in the EIR. The report determined that by placing the main loudspeaker arrays at the south end of the stadium facing north towards Tasman Drive and the golf course, the project is able to achieve the desired community sound levels of 60 dBA in the residential neighborhoods. This loudspeaker configuration is included as a condition of project approval, in order to minimize noise impacts to adjacent residential neighborhoods. As recommended in the report, additional conditions of approval have also been included to minimize noise impacts to adjacent residential neighborhoods. These conditions of approval pertain to permissible hours for concerts, and maximum permissible weekday NFL games.

TRANSPORTATION MANAGEMENT AND OPERATIONS PLAN (TMOP)

The Final Environmental Impact Report certified by the City Council included a mitigation measure requiring the preparation and implementation of a TMOP, as well as the formation of a working group to oversee the plan's implementation. At the time of the completion of the Final Environmental Impact Report, Santa Clara City Staff, VTA Staff and the 49ers Organization agreed to work together to establish objectives and lay out the framework for the TMOP, and include it with the PD rezoning of the property. The TMOP objectives and framework are attached to this staff report, and a condition of approval of the rezoning requires the implementation of the TMOP prior to the first event at the stadium. The TMOP objectives and framework were collaboratively developed over the past few months by City Staff, VTA Staff and the 49ers Organization and are structured into eight components, which are listed below:

1. Purpose – To provide a flexible framework and plan for the provision of safe and efficient multi-modal access, and adequate parking, for a new 49ers Stadium;
2. Objectives – The program's administrative and performance objectives, and how they are measured;
3. Working Groups – Those who will implement and maintain the program, and how they will obtain input and approvals;
4. Annual Schedule/Event Type – Schedule of events, role of working groups, and required program modifications by event size and type;
5. Components – Details regarding how the program will be implemented, including discussion of public transportation, pedestrian and bicycle access, and parking;
6. Weekday Considerations – Discussion regarding how the program will be modified for weekday events;
7. Integration/Coordination with Nearby Facilities – A description of how the program interrelates with the access and needs of all nearby facilities; and

8. Development of Operating Budget – The final section discusses how the program's annual operating budget is developed, and budgetary responsibilities.

The TMOP objectives and framework provide the structure for a document that will be developed over the next four years, and completed prior to the first event at the Stadium. Further development of the TMOP will take concerted, collaborative efforts of not only the City, VTA, and the 49ers Organization, but other groups and organizations that will be affected by the new Stadium. These groups and organizations include neighboring cities, other transit agencies, Caltrans, private transportation providers and the California Highway Patrol. Once completed and approved by the City Council, the TMOP will be reviewed annually and updated as necessary.

ENVIRONMENTAL REVIEW

An Environmental Impact Report was prepared and certified by the City Council on December 8, 2009 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 five specific components of the proposed project including, the Stadium, off-site surface parking, substation relocation, a parking garage, and a transportation management plan.

At the time the City Council certified the EIR, they did not consider or adopt findings, mitigation measures, a mitigation monitoring or reporting program (MMRP) or a statement of overriding considerations since there was not a project approval before them. However, when the City Council approved the General Plan text amendment and Redevelopment Plan amendment associated with the project on March 9, 2010, they also approved a resolution adopting California Environmental Quality Act (CEQA) findings, the MMRP, and a Statement of Overriding Considerations, which is attached to this report. In doing so, the City Council ensured that all feasible mitigation measures will be required as conditions of project approval. The MMRP is attached to this report, and the implementation of the MMRP is included as a project condition of approval.

There have been only minor changes to the proposed project since the certification of the EIR and adoption of required findings, mitigation measures, and the MMRP, which include:

1. The addition of a third pedestrian bridge between the two pedestrian bridges proposed as part of the original project;
2. Modification of an adopted mitigation measure to include a thermal water storage tank as part of an energy saving heating, cooling and hot water system to supplement the proposed geothermal heat pumps;
3. The installation of a pedestrian walkway across the Valley Transportation Authority (VTA) Light Rail Transit (LRT) tracks for use during large Stadium events, and associated safety gate and fencing around the affected tracks and Great America LRT station;
4. A text amendment to the project description for the inclusion of a Development Agreement; and
5. Increase of the total number of parking stalls in the proposed parking structure to 1,825, a net increase of 117 parking spaces. The increase in parking stalls will be through reconfiguration of the parking layout on each floor, not by increasing the size of the garage structure.

These changes were reviewed in an addendum completed in August of 2010. The analysis and discussion included in the addendum led to a determination that the modified project would

result in no new significant impacts, or impacts of greater severity than the project reviewed in the certified EIR. In addition, no changes in circumstances in the project area would result in new significant environmental impacts. Therefore, no further evaluation is required, and no Supplemental or Subsequent EIR is needed pursuant to State CEQA Guidelines Section 15162. An Addendum to the FEIR is therefore appropriate, pursuant to Section 15164, and is available for public review at the Santa Clara City Hall during regular business hours.

PUBLIC NOTICES AND COMMENTS

The notice of public hearing for this item was posted within 1,000 feet of the site and was mailed to property owners within 1,000 feet of the project site. In addition, a notice of public hearing for the project was published in the Santa Clara Weekly on August 25, 2010. No public comments have been received.

FINDINGS

Findings provide a means to link the available evidence with the decision to approve or deny the application. Resolutions providing the environmental, rezone, architectural and tentative subdivision map findings, and associated conditions of approval are attached as exhibits to this report.

ATTACHMENTS RELATED TO THIS REPORT

Planning Commission Rezoning and Architectural Resolution (Exhibit "PC Reso-ReZ/Arch")
Planning Commission Tentative Subdivision Map Resolution (Exhibit "PC Reso-Map")
Previously Adopted City Council Resolution No. 10-7700 Adopting Findings Concerning Significant Environmental Impacts, Mitigation Measures and Alternatives; a Statement of Overriding Considerations; and a Mitigation Monitoring or Reporting Program (Exhibit "CC Reso-CEQA")
Parks and Recreation Commission Minutes, July 20, 2010 (Exhibit "PRC Min-7/20/10")
Development Plans (Exhibit "Dev Plans")
Tentative Subdivision Map (Exhibit "T-Map")
Conditions of Approval (Exhibit "CoA")
Community Noise Analysis and Improvement Measures Report, May 27, 2010 (Exhibit "Noise Report-5/27/10")
Transportation Management and Operations Plan Objectives and Framework (Exhibit "TMOP")
Applicant Submitted Parking Letters of Intent (Exhibit "Parking LOIs")
Applicant Statement, March 31, 2010 (Exhibit "App State-3/31/10")
Correspondence as of September 1, 2010 (Exhibit "Correspondence – 9/1/10")

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EXHIBIT "Reso-ReZ/Arch"

PLANNING COMMISSION REZONING AND ARCHITECTURAL RESOLUTION

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RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONING OF THE PROPERTIES LOCATED AT 4900 CENTENNIAL BOULEVARD, A SMALL PORTION OF 5049 CENTENNIAL BOULEVARD, AND CENTENNIAL BOULEVARD RIGHT-OF-WAY SOUTH OF TASMAN DRIVE, AMEND THE EXISTING PLANNED DEVELOPMENT ZONE LOCATED AT 4949 CENTENNIAL BOULEVARD, AND APPROVE THE ASSOCIATED ARCHITECTURAL DESIGN FOR THE PROPOSED STADIUM

SCH# 2008082084/CEQ2008-01060 (EIR)
PLN2008-06947 (Rezoning)
PLN2010-08216 (Tentative Subdivision Map)

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

WHEREAS, on March 12, 2008, the 49ers Stadium, LLC ("Applicant") filed an application for the development of an approximately 50.9 acre "Overall Project Site" including all, or portions of 12 parcels, generally located adjacent to Tasman Boulevard, west of Stars and Stripes Drive, and east of Great America Parkway;

WHEREAS, the application includes a request to rezone a portion, and amend a portion of the existing zoning for an approximately 31.4 acre "Planned Development Project Site" including all, or portions of four parcels generally located at 4900 Centennial Boulevard, 4949 Centennial Boulevard, a small portion of 5049 Centennial Boulevard, and Centennial Boulevard right-of-way south of Tasman Drive;

WHEREAS, the application proposes to allow the construction of an approximately 68,500 seat open-air stadium, with possible expansion for up to 75,000 seats for special events, for use by up

to two National Football League (NFL) teams and other non-NFL events that are compatible with the type of venue proposed. Such other uses could include concerts and non-football sporting events;

WHEREAS, the project in its entirety includes five specific development components: (1) the Stadium, (2) relocation of an existing electrical substation, (3) a new six-story garage, (4) the use of surrounding properties for off-site parking, and (5) a transportation management plan. There are also 13 implementing actions ("Implementing Actions") that the City would potentially take, or has already taken, to facilitate these development components: (1) a General Plan text amendment; (2) amendment of the Bayshore North Redevelopment Plan; (3) a rezoning of a portion of the Overall Project Site to Planned Development (PD) zoning; (4) vacation and abandonment of an existing roadway; (5) approval of a tentative subdivision map; (6) approval of a disposition and development agreement and related conveyance documents; (7) creation of a parking overlay zone, or similar mechanism; (8) creation of a joint powers authority public agency ("Stadium Authority") that will develop and own the Stadium; (9) approval of a parking program that utilizes existing off-site parking facilities; (10) funding the construction of a new six-story parking garage to serve the Project, the convention center, and Great America theme park; (11) funding the abandonment, removal and relocation of portions of the transmission lines and electrical substation equipment located on the Tasman Substation Site; (12) creation of a Mello-Roos community facilities district or other financing district for hotels in the Stadium area if approved by the affected hotels; and (13) the adoption of a Government Code Development Agreement for the Project. These five project components and 13 Implementing Actions are collectively referred to as the "Project";

WHEREAS, the Planned Development Project Site is currently zoned Public or Quasi Public, and Park or Recreation (B), and Planned Development (PD);

WHEREAS, in order to effectuate the development application and its change in use, the Planned Development Project Site needs to be rezoned to Planned Development (PD), and the existing PD zone governing 4949 Centennial Boulevard needs to be amended, to allow the construction of a 68,500 seat Stadium, that would be designed to expand to approximately 75,000 seats for special events, up to a maximum height of 175 feet above ground surface, with light standards on top of the structure reaching a maximum of 200 feet above ground surface, a total parking count of 404 spaces on the Planned Development Project Site, site access, circulation, and landscaping improvements as shown on the Development Plans, (attached hereto as Exhibit "DevPlans" and incorporated herein by this reference);

WHEREAS, the project would provide the majority of its required parking in off-site public and private parking facilities;

WHEREAS, SCCC Section 18.76.020 provides for architectural review of certain projects by the City's Architectural Committee, but the full Planning Commission and/or City Council also has the authority to perform this architectural review;

WHEREAS, the Planning Commission and City Council will conduct architectural review for the proposed Project due to the scope and nature of the Project;

WHEREAS, The City of Santa Clara (the "City"), as lead agency in accordance with the requirements of the California Environmental Quality Act and the applicable state and local implementing guidelines (collectively "CEQA") prepared and certified a Final Environmental Impact Report for the proposed 49ers Santa Clara Stadium Project (the "EIR") (SCH No.

2008082084), which includes an environmental impact analysis of the Project including the rezoning; and

WHEREAS, the Planning Commission's action in considering the rezoning constitutes a further action to implement a portion of the same project that was carefully analyzed in the EIR and for the additional reasons set forth as follows, the EIR has served as the document for CEQA compliance in the consideration and approval by the Planning Commission, as authorized and required by 14 California Code of Regulations Section 15162 and Public Resources Code Section 21166. There have not been any of the following occurrences since the certification of the EIR that would require a subsequent or supplemental environmental document in connection with the Planning Commission's determinations and preliminary approvals hereunder;

1. there have not been substantial changes in the improvements proposed to be developed on the Planned Development Project Site which would require major revisions in the EIR;

2. there have not been substantial changes with respect to the circumstances under which the proposed project is being implemented, which would require major revisions in the EIR; and

3. there has not been the appearance of new information which was not known and could not have been known as of the date of certification and approval of the EIR which is relevant to the certification and approval of the EIR.

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the Project on September 8, 2010, at which time all interested persons were given an opportunity to present oral and written testimony; and

WHEREAS, SCCC Section 18.112.040 provides for the review and recommendation of the City's Planning Commission of all rezoning requests before action is to be taken by the City Council.

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

1. That the Planning Commission hereby recommends that the City Council approve the architectural design of the proposed Project, and rezone the Planned Development Project Site, as shown on Exhibit "DevPlans", from Public or Quasi Public, and Park or Recreation (B), and amend the existing PD zone associated with 4949 Centennial Boulevard; subject to conditions of approval set forth in Exhibit "CoA", attached hereto and incorporated herein by reference, to PD to allow the construction of a 68,500 seat Stadium, that would be designed to expand to approximately 75,000 seats for special events, up to a maximum height of 175 feet above ground surface, with light standards on top of the structure reaching a maximum of 200 feet above ground surface, a total parking count of 404 spaces on the Planned Development Project Site and site access, circulation, and landscaping improvements as shown on the Development Plans.

2. Pursuant to SCCC Section 18.76.020 and 18.112.010 the Planning Commission determines that the following findings exist in support of the rezoning and architectural approval:

   A. The public necessity or convenience of the general welfare requires the rezoning set forth above in order to permit development of a Stadium on the Planned Development Project Site. The Project is located in an urbanized area served by existing municipal services. The rezoning would allow redevelopment of the Planned Development Project Site with a tourist-oriented use consistent with the General Plan designation and Bayshore North Redevelopment Plan goals to locate recreational facilities adjacent to arterials and transit

corridors. The rezoning would support alternative forms of transportation by locating a Stadium that could be utilized for NFL games, other large sporting and non-sporting events, adjacent to and in direct connection with Valley Transportation Authority light rail transit and bus service, and the San Tomas Aquino Creek Trail as well as in the vicinity of Altamont Commuter Express and Caltrain facilities.

B. The proposed rezoning would conserve 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 the Project is the redevelopment of an underutilized site currently used for surface parking, with a multi-use Stadium that will at a minimum meet United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Certified standards for new construction. The Project has a cohesive site and building design scheme that will result in an aesthetically pleasing structure that will provide an additional entertainment venue within proximity of existing development.

C. The proposed rezoning would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts, in that the zone change would allow flexibility in the development standards associated with building heights and landscaping to facilitate the development of a tourist oriented use that would revitalize a currently underutilized site.

D. The existing zoning is inappropriate or inequitable in that the Planned Development Project Site is located in the Bayshore North Entertainment Zone of the City that the Council has identified as a location for entertainment activities to build upon the existing theme park and Convention Center facilities. The existing zoning is inappropriate

for the site as it does not facilitate the development of regional entertainment venues that would meet the intent of the General Plan and the Bayshore North Redevelopment Plan.

E. The proposed development is consistent with the purpose and intent of the City's Zoning Ordinance, General Plan, and Bayshore North Redevelopment Plan because it is a tourist oriented use as envisioned by the General Plan and Bayshore North Redevelopment Plan, provides adequate vehicular and bicycle parking spaces, and is consistent with all zoning ordinance requirements as a result of the proposed rezone because the PD zone allows for flexibility in application of land use standards to facilitate imaginative planning and design concepts that would be prevented in other zone districts.

F. The design and location of the proposed development and its relation to neighboring developments and traffic is such that is will not impair the desirability of investment or occupation in the neighborhood, will not significantly interfere with the enjoyment of neighboring development and will not create unreasonable traffic congestion or hazards because the Project will be subject to Conditions of Approval, including the requirement to develop and implement a Transportation Management and Operations Plan that will ensure efficient movement of vehicles, pedestrians and cyclists and will ensure that sufficient parking will be provided for events and that sufficient outreach and education will occur prior to events in order to address and resolve any operational challenges;

G. The design and location of the development is consistent with the neighborhood character and would not be detrimental to the harmonious development contemplated by the City's General Plan, the Bayshore North Redevelopment Plan, or the Zoning Ordinance because the proposed use is an allowed use under the PD zoning proposed for the site and is

identified as a permissible land use in the General Plan and Bayshore North Redevelopment Plan. In addition, the proposed Stadium has been designed in a manner to mitigate noise, and light and glare impacts to adjacent residences, and would provide pedestrian plazas for the use of the general public;

H. The granting of this approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements because the proposed project is proximate to arterials, transit corridors and the San Tomas Aquino Creek Trail, which provides employees and visitors a number of transportation options to reach the Stadium, the hours of operation will be limited by the Conditions of Approval, and the site will provide a comfortable and welcoming pedestrian environment.

I. The proposed development, as set forth in the plans and drawings, is consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council because the design includes a public plaza, the Stadium's main entrances are oriented towards a public street, ground mounted equipment and loading areas will be screened from public view, and the trash enclosure will be located away from public streets and public view.

J. The proposed development provides off-street parking areas and associated screening strips, and will utilize adjacent public and private parking lots to meet zoning ordinance requirements pertaining to required off-street parking, will relocate and install required site utilities, and includes pedestrian and bicycle amenities, in order to secure the

purpose and intent of the Zoning Ordinance and the General Plan of the City are part of the proposed development.

3. That, based on the findings set forth in this Resolution, and the evidence in the City Staff Report, the Planning Commission hereby recommends that the City Council rezone the Planned Development Project Site, amend the existing PD zoning covering a portion of the Planned Development Project Site, and approve the architectural design of the proposed development as set forth herein.

4. 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.

4. Effective date. This resolution shall become effective immediately.

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I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2010, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

KEVIN L. RILEY, AICP
DIRECTOR OF PLANNING & INSPECTION
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
1. Exhibit "Plans" (Development Plan)
2. Exhibit "CoA (Conditions of Approval)

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EXHIBIT "T-Map"

TENTATIVE SUBDIVISION MAP

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Exhibit "PC Reso-Map"

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR THE PROJECT SITE GENERALLY LOCATED AT 4900 CENTENNIAL BOULEVARD

SCH# 2008082084/CEQ2008-01060 (EIR)
PLN2008-06947 (Rezoning)
PLN2010-08216 (Tentative Subdivision Map)

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

WHEREAS, on June 16, 2010, the 49ers Stadium LLC ("Applicant") made an application for a Tentative Subdivision Map in connection with the development of a Stadium on a 31.4-acre Planned Development Project Site ("Planned Development Project Site") generally located at 4900 Centennial Boulevard, Santa Clara, California and associated parking, access, infrastructure and utility improvements on an Overall Project Site ("Overall Project Site") that includes all or portions of 12 parcels, totaling approximately 50.9 acres, generally located adjacent to Tasman Boulevard, west of Stars and Stripes Drive, and east of Great America Parkway (the "Project");

WHEREAS, pursuant to Section 17.05.210 of the Santa Clara City Code ("SCCC"), a tentative or vesting tentative and final subdivision map shall be required for all divisions of land when determined by the Director of Planning and Inspection that such land shall be divided into five or more parcels, or the lot lines of five or more parcels shall be moved;

WHEREAS, on August 17, 2010, the Project Clearance Committee determined that the Tentative Subdivision Map application was complete and that the map shall be reviewed by the Planning Commission, who shall make a recommendation of denial, approval, or conditional approval to the City Council, in conformance with Section 17.05.300(g) of the SCCC;

WHEREAS, SCCC Section 17.05.300(h) requires that the City Council review and approve, conditionally approve, or deny the Tentative Subdivision Map;

WHEREAS, the tentative subdivision map is necessary for the creation of the appropriate parcels for development of the Project for the uses under the proposed development plan, which includes the construction of a Stadium, associated parking and access, relocation and installation of required utilities, and maintenance of the existing 49ers training facility, associated parking and playing fields on the Project Site, as shown on Exhibit "T-Map" and attached hereto by this reference ("Tentative Subdivision Map");

WHEREAS, the Planning Commission has previously reviewed and considered the information contained in the Environmental Impact Report ("EIR") prepared for the project (SCH# 2008082084/CEQ2008-01060), and the City Council has previously reviewed and considered the information contained in the Environmental Impact Report prepared for the Project, and subsequently certified the EIR on December 8, 2009, and adopted findings concerning significant environmental impacts, mitigation measures and alternatives, a Statement of Overriding Considerations, and a Mitigation Monitoring or Reporting Program on March 9, 2010;

WHEREAS, the Planning Commission's action in considering the Tentative Subdivision Map constitutes a further action to implement a portion of the same project that was carefully analyzed in the EIR and for the additional reasons set forth as follows, the EIR has served as the document for CEQA compliance in the consideration and approval by the Planning Commission, as authorized and required by 14 California Code of Regulations Section 15162 and Public Resources Code Section 21166. There have not been any of the following occurrences since the certification of the EIR that would require a subsequent or supplemental environmental

document in connection with the Planning Commission's determinations and preliminary approvals hereunder;

1. there have not been substantial changes in the Project based on the Tentative Subdivision Map which would require major revisions in the EIR;

2. there have not been substantial changes with respect to the circumstances under which the proposed project is being implemented, which would require major revisions in the EIR; and

3. there has not been the appearance of new information which was not known and could not have been known as of the date of certification and approval of the EIR which is relevant to the certification and approval of the EIR.

WHEREAS, notice of the public hearing on the Tentative Subdivision Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on August 25, 2010;

WHEREAS, notices of the public hearing on the Tentative Subdivision Map were mailed to all property owners within one thousand (1,000) feet of the proposed Tentative Subdivision Map, according to the most recent assessor's roll, on August 27, 2010; and

WHEREAS, the Planning Commission has reviewed the Tentative Subdivision Map and conducted a public hearing on September 8, 2010, at which time all interested persons were given an opportunity to present oral and written testimony.

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

1. The Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That this Resolution incorporates, and by this reference makes a part hereof, the Tentative Subdivision Map attached hereto as Exhibit "T- Map".

3. Tentative Subdivision Map Findings. Pursuant to California Government Code Section 66426 and SCCC Section 17.05.300, the Planning Commission finds and determines that:

A. The Tentative Subdivision Map is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and Bayshore North Redevelopment Plan in that the Tentative Subdivision Map creates tracts of land suitable to support tourist oriented uses and tourist oriented supporting uses, inclusive of parking structures and off-site parking, which is consistent with the General Plan and Bayshore North Redevelopment Plan designations for the site.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan and Bayshore North Redevelopment Plan in that it provides a suitable site for the community and regional benefits that will be derived from the proposed Project and that the Tentative Subdivision Map is subject to the conditions set forth in Exhibit "CoA" ("Conditions of Approval"), attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development in that it is an infill development project that is accessible via local and regional transit and transportation corridors, and is currently served by existing municipal facilities that can be relocated where necessary, to continue to serve the Overall Project Site.

D. The site is physically suitable for the proposed density of development in that the site is located in an urbanized area and allows for redevelopment consistent with the General Plan, Bayshore North Redevelopment Plan, and Zoning Ordinance, and will be compatible with existing development in the surrounding area.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the proposed use is proximate to public transit and a multi-use trail system, the Project will be subject to a Transportation Management and Operations Plan that will ensure safe and efficient movement of vehicles, pedestrians and cyclists, and the Project does not propose the use of hazardous chemicals or materials.

F. The design of the subdivision and type of improvements may result in significant environmental impacts relating to hazards and hazardous materials, transportation and circulation, air quality and noise and a Statement of Overriding Consideration was adopted by the City Council for these impacts on March 9, 2010. The Project will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project is located in an urbanized setting, and includes mitigation measures, as identified in the EIR, that reduce impacts to wildlife habitat to less-than-significant levels with project development.

G. The design of the subdivision and type of improvements will conflict with existing easements acquired by the public at large for access through or use of property within the proposed subdivision, but the Project proposes suitable alternative easements for access or use that will be substantially equivalent to ones previously acquired for the public in that the public will continue to have access to the Youth Soccer Park Facility, and the public parking lot on Star and Stripes Boulevard south of Tasman Drive, commensurate with existing access to those facilities.

H. The Project does not include any land that is subject to a contract under the Williamson Act, and therefore, the subdivision will not have negative impacts to agricultural resources for parcels subject to the Williamson Act.

4. Based on the findings set forth in this Resolution, the evidence in the Staff Report, and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the Tentative Subdivision Map, substantially in the form on file as shown in Exhibit "T-Map", subject to the conditions of approval, attached as Exhibit "CoA".

5. 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 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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Exhibit "PC Reso-Map"

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2010, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

KEVIN L. RILEY, AICP
DIRECTOR OF PLANNING & INSPECTION
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
Exhibit "T- Map" (Tentative Subdivision Map)
Exhibit "CoA" (Conditions of Approval)

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EXHIBIT "CC Reso-CEQA"

PREVIOUSLY ADOPTED CITY COUNCIL RESOLUTION NO. 10-7700 ADOPTING FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND ALTERNATIVES; A STATEMENT OF OVERRIDING CONSIDERATIONS; AND A MITIGATION MONITORING OR REPORTING PROGRAM

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RESOLUTION NO. 10-7700

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, ADOPTING FINDINGS CONCERNING SIGNIFICANT ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND ALTERNATIVES; A STATEMENT OF OVERRIDING CONSIDERATIONS; AND A MITIGATION MONITORING OR REPORTING PROGRAM FOR THE PROPOSED 49ERS SANTA CLARA STADIUM PROJECT AT 4900 CENTENNIAL BOULEVARD (INCLUDING PROPERTIES ON CENTENNIAL BOULEVARD, AND ON THE NORTH AND SOUTH SIDE OF TASMAN DRIVE), SANTA CLARA

SCH# 2008082084
CEQ2008-01060

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

WHEREAS, on March 12, 2008, 49ers Stadium, LLC ("Applicant") filed an application for the development of an approximately 40-acre site located at 4900 Centennial Boulevard (including properties on Centennial Boulevard, and on the north and south of Tasman Drive) ("Project Site");

WHEREAS, the application proposes to allow the construction of an approximately 68,500 seat open-air stadium, with possible expansion for up to 75,000 seats for special events, for use by up to two National Football League (NFL) teams and other non-NFL events that are compatible with the type of venue proposed. Such other uses could include concerts and non-football sporting events;

WHEREAS, in order to proceed with this proposal, five specific development components would be involved: (1) the stadium, (2) relocation of an existing electrical substation, (3) a new six-story parking garage, (4) the use of surrounding properties for off-site parking, and (5) a transportation management plan. There are also thirteen implementing actions ("Implementing Actions") that the City would potentially take to facilitate these development components: (1) a

General Plan text amendment; (2) amendment of the Bayshore North Redevelopment Plan; (3) a rezoning of a portion of the Project Site to Planned Development (PD) zoning; (4) vacation and abandonment of an existing roadway; (5) approval of a tentative map; (6) approval of a disposition and development agreement and related conveyance documents; (7) creation of a parking overlay zone; (8) creation of a joint powers authority public agency ("Stadium Authority") that will develop and own the Stadium; (9) approval of a parking variance; (10) approval of a parking arrangement or master plan that utilizes existing off-site parking facilities; (11) funding the construction of a new six-story parking garage to serve the Project, the convention center, and Great America theme park; (12) funding the abandonment, removal and relocation of portions of the transmission lines and electrical substation equipment located on the Tasman Substation Site; and (13) creation of a Mello-Roos community facilities district or other financing district for hotels in the Stadium area if approved by a vote of the affected hotels. These five project components and thirteen Implementing Actions are collectively referred to as the "Project";

WHEREAS, on February 23, 2009, the City of Santa Clara ("City") posted and distributed a Notice of Preparation of a Draft Environmental Impact Report ("DEIR"), soliciting guidance on the scope and content of the environmental information to be included in the DEIR;

WHEREAS, based on responses to the Notice of Preparation, the City prepared the DEIR, dated July 30, 2009 (SCH No. 2008082084), which reflected the independent judgment of the City as to the potential environmental impacts of the Project;

WHEREAS, the City circulated copies of the DEIR to the public agencies that have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and the City sought the comments of such persons and agencies for a minimum forty-five (45) day

review period, beginning on July 30, 2009 and concluding on September 14, 2009 ("Comment Period");

WHEREAS, the City subsequently extended the public review and comment period for the DEIR by two weeks and concluded on September 28, 2009, for a total public review and comment period of 61 days ("Extended Comment Period");

WHEREAS, the City received comment letters from state and local agencies and from the public during the Extended Comment Period. The City prepared written responses to these comments, which responses provide the City's good faith, reasoned analysis of the environmental issues raised by the comments, and included these responses in a Final Environmental Impact Report ("FEIR"). The FEIR consists of the DEIR; a list of agencies, organizations, businesses and individuals to whom the DEIR was sent; a list of the comment letters received on the DEIR; revisions to the text of the DEIR; responses to comments received on the DEIR; and, copies of the comment letters;

WHEREAS, a Planning Commission Staff Report, dated November 18, 2009 described and analyzed the FEIR and the Project for the Planning Commission;

WHEREAS, the Planning Commission reviewed the FEIR prepared for the Project, the Planning Commission Staff Report pertaining to the FEIR and all evidence received at a public meeting on November 18, 2009, at which time all interested parties had the opportunity to be heard. Following the consideration of the public comments and based on the record before it, the Planning Commission recommended that the City Council certify the EIR;

WHEREAS, no significant new issues or information were raised at the November 18, 2009 Planning Commission meeting;

WHEREAS, at the November 18, 2009 meeting, City staff provided verbal responses to the testimony received at that meeting. City staff also prepared a Summary for consideration by the City Council on December 8, 2009 identifying these comments and responses from the November 18, 2009 meeting and providing additional responses, and this Summary was presented to the City Council and shall be attached to the FEIR;

WHEREAS, between the November 18, 2009 Planning Commission meeting and the December 8, 2009 City Council Meeting, the City received additional correspondence from commenters regarding the FEIR. City staff prepared written responses to the letters received, submitted those responses to the City Council on December 8, 2009 and attached those responses to the FEIR. For one letter received at approximately 5:00 p.m. on December 8, 2009 from Hoge, Fenton, Jones & Appel, Inc., on behalf of Cedar Fair, City staff reviewed the comments and provided verbal responses to those comments at the December 8, 2009 City Council meeting;

WHEREAS, a City Council Staff Report, dated December 3, 2009 described and analyzed the FEIR and the Project for the City Council;

WHEREAS, the City Council reviewed the FEIR prepared for the Project, the City Council Staff Report pertaining to the FEIR and all evidence received at a public meeting on December 8, 2009, at which time all interested parties had the opportunity to be heard;

WHEREAS, the City Council voted to certify the FEIR at the Council Meeting on December 8, 2009 certifying that (1) the FEIR was completed in compliance with CEQA, the State CEQA Guidelines, and the City of Santa Clara Local Environmental Review Procedures; (2) the FEIR was presented to the City Council, which reviewed and considered the information

and analysis contained therein before certifying the FEIR; and (3) the FEIR reflected the City's independent judgment and analysis on the potential for environmental effects of the Project;

WHEREAS, the FEIR identified certain significant unavoidable, significant and potentially significant adverse effects on the environment that would be caused by the Project as proposed;

WHEREAS, the FEIR outlined various mitigation measures that would substantially lessen or avoid the Project's significant effects on the environment, as well as alternatives to the Project as proposed that would provide some environmental advantages;

WHEREAS, the City is required whenever possible, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of the Project;

WHEREAS, Public Resources Code § 21081, subdivision (a) requires a lead agency, when approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, consistent with this CEQA mandate, the City has prepared such findings on project mitigations and alternatives, as set forth in Exhibit A, attached hereto and incorporated herein by this reference ("Findings");

WHEREAS, the City Council, in reviewing the Project as proposed, intends to adopt all feasible mitigation measures set forth in the FEIR;

WHEREAS, the significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable;

WHEREAS, Public Resources Code § 21081, subdivision (b) and CEQA Guidelines § 15093 require the City Council to adopt a Statement of Overriding Considerations when approving a project with significant unavoidable environmental effects;

WHEREAS, the City Council has determined that, despite the occurrence of significant unavoidable environmental effects associated with the Project, as mitigated and adopted, there exist certain overriding economic, social and other considerations for approving the Project which justify the occurrence of those impacts and render them acceptable, also set forth in Exhibit A;

WHEREAS, a Mitigation Monitoring or Reporting Program, as required by CEQA, is contained in Exhibit B, attached hereto and incorporated herein by this reference;

WHEREAS, a City Council Staff Report, dated March 1, 2010, described and analyzed the Findings, the Statement of Overriding Considerations, and the Mitigation Monitoring or Reporting Program for the City Council;

WHEREAS, the City Council reviewed the Findings, the Statement of Overriding Considerations, and the Mitigation Monitoring or Reporting Program and all evidence received at a public meeting on March 9, 2010, at which time all interested parties had the opportunity to be heard;

WHEREAS, the FEIR is a separately bound document and is available for review during normal business hours in the City Planning Division, file CEQ2008-01060; and,

WHEREAS, the custodian of the documents and other materials that constitute the record of proceedings for the Project is the Planning and Inspection Department, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, CA 95050, attn: Director of Planning and Inspection.

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. That the City Council adopts the Findings concerning significant impacts, mitigation measures and alternatives set forth in Exhibit A.

3. That the City Council adopts the Statement of Overriding Considerations, also set forth in Exhibit A.

4. That the City Council adopts the Mitigation Monitoring or Reporting Program set forth in Exhibit B.

5. That all of the mitigation measures identified as feasible in the FEIR and listed in the Mitigation Monitoring or Reporting Program shall be made conditions of approval for the Project, including the Implementing Actions, as appropriate, and shall be enforceable through permit conditions, agreements or other measures and the City Council hereby directs staff to include such mitigation measures in subsequent project approvals as conditions of approval or incorporated into the project, to the extent applicable to the development components.

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6. 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 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.

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 9th DAY OF MARCH, 2010, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Kornder, Matthews, and Moore and Mayor Mahan
NOES:	COUNCILORS:	Kennedy and McLeod
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

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

Attachments Incorporated by Reference:
1. Exhibit A – CEQA Findings and Statement of Overriding Considerations
2. Exhibit B – Mitigation Monitoring or Reporting Program