

Meeting Date: 4/20/10



AGENDA REPORT

City of Santa Clara, California

Agenda Item # 6B-1



DATE: April 14, 2010

TO: City Manager for Council Action

FROM: Elizabeth H. Silver, Interim City Attorney

SUBJECT: Adoption of Ordinance No. 1855 Approving and Adopting the Proposed Amendment No. 20 to the Redevelopment Plan for the Bayshore North Project

EXECUTIVE SUMMARY:

Ordinance No. 1855, approving and adopting the proposed Amendment No. 20 to the Redevelopment Plan for the Bayshore North Project was passed for the purpose of publication ("passed to print") on March 30, 2010. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 1855 was published once on April 14, 2010 and copies were posted in at least three public places.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Redevelopment Plan Amendment No. 20 would adopt changes in the Redevelopment Plan land uses that essentially mirror the language in General Plan Amendment #72, including but not limited to recognizing stadiums and arenas and allowing increased height.

ECONOMIC/FISCAL IMPACT:

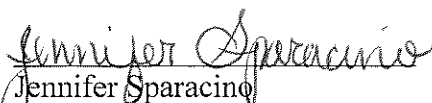
There have been staff costs associated with the administrative review and processing of the proposed Amendment, much of which has been covered by Redevelopment Agency (RDA) funding previously budgeted for the stadium proposal.

RECOMMENDATION:

That the Council adopt Ordinance No. 1855, approving and adopting the proposed Amendment No. 20 to the Redevelopment Plan for the Bayshore North Project, which provides the Agency, the City and the Santa Clara community with the ability to complete the redevelopment project in and for the benefit of the Project Area through expansions in the land use designations to accommodate stadium uses.


for Elizabeth H. Silver
Interim City Attorney

APPROVED:


Jennifer Sparacino
City Manager

Documents Related to this Report:

1) Ordinance No. 1855
E:\AGENDA\AGENDA REPORTS\Ordinance Adoption 1855 - RDA Amdmt 20 04-14-10.doc

ORDINANCE NO. 1855

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING AND ADOPTING THE PROPOSED AMENDMENT NO. 20 TO THE REDEVELOPMENT PLAN FOR THE BAYSHORE NORTH PROJECT

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

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.; the “Redevelopment Law”), the City Council, (the “City Council”) of the City of Santa Clara (the “City”) adopted Ordinance No. 1283 on December 28, 1973, approving and adopting the Redevelopment Plan for the Bayshore North Project (“Redevelopment Plan”) with respect to certain territory (the “Project Area”); Ordinance No. 1347 adopted on March 15, 1977 adopting Amendments 1-8; Ordinance No. 1489 adopted on January 24, 1984 adopting Amendments 9-13; Ordinance No. 1535 adopted on October 22, 1985 adopting Amendments 14 and 15; Ordinance No. 1560 adopted on November 25, 1986 adopting a Health and Safety Code Section 33333.4 Time Limit Amendment; Ordinance No. 1614 adopted on May 29, 1990 adopting Amendment 16; Ordinance No. 1667 adopted on December 6, 1994 adopting an AB 1290 Time Limit Amendment; Ordinance No. 1704 adopted on October 21, 1997 adopting Amendment 17; Ordinance No. 1716 adopted on October 13, 1998 adopting Amendment 18; Ordinance No. 1743 adopted on October 26, 1999 adopting Amendment 19; Ordinance No. 1792 adopted on June 29, 2004 adopting an ERAF 1-Year Extension Amendment; and Ordinance No. 1816 adopted on April 17, 2007 adopting an ERAF 2-Year Extension Amendment, (collectively referred to as the “Redevelopment Plan Ordinances”);

WHEREAS, the Redevelopment Agency of the City of Santa Clara (the “Agency”) has been designated as the official redevelopment agency to carry out in the City the functions and requirements of the Redevelopment Plan and to, among other things, implement the Redevelopment Plan in and for the benefit of the Project Area;

WHEREAS, in accordance with the Redevelopment Law and in order to more effectively achieve the redevelopment of the Project Area, the Agency has prepared that certain Amendment No. 20 to the Redevelopment Plan (the “Plan Amendment”), together with an accompanying Report to City Council (the “Report”) prepared in accordance with the requirements of Health and Safety Code Sections 33352 and 33457.1;

WHEREAS, the proposed Plan Amendment’s primary purpose is to make technical changes to Section III of the Redevelopment Plan, making specified changes to Section III.2 (Recreational) and Section III.4 (Tourist Commercial and Parking). The Plan Amendment is consistent and reflects an amendment to the City of Santa Clara General Plan (the “General Plan”) adopted by the City Council on March 9, 2010 pursuant to Resolution No. 10-7701;

WHEREAS, the City Council has received from the Agency the Plan Amendment, which consists of two (2) pages and two (2) exhibits. A copy of the Plan Amendment is on file with the City Clerk of the City (the “City Clerk”) and is incorporated in this Ordinance by this reference;

WHEREAS, the Plan Amendment is necessary to provide the Agency, the City and the Santa Clara community with the ability to complete the redevelopment program in and for the benefit of the Project Area through expansions in the land use designations to accommodate stadium uses;

WHEREAS, the Project Area is situated in the City of Santa Clara, County of Santa Clara, State of California, and is more particularly described in Exhibit B of the Plan Amendment;

WHEREAS, the Agency has made a study of the impacts of the Plan Amendment, and in its Report, the Agency has determined that the program of redevelopment to be undertaken pursuant to the Plan Amendment, will promote the proper redevelopment of the Project Area in accordance with the goals, objectives and policies of the General Plan and the Redevelopment Law;

WHEREAS, the Planning Commission of the City of Santa Clara (the “Planning Commission”), which is the duly designated and acting official planning body of the City, received a copy of the Plan Amendment and the Report, and has submitted to the City Council its report and recommendation for approval and adoption of the Plan Amendment, and has determined that the Plan Amendment conforms to the General Plan and recommended adoption of the Plan Amendment;

WHEREAS, the Plan Amendment incorporates the land uses for the Project Area which are determined by the City’s General Plan as amended. Implementation of the Plan Amendment will update the recreational land uses as well as the tourist commercial and parking land uses contemplated under the Redevelopment Plan to conform with similar amendments made to the General Plan;

WHEREAS, the City Council is cognizant of the conditions that are imposed in the undertaking and implementation of redevelopment projects under State law, including those prohibiting discrimination because of race, color, creed, religion, sex, sexual orientation, marital status, national origin, or ancestry;

WHEREAS, on March 9, 2010, the City Council and the Agency conducted a joint public hearing (the “Joint Hearing”) on the Plan Amendment, and accompanying documents, which was duly noticed in accordance with the requirements of Redevelopment Law as follows: (i) A notice

of the Joint Public Hearing was duly and regularly published in a newspaper of general circulation in the City of Santa Clara, the Santa Clara Weekly, once a week for 4 successive weeks prior to the date of the Joint Public Hearing, and a copy of that notice and affidavit of publication are on file with the City Clerk and the Agency; (ii) Copies of the notice of Joint Public Hearing were mailed by first-class mail to the last known address of each assessee of each parcel of land in the Project Area, as shown on the last equalized assessment roll of the County of Santa Clara; (iii) Copies of the notice of Joint Public Hearing were mailed by first-class mail to all residential and business occupants within the Project Area; (iv) Copies of the notice of Joint Public Hearing were mailed by certified mail with return receipt requested to the governing body of each taxing entity which levies taxes upon any property in the Project Area;

WHEREAS, the City Council on December 8, 2009 certified the Environmental Impact Report for the 49ers Santa Clara Stadium Project (SCH # 2008082084) and on March 9, 2010 the City Council and the Agency each respectively adopted resolutions adopting findings concerning significant environmental impacts, mitigation measures and alternatives, a statement of overriding considerations and a mitigation monitoring or reporting program related to the Adoption of the Plan Amendment;

WHEREAS, all actions required by law have been taken by all appropriate public bodies with respect to consideration of the Plan Amendment; and

WHEREAS, as used in this Ordinance, the term "Record" means and includes the General Plan, the Report, the Plan Amendment, all staff reports presented to the City Council, the Agency and the Planning Commission in connection with the Plan Amendment, other documents prepared in the Plan Amendment process, and evidence presented at the Joint Public Hearing. The documents comprising the Record are hereby incorporated in this Ordinance by this reference.

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

SECTION 1: Required Findings.

The City Council hereby readopts as to the Project Area the findings, determinations, and other provisions contained in the Redevelopment Plan Ordinances. In addition, in accordance with Sections 33367 and 33457.1, and based upon the evidence contained in the Record, the City Council hereby further finds and determines that:

- a. The above recitals and background information are true and correct, and together with the Record have served as the evidentiary basis for the findings and determinations set forth in this Section 1.
- b. In connection with the adoption and prior amendment of the Redevelopment Plan and based on information and analysis contained, incorporated, and referenced in the Redevelopment Plan Ordinances, the City Council found and determined pursuant to the Redevelopment Plan Ordinances that the Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purpose declared in the Redevelopment Law.
- c. The Plan Amendment would redevelop the Project Area in conformity with the Redevelopment Law and would be in the interest of the public peace, health, safety, and welfare; and the implementation of the Plan Amendment would promote the public peace, health, safety, and welfare of the City and Santa Clara community, and would effectuate the purposes and policy of the Redevelopment Law. These findings are based on information and analysis set forth in the Record indicating that the Plan Amendment will help to provide employment opportunities, economic benefits and achieve related public benefits.

d. The Redevelopment Plan, incorporating the Plan Amendment, conforms to the City of Santa Clara General Plan, including but not limited to, the housing element, which substantially complies with the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the California Government Code. This finding is based on information and analysis set forth in the Record, with particular reference to Section III.2 and III.4 of the Plan Amendment, Section XI of the Report, and the February 3, 2010 staff report to the Planning Commission regarding the Plan Amendment, and briefly summarized as follows: (i) Section III.2 and III.4 are consistent with the underlying land use designations set forth for the Project Area in the amendment to the General Plan approved by the City Council on March 9, 2010; and (ii) the Planning Commission has found and determined that the Plan Amendment conforms to the General Plan.

SECTION 2: Objections Overruled.

All written and oral objections to the Plan Amendment are hereby overruled. In accordance with Section 33363 of the Redevelopment Law, the reasons for overruling all objections are more fully set forth in the Findings attached to the City Council Resolution adopted concurrently herewith.

SECTION 3: Amendment of Plan.

It is hereby found that the Plan Amendment No. 20 to the Redevelopment Plan is necessary and desirable. The Redevelopment Plan is hereby amended in accordance with the Plan Amendment. The Redevelopment Plan, incorporating the Plan Amendment, is approved and adopted, and the City Clerk is hereby directed to file a copy of the Plan Amendment with the minutes of this meeting. The Redevelopment Plan, incorporating the Plan Amendment, is hereby designated as the official Redevelopment Plan for the Project Area. It is the purpose and intent of this City Council that the Redevelopment Plan, incorporating the Plan Amendment, be implemented in

and for the benefit of the Project Area. A copy of this Ordinance shall be transmitted by the City Clerk to the Agency and the Agency is vested with the responsibility of implementing the Amended Plan.

SECTION 4: Savings clause.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 5: Constitutionality, severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance 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.

SECTION 6: Implementation of Measure.

Except as amended by this Ordinance, the Redevelopment Plan Ordinances shall remain in full force and effect.

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SECTION 7: Effective date.

This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 30th day of March, 2010, by the following vote:

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

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
None

**CITY OF SANTA CLARA
NOTICE OF PROPOSED
ORDINANCE NO. 1855**

**AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING AND ADOPTING THE PROPOSED
AMENDMENT NO. 20 TO THE REDEVELOPMENT PLAN FOR THE BAYSHORE NORTH PROJECT**

DATE OF ORDINANCE INTRODUCTION:

Tuesday, March 30, 2010

PUBLIC HEARING ON ADOPTION OF PROPOSED ORDINANCE:

Tuesday, April 20, 2010, at 7:00 p.m., or as soon thereafter as the matter may be heard

LOCATION OF PUBLIC HEARING CONCERNING THE ADOPTION OF THE PROPOSED ORDINANCE:

City Council Chambers, 1500 Warburton Avenue, Santa Clara, CA 95050. Written material on the subject of the ordinance may be submitted to the City Clerk's Office, 1500 Warburton Avenue, Santa Clara, CA 95050, no later than Thursday, April 15, 2010. Interested parties are invited to attend the public meeting to address the City Council on the matter on Tuesday, April 20, 2010

POSTING LOCATIONS:

City of Santa Clara locations where the full text of the proposed ordinance is available for review:

1. City Clerk's Office, City Hall East Wing, 1500 Warburton Avenue, Santa Clara, CA
2. Central Park Library, Central Park Library 2635 Homestead Road Santa Clara, CA
3. Mission Branch Library, 1098 Lexington Street, Santa Clara, CA

TITLE AND TEXT OF ORDINANCE:

ORDINANCE NO. 1855

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WHEREAS, in accordance with the Redevelopment Law and in order to more effectively achieve the redevelopment of the Project Area, the Agency has prepared that certain Amendment No. 20 to the Redevelopment Plan (the "Plan Amendment"), together with an accompanying Report to City Council (the "Report") prepared in accordance with the requirements of Health and Safety Code Sections 33352 and 33457.1;

WHEREAS, the proposed Plan Amendment's primary purpose is to make technical changes to Section III of the Redevelopment Plan, making specified changes to Section III.2 (Recreational) and Section III.4 (Tourist Commercial and Parking). The Plan Amendment is consistent and reflects an amendment to the City of Santa Clara General Plan (the "General Plan") adopted by the City Council on

the public peace, health, safety, and welfare; and the implementation of the Plan Amendment would promote the public peace, health, safety, and welfare of the City and Santa Clara community, and would effectuate the purposes and policy of the Redevelopment Law. These findings are based on information and analysis set forth in the Record indicating that the Plan Amendment will help to provide employment opportunities, economic benefits and achieve related public benefits.

d. The Redevelopment Plan, incorporating the Plan Amendment, conforms to the City of Santa Clara General Plan, including but not limited to, the housing element, which substantially complies with the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the California Government Code. This finding is based on information and analysis set forth in the Record, with particular reference to Section III.2 and III.4 of the Plan Amendment, Section XI of the Report, and the February 3, 2010 staff report to the Planning Commission regarding the Plan Amendment, and briefly summarized as follows: (i) Section III.2 and III.4 are consistent with the underlying land use designations set forth for the Project Area in the amendment to the General Plan approved by the City Council on March 9, 2010; and (ii) the Planning Commission has found and determined that the Plan Amendment conforms to the General Plan.

SECTION 2: Objections Overruled.

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SECTION 4: Savings clause.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 5: Constitutionality, severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance 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.

SECTION 6: Implementation of Measure.

Except as amended by this Ordinance, the Redevelopment Plan Ordinances shall remain in full force and effect.

SECTION 7: Effective date.

This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____, 2010, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST:

ROD DIRIDON, JR.

CITY CLERK

CITY OF SANTA CLARA

Attachments incorporated by reference:

None

Pub.: 4/14/2010