



## Agenda Report

20-735

Agenda Date: 8/18/2020

### REPORT TO COUNCIL

#### SUBJECT

Action on Adoption of an Ordinance No. 2021 approving the First Amendment to the Development Agreement for the Gateway Crossings Project between the City of Santa Clara and TOD Brokaw, LLC [Council Pillar: Enhance Community Engagement and Transparency]

#### BACKGROUND

At the July 7, 2020 Council meeting, proposed Ordinance No. 2021 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, a summary of proposed Ordinance No. 2021 was published by The Weekly on August 12, 2020, and copies were posted in three public places. The Ordinance now comes to Council for final adoption.

#### DISCUSSION

The proposed ordinance would amend the Development Agreement (DA) for the 21.4 acre Gateway Crossings Project, located at 1205 Coleman Avenue, to modify the timing of the construction of a hotel. As approved, the DA authorizes construction of 1,565 residential units, 45,000 square feet of retail, and associated parking, in two phases of development. A 152,000 square foot high-rise hotel is also required during Phase 1. Due to the economic downturn caused by the COVID-19 pandemic that is impacting the hospitality sector, the Amendment would move the timing of the hotel construction to the start of Phase 2. The Developer is also committing to increase the percentage of affordable dwellings in Phase 2 from 10% to 15%.

#### ENVIRONMENTAL REVIEW

An EIR and MMRP for the Gateway Crossings Project were approved and certified by the City Council at a public noticed meeting on July 9, 2019. The proposed DA Amendment to move hotel construction from Phase 1 to Phase 2 of development does not modify the approved land uses, density of development or timing of full build-out of the project and therefore would not result in new significant impacts or impacts of substantially greater severity to require further environmental analysis.

#### FISCAL IMPACT

There is no fiscal impact the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant. As proposed, none of the terms of the DA would be modified except for the phasing of hotel construction. The project would be subject to building permit and development fees in accordance with the City's Fee Schedule and made payable at the time of building permit issuance.

#### PUBLIC CONTACT

A summary of proposed Ordinance No. 2021 was published to the Santa Clara Weekly on August

12, 2020, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

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

### **RECOMMENDATION**

Adopt Ordinance No. 2021 approving the First Amendment to the Development Agreement for the Gateway Crossings Project between the City of Santa Clara and TOD Brokaw, LLC.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Ordinance No. 2021