

REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL

We, the undersigned, are duly registered and qualified voters of the City of Santa Clara, County of Santa Clara. We hereby protest the Santa Clara City Council’s adoption of Resolution No. 07-7432, adopted by the City Council on June 20, 2007 during its regular meeting commencing on June 19, 2007, entitled

RESOLUTION NO. 07-7432. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, REZONING THE PARCELS LOCATED AT 90 N. WINCHESTER BOULEVARD AND GRANTING A DENSITY BONUS FOR THE SENIOR HOUSING PROJECT FOR THE SANTA CLARA GARDENS PROJECT

We request that Resolution No. 07-7432 be reconsidered and repealed by the City Council or that it be submitted to a vote of the People of the City of Santa Clara at the next regular election, or at a special election called for that purpose pursuant to the California Elections Code. The title and text of Resolution No. 07-7432 is attached hereto in its entirety.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. THE USE OF YOUR SIGNATURE FOR ANY PURPOSE OTHER THAN QUALIFICATION OF THIS MEASURE FOR THE BALLOT IS A MISDEMEANOR. COMPLAINTS ABOUT THE MISUSE OF YOUR SIGNATURE MAY BE MADE TO THE SECRETARY OF STATE'S OFFICE.

ALL SIGNERS OF THIS PETITION MUST BE REGISTERED TO VOTE IN THE CITY OF SANTA CLARA.

			Official use only
1.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
2.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
3.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
4.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
5.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
6.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
7.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
8.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
9.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	
10.	Print Name	Residence Address ONLY	
	Signature as Registered	City Zip	

RESOLUTION NO. 07-7432

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTA CLARA, CALIFORNIA, REZONING THE
PARCELS LOCATED AT 90 N. WINCHESTER
BOULEVARD AND GRANTING A DENSITY BONUS FOR
THE SENIOR HOUSING PROJECT FOR THE SANTA
CLARA GARDENS PROJECT**

SCH 2003072093

CEQ2006-01032 (DEIR)

CEQ2006-01033 (RDEIR)

CEQ2007-01039 (Final EIR)

PLN2003-03744 (Rezone from "A" Agriculture to PD Planned Development for 110 units of SF)

PLN2003-03745 (General Plan Amendment)

PLN2003-03958 (Rezoning of Senior parcel to PD [R3-18D])

PLN2007-06295 (Tentative Subdivision Map creating 110+ parcels)

PLN2007-06327 (Rezoning application from "A" Agriculture to "B" Public Park)

PLN2007-06329 (Development Agreement)

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS
FOLLOWS:**

WHEREAS, the 1992 General Plan of the City of Santa Clara ("General Plan") has designated the property at 90 N. Winchester in the City of Santa Clara ("Project Site") as residential development; and

WHEREAS, the Project Site is currently zoned as "A" Agriculture; and

WHEREAS, in order to effectuate the development application, the Project Site needs to be rezoned to support the various uses envisioned; rezoning a portion of the site to PD (R3-25D) in order to allow the senior housing development; PD (R3-18D) for the single-family residential development; and "B" Public for the park use; and

WHEREAS, prior to consideration of this rezoning request the City Council approved the parcel map attached hereto as **Exhibit A** and incorporated by this reference ("Parcel Map"), creating three separate parcels for the above identified uses; and

WHEREAS, Santa Clara City Code 18.112.040 ("SCCC") provides for the review and recommendation of the City's Planning Commission of all rezoning requests before action by the City Council; and

WHEREAS, SCCC 18.112.030 requires that the City Council consider rezoning of a property only after holding a public hearing; and

WHEREAS, SCCC 18.112.060 requires that notice of the hearing be given by posting the property in at least three conspicuous places at least ten days prior to the hearing date; and

WHEREAS, SCCC 18.112.060 further requires that notice of the hearing be given by mailing notices to property owners, as of the last assessor's roll, within 300 feet of the boundary of the property; and

WHEREAS, notices describing the proposed rezoning were sent to neighboring property owners on June 4, 2007; and

WHEREAS, notices describing the proposed rezoning were posted at the Project Site on June 7, 2007; and

WHEREAS, Parcel 3, as shown on the Parcel Map, will be developed for senior housing for low and very-low income seniors; and

WHEREAS, the project applicants have requested a density bonus and incentives in order to make the affordable senior housing project feasible; and

WHEREAS, SCCC 18.78.050 requires that consideration of such density bonus and incentives occur concurrently with rezoning of a property; and

WHEREAS, following a noticed, public hearing on the rezoning and other project approvals, the Planning Commission adopted Resolution No. 07-002, Certifying the Final Environmental Impact Report, Making Findings Concerning Mitigation Measures, Adopting the Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting the Statement of Overriding Considerations in Accordance with the California Environmental Quality Act for the VTM ("Planning Commission CEQA Resolution") and Resolution No. 07-003, Recommending to the City Council of the City of Santa Clara that it (1) Approve the General Plan Amendment; (2) Rezone the Property to Planned Development and Public Use; (3) Approve the Vesting Tentative Map; and (4) Adopt the Development Agreement ("Planning Project Resolution"); and

WHEREAS, the Santa Clara Gardens Project includes all of the Santa Clara Gardens Project entitlements, including Resolution No. 07-7429 ("CEQA Resolution"); Resolution No. 07-7430 ("General Plan Amendment Resolution"); Resolution No. 07-7431 ("Parcel Map Resolution"); Resolution No. 07-7433 ("Vesting Tentative Map Resolution"); Ordinance 1821 ("Development Agreement Ordinance") and this Rezoning Resolution (collectively the "Project"); and

WHEREAS, before considering the Rezoning of the Project Site, the City Council reviewed and considered the information contained in the Final Environmental Impact Report for Santa Clara Gardens Project (SCH #2003072093) ("FEIR"); and

WHEREAS, the City Council finds that the mitigation measures identified in the FEIR have been incorporated into the FEIR and imposed on the Project, sufficient to mitigate or avoid the significant environmental effects; and

WHEREAS, certain mitigation measures identified in the FEIR are within the responsibility and jurisdiction of another public agency, and such changes can and should be adopted by such other agency, and that specific economic, social and other considerations make infeasible the project alternatives that would avoid or mitigate the environmental impacts, and that social, economic and other benefits outweigh the environmental impacts that cannot be fully mitigated; and

WHEREAS, the City Council has reviewed the requested rezoning and density bonus and incentives for the senior housing component of the Project and conducted a public hearing.

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

1. That Parcel 1 of the Parcel Map, consisting of approximately 1.04 acres, shown on **Exhibit A**, attached hereto and incorporated by this reference, is hereby rezoned from "A" Agriculture to "B" Public Park.
2. That Parcel 2, consisting of approximately 9.90 acres, shown on **Exhibit A**, is hereby rezoned from "A" Agriculture to PD (R3-18D).
3. That Parcel 3, consisting of approximately 6.45 acres, shown on **Exhibit A**, is hereby rezoned from "A" Agriculture to PD (R3-25D).
4. Rezoning Findings. Pursuant to SCCC 18.112.010, the City Council finds and determines that the public necessity or convenience of the general welfare require the rezonings set forth above in order to support the development of more open space through the provision on a one-acre park; by providing additional housing opportunities for low and very-low income senior citizens; and by increasing the available housing stock in the City of Santa Clara for all persons through the single-family residential development included in the Santa Clara Gardens Project.
5. Density Bonus Findings. As it relates solely to Parcel 3 and pursuant to SCCC 18.78.030, the City Council finds and determines that the granting of a density bonus and other incentives is warranted to make the development of Parcel 3 economically viable and feasible by allowing greater density and by allowing one parking space per unit where the Zoning Ordinance requires two parking spaces per unit, reduced covered parking and reduced parking stall dimensions, and increased building heights, thus increasing the available stock of housing and increasing the number of affordable senior units in conjunction with the development of Parcel 3.
6. That, based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the City Staff Report, the City Council hereby rezones the Project Site as set forth herein.
7. That, based on the findings set forth in this Resolution, the CEQA Resolution and the evidence in the City Staff Report, the City Council hereby approves the density bonus and incentives for Parcel 3, as set forth herein.
8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of 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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REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL

PROTESTING ADOPTION OF RESOLUTION NO. 07-7432. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, REZONING THE PARCELS LOCATED AT 90 N. WINCHESTER BOULEVARD AND GRANTING A DENSITY BONUS FOR THE SENIOR HOUSING PROJECT FOR THE SANTA CLARA GARDENS PROJECT

DECLARATION OF CIRCULATOR: (to be handwritten by the circulator after all signatures on this section of the petition have been obtained)

I, _____, am a voter or qualified to register to vote in the City of
(Print full name)
Santa Clara, California, and reside at the following address: _____.
(Address, City, State, Zip)

All of the signatures on the voter signature sheet of this petition section were made in my presence and were observed by me. All of the sheets constituting this petition section were fastened together at the time such signatures were made. To the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition.

All signatures on this document were obtained between:

_____, 2007 and _____, 2007.
(Date of first signature) (Date of final signature)

I declare, under penalty of perjury, that the foregoing is true and correct.

(Circulator's Printed Name)

(Circulator's Signature)

Executed at _____, California.

(Date Signed)