

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE REPEALING RESOLUTION NO. 79559 TO  
DECERTIFY THE CHARCOT AVENUE EXTENSION  
PROJECT ENVIRONMENTAL IMPACT REPORT**

**WHEREAS**, on June 9, 2020, the City Council of the City of San José adopted Resolution No. 79559, which certified the Charcot Avenue Extension Project Environmental Impact Report (“EIR”); made findings concerning significant impacts, mitigation measures, and alternatives; adopted project Alternative F; and adopted a statement of overriding considerations and a mitigation monitoring and reporting program under the California Environmental Quality Act (“CEQA”);

**WHEREAS**, on September 1, 2020, Protecting the Children of Orchard School filed a lawsuit challenging the City Council’s approval of the Charcot Avenue Extension project (“Project”) and certification of the EIR;

**WHEREAS**, on February 1, 2022, the City Council unanimously voted to (a) direct the City Manager to no longer move forward with the construction of the Project and take any steps necessary to cease progress on the Project, and (b) direct the City Manager to reallocate the remaining \$3.9 million in the budgeted Capital Improvement Program funds initially reserved for the Project to either the U.S. 101 Mabury-Berryessa-Oakland Road Corridor Project or the US 101/Zanker Road Project;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. City of San José Resolution number 79559 is hereby repealed.

2. Approval of the Project is hereby rescinded.
3. The Charcot Avenue Extension EIR is hereby decertified.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk