

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DENYING AN ENVIRONMENTAL APPEAL OF AND UPHOLDING THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT’S RELIANCE ON THE 1301 WEST SAN CARLOS STREET CHICK-FIL-A PROJECT CATEGORICAL EXEMPTION MEMORANDUM AS THE ENVIRONMENTAL CLEARANCE FOR APPROVAL OF A SITE DEVELOPMENT PERMIT FOR THE 1301 WEST SAN CARLOS STREET CHICK-FIL-A PROJECT (FILE NO. H24-046)

WHEREAS, the City of San José (“City”) acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively, “CEQA”), prepared a Categorical Exemption Memorandum under File No. H24-046 for the 1301 West San Carlos Chick-fil-A Project (“Project”) to allow the construction of a one-story, approximately 5,139-square-foot quick-service restaurant with an outdoor patio through the demolition of an approximately 3,817-square-foot commercial building and the removal of 20 ordinance-size trees on an approximately 1.09-gross-acre site, located on the northwest corner of Race Street and West San Carlos Street (1301 West San Carlos Street & 255-263 Race Street); and

WHEREAS, on June 11, 2025, the Hearing Officer on behalf of the Director of Planning, Building and Code Enforcement (“Director”) for the City conducted a public hearing to consider (i) the 1301 West San Carlos Chick-fil-A Categorical Exemption Memorandum as the environmental clearance for Site Development Permit File No. H24-046, and (ii) approval of Site Development Permit File No. H24-046 to allow the demolition of the existing approximately 3,817-square-foot commercial building and the removal of 20 ordinance-size trees on the Project site to construct a new approximately 5,139-square-foot quick-service restaurant with an outdoor dining patio; and

WHEREAS, the 1301 West San Carlos Chick-fil-A Categorical Exemption Memorandum concluded that approval of Site Development Permit File No. H24-046, and

implementation of the Project would not result in significant impacts that would warrant a supplemental or subsequent environmental impact report; and

WHEREAS, based on the entirety of the administrative record, on June 11, 2025, the Director determined the 1301 West San Carlos Chick-fil-A Project Categorical Exemption Memorandum was the appropriate environmental clearance under CEQA for approval of Site Development Permit File No. H24-046; and

WHEREAS, on June 16, 2025, appellant Joshua Safran, counsel of record for The Zotta Family Trust, owner of the subject parcel, filed a timely environmental appeal of the Director's environmental determination in accordance with Section 21.04.140 of the San José Municipal Code; and

WHEREAS, Section 21.04.140 of the San José Municipal Code allows any determination regarding the appropriate environmental clearance for a project made by the Director, Planning Commission, or other non-elected decision-making body to be appealed directly to the City Council; and

WHEREAS, notice of the date, time, and place of the hearing before the City Council on the appeal was duly and properly given pursuant to and in compliance with the provisions and requirements of Title 21 of the San José Municipal Code;

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

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Categorical Exemption for the 1301 West San Carlos Chick-fil-A Project and other information in the record and has considered the information contained therein, prior to acting upon or denying the appeal and upholding the Director of Planning, Building and Code Enforcement's reliance on the Categorical

Exemption Memorandum as the environmental clearance for approval of Site Development Permit, File No. H24-046; (2) the Categorical Exemption Memorandum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; (3) the Categorical Exemption Memorandum represents the independent judgment and analysis of the City of San José, as lead agency for the Project; and (4) preparation of a new environmental document is not required because the Categorical Exemption Memorandum thoroughly and adequately analyzes the Project and the environmental appeal does not raise any new significant impacts that have not already been analyzed or addressed in the Categorical Exemption Memorandum in accordance with Public Resources Code Section 21083 or CEQA Guidelines Sections 15162 and 15185. The City Council designates the Director of Planning, Building and Code Enforcement, at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire administrative record of proceedings before it and all information received that there is no substantial evidence that the Project will result in any significant effects on the environment as detailed in the certified Categorical Exemption Memorandum and does hereby deny the environmental appeal and uphold the Director of Planning, Building and Code Enforcement's reliance on the Categorical Exemption Memorandum. The Categorical Exemption Memorandum and Response to the Environmental Determination Appeal thereto are: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and electronically on the City of San José's Department of Planning, Building and Code Enforcement website, and (2) available for inspection by any interested person.

ADOPTED this ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk