

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ADOPTING AN ADDENDUM TO THE 1312
EL PASEO AND 1777 SARATOGA AVENUE MIXED-
USE VILLAGE FINAL ENVIRONMENTAL IMPACT
REPORT AND ADDENDA THERETO, ALL IN
ACCORDANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, AS AMENDED**

WHEREAS, the City of San José (“City”), acting as lead agency under the California Environmental Quality Act (“CEQA”), prepared and completed the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, which analyzed the environmental impacts of a Planned Development Zoning (Planning File No. PDC19-049), the demolition of existing buildings totaling 126,345 square feet, and the development of one of two project options (Non-Education Mixed-Use Option or Education Mixed-Use Option) on two sites totaling approximately 10.7 gross acres located at the southeast corner of Saratoga Avenue and Quito Road (1312 El Paseo de Saratoga) and north of the intersection of Saratoga Avenue and Lawrence Expressway (1777 Saratoga Avenue); and

WHEREAS, on June 21, 2022, the City Council approved the project option that was evaluated under the Non-Education Mixed-Use Option (Planning File No. PDC19-049 and PD20-006), certified the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Environmental Impact Report, and adopted a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA (Resolution No. 80605); and

WHEREAS, on November 16, 2023, the Director of Planning, Building, and Code Enforcement approved an Addendum to the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report which evaluated the environmental impacts of a Planned Development Permit Amendment (Planning File No. PD20-006-01) which allowed revisions to Building 3 in the previously approved 1312 El Paseo and 1777

Saratoga Avenue Mixed-Use Village Signature Project including the reduction in building height from 11-stories to one story, removal of residential uses, reduction in building square footage to approximately 58,735 square feet, and the reconfiguration of the underground parking garage, and adopted a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, CEQA recognizes that between the date an environmental document is approved and the date the project is fully implemented, that the project may change; the environmental setting of the project may change; laws, regulations, or policies may change; and/or previously unknown information can arise; and

WHEREAS, CEQA Guidelines Section 15162 provides that when an Environmental Impact Report (EIR) has been certified or a Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines that substantial changes to the project occur that will require major revisions to the Negative Declaration, or that new information which was no previously known or studied indicates that significant impacts on the environment may arise from the development of the revised project; and

WHEREAS, the lead agency shall prepare an addendum tiering from a previously certified EIR if some changes or additions are necessary, but none of the conditions described in CEQA Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred, and an Addendum to the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, pursuant to CEQA Guidelines Section 15164 has appropriately been prepared; and

WHEREAS, an Addendum to the Final Environmental Impact Report (PDA20-006-002; ER23-267) pursuant to CEQA Guidelines Section 15164 for a Planned Development Permit Amendment (Planning File No. PDA20-006-02) to amend the Affordable Housing

Compliance Plan in accordance with the Inclusionary Housing Ordinance and allow changes to Buildings 1, 2, and 4 within the previously approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project, including the construction of two mixed-use buildings consisting of 772 multifamily residential units (with 39 deed-restricted affordable units) and approximately 31,586 square feet of commercial retail space and the construction of a seven-story, approximately 230,305-square-foot, 263-bed residential care facility with up to 20 commercial condominium units on an approximately 10.76-gross-acre site (“Project”), on that certain real property situated in the CG(PD) Planned Development Zoning District (File No. PDC19-049) (the “Addendum”); and

WHEREAS, the Addendum analyzes the proposed Project and demonstrates that all of the potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report and addenda thereto, and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

WHEREAS, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

WHEREAS, the City Council has reviewed and considered the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report and addenda, thereto, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, and addenda thereto, for the Project are 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 are available for

inspection by any interested person at that location and on the Department of Planning, Building and Code Enforcement website (www.sanjoseca.gov/Planning);

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

1. The foregoing recitals, the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, and the Addendum thereto are hereby incorporated by reference as if fully set forth in the body of this Resolution.
2. The City Council hereby makes the following findings: (1) it has independently reviewed and analyzed the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, as modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project; (2) the Addendum has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA; and (3) the Addendum represents the independent judgment and analysis of the City of San José, as lead agency for the Project. 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.
3. The City Council hereby finds that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. ER23-267). The 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report and the Addendum 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 on the Department of Planning, Building and Code Enforcement’s website, and (2) available for inspection by any interested person.

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk