

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING AN ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AS ADDED; AND FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE UPDATED EVERGREEN-EAST HILLS DEVELOPMENT POLICY; FOR AN AMENDMENT TO THE EVERGREEN-EAST HILLS DEVELOPMENT POLICY TO LIMIT APPLICATION OF THE POLICY AND AN AMENDMENT OF CHAPTER 14.33 OF TITLE 14 OF THE SAN JOSE MUNICIPAL CODE TO LIMIT THE APPLICATION OF THE EVERGREEN-EAST HILLS DEVELOPMENT POLICY TRAFFIC IMPACT FEE , ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, prior to the adoption of this Resolution, the Director of Planning, Building and Code Enforcement of the City of San José prepared an Addendum for an amendment to the Evergreen-East Hills Development Policy (EEHDP) and an amendment to Title 14 of the San José Municipal Code, Planning File No. GPT23-006 (the “Addendum”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

WHEREAS, the Project analyzed under the Addendum consists of the following:

- (a) Amendment to the EEHDP to limit the application of the EEHDP to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the EEHDP to the effective date of the resolution to close the EEHDP, making the Evergreen-East Hills Traffic Impact Fee inapplicable to Evergreen-East Hills development projects after the effective date of the resolution closing the policy; and

- (b) Adoption of an ordinance amending San José Municipal Code Title 14, Chapter 14.33, entitled “Evergreen-East Hills Development Policy Traffic Impact Fee Requirements,” to limit the application of Chapter 14.33 to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the EEHDP to the effective date of the related resolution amending the EEHDP to close the policy, making the Evergreen-East Hills Traffic Impact Fee inapplicable to future Evergreen-East Hills development projects; and

- (c) Changes to improvements identified as mitigation measures in the Evergreen-East Hills Vision Strategy Project Final Environmental Impact Report and Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy; and

WHEREAS, the amendments to the EEHDP and the Traffic Impact Fee are to limit the application of the EEHDP and the Traffic Impact Fee to development within the Policy area boundary that received approved land use entitlements, including any general plan amendment and/or zoning amendment, and/or land use permits on or after the effective date of the EEHDP, and prior to the effective date of the resolution making such an amendment the EEHDP, and any subsequent amendments or adjustments to such entitlements and/or land use permits; and

WHEREAS, the amendment to the General Plan makes changes to acknowledge the amendments to the EEHDP; and

WHEREAS, the amendment to the San José Municipal Code Title 14, Chapter 14.33, entitled “Evergreen-East Hills Development Policy Traffic Impact Fee Requirements,” to limit the application of Chapter 14.33 to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the

effective date of the EEHDP to the effective date of the related resolution amending the EEHDP to close the policy, making the Evergreen-East Hills Traffic Impact Fee inapplicable to future Evergreen-East Hills development projects; and

WHEREAS, changes to improvements identified as mitigation measures in the Evergreen-East Hills Vision Strategy Project Final Environmental Impact Report and Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy; and

WHEREAS, the Addendum concluded that implementation of the Project would not result in any substantial changes due to any new impacts not considered in the prior certified Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report (Resolution No. 77617), and all addenda thereto; and the Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy, adopted by City Council (Resolution No. 74742), and addenda thereto; and

WHEREAS, the Addendum concluded that implementation of the Project would not result in any substantial increase in the severity of previously identified significant effects in the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report; and the Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy, and addenda thereto; and

WHEREAS, the Addendum concluded that implementation of the Project would not result in any substantial changes with respect to circumstances that will require major revisions to the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report; and the Final Supplemental

Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy, and addenda thereto; and

WHEREAS, the Addendum concluded that implementation of the Project would not affect one or more significant effects discussed in the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report, or the Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy, and addenda thereto, due to substantial new information or information of substantial importance; and

WHEREAS, the Addendum concluded that implementation of the Project would not affect one or more significant effects previously examined that will be substantially more severe than those disclosed in the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report; and the Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy, and addenda thereto; 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 Addendum for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Addendum for the Project, the Envision San José 2040 General Plan Environmental Impact Report, Envision San José 2040 General Plan Supplemental Environmental Impact Report, and the Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy, 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, are available for inspection by any interested person at that location and on the Department of Planning, Building, and Code Enforcement's website and are, by this reference, incorporated into this Resolution as if fully set forth herein;

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 Addendum and other information in the administrative record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum prepared for the Project 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.

THAT THE CITY COUNCIL does hereby find 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 any new significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. GPT23-006). The Addendum is: (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 is (2) available for inspection by any interested person.

ADOPTED this ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk