

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ADOPTING THE FOURTH AND ST. JOHN
GENERAL PLAN AMENDMENT AND REZONING
PROJECT NEGATIVE DECLARATION, FOR WHICH
AN INITIAL STUDY WAS PREPARED, ALL IN
ACCORDANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, AS AMENDED**

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Initial Study and approved for circulation a Negative Declaration for the Fourth and St. John General Plan Amendment and Rezoning Project under Planning File Nos. GP16-013 and C17-032 (the “Initial Study/Negative Declaration”), 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 Fourth and St. John General Plan Amendment and Rezoning (the “Project”) analyzed under the Initial Study/Negative Declaration consists of a General Plan Amendment to include the project site into the Downtown Growth Area and to change the General Plan land use designation on the site from Residential Neighborhood and Transit Residential to Downtown, and a rezoning from the General Commercial Zoning District to the Downtown Primary Commercial Zoning District on an approximate 0.98 gross acre site located at the northeast corner of Fourth Street and St. John Street, in the City of San José (Assessor’s Parcel Numbers 467-20-019, 020, 021, 022, and 040), California; and

WHEREAS, the Initial Study/Negative Declaration concluded that implementation of ~~the Project~~ the General Plan Amendment and Rezoning would not result in any significant effects on the environment; and

WHEREAS, the City of San José is the lead agency under CEQA for the General Plan Amendment and Rezoning applications, and the City Council is the final decision-making body for the approval of the proposed General Plan Amendment and Rezoning; and

WHEREAS, on November 15, 2017 and continued to December 8, 2017, the Planning Commission held a duly noticed public hearing and considered the Initial Study/Negative Declaration for the proposed General Plan Amendment and the Rezoning as the advisory body to the City Council; and

WHEREAS, on November 15, 2017, the Planning Commission recommended that the Rezoning File No. C17-032 be dropped from consideration; and

WHEREAS, prior to the conclusion of the continued Planning Commission hearing on December 6, 2017, the applicant notified the City that the application for Rezoning File No. C17-032 is withdrawn; and

WHEREAS, the Project considered for recommendation of approval to the City Council by the Planning Commission was General Plan Amendment File No. GP16-013 (the "Project"); and

WHEREAS, at the conclusion of the continued hearing on December 6, 2017, the Planning Commission recommended to the City Council the adoption of a resolution

approving the Negative Declaration for the Project and the adoption of a resolution approving the Project; 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 Initial Study/Negative Declaration 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 Initial Study/Negative Declaration for the Project is on file in the Office of the Director of Planning, Building and Code Enforcement of the City of San José, 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 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 Initial Study/Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/Negative Declaration 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 a significant effect on the environment and does hereby adopt the Negative Declaration for the Project (Planning File Nos. GP16-013 ~~and C17-032~~). The Initial Study/Negative Declaration 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 (2) available for inspection by any interested person.

ADOPTED this ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk