

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE LOT E PARKING STRUCTURE PROJECT ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT AND A RELATED MITIGATION MONITORING AND REPORTING PROGRAM IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of San José (“City”), acting as lead agency under the California Environmental Quality Act (“CEQA”), prepared and circulated an Environmental Impact Report for the Downtown Strategy 2040 (“Downtown Strategy 2040 EIR”) to update and replace the Downtown Strategy 2000 Environmental Impact Report and analyze the environmental impacts of increased downtown development capacity under the Downtown Strategy Plan 2040 and Envision San José 2040 General Plan; and

WHEREAS, on November 28, 2018, the City’s Planning Commission reviewed and recommended that the Council of the City of San José (“City Council”) certify the Downtown Strategy 2040 EIR; and

WHEREAS, on December 18, 2018, in connection with the adoption of the Downtown Strategy 2040 Plan (Planning File No. PP15-102), the City Council certified the Downtown Strategy 2040 EIR and adopted a mitigation monitoring and reporting program pursuant to CEQA; and

WHEREAS, the City has now prepared an addendum to the Downtown Strategy 2040 EIR pursuant to CEQA Guidelines Section 15164 to make minor modifications to the Downtown Strategy 2040 EIR (the “Addendum”); and

WHEREAS, the Addendum analyzes the Lot E Parking Structure project (the “Project”), which includes the relocation of a home currently on the project site at 160 North

Montgomery Street and construction of a 1,200-space multi-level public parking garage on the approximately 2.3-acre site north of St. John Street between Barack Obama Boulevard and North Montgomery Street; and

WHEREAS, the Project is approximately 398,000 square feet in size and would have one level below grade, one at-grade level, and up to six levels above grade; the height of the structure would be no more than 70 feet. Prior to construction of the structure, the proposed project site may be used as an interim public surface parking lot with approximately 270 spaces. Access locations and setbacks would be similar to those proposed in the Project; and

WHEREAS, the scale and scope of the Project is within the development capacity analyzed in the Downtown Strategy 2040 EIR, and implementation of the Project would not result in new significant effects on the environment beyond those already identified, nor will the Project result in an increase in the severity of significant effects identified in the Downtown Strategy 2040 FEIR, and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

WHEREAS, the related mitigation measures are described in the Addendum; and

WHEREAS, a related mitigation monitoring and reporting program was prepared for the Addendum that incorporates certain mitigation measures from the previously certified Downtown Strategy EIR ("Mitigation Monitoring and Reporting Program"); and

WHEREAS, the City Council has reviewed and considered the Downtown Strategy 2040 EIR and the Addendum, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Downtown Strategy 2040 EIR and the Addendum for the Project are on file in the Office of the Director of Planning, 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 Downtown Strategy 2040 EIR, 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 Downtown Strategy 2040 EIR, 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 modifying the Downtown Strategy 2040 EIR 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 modifying the Downtown Strategy 2040 EIR 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. ER20-011). The Mitigation Monitoring and Reporting Program is attached hereto as Exhibit A and is fully incorporated herein by this reference. The Downtown Strategy 2040 EIR 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 _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk