

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ADOPTING AN ADDENDUM TO THE
PRESENTATION HIGH SCHOOL MASTER PLAN
PROJECT INITIAL STUDY AND MITIGATED NEGATIVE
DECLARATION AND A RELATED MITIGATION
MONITORING AND REPORTING PROGRAM, 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 of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”), prepared, completed and adopted the Presentation High School Master Plan Initial Study and Mitigated Negative Declaration (“IS/MND”), which analyzed the environmental impacts of a Special Use Permit to allow the redevelopment of Presentation High School by demolition of 59,495 square feet of existing facilities and construction of approximately 106,900 square feet of new classrooms, multi-purposing buildings, administrations buildings, facilities workshop, and chapel on-site; and

WHEREAS, a public hearing was held on July 29, 2020, by the Director of Planning, Building and Code Enforcement and the Director adopted the Presentation High School Master Plan IS/MND (Planning File No. SP18-008), setting forth certain findings concerning significant impacts and mitigation measures pertaining to the Presentation High School Master Plan IS/MND, and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

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 to the Presentation High School IS/MND under Planning File Nos. GP22-007, C22-022 and SP22-014, all in accordance with 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. CEQA Guidelines Section 15162 provides that when an Environmental Impact Report 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 not 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 initial study tiering from a previously adopted IS/MND 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 IS/MND pursuant to CEQA Guidelines Section 15164 has appropriately been prepared; and

WHEREAS, the Plummer Avenue General Plan Amendment Project (the “Project”) analyzed under the Addendum consists of a General Plan Amendment, a rezoning to the P/QP Public/Quasi-Public Zoning District, and a Special Use Permit to repurpose an existing single-family residence to be used for administrative office operations and the school’s robotics program on a 0.39-gross-acre site located at 2267 Plummer Avenue, adjacent to the Presentation High School campus, in San José, California; and

WHEREAS, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously adopted Presentation High School Master Plan IS/MND, 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 related mitigation measures are described in the Addendum; and

WHEREAS, a related Mitigation, Monitoring and Reporting Program (“Mitigation Monitoring and Reporting Program”) was prepared that incorporates certain applicable mitigation measures from the previously adopted Presentation High School Master Plan IS/MND; and

WHEREAS, the City Council has reviewed and considered the Presentation High School Master Plan IS/MND 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 Presentation High School Master Plan IS/MND and Addendum, 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, are available for inspection by any interested person at that location and on the Department of Planning, Building and Code Enforcement 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 Presentation High School Master Plan IS/MND, 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 Presentation High School Master Plan IS/MND

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 Presentation High School Master Plan IS/MND 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 Addendum prepared for the Project (Planning File Nos. GP22-007, C22-022 and SP22-014). The Mitigation Monitoring and Reporting Program is attached hereto as Exhibit "A" and is fully incorporated herein by this reference. The Presentation High School Master Plan IS/MND 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.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk