RESOLUTION NO._____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE PHASE III SANITARY SEWER MASTER PLAN ADDENDUM (FILE NO. ER22-287) TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, 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 the Final Program Environmental Impact Report for the Envision San José 2040 General Plan ("2040 General Plan FPEIR") which analyzed the environmental impacts set forth from the land use and development assumptions of the Envision San José 2040 General Plan; and

WHEREAS, the Planning Commission of the City certified said 2040 General Plan FPEIR on November 1, 2011, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Envision San José 2040 General Plan (Planning File No. PP09-011), the City Council adopted Resolution No. 76041 on November 1, 2011, setting forth certain findings pertaining to the 2040 General Plan FPEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, subsequent to said actions on the 2040 General Plan FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental Environmental Impact Report ("SEIR") for the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy (Planning File No. PP15-060); and

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WHEREAS, the Planning Commission of the City certified said SEIR on December 2, 2015 which certification was not appealed; and

WHEREAS, the City Council adopted Resolution No. 77617 on December 15, 2015, setting forth certain findings pertaining to the SEIR, all pursuant to the provisions of CEQA; and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared an Addendum to the 2040 General Plan FPEIR and SEIR for the Phase III Sanitary Sewer Master Plan Project under Planning File No. ER22-287 (the "Addendum"), all in accordance with CEQA; and

WHEREAS, the Phase III Sanitary Sewer Master Plan Project (the "Project") analyzed under the Addendum consists of identification of 76 individual capital improvement projects, and four alternative projects, to address existing sewer system capacity improvement needs per the San José City Council Sewer Level of Service Policy 8-7, and to provide for planned future growth as outlined in the adopted Envision San José 2040 General Plan, 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 approved 2040 General Plan FPEIR, and SEIR, nor will the Project result in an increase in the severity of significant effects identified in the 2040 General Plan FPEIR, and SEIR; 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 2040 General Plan FPEIR, SEIR 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 2040 General Plan FPEIR, SEIR and the Addendum thereto 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 incorporates the foregoing recitals into this Resolution.

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the 2040 General Plan FPEIR, and SEIR, as all 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 2040 General Plan FPEIR, and SEIR 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 2040 General Plan FPEIR, and SEIR 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 No. ER22-287). The 2040 General Plan FPEIR, SEIR 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 website, and (2) available for inspection by any interested person.

ADOPTED this _____day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

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