

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE DUPONT STREET GENERAL PLAN AMENDMENT ADDENDUM TO THE DIRIDON STATION AREA PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT, AND 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 Diridon Station Area Plan, which analyzed the environmental impacts of future development in an approximately 250 acres in and adjacent to Downtown San José, west of State Route 87, in an area generally bounded by Lenzen Avenue and the UPRR tracks to the north, Interstate 280 to the south, the Guadalupe River and Delmas Avenue to the east and Sunol Avenue and the Diridon Station commuter rail tracks to the west to guide future development in a manner that takes full advantage of the high level of transit connectivity; and

WHEREAS, the Planning Commission of the City certified said Diridon Station Area Plan FPEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Diridon Station Area Plan (Planning File No. PP09-163), the City Council adopted Resolution No. 77096 on June 17, 2014, setting forth certain findings pertaining to the Diridon Station Area 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 Diridon Station Area Plan FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (“General Plan Update 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 General Plan Update FPEIR, 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 General Plan Update FPEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, subsequent to said actions on the Diridon Station Area Plan FPEIR, and the General Plan Update FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental EIR (“SEIR”) for the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy (Planning File No. PP15-060); and

WHEREAS, the Planning Commission of the City certified said SEIR, 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 and approved an Addendum to the Diridon Station Area Plan

FPEIR, the General Plan Update FPEIR and SEIR for the Dupont Street General Plan Amendment under Planning File No. GP17-017 (the “Addendum”), all in accordance with CEQA; and

WHEREAS, the Dupont Street General Plan Amendment (the “General Plan Amendment”) analyzed under the Addendum consists of a rezoning from MUC – Mixed-Use Commercial General Zoning District to the TR – Transit Residential Zoning District, a 3.4-acre site comprised of five non-contiguous parcels located on Dupont Street and McEvoy Street, between West San Carlos Street and Park Avenue in San José, California; and

WHEREAS, as further described in the Addendum, the implementation of the General Plan Amendment would not result in new significant effects on the environment beyond those already identified in the previously approved Diridon Station Area Plan FPEIR, General Plan Update FPEIR, and SEIR, nor will the General Plan Amendment result in an increase in the severity of significant effects identified in the Diridon Station Area Plan FPEIR, General Plan Update FPEIR, and SEIR, and identified mitigation measures, as amended, would continue to reduce each of those significant effects to a less-than significant level; and

WHEREAS, although the General Plan Amendment will not result in any new significant effect or increase in the severity of an existing significant effect on the environment, revisions to standard measures and mitigation measures are being made to reflect current General Plan policies and current protocols, which have been updated to incorporate applicable mitigations from the Diridon Station Area Plan FPEIR, General Plan Update FPEIR, and SEIR into the General Plan Amendment; and

WHEREAS, the City of San José is the lead agency on the General Plan Amendment, and the City Council is the decision-making body for the proposed approval to undertake the General Plan Amendment; and

WHEREAS, the City Council has reviewed and considered the Diridon Station Area Plan FPEIR, General Plan Update FPEIR, SEIR and the Addendum, and intends to take actions on the General Plan Amendment in compliance with CEQA and State and local guidelines implementing CEQA; and

WHEREAS, the Diridon Station Area Plan FPEIR, General Plan Update FPEIR, SEIR and the Addendum thereto for the Dupont Street General Plan Amendment 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, 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 Diridon Station Area Plan FPEIR, General Plan Update 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 General Plan Amendment, (2) the Addendum modifying the Diridon Station Area Plan FPEIR, General Plan Update FPEIR, and SEIR prepared for the General Plan Amendment has been completed in compliance with CEQA and is consistent with State and local guidelines implementing CEQA, and (3) the Addendum modifying the Diridon Station Area Plan FPEIR, General Plan Update FPEIR, and SEIR represents the independent judgment and analysis of the City of San José, as lead

agency for the General Plan Amendment. The City Council designates the Director of Planning 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 General Plan Amendment will have a significant effect on the environment and does hereby adopt the Addendum prepared for the General Plan Amendment (Planning File No. GP17-017). The Diridon Station Area Plan FPEIR, General Plan Update FPEIR, SEIR and the Addendum are: (1) 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 (2) available for inspection by any interested person.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk