

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE ADDENDUM TO THE INCIDENTAL SAFE PARKING USE MUNICIPAL CODE AMENDMENTS 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/Negative Declaration for Incidental Safe Parking Use Municipal Code Amendments under Planning File No. PP18-092 (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 Incidental Safe Parking Use Municipal Code Amendments (the “Initial Project”) analyzed under the Initial Study/Negative Declaration consists of a Director-initiated amendment to Title 20 of the San José Municipal Code to create standards that could allow homeless individuals and families to sleep overnight in their personal vehicles, by allowing “safe parking” as an incidental permitted use to an existing assembly use or on City properties, where the safe parking is provided on existing paved parking areas and operating in compliance with the San José Municipal Code within the City of San José, California; and

WHEREAS, the Initial Study/Negative Declaration concluded that implementation of the Project would not result in certain significant effects on the environment; and

WHEREAS, the City Council adopted Resolution No. 78990 on February 26, 2019, setting forth certain findings pertaining to the Initial Study/Negative Declaration, 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 Initial Study/Negative Declaration for Incidental Safe Parking Municipal Code Amendments under Planning File No. PP18-092, all in accordance with the requirements of CEQA; and

WHEREAS, as further described in the Addendum to Incidental Safe Parking Municipal Code Amendments, the implementation of the amendments to Title 20 of the San José Municipal Code would not result in new significant effects on the environment beyond those already identified in the previously approved Initial Study/Negative Declaration and addenda thereto, nor will the amendments result in an increase in the severity of significant effects identified in the Initial Study/Negative Declaration and addenda thereto; and

WHEREAS, the City of San José is the lead agency on the amendments described herein, and the City Council is the decision-making body for the proposed approval to undertake the amendments; and

WHEREAS, the City Council has reviewed and considered the Addendum, the Initial Study/Negative Declaration, and any prior addenda thereto and intends to take actions on the amendments in compliance with CEQA and State and local guidelines implementing CEQA; and

WHEREAS, the Addendum, the Initial Study/Negative Declaration, and any prior addenda thereto 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 Addendum to 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 amendments, (2) the Addendum to the Initial Study/Negative Declaration prepared for the amendments has been completed in compliance with CEQA and is consistent with State and local guidelines implementing CEQA, and (3) the Addendum to 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 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 to the Initial Study/Negative Declaration prepared for the amendments (Planning File No. PP18-092). The Addendum, Initial Study/Negative Declaration, and any prior addenda thereto 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 _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk