

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE PELLIER PARK MASTER PLAN PROJECT ADDENDUM TO THE BRANDENBURG MIXED-USE PROJECT/NORTH SAN PEDRO HOUSING SITES FINAL ENVIRONMENTAL IMPACT REPORT AND DOWNTOWN STRATEGY 2040 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 Environmental Impact Report for the Brandenburg Mixed-Use Project/North San Pedro Housing Sites (“Brandenburg FEIR”), which analyzed the environmental impacts of future development in the 11.11-acre Brandenburg site bounded by Union Pacific Rail Road Line to the north, Market Street to the east, St. James Street to the south, and State Route 87 to the west to allow high density infill development and the expansion of the Brandenburg area; and

WHEREAS, the Planning Commission of the City certified said Brandenburg FEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Brandenburg FEIR (Planning File No. GP03-03-01), the City Council adopted Resolution No. 72170 on June 15, 2004, setting forth certain findings pertaining to the Brandenburg FEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, the City of San José (“City”) prepared, completed, and adopted in accordance with CEQA the Final Program Environmental Impact Report for the Downtown Strategy 2040 (“Downtown Strategy FPEIR”), which updated the Downtown Strategy 2000 Final Environmental Impact Report to be consistent with the Envision San José 2040 General Plan including an increase in the amount of new commercial office and residential development capacity and revised development phasing to extend the horizon (buildout) year to 2040; and

WHEREAS, in connection with the adoption of a resolution approving said Downtown Strategy 2040 Plan (Planning File No. PP15-102), the City Council adopted Resolution No. 78942 on December 18, 2018 setting forth certain findings pertaining to the Downtown Strategy FPEIR 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 Planning Director of the City of San José prepared and approved an Addendum to the Brandenburg FEIR and Downtown Strategy FPEIR for the Pellier Park Master Plan Project under Planning File Nos. PP19-046 and HP19-004 (the “Addendum”), all in accordance with the requirements of CEQA, together with state and local guidelines implementing CEQA, all as amended to date; and

WHEREAS, the Pellier Park Master Plan (the “Project”) analyzed under the Addendum consists of design improvements, dedicated park space with landscape areas, gateway fence, community work table, moveable chairs, donor plaque walls, and other similar improvements in the 0.52-gross acre site located at the corner of West St. James Street and Terraine Street 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 Brandenburg FEIR and Downtown Strategy FPEIR,

nor will the Project result in an increase in the severity of significant effects identified in the Brandenburg FEIR and Downtown Strategy FPEIR; 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 Addendum to the Brandenburg FEIR and Downtown Strategy FPEIR for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Brandenburg FEIR, the Downtown Strategy FPEIR, and the Addendum thereto 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, 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 Brandenburg FEIR and Downtown Strategy FPEIR, 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 Brandenburg FEIR and Downtown Strategy FPEIR 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 Brandenburg FEIR and Downtown Strategy FPEIR 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 prepared for the Project (Planning File Nos. PP19-046 and HP19-004). The Brandenburg FEIR, the Downtown Strategy FPEIR 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 _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk