

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE NEWBURY PARK PROJECT ADDENDUM TO THE KING AND DOBBIN TRANSIT VILLAGE AND U.S. 101-OAKLAND/MABURY TRANSPORTATION DEVELOPMENT POLICY FINAL 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 King and Dobbin Transit Village and U.S. 101-Oakland/Mabury Transportation Development Policy Final Environmental Impact Report (King and Dobbin FEIR), which analyzed the environmental impacts of future development in the King and Dobbin Transit Village; and

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

WHEREAS, in connection with the adoption of a resolution approving said King and Dobbin and U.S. 101-Oakland/Mabury Transportation Development Policy (Planning File No. PP07-172), the City Council adopted Resolution Nos. 74195.1 and 74196 on December 18, 2007, setting forth certain findings pertaining to the King and Dobbin FEIR 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 and approved the Newbury

Park Project Addendum to the King and Dobbin FEIR under Planning File No. PP19-055 (the “Addendum”), all in accordance with CEQA; and

WHEREAS, the Newbury Park Project (the “Project”) analyzed under the Addendum consists of the construction of a community park with picnic benches, a play area, and associated landscaping on an approximately one-gross acre site, located between Newbury Park Drive and Dobbin Drive (APN #: 254-04-108) 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 King and Dobbin FEIR, nor will the Project result in an increase in the severity of significant effects identified in the King and Dobbin FEIR, 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 City Council has reviewed and considered the King and Dobbin FEIR and Addendum, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the King and Dobbin FEIR and the 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 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 King and Dobbin FEIR, 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 King and Dobbin FEIR 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 King and Dobbin FEIR 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. PP19-055). The King and Dobbin FEIR and 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 (2) available for inspection by any interested person.

//

//

//

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk