

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE PORTSWOOD DRIVE RESIDENTIAL GENERAL PLAN AMENDMENT AND REZONING PROJECT 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 Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study and approved for circulation a Negative Declaration for the Portswood Drive Residential General Plan Amendment and Rezoning Project under Planning File Nos. GP20-001, C20-007, and ER20-058 (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 Portswood Drive Residential General Plan Amendment and Rezoning Project (the “Project”) analyzed under the Initial Study/Negative Declaration consists of a General Plan Amendment (GPA) to change the land use designation from Transportation and Utilities (TU) to Residential Neighborhood (RN) and to rezone the project site from A Agriculture and R-1-1 (PD) Planned Development District to R-1-5 Single-Family Residence District, all on a 8.6-acre site beginning at 790 Portswood Drive, between Belder Drive and Martwood Way, and extending from Almaden Expressway to McKean Road; and a linear parcel between Queenswood Court and Brooktree Court, and extending from Almaden Expressway to Bret Harte Drive (Assessor’s Parcel Numbers 701-48-057, 701-58-048), San José, California; and

WHEREAS, the Initial Study/Negative Declaration concluded that implementation of the Project would not result in any significant effects on the environment; 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 Initial Study/Negative Declaration 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 Initial Study/Negative Declaration 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 Initial Study/Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) 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, 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 Negative Declaration prepared for the Project (Planning File Nos. GP20-001, C20-007, and ER20-058). The Initial Study/ Negative Declaration is: (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 _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk