

RESOLUTION NO. 75432

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE FINDING ON APPEAL OF THE PLANNING COMMISSION'S CERTIFICATION ACTION THAT A FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR A BALLPARK PROJECT DESCRIBED IN APPLICATION FILE NO. PP05-214 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Redevelopment Agency of the City of San José approved the preparation of environmental analyses required to consider possible future actions pertaining to a modified ballpark project involving the potential development of an approximately 1.5 million square foot major league baseball stadium with an approximately 32,000 to 36,000 maximum seating capacity in the Diridon/Arena area, which ballpark is more particularly described in that certain Supplemental Environmental Impact Report for a Baseball Stadium in the Diridon/Arena Area (Modified Project), dated February 2010 (the "SEIR"); and

WHEREAS, the SEIR together with that certain First Amendment thereto dated May 2010 is collectively referred to herein as the "FSEIR," and the FSEIR is hereby made a part hereof by this reference; and

WHEREAS, the Director of Planning, Building and Code Enforcement (the "Director") pursuant to and in accordance with the provisions of Title 21 of the San José Municipal Code prepared and filed with the Planning Commission, and the City Council on appeal, the FSEIR, File No. PP05-214; and

WHEREAS, pursuant to and in accordance with said Title 21, the Director sent a copy of the Draft SEIR to each public agency having jurisdiction by law over said proposed project, advising such agencies to review and submit written comments on the draft SEIR, if any, to the Planning Commission in the time and manner specified under the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder (collectively, "CEQA"), and the provisions of said Title 21; and

WHEREAS, pursuant to and in accordance with said Title 21, the Planning Commission conducted a hearing on the FSEIR on May 19, 2010, notice of which was duly given; and

WHEREAS, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said FSEIR; and

WHEREAS, at said hearing, the Planning Commission found, determined and declared that the FSEIR had been completed in compliance with CEQA and certified the FSEIR, and

WHEREAS, on May 24, 2010 timely appeals of the Planning Commission's certification of the FSEIR were filed by Marc Morris, Stand for San José, and the Silicon Valley Sports and Entertainment, LLC; and

WHEREAS, pursuant to and in accordance with said Title 21, the City Council conducted a de novo hearing on the appeal of the Planning Commission's certification of the FSEIR on June 15, 2010, notice of which was duly given; and

WHEREAS, at said hearing, the City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said FSEIR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. This CITY COUNCIL hereby finds, determines and declares the that the FSEIR for the ballpark project described in the FSEIR has been completed in compliance with the California Environmental Quality Act of 1970, as amended, together with guidelines promulgated thereunder and the provisions of Title 21 of the San José Municipal Code, and represents the independent judgment and analysis of the City of San Jose.

SECTION 2. The Director of Planning, Building and Code Enforcement is directed to and shall transmit copies of the FSEIR to the Applicant and to a decision-making body for a project described in the FSEIR if a project application is brought forward for action.

ADOPTED this 15th day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk