

RESOLUTION NO. 73570

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE FINDING A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE EVERGREEN·EAST HILLS VISION STRATEGY, A PROJECT THAT INCLUDES AN UPDATE TO THE EVERGREEN DEVELOPMENT POLICY, GENERAL PLAN AMENDMENT FILE NOS. GP05-08-01A THROUGH F AND GPT05-08-01, PLANNED DEVELOPMENT ZONING FILE NOS. PDC05-048 THROUGH -053, ANNEXATION FILE NO. EVERGREEN 193, MODIFICATION OF THE CITYWIDE TRANSPORTATION LEVEL OF SERVICE POLICY 5-3 TO ADD CAPITOL AVE/CAPITOL EXPWY TO THE LIST OF “PROTECTED INTERSECTIONS” AND OTHER RELATED IMPLEMENTATION ACTIONS, HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, pursuant to Title 21 of the San Jose Municipal Code, **Yerba Buena OPCO, Arcadia Homes, Inc., KB Home, Berg and Berg Enterprises, IDS, Inc., and Evergreen Valley Community College**, hereinafter referred to as "Applicants", on May 11, 2005, filed applications for which an Environmental Impact Report (hereinafter called "EIR") was required for the Evergreen·East Hills Vision Strategy project, including Evergreen Development Policy update, General Plan Amendment File Nos. **GP05-08-01A through F and GPT05-08-01**, Planned Development Zoning File Nos. **PDC05-048 through -053**, Annexation File No. **Evergreen 193**, modification of the Citywide Transportation Level of Service Policy 5-3, and other related implementation actions, concerning that certain real property hereinafter referred to as "subject property", described in the EIR entitled EVERGREEN·EAST HILLS VISION STRATEGY PROJECT, SAN JOSÉ, CALIFORNIA and made a part hereof by reference as though fully set forth herein; and

WHEREAS, the Director of Planning, Building and Code Enforcement pursuant to and in accordance with said Title 21 prepared and filed with the Planning Commission a Final EIR, File Nos. GP05-08-01A through F, GPT05-08-01, PDC05-048 through -053, and Evergreen 193, relating to said subject property and project; and

WHEREAS, pursuant to and in accordance with said Title 21, the Director sent a copy of the Draft EIR to each public agency having jurisdiction by law of said proposed project, advising such agencies to review and submit written comments, if any, to the

Planning Commission in the time and manner specified in said Title 21; and

WHEREAS, pursuant to and in accordance with said Title 21, the Planning Commission on November 8, 2006 conducted a hearing on the Final EIR, 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 final EIR; and

WHEREAS, at said hearing and after the completion of public testimony, the Planning Commission found that the Final EIR was complete, prepared in compliance with the California Environmental Quality Act of 1970, as amended, and represents the independent judgment of the City of San Jose, which Planning Commission decisions have been appealed to the City Council *de novo* for review; and

WHEREAS, a timely appeal of the Planning Commission's certification of the Final EIR to the City Council was received by the Director of Planning pursuant to the provisions of Title 21 of the San Jose Municipal Code and an appeal hearing has been scheduled before the City Council on said appeal; and

WHEREAS, pursuant to and in accordance with said Title 21, the City Council on December 5 and 12, 2006 conducted a hearing on the Final EIR, 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 Final EIR.

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

SECTION 1. The City Council hereby finds, determines and declares the Final EIR for said project has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and represents the independent judgment and analysis of the City of San Jose.

SECTION 2. The Director of Planning, Building and Code Enforcement shall transmit copies of the Final EIR to the Applicants any other decision-making body.

ADOPTED and issued this 12th day of December, 2006, by the following vote:

AYES: Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle,
Reed, Williams; Gonzales .

NOES: NONE.

ABSENT: NONE.

VACANT: DISTRICT 6.

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk