

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE ADVANCED WATER TREATMENT FACILITY PROJECT, FOR WHICH AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, prior to the adoption of this Resolution, the Santa Clara Valley Water District (“District”) prepared an Initial Study and adopted a Mitigated Negative Declaration for the South Bay Advanced Recycled Water Treatment Facility Project in accordance with the requirements of the California Environmental Quality Act of 1970, as amended (“CEQA”), and state and local guidelines implementing CEQA; and

WHEREAS, the South Bay Advanced Recycled Water Treatment Facility Project (“Project”) analyzed under the Initial Study/Mitigated Negative Declaration consisted of the long term use of approximately five (5) acres of property located at the San José/Santa Clara Water Pollution Control Plant (“Plant”) for the purpose of constructing and operating the Project, and use of other Plant property as necessary to connect the Project to the Plant located in San José, California; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

WHEREAS, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

WHEREAS, the Santa Clara Valley Water District is the lead agency on the Project, and the Board of Directors is the decision-making body for the proposed Project; and

WHEREAS, on February 23, 2010, the Board of Directors of the Santa Clara Valley Water District adopted Resolution No. 10-____, which adopted the Final Environmental Assessment/Initial Study – Mitigated Negative Declaration, Findings of Fact, and Mitigation

Monitoring and Reporting Program for the South Bay Advanced Recycled Water Treatment Facility Project; and

WHEREAS, the San José City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program 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/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code;

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

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated 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/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the District as lead agency for the Project.

THAT THE CITY COUNCIL does hereby approve construction of the Project and adopt the Mitigation Monitoring and Reporting Program prepared for the Project. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Clerk of the Board, Santa Clara Valley Water District,, located at 5700 Almaden Expressway, San Jose, California and (2) available for inspection by any interested person.

THAT THE CITY COUNCIL does hereby direct City staff to implement the mitigation measures identified in the Mitigated Negative Declaration as applicable to City activities related to the Project.

ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk