

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 IN CONNECTION WITH ACTIONS THAT APPROVE THE ISSUANCE OF BONDS AND THE USE OF PROCEEDS TO SUPPORT THE DEVELOPMENT OF ROCKETSHIP FOUR, A PUBLIC CHARTER SCHOOL LOCATED AT THE SOUTHEAST CONER OF LUCRETIA AND OWSLEY AVENUES IN SAN JOSE, AND FOR WHICH AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

WHEREAS, the City Council of the City of San José intends to hold a public hearing and take actions to approve conduit financing for the development of the Rocketship Four Public School Project, hereinafter referred to as the “Project;” and

WHEREAS, the California Environmental Quality Act of 1970, as amended (“CEQA”), requires that, in the approval of a project for which a Mitigated Negative Declaration (“MND”) has been prepared, the decision-making body shall review said MND and make certain findings regarding the significant effects on the environment identified in the MND; and

WHEREAS, such Project was the subject of an MND entitled “Rocketship Four Public School Project” prepared by the Rocketship Four Elementary School Board as the Lead Agency under CEQA (the “Rocketship MND”), and the Rocketship MND and related Mitigation Monitoring and Reporting Program was adopted by the Rocketship Four Elementary School Board on January 10, 2011; and

WHEREAS, the City Council of the City of San José is the decision-making body for a portion of the Project, to wit: to hold a Tax Equity and Fiscal Responsibility Act public hearing and approve the issuance of \$11,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Statewide Communities Development Authority for the construction of the Project; and

WHEREAS, the City Council does hereby certify that, as a decision-making body of a responsible agency under CEQA, it has considered and approved the information contained in such Rocketship MND and related Mitigation Monitoring and Reporting Program prior to acting upon or approving its portion of such Project; and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San Jose was given an opportunity to review and comment on the Initial Study and Mitigated Negative Declaration for the Project (Planning File No. OA11-001) in accordance with the requirements of the CEQA, and including state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study and Rocketship MND 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 identified significant environmental 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 environmental 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, as a responsible agency for the Project under CEQA, City has reviewed and considered the Initial Study, Rocketship MND and the related Mitigation Monitoring and Reporting Program prepared by the lead agency 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, Rocketship MND and related Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein.

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, the Rocketship MND, the related Mitigation Monitoring and Reporting Program, and other information in the record, and considered the information contained therein, prior to acting upon or approving its actions pertaining to the Project, (2) the Initial Study, the Rocketship MND, and the related Mitigation Monitoring and Reporting Program prepared for the Project have been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA, and (3) the Initial Study and the Rocketship MND have been independently reviewed by City as a responsible agency under CEQA in connection with 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, Tower, 3rd floor, San Jose, California 95113, as the custodian of documents and records of proceedings on which this decision is based and those records are available for inspection by any interested person.

///

///

///

///

