

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE
FINDING A FINAL ENVIRONMENTAL IMPACT REPORT PREPARED
FOR A PROJECT DESCRIBED IN APPLICATION FILE NO. PDC07-071
HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

WHEREAS, pursuant to Title 21 of the San José Municipal Code, **Allied Waste**, hereinafter referred to as "Applicant", on September 7, 2007, filed applications for which an Environmental Impact Report (hereinafter called "EIR") was required for a proposed Planned Development Rezoning, File No. **PDC07-071**, concerning that certain real property hereinafter referred to as "subject property", described in more detail in the Final Environmental Impact Report entitled "Newby Island Sanitary Landfill and the Recyclery Rezoning" ("Final EIR") 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 has prepared and filed with this City Council the Final EIR for File No. PDC07-071 relating to said subject property; 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 over said proposed rezoning project, advising such agencies to review and submit written comments, if any, to the City as lead agency under the California Environmental Quality Act, together with state and local regulations promulgated thereunder (collectively, "CEQA") 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 June 6, 2012 conducted a hearing on the Final EIR, notice of which was duly given; and

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

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 certified the Final EIR as having been completed in compliance with CEQA; and

WHEREAS, the Planning Commission's certification of the Final EIR was appealed to this City Council pursuant to the provisions of said Title 21; and

WHEREAS, pursuant to and in accordance with said Title 21, this Council duly held and conducted a public hearing on the appeal of the certification of the Final EIR, notice of which was duly given; and

WHEREAS, at said hearing, this Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said Final SEIR.

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

SECTION 1. This City Council hereby states that it has read and considered the Final SEIR and finds, determines and declares on the basis of all information received in connection with that Final SEIR that the Final SEIR for said rezoning project (File No. PDC07-071) has been completed in compliance with the California Environmental Quality Act of 1970, together the state and local regulations promulgated thereunder, all as amended, and represents the independent judgment and analysis of the City of San José.

///

///

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

SECTION 2. The Director of Planning, Building and Code Enforcement shall transmit copies of the Final SEIR to the Applicant and to any decision-making body for the rezoning project.

APPROVED this day of June 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

CC: 8/14/2012
Item #: 4.1
883683.doc