

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE  
ADOPTING THE SABERCAT DOVE HILL ROAD PROJECT MITIGATED  
NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED,  
ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING  
AND REPORTING PROGRAM**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Director of the City of San Jose prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the Sabercat Dove Hill Road Project under Planning File No. PDC11-003 (the "Initial Study/Mitigated Negative Declaration"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"); and

**WHEREAS**, the Sabercat Dove Hill Road Project analyzed under the Initial Study/Mitigated Negative Declaration consists of the development of a 7.24 gross acre site, located on the south side of Yerba Buena Road adjacent to the east side of Highway 101, and a rezoning of the subject site to the A(PD) Planned Development Zoning District to allow for the development of up to sixteen (16) single-family detached residential units on approximately 3.8 acres of the site, the potential for a small, 200 seat church on approximately 1.6 acres of the site, and approximately 1.8 acres of hillside open space in San José, California (collectively, the "Project"); 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 each of those 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 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 such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San Jose as lead agency for the Project (the "Mitigation Monitoring and Reporting Program"); and

**WHEREAS**, the City of San Jose is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to construct and otherwise undertake the Project; and

**WHEREAS**, the 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

**WHEREAS**, the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San Jose CA 95113, are available for inspection by any interested person at that location and 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/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 (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of San Jose, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 E. Santa Clara Street, Tower, 3<sup>rd</sup> Floor, San Jose, California 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE CITY COUNCIL** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File No.PDC11-003). The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San Jose CA 95113 and (2) available for inspection by any interested person.

**ADOPTED** this            day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
CHUCK REED  
Mayor

ATTEST:

\_\_\_\_\_  
DENNIS D. HAWKINS, CMC  
City Clerk