

RESOLUTION NO. 73929

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE FINDING THAT A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROJECT DESCRIBED IN CITY APPLICATION FILE NO. PP06-100 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

WHEREAS, pursuant to Title 21 of the San Jose Municipal Code, the City of San José's Environmental Services Department ("Applicant") on August 1, 2006 filed an application, for which an Environmental Impact Report ("EIR") was required, for a proposed Household Hazardous Waste Collection Facility, City File No. PP06-100 (the "Proposed Project"), concerning that certain real property, hereinafter referred to as "subject property," described in the EIR, which EIR is entitled, "San Jose Household Hazardous Waste Collection Facility" 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 the Planning Commission and the City Council a Final EIR, File No. PP06-100, relating to said subject property, Proposed Project, and EIR; 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 June 11, 2007 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, the Planning Commission certified said Final EIR as being complete and prepared in compliance with the California Environmental Quality Act of 1970, together with implementing guidelines related thereto, all as amended (collectively, "CEQA"); and

WHEREAS, on June 14, 2007, a timely appeal of the Planning Commission's certification of said Final EIR was filed by William Stauble of Therma Corp. and Arlene Inch of Trans-Pak Inc.; and

WHEREAS, notice of the date, time and place of the appeal hearing before the City Council on certification of the Final EIR was duly and properly given pursuant to and in compliance with the provisions and requirements of Title 21 of the San José Municipal Code; and

WHEREAS, at the date, time and place provided in said notice, the City Council of the City of San José conducted a public hearing *de novo* on the certification of the Final EIR and provided all persons with an opportunity to be heard and provide testimony or evidence on the matter of the certification.

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

SECTION 1. This City Council hereby finds, determines and declares that the Final EIR for said Proposed Project has been prepared and completed in compliance with CEQA 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 Applicant and to the decision-making body for the Proposed Project if said Director has not already done so.

ADOPTED and issued this 26th day of June, 2007 by the following vote:

AYES: CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, WILLIAMS; REED

NOES: CAMPOS, PYLE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk