

RESOLUTION NO. 74120

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE LOWER SILVER CREEK TRAIL 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 Planning Director of the City of San José prepared an Initial Study and adopted a Mitigated Negative Declaration for the Lower Silver Creek Trail Master Plan Project (Planning File No. PP07-106) 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 Lower Silver Creek Trail Master Plan Project (“Project”) analyzed under the Initial Study/Mitigated Negative Declaration consisted of the development of an approximately 5.74 mile multi-use recreational and commuter trail within and along Lower Silver Creek between Watson Park and Lake Cunningham Park 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 City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed 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 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;

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

1. **THE CITY COUNCIL** does hereby make the following findings:
 - (A) 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,
 - (B) 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
 - (C) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project. The City Council designates the Director of Public Works at the Director's Office at 200 East Santa Clara Street, 5th Floor Tower, San Jose, California 95113, as the custodian of documents and records of proceedings on which this decision is based.

2. **THE CITY COUNCIL** does hereby approve construction of the Project (Planning File No. PP07-106) 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:
 - (A) On file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San Jose CA 95113, and
 - (B) available for inspection by any interested person.

ADOPTED this 4th day of December, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: LICCARDO, NGUYEN

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk