

RESOLUTION NO. 74165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE APPROVING THE ECOMM INTEROPERABILITY MICROWAVE 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 Jose prepared an Initial Study and adopted a Mitigated Negative Declaration for the ECOMM Interoperability Microwave Project (Planning File No. PP07-055) 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 ECOMM Interoperability Microwave Project (“Project”) analyzed under the Initial Study/Mitigated Negative Declaration consisted of the installation of a County-wide digital microwave interoperability communications network (“ECOMM System”) that will provide interoperable emergency communications between law enforcement, fire protection, and emergency medical services throughout Santa Clara County; the project was proposed by the City of San Jose Police Department, in partnership with 18 other public agencies in Santa Clara County; the 22 project sites are located in multiple jurisdictions throughout Santa Clara County; establishing the ECOMM network would require the installation of microwave dish antennas and equipment at these sites; most of the potential communication nodes of the ECOMM system would be located at primary sites that now serve the communications of each participating agency; some would be located at current microwave relay sites; the level of development that would be required to implement the ECOMM network at each site falls into three (3) distinct categories: A) Sites requiring replacement of existing microwave dishes, B) Sites requiring addition of new microwave dishes to existing towers and rooftops, and C) Sites requiring construction of new towers, 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 Jose 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; and

WHEREAS, an analysis of the Project also was prepared under the National Environmental Policy Act of 1970, as amended, and the Environmental Assessment and Finding of No Significant Impact are hereby recognized as complete and accurate.

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 consistent with state and local guidelines implementing CEQA, and (3) 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 801 North First Street, Room 320, San Jose, California 95110, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby approve construction of the Project (Planning File No. PP07-055) in a manner that is consistent with the information contained within the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program and does hereby adopt the Mitigation Monitoring and Reporting Program prepared for the Project. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director

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of Planning, located at 200 East Santa Clara Street, Third Floor, San José CA 95113-1905, and (2) available for inspection by any interested person.

ADOPTED this 11th day of December, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk