

RESOLUTION NO. 74195.1

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSÉ
MAKING CERTAIN FINDINGS CONCERNING THE US 101 –
OAKLAND/MABURY TRANSPORTATION DEVELOPMENT POLICY,
FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN
PREPARED IN ACCORDANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, the US 101 – Oakland/Mabury Transportation Development Policy (“Project”) requires the City of San Jose (“City”) to approve a policy (File No. PP07-172); and

WHEREAS, prior to the adoption of this Resolution, the Planning Commission of the City of San José has certified that the Final Environmental Impact Report (“FEIR”), for the US 101 – Oakland/Mabury Transportation Development Policy was completed in accordance with the requirements of the California Environmental Quality Act (“CEQA”) of 1970, as amended, and state and local guidelines; and

WHEREAS, no appeal of the certification of the FEIR by the Planning Commission was filed with the City of San José; and

WHEREAS, the project analyzed under the FEIR consisted of a policy change (PP07-172) as described in more detail in the FEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the US 101 – Oakland/Mabury Transportation Development Policy (“Project”); and

WHEREAS, the City Council of the City of San José intends to approve actions related to the Project as identified in FEIR for this Project.

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

THAT THE CITY COUNCIL hereby finds that it has independently reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, and has found that the FEIR represents the independent judgment and analysis of the City of San José as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 200 East Santa Clara Street, San José, California 95113-1905, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project as it is described in the FEIR:

I. FINDINGS CONCERNING ENVIRONMENTAL EFFECTS

A. TRANSPORTATION

1. Impact

The proposed US 101 – Oakland/Mabury Transportation Development Policy would not result in any permanent significant unavoidable traffic impacts at unprotected intersections. **(Less Than Significant Impact).**

Mitigation

In addition to the reconstruction of the US 101/Oakland Road interchange, a new US 101/Mabury Road interchange is planned as part of the proposed TDP to further alleviate congested conditions at the US 101/Oakland Road interchange.

Finding

The TDP Policy interchange intersections would return to operating within the City's standard LOS policy and all other traffic impacts would be mitigated by individual developments in conformance with the existing General Plan LOS Policy; therefore, the proposed US 101 – Oakland/Mabury Transportation Development Policy would not result in any permanent significant unavoidable traffic impacts at unprotected intersections. **(Less Than Significant Impact)**

B. NOISE

1. Impact

The traffic analysis assumed that all trips in the area allowed by the TDP would be rerouted away from the US 101/Oakland Road interchange since there is no available roadway capacity. Instead, these trips would either use the US 101/McKee Road or US 101/Old Bayshore Highway interchanges. The results of these comparisons indicate that the TDP would not result in perceptible noise increases of three dBA DNL or greater at sensitive receivers along affected roadway segments. The calculated traffic noise increases would not be substantial and the impact would be less than significant.

Mitigation

None required.

Finding

The proposed Transportation Development Policy will not significantly increase traffic noise levels along roadways in the vicinity of the US 101/Oakland Road interchange. **(Less Than Significant Impact)**

C. AIR QUALITY

1. Impact

Traffic temporarily diverted due to the US 101 – Oakland/Mabury Transportation Development Policy (TDP) – allowed traffic growth would not cause any new violations of the eight-hour standards for carbon monoxide, nor contribute substantially to an existing or projected violation.

Mitigation

None required.

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Finding

The TDP-diverted traffic would not contribute to an existing or projected air quality violation due to concentrations of carbon monoxide. **(Less Than Significant Impact)**

ADOPTED this 18th day of December, 2007, by the following vote:

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

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk