

RESOLUTION NO. 74741

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE REPEALING THE REVISED EVERGREEN DEVELOPMENT POLICY AND AMENDMENTS THERETO, AND ADOPTING THE EVERGREEN-EAST HILLS DEVELOPMENT POLICY TO AUTHORIZE A LIMITED INCREASE IN RESIDENTIAL, COMMERCIAL, AND OFFICE DEVELOPMENT IN THE EVERGREEN-EAST HILLS DEVELOPMENT AREA SUBJECT TO SPECIFIED MEASURES TO ADDRESS DEVELOPMENT-RELATED IMPACTS ON TRAFFIC CAPACITY WITHIN THE EVERGREEN-EAST HILLS POLICY AREA

WHEREAS, the San José City Council (“City Council”) desires to authorize limited development in the form of an additional 500 residential units, 500,000 square feet of commercial retail, and 75,000 square feet of office development in the Evergreen-East Hills area, which is defined as the land within San Jose’s Urban Service Area Boundary, south of Story Road, east of U.S. Highway 101, and the area generally north of the intersection of U.S. Highway 101 and Hellyer Avenue, where the northern boundary of the Edenvale Development Policy Area ends (“Evergreen-East Hills Development Policy Area”); and

WHEREAS, the City Council further desires to authorize such additional development in the Evergreen-East Hills Development Policy Area subject to the mitigation of development related traffic impacts as addressed, in part, by an associated traffic impact fee to address future development related to traffic congestion in the Evergreen-East Hills area due to insufficient roadway capacity in the Evergreen-East Hills area; and

WHEREAS, the City Council desires to achieve the goal of authorizing limited residential, commercial and office development while alleviating insufficient roadway capacity by identifying funding resources including a traffic impact fee on new

development for necessary capital improvements by updating its existing policies governing development in the Evergreen-East Hills Development Policy Area by:

- (1) Repealing the Revised Evergreen Development Policy adopted on July 2, 1991, as Resolution No. 63182, and all amendments by minute action and resolution thereto as follows: Minute Action for April 27, 1993, Council Agenda Item No. 9g; and Resolution No. 65629 dated November 29, 1994;
- (2) Repealing all ordinances related to the Revised Evergreen Development Policy adopted on July 2, 1991 as Resolution No 63182 by separate Council ordinance; and
- (3) Adopting the Evergreen-East Hill Development Policy attached hereto and incorporated herein by reference as Exhibit "A" ("EEHDP"); and

WHEREAS, the City Council certified an environmental impact report pursuant to the California Environmental Quality Act on December 12, 2006, by Resolution No. 73570, for the Revision to the Evergreen Development Policy ("FEIR"); and

WHEREAS, the City has prepared a Supplement to the FEIR, including related traffic impact analysis, pursuant to the California Environmental Quality Act for the limited development and related traffic impacts thereof of the EEHDP project ("SEIR"), which SEIR specifies improvements to mitigate in part those traffic impacts identified in the SEIR; and

WHEREAS, the potential environmental impacts related to the proposed EEHDP were analyzed in the SEIR (PP08-121) entitled "Revision of the Evergreen Development Policy (EEHDP) (PP08-121)," and were considered along with the FEIR by the City Council on December 16, 2008.

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

1. The recitals above are hereby incorporated into this resolution as findings.
2. The Revised Evergreen Development Policy as adopted on July 2, 1991 by Resolution No. 63182, and all amendments by resolution or minute action thereto as follows: Minute Action for April 27, 1993 Council Agenda Item No. 9g, and Resolution No. 65629, dated November 29, 1994, are hereby repealed in their entirety and shall have no further force and effect.
3. The EEHDP attached hereto and incorporated herein by reference as Exhibit "A" is hereby adopted in its entirety.
4. This resolution shall take effect on March 15, 2009.

ADOPTED this 16th day of December, 2008, 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

EXHIBIT A