

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE TEMPORARY AND INCIDENTAL HOMELESS SHELTER MUNICIPAL CODE AMENDMENTS PROJECT NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared a revised Initial Study and approved for circulation a Negative Declaration for the Temporary and Incidental Homeless Shelter Municipal Code Amendments Project (the “Project”) under Planning File No. PP17-015, all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

WHEREAS, the Project analyzed under the revised Initial Study/Negative Declaration consists of Director-initiated amendments to Title 20 of the San José Municipal Code (“Municipal Code”) to create standards that could allow temporary and incidental shelter of homeless individuals and families in a safe place, by allowing temporary shelter as a permitted use and the incidental shelter as an incidental permitted use, to an existing assembly use, where the shelter is provided inside existing building(s) that are constructed and operating in compliance with the Municipal Code within the City of San José, California; and

WHEREAS, the revised Initial Study/Negative Declaration concluded that implementation of the Project would not have a significant effect on the environment; and

WHEREAS, the City of San José (“City”) is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the amendments; and

WHEREAS, the City Council has reviewed and considered the revised Initial Study/Negative Declaration, and intends to take action on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the revised Initial Study/Negative Declaration for the Project is on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José California, 95113, and is available for inspection by any interested person at that location and is, 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 AS FOLLOWS:

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the revised Initial Study/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 revised Initial Study/Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the revised Initial Study/Negative Declaration prepared for the Project represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the revised Initial Study/Negative Declaration for the Project (Planning File No. PP17-015). The revised Initial Study/Negative Declaration is: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and (2) available for inspection by any interested person.

ADOPTED this day of , 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAN LICCARDO
Mayor

ATTEST:

Toni J. Taber, CMC
City Clerk