

**STAFF REPORT**  
**PLANNING COMMISSION**

P.C. Agenda: 02-22-12  
Item: 3.h.

**FILE NO.:** OA12-01

**Submitted:** January 17, 2012

**PROJECT DESCRIPTION:**

Planning Commission Investigation of a possible school site acquisition of the former Agnews East campus for an integrated K-12 school by the Santa Clara Unified School District. The proposed acquisition site is 55 acres in size.

**LOCATION:**

Northwest corner of Zanker Road and River Oaks Parkway.

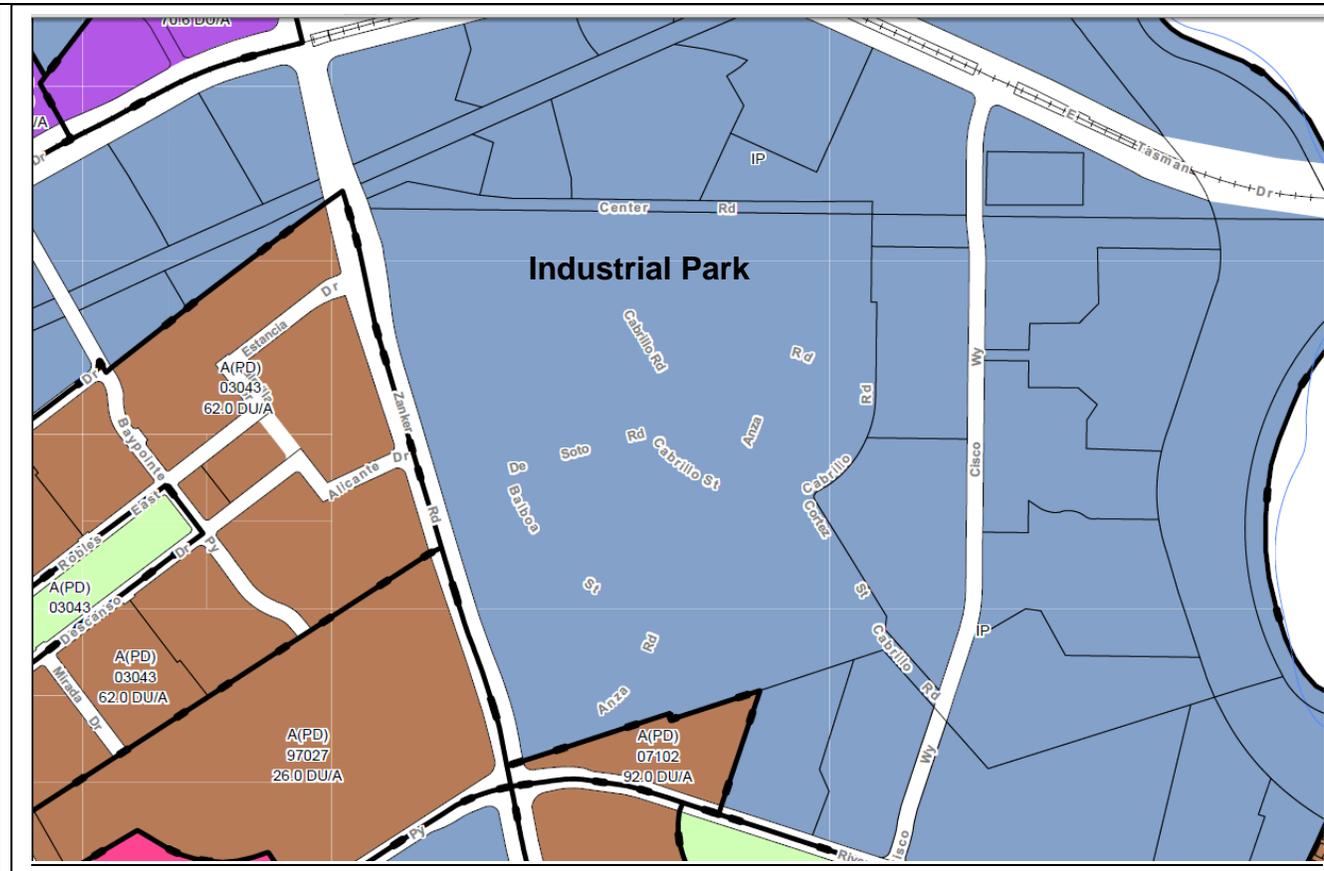
Zoning	IP Industrial Park
General Plan	Public/Quasi-Public
Council District	4
Annexation Date	11/14/1958 (Lick No. 2)
SNI	NA
Historic Resource	See below
Specific/Neighborhood Plan	North San Jose Area Development Policy and North San Jose Neighborhoods Plan



### GENERAL PLAN



### ZONING



## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend to the Santa Clara Unified School District that:

The Commission has read and considered the Agnews East School Site Project Final Environmental Impact Report (EIR), and as a responsible agency finds the Final EIR adequate and prepared in compliance with CEQA; and that

Pursuant to Public Resources Code Section 21151.2, the proposed 59-acre school site located at the northwest corner of Zanker Road and River Oaks Parkway is consistent with the City of San Jose Envision San Jose 2040 General Plan Land Use/Transportation Diagram Designation of Public/Quasi-Public, complementary to the Vision North San Jose as evidenced by its consistency with the North San Jose Neighborhoods Plan, and that the proposed site is suitable for primary and secondary school uses.

The Santa Clara Unified School District should continue to work with the City of San Jose to implement the proposed school project in a manner consistent with the City's General Plan and the Vision North San Jose policies, including the North San Jose Neighborhoods Plan.

## **BACKGROUND & DESCRIPTION**

On January 17, 2012, per Section 21151.2 of the Public Resources Code, the Santa Clara Unified School District (SCUSD) requested that the City of San Jose comment on the potential acquisition of a 55 acre portion of the former 86-acre Agnew Developmental Facility for the purpose of developing a K-8 school campus. The project site is located on the east side of Zanker Road between Center Road and River Oaks Parkway in North San José. The site is developed with the Agnews Developmental Center, a former State hospital that was permanently shut down in July 2011. The capacity of the proposed school campus would be up to 2,800 students, including 1,800 high school students and 1,000 K-8 students. The campus would consist of school buildings, parking lots, landscaping, and play areas, including a football/track stadium, ball fields, and paved sports courts. As part of the SCUSD project, all buildings on the site are proposed to be demolished, and a total of 587 trees are proposed to be removed.

The School District has prepared and adopted an Environmental Impact Report for the project, which is available along other information about the proposed project on the District's website at <http://www.santaclarausd.org/news.cfm?story=82971&school=0> . The Final EIR, which consists of comments on the Draft EIR, along with responses, was certified by the District on January 26, 2012. The comments and responses are available at: <http://www.santaclarausd.org/files/news/final%20eir%20agnews.pdf> .

The site is bordered by multi-family residential development and a remnant farm site to the west, industrial office development (the Site 4 portion on the Cisco main campus) to the north and east, and a mixture of industrial office development and multi-family housing (planned or currently under construction) to the south.

## **ANALYSIS**

This report addresses, in accordance with State law, the proposed acquisition of the Agnews East property for the development of a new school by the Santa Clara Unified School District. The proposed acquisition was referred to the City of San Jose for review as required by the California Government Code Section 21151.2. This Code section states that the Planning Commission is to review the proposed acquisition in order to promote the safety of pupils and comprehensive community planning. The following analysis considers the Planning Commission's responsibilities under the State Code, the safety of pupils based upon data presented in an Environmental Impact Report prepared by the project proponent, and the consistency of the project with comprehensive community planning as established through San Jose's General Plan, Vision North San Jose and Zoning Code documents.

### **State Law and the Planning Commission's Responsibilities**

Under Section 21151.2 of the State Public Resources Code, when a school district intends to acquire a property for a new school, the local jurisdiction's Planning Commission is required to investigate the proposed site's suitability for primary and secondary school uses. Specifically, the Government Code states:

#### **§ 21151.2. SCHOOL SITE PROPOSED ACQUISITION OR ADDITION; NOTICE TO PLANNING COMMISSION; INVESTIGATION; REPORT**

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.

In this case, the City's role is not as a lead agency, but as a responsible agency having local land use jurisdiction over the property. The School District, acting as the lead agency, has certified the EIR. The Planning Commission's recommendations on the suitability of the site are advisory, and the School Board is not bound to a course of action by the Planning Commission's recommendation. The City received the current request from the District on January 17, 2012, and forwarded it to the next available Planning Commission meeting.

### **California Environmental Quality Act (CEQA)**

An Environmental Impact Report (EIR) was prepared by the Santa Clara Unified School District, acting as the lead agency, for the proposed K-12 school at the former Agnews East Campus.

The documents were circulated for public review between October 12, 2011 and November 28, 2011. The School District received seven comment letters on the EIR, which the District responded to and incorporated into the Final EIR. The EIR concludes that the proposed school would have significant unavoidable impacts upon: 1) cultural resources due to the loss of existing historically significant buildings on site; 2) transportation impacts due to increased traffic on a nearby segment of Highway 237; 3) biological resources due to the loss of up to 586 trees on the site; 4) aesthetic impacts due the loss of

mature trees; and 5) cumulative impacts due to cumulative loss of historic and biological (tree) resources from the project.

The project would include replacement trees, and documentation of the existing historically significant buildings to be demolished; however, these mitigation measures would not reduce the environmental impacts to a less-than-significant level.

In addition, as a result of the project, Zanker Road would be widened and improved with sidewalks near the school, and a circulation study will be prepared to determine whether any additional roadway improvements are needed to the circulation network surrounding the school site. These improvements however do not mitigate for the impacts to Highway 237.

The EIR also concludes that the proposed project would not have an environmental impact in areas that most directly relate to safety for pupils, including: Hazards and Hazardous Materials, Noise, and Air Quality. The EIR identifies significant potential impacts related to Hazards and Hazardous Materials that could affect future occupants of the property, but which can be reduced to a less than significant level through mitigation included within the project. The EIR also identifies significant potential impacts related to Noise and Air Quality, but which are limited to construction activity that would be complete prior to occupancy of the school, and which have also been reduced to a less than significant level through mitigation measures.

To avoid a significant environmental impact due to Hazards and Hazardous Materials, the project would be required to implement soil remediation and preparation of a Health and Safety Plan as mitigation measures prior to occupancy of the school facility. These activities will be conducted subject to State regulatory authorities. The potential Hazards and Hazardous Materials impacts and mitigation measures, as well as other potential impacts and mitigation measures, are fully described in the project EIR. Based upon information included within the EIR, implementation of these measures will adequately address the safety of pupils on the school site in accordance with standards in use for the State of California.

### **General Plan Land Use Designation**

The proposed school site is designated Public/Quasi-Public on the Envision San Jose 2040 General Plan Land Use/Transportation diagram. The proposed use is consistent with this designation in that the designation is defined within the General Plan as “used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices and airports.”

The school site is within the North San Jose Development Policy Area which supports the long-term development of up to 32,000 new housing units, some of which are currently under construction. This residential growth will add to the school-age population generated by the existing 8,000 residential units located within the Policy area. The City Council conducted a Taskforce process and accepted a North San Jose Neighborhoods Plan to address the development of a complete community within North San Jose, including the provision of new school facilities. The North San Jose area is divided between the Orchard and Santa Clara Unified school districts, with Eastside Union serving as the high school district within the area served by Orchard.

The proposed school would locate a Santa Clara Unified school facility in proximity to existing and planned residential areas within North San Jose. None of the governing Districts currently operate a school within the North San Jose area and adding a school in close proximity will potentially reduce travel needs for local families and help to support community development, one of the main goals articulated within the North San Jose Neighborhoods Plan. The Neighborhoods Plan identifies seven

potential school sites, and, of those, the Agnews East site is identified as the priority site for the location of a new 15-acre K-8 school. The Neighborhoods Plan establishes the following guiding principles for schools:

**3.1. Schools should be multi-purpose facilities for school and community use**

- 3.1.1. Parks and green space
- 3.1.2. Community Center, homework center, after-school care
- 3.1.3. Libraries

**3.2. Schools in North San Jose should be Urban Schools**

- 3.2.1. Multi level
- 3.2.2. Smaller footprint
- 3.2.3. Integrated into community

**3.3. Take into consideration both existing and new residents**

- 3.3.1. Avoid bussing

**3.4. School design to be flexible to meet changing needs**

- 3.4.1. Should serve multiple audiences and be able to grow and shrink as the population of children fluctuates
- 3.4.2. School design should adapt and respond to the needs of current and future students and the surrounding neighborhood.
- 3.4.3. Environmentally healthy and sustainable design standards
- 3.4.4. Look at renovation/upgrade of existing sites
- 3.4.5. Provide for college prep.

**3.5. Look at all methods for financing school construction**

- 3.5.1. Resources must be spent on school construction (not on operations or programs)
- 3.5.2. Have a funding plan in place
- 3.5.3. Purchase sites prior to need/development

While the Neighborhoods Plan did not contemplate a 55-acre school facility, the proposed development of a 55-acre K-12 school facility would not be contradictory to the Neighborhoods Plan since the Neighborhoods Plan contemplated other public/quasi-public uses for the site. Specifically, the Neighborhoods Plan identifies the Agnews East site as a possible location for a 14 to 17 acre community park. This park could be developed at other locations or as a joint-use facility with the proposed school.

Locating schools close to residential uses is also consistent with Envision General Plan Policies VN-1.1 and ES-1.3, which state:

*Vibrant Neighborhoods Policy VN-1.1*

Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½ mile walking distance of schools, parks and retail services.

*Environmental Sustainability Policy ES-1.3*

Encourage new schools, including public and private, to locate near populations which they serve.

The Agnews property is also located within the portion of the city governed by the North San Jose Area Development Policy and would be subject to applicable portions of that Policy. The project EIR states that the project may be subject to transportation mitigation requirements imposed by the City, including potential payment of a traffic impact fee.

Because development of the site for school purposes will be consistent with the City of San Jose General Plan and in general alignment with the Vision North San Jose Neighborhoods Plan, the proposed project will be in concert with the City's community planning documents.

### **Zoning Consistency**

The site is currently zoned as IP Industrial Park. In the City's Zoning Code, public primary and secondary schools are a prohibited use in the IP Industrial Park Zoning District, but permitted in most of the City's residential and commercial zoning districts. In order to develop the property with a school use under the City of San Jose Zoning Code, the School District would first need to seek a rezoning of the property by the City to either a Residential or Commercial zoning district. Given that the current General Plan designation for the site is Public/Quasi Public, a rezoning to an appropriate Commercial zoning district could be possible.

### **Conclusion**

As discussed above, adequate evidence has been made available through an EIR prepared for the project to conclude that the development of a K-12 school on the Agnews East site would not result in unsafe conditions for future pupils. Furthermore, because the proposed development of the school is consistent with the City's General Plan and in alignment with the North San Jose Neighborhoods Plan, development of the school would be consistent with the City's community planning activities.

**Project Manager:** Andrew Crabtree

**Approved by:** Laurel Prevett **Date:** 2.13.12

<b>Applicant:</b>	<b>Attachments:</b>
Santa Clara Unified School District Attn: Roger Barnes 1889 Lawrence Road Santa Clara, CA 95051	Santa Clara Unified School District School Site Investigation Request



January 17, 2012

SANTA  
CLARA  
UNIFIED  
SCHOOL  
DISTRICT

Mr. Joseph Horwedel  
Director of Planning, Building and Code Enforcement  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

1889 Lawrence Rd.  
Santa Clara, CA  
95051

(408) 423-2000

BOBBIE PLOUGH, Ed.D.  
SUPERINTENDENT

Re: Potential School Site on the Agnews East Campus in North San Jose

Dear Mr. Horwedel:

On January 29, 2010 David J Powers, Inc. sent you a letter (see attached) requesting an investigation of the Agnews East Campus site's suitability for school use. We have not received a response to their request.

We wanted to bring to your attention the following CEQA provision:

**§ 21151.2. SCHOOL SITE PROPOSED ACQUISITION OR ADDITION; NOTICE TO PLANNING COMMISSION; INVESTIGATION; REPORT**

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.

If you are not able to complete an investigation, but have already concluded that the site is acceptable for school uses, please provide a letter that states that the Planning Department recommends the acquisition of the site.

Please ignore request #2 in the attached letter. David J Powers, Inc. has identified hazardous material emitters within a quarter mile of the site.

Thank you for your assistance.

Sincerely,

Roger Barnes, Director II, Bond Projects

BOARD  
OF EDUCATION

INA K. BENDIS  
DON BORDENAVE

JIM CANOVA

ELISE DeYOUNG

ALBERT GONZALEZ

CHRISTINE KOLTERMANN

ANDREW RATERMANN

*"The mission of Santa Clara Unified School District is to prepare students of all ages and abilities to succeed in an ever-changing world."*



**DAVID J. POWERS**

**& ASSOCIATES, INC.**  
**ENVIRONMENTAL CONSULTANTS & PLANNERS**

January 29, 2010

Mr. Joseph Horwedel  
Director of Planning, Building, and Code Enforcement  
City of San José  
200 East Santa Clara St.  
San José, CA 95113

Re: Potential School Site on the Agnews East Campus in North San José

Dear Mr. Horwedel:

On behalf of the Santa Clara Unified School District (SCUSD), I am writing this letter to inform the Planning Commission that the SCUSD is considering acquisition of 55 acres of the 86-acre Agnews East Campus for the future construction of a 900-student K-8 school, a 1,600-student high school, and associated community use playfields. The State of California is selling the property currently occupied by the Agnews Developmental Center, located on the east side of Zanker Road between Center Road and River Oaks Parkway in north San José. The location of the school site is shown on the attached figures. The design of the future school facilities is currently unknown.

The purpose of this letter is to request the following items from the City:

- 1) Investigate the proposed site's suitability for primary and secondary school uses, and provide a written report to the SCUSD with the results of the investigation and the City's recommendations concerning acquisition of the site, pursuant to Section 21151.2 of CEQA.
- 2) Identify facilities located within one-quarter mile of the proposed school site that may be reasonably anticipated to emit hazardous emissions or handle hazardous material, substances, or waste; and provide a written response to the SCUSD, pursuant to Section 15186(c)(2) of the CEQA Guidelines.

I understand that the City has up to 30 days to respond to these requests. A response any sooner would be greatly appreciated. Please feel free to call me with any questions or if additional information is needed.

Sincerely,

Jodi Starbird  
Principal Project Manager

cc: Roger Barnes, Director II – Bond Projects, Santa Clara Unified School District



**Environmental Consultants & Planners**

1871 The Alameda • Suite 200 • San Jose, CA 95126 • Tel: 408-248-3500 • Fax: 408-248-9641 • [www.davidjpowers.com](http://www.davidjpowers.com)

## **RESOLUTION NO.**

A Resolution of the Planning Commission of the City of San Jose adopting findings for purposes of and pursuant to the provisions of the California Environmental Quality Act of 1970 in connection with the approval of discretionary actions by the City necessary for the Construction of the Agnews East School Site Project.

WHEREAS, the Santa Clara Unified School District (the “District”) has approved the Agnews East School Site Project (the “Project”); and

WHEREAS, the City of San Jose (“City”) desires to support the District with in its construction of the Project; and

WHEREAS, it is reasonably foreseeable that the City will be considering proposed discretionary actions necessary to support the implementation of the Project within its jurisdiction, including but not limited to the approval of cooperative agreements and the issuance of encroachment permits, for work in connection with the Project affecting City-owned infrastructure; and

WHEREAS, the District, as a lead agency under the California Environmental Quality Act of 1970, together with implementing guidelines promulgated thereunder, all as amended to date (collectively, “CEQA”), prepared an environmental impact report under CEQA for the Project, which documents describe the Project including all components that pertain to City-owned infrastructure; and

WHEREAS, the final environmental impact report prepared for the Project (the “Final EIR”) was certified by the Board of the District on January 26, 2012; and

WHEREAS, on January 26, 2012, the Board of the District adopted findings as required by CEQA, each together with a mitigation monitoring and reporting program and a statement of overriding considerations (collectively, the “CEQA Findings”), and also approved the implementation of the Project; and

WHEREAS, prior to approving discretionary actions necessary to support the implementation of the Project within its jurisdiction, the Planning Commission, as a responsible agency under CEQA, desires to make certain findings pursuant to 14 California Code of Regulations, Sections 15091 and 15096, promulgated under CEQA in connection with the

reasonably foreseeable discretionary actions to be considered and taken by the City in connection with the implementation of the Project in City's jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San José as follows:

1. City has reviewed the information contained in the FEIR that is relevant to its approval of discretionary actions within City's jurisdiction necessary for City support of the design and construction of the Project as described in the FEIR; and
2. City has reviewed the CEQA Findings, and the City Council hereby determines and concludes all of the following:
  - a) The District has already identified, disclosed and adopted the mitigation measures recommended in the FEIR; and
  - b) The District has authority to implement those mitigation measures or to seek any required approvals for those mitigation measures identified in the CEQA Findings, and City has no direct authority to implement the mitigation measures identified in the FEIR and related CEQA Findings; and
  - c) The Planning Commission has reviewed and considered the FEIR together with the related CEQA Findings and determines that the information and analyses contained in the FEIR, together with the related CEQA Findings, are adequate for its use as a decision-making body for a responsible agency and for its consideration of discretionary actions necessary to implement the Project within its jurisdiction; and
  - d) Approvals of the discretionary actions within the City are within the scope of the activities described and evaluated in the FEIR; and
  - e) Since the FEIR were finalized, there have been no substantial changes to the Project and no substantial changes in Project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR; and
  - f) City has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment; and
3. Therefore, based upon all of the foregoing, City as a responsible agency under CEQA hereby adopts the District's CEQA findings for the Project as its own findings under CEQA to the fullest possible extent that said CEQA findings are relevant to City's decision to approve discretionary actions necessary to implement the Project within its jurisdiction.

The City, as a responsible agency, also adopts the Santa Clara Unified School District's Statement of Overriding Considerations, and reiterates the benefits of the project, including addressing both existing and future demand for K-12 school facilities in North San José and providing a school campus in a centralized location in proximity to the existing student population and planned residential development, and allowing for an integrated campus in accordance with the District's educational policies.

BE IT FURTHER RESOLVED that the Director of Planning is hereby directed to prepare a Notice of Determination under CEQA and cause the same to be filed with the County Clerk of the County of Santa Clara promptly following the City's approval of any discretionary action related to the Project.

**APPROVED** and issued this **22nd day of February 2012**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Chairperson

ATTEST:

Joseph Horwedel, Secretary

Deputy

**NOTICE TO PARTIES**

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*

## **RESOLUTION NO.**

A Resolution of the Planning Commission of the City of San Jose adopting findings as a responsible agency for purposes of and pursuant to the provisions of the California Environmental Quality Act of 1970 in connection with the approval of Discretionary Actions by the City necessary for the Construction of the Agnews East School Site Project.

WHEREAS, the Santa Clara Unified School District (the “District”) has taken discretionary actions related to approval of the Agnews East School Site Project (the “Project”); and

WHEREAS, it is reasonably foreseeable that the City will be considering proposed discretionary actions necessary or appropriate to further the implementation of the Project within its jurisdiction, including but not limited to forwarding the results of an investigation of the Project site to the District pursuant to state law, the approval of cooperative agreements and the issuance of encroachment permits; for work in connection with the Project affecting City-owned infrastructure; and

WHEREAS, the District, as a lead agency under the California Environmental Quality Act of 1970, together with implementing guidelines promulgated thereunder, all as amended to date (collectively, “CEQA”), prepared an environmental impact report under CEQA for the Project, which documents describe the Project including all components that pertain to City-owned infrastructure; and

WHEREAS, the final environmental impact report prepared for the Project (the “FEIR”) was certified by the Board of the District on January 26, 2012; and

WHEREAS, on January 26, 2012, the District adopted findings as required by CEQA in connection with the certified FEIR, each together with a mitigation monitoring and reporting program and a statement of overriding considerations (collectively, the “CEQA Findings”), and also took approval actions related to the Project; and

WHEREAS, prior to approving any discretionary actions necessary or appropriate that may further the implementation of the Project within its jurisdiction, the Planning Commission, as a responsible agency under CEQA, desires to make certain findings pursuant to 14 California Code of Regulations, Sections 15091, 15093 and 15096, promulgated under CEQA, in

connection with the reasonably foreseeable discretionary actions to be considered and taken by the City in connection with the implementation of the Project in City's jurisdiction; and

WHEREAS, the FEIR has been provided to the Planning Commission and made available to the public for review and consideration at:

<http://www.santaclarausd.org/news.cfm?story=89513&school=0>; and

WHEREAS, on February 22, 2012, the Planning Commission held a duly noticed public hearing on its consideration of the FEIR and received all written and other testimony offered at that hearing in connection with the FEIR.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San José as follows:

1. City has reviewed the information contained in the FEIR that is relevant to its approval of reasonably foreseeable discretionary actions within City's jurisdiction necessary for the design, construction and operation of the Project as described in the FEIR; and
2. City has reviewed the CEQA Findings made by the District, and the Planning Commission hereby determines and concludes all of the following:
  - a) The District has already identified, disclosed and adopted the mitigation measures recommended in the FEIR; and
  - b) The District has authority to implement those mitigation measures or to seek any required approvals for those mitigation measures identified in the CEQA Findings, and City has no direct authority to implement the mitigation measures identified in the FEIR and related CEQA Findings; and
  - c) The Planning Commission has reviewed and considered the FEIR together with the related CEQA Findings and determines that the information and analyses contained in the FEIR, together with the related CEQA Findings, are adequate for City's use as a recommending or decision-making body for a responsible agency and for its consideration of discretionary actions necessary to implement the Project within its jurisdiction; and
  - d) Approvals of the discretionary actions within the City are within the scope of the activities described and evaluated in the FEIR; and
  - e) Since the FEIR was finalized, there have been no substantial changes to the Project and no substantial changes in Project circumstances that would require major revisions to the FEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FEIR; and
  - f) City has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment; and

3. Therefore, based upon all of the foregoing, City as a responsible agency under CEQA, hereby adopts the District's CEQA Findings for the Project as its own findings under CEQA in connection with the FEIR to the fullest possible extent that said CEQA findings are relevant or applicable to City's decision to approve discretionary actions necessary or appropriate to implement the Project within its jurisdiction.

The City, as a responsible agency, also adopts the District's Statement of Overriding Considerations and reiterates the benefits of the Project, including addressing both existing and future demand for K-12 school facilities in North San José and providing a school campus in a centralized location in proximity to the existing student population and planned residential development, and allowing for an integrated campus in accordance with the District's educational policies.

BE IT FURTHER RESOLVED that the Director of Planning is hereby directed to prepare a Notice of Determination under CEQA and cause the same to be filed with the County Clerk of the County of Santa Clara promptly following the City's approval of any discretionary action related to the Project.

**APPROVED** and issued this **22<sup>nd</sup> day of February 2012**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson

ATTEST:

Joseph Horwedel, Secretary

Deputy

#### **NOTICE TO PARTIES**

*The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.*