

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING AN ADDENDUM TO THE NORTH SAN JOSE DEVELOPMENT POLICIES ENVIRONMENTAL IMPACT REPORT, ENVISION SAN JOSE 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, AND BEA DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT FOR THE ORCHARD PARKWAY DEVELOPMENT AGREEMENT AMENDMENT AND STREET VACATION PROJECT, FOR WHICH AN ADDENDUM WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the environmental impacts of an industrial development project described within the 2016 Amended and Restated Development Agreement by and between the City of San José and Apple Inc. Relative to the Development of Real Property in North San José ("Agreement") were disclosed, analyzed and evaluated as a part of that certain Final Environmental Impact Report prepared for the BEA Development Project considered and certified by the City Council on June 15, 2004, by Resolution No. 72169, that certain Final Program Environmental Impact Report for the North San José Development Policies Update considered and certified by the City Council on June 21, 2005, by Resolution No. 72768, and that certain Final Program Environmental Impact Report for the Envision San José 2040 General Plan ("General Plan") considered and certified by the City Council on November 1, 2011, by Resolution No. 76041 (all three Environmental Impact Reports and prior addenda thereto collectively referred to herein as the "EIRs"), and an addendum to the EIRs prepared and approved by the Director of Planning, Building and Code Enforcement (collectively, the "Existing CEQA"); and

WHEREAS, the City of San José ("City"), acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively "CEQA"), prepared an addendum for the Orchard Parkway Development Agreement Amendment and Street Vacation Project (the

“Project”), which tiers off the Existing CEQA and analyzed the environmental impacts of the First Amendment to the Amended and Restated Development Agreement by and between the City and Apple Inc. (“First Amendment”), the proposed modifications to the property detailed in the First Amendment, and the proposed conditional street vacations of Orchard Parkway (between Component Drive and Orchard Place) and Orchard Place (formerly, Atmel Way) (collectively, the “2026 Addendum”); and

WHEREAS, as further described in the 2026 Addendum, the implementation of the Project will not result in new significant effects on the environment beyond those already identified in the Existing CEQA, nor will the Project result in an increase in the severity of significant effects identified in the Existing CEQA, and identified mitigation measures would continue to reduce each of those significant effects to a less-than-significant level; and

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

WHEREAS, the City Council has reviewed and considered the 2026 Addendum and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the 2026 Addendum for the Project is on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, 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 COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL does hereby incorporate the foregoing recitals into this Resolution.

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Orchard Parkway Development Agreement Amendment and Street Vacation Project, as modified by the 2026 Addendum, and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the 2026 Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the 2026 Addendum 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, Building and Code Enforcement 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 2026 Addendum prepared for the Project (Planning File No. ER26-132). The 2026 Addendum is: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, 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 _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk