

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM FROM HI HEAVY INDUSTRIAL TO LI LIGHT INDUSTRIAL ON AN APPROXIMATELY 0.68-GROSS ACRE SITE LOCATED AT 1500 BERGER DRIVE (ASSESSOR PARCEL NUMBERS: 237-04-024, 237-04-025)**

**Winter 2022 General Plan Amendment (Cycle 1)**

**FILE NO. GP21-009**

**WHEREAS**, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José; and

**WHEREAS**, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

**WHEREAS**, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

**WHEREAS**, on January 12, 2022, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP21-009 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were

given the opportunity to appear and present their views with respect to said proposed amendments; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

**WHEREAS**, on February 8, 2022, the Council held a duly noticed public hearing; and

**WHEREAS**, a copy of the proposed General Plan Amendment is on file with the office of the Director of Planning, Building and Code Enforcement of the City, and available electronically on the Department of Planning, Building and Code Enforcement webpage, with copies submitted to the City Council for its consideration; and

**WHEREAS**, pursuant to Title 18 of the San José Municipal Code, public notice was given that on February 8, 2022, at 6:00 p.m. the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit “A”); and

**WHEREAS**, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Exemption for File No. GP21-009 pursuant to CEQA Guidelines Section 15301 Existing Facilities involving no or negligible expansion to the existing or former use; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because the Commercial Pedestrian Zoning District (File No. C21-008) is consistent with the General Plan land use and development on-site; and

**WHEREAS**, the Council is the decision-making body for the proposed General Plan Amendment;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

**SECTION 1.** The Council's determination regarding General Plan Amendment File No. GP21-009 is hereby specified and set forth in Exhibit "A." attached hereto and incorporated herein by reference.

**SECTION 2.** The General Plan Land Use Amendment specified in GP21-009, as set forth in Exhibit A of this Resolution, shall take effect upon the effective date of the associated rezoning ordinance for File No C21-008.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

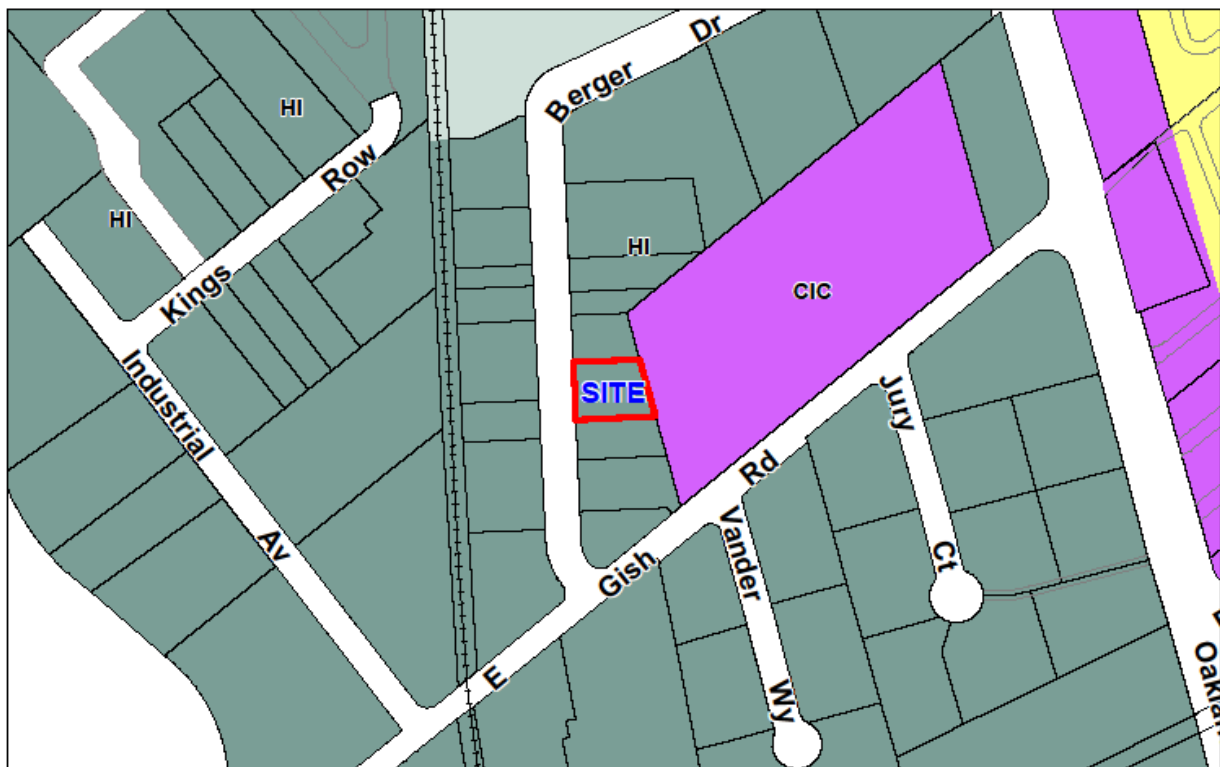
\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

TONI J. TABER, CMC  
City Clerk

## **EXHIBIT "A"**


**GP21-009.** The Envision San José 2040 General Plan is hereby amended to change the Land Use/Transportation Diagram land use designation from HI Heavy Industrial to LI Light Industrial on a 0.68-gross acre site located at 1500 Berger Drive (Assessor Parcel Numbers: 237-04-024 and 237-04-025) as follows:

Existing General Plan:



**File No: GP21-009**  
**District: 3**

**General Plan**

  
CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY  
Prepared by the Department of Planning,  
Building and Code Enforcement  
04/23/2021

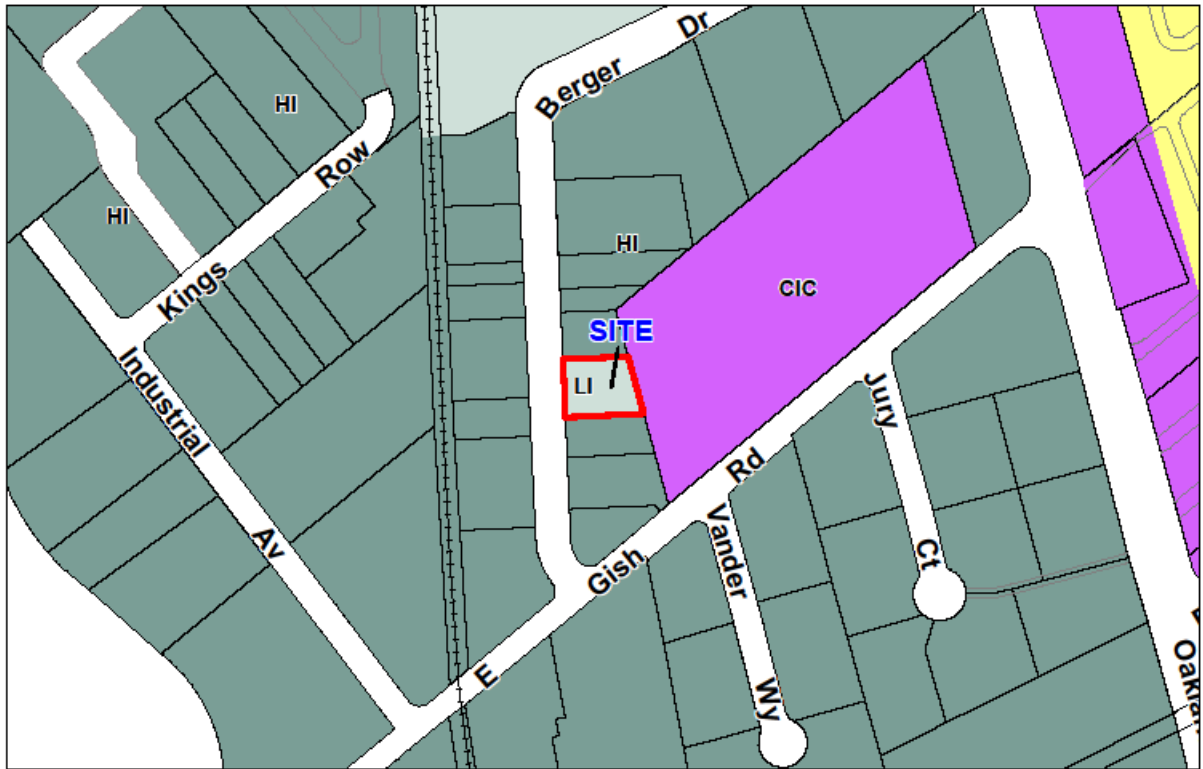
A-1

Winter 2022 General Plan Amendment (Cycle 1)  
File No. GP21-009

T-1201.071/1880909  
Council Agenda: 2/8/2022  
Item No.: 10.1(a)(a)

**DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

## Proposed General Plan



**File No: GP21-009**  
**District: 3**

## Proposed General Plan

  
CITY OF SAN JOSE  
CAPITAL OF SILICON VALLEY  
Prepared by the Department of Planning,  
Building and Code Enforcement  
04/23/2021