

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ADOPTING THE PECTEN INDUSTRIAL
GENERAL PLAN AMENDMENT 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 Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study and approved for circulation a Negative Declaration for the Pecten Industrial General Plan Amendment Project under Planning File Nos. GP22-001, C22-014, and ER22-150 (“Initial Study/Negative Declaration”), 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 (“CEQA”); and

WHEREAS, the Pecten Industrial General Plan Amendment Project (“Project”) analyzed under the Initial Study/Negative Declaration consists of a General Plan Amendment request to change the General Plan Land Use Designation from Public/Quasi-Public to Heavy Industrial and a conforming rezoning of the site from the R-1-8 Residential Zoning District to the HI Heavy Industrial Zoning District, on an approximately 3.62-gross acre parcel located at 0 Pecten Court (Assessor’s Parcel Number 092-080-16) in San José, California; and

WHEREAS, the Initial Study/Negative Declaration concluded that implementation of the Project would not result in any significant effects on the environment; 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 Initial Study/Negative Declaration for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Negative Declaration for the Project are 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 electronically on the Department of Planning, Building and Code Enforcement webpage, 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:

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the 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 Initial Study/Negative Declaration prepared for the Project have been completed in compliance with CEQA and are consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/Negative Declaration 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 Negative Declaration prepared for the Project (Planning File No. GP22-001). The Initial Study/Negative Declaration are: (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 electronically on the Department of Planning, Building and Code Enforcement webpage and (2) available for inspection by any interested person.

ADOPTED this ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk